

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
MAY 18, 2020

PUBLIC HEARING FOR PROPOSED REVISIONS TO TCG CHAPTER 06 – EMERGENCY  
GOVERNMENT OPERATIONS

- I. Notice of the public hearing was posted at the Town Hall and on the Town's internet site. Due to the COVID-19 emergency, public participation in person was limited so the meeting was broadcast allowing virtual participation using gotomeeting.com. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike DuPlayee and Kristi Williams were present, along with Clerk Kim Banigan, Treasurer Debra Abel and Highway Superintendent Dan Dresen.
- II. Hampton asked if there were any questions or comments, there were none.
- III. **MOTION** by Williams/ DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:02 P.M.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice and attendance of the meeting were as stated above for the public hearing.
- B. Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes from the May 4, 2020 meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #33878-33901 as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/ DuPlayee to approve payment of \$5,810.92 to General Engineering Company for April building permits. **MOTION CARRIED 5-0.**
  3. The Treasurer asked for May per diem reports by May 27th, and reported that from the FEMA webinar she learned that the Town does not have any expenses that qualify for COVID-19 reimbursement at this time. The funds are meant mostly for sanitation and Emergency Government related expenses.
- E. Public Concerns: Ben Nelson, 4594 Sandpiper Trl. was a remote attendee and said that even with the speed bump on Sandpiper, speeding in front of his house is still a concern. Dresen said the speed bump will be moved closer to the park later in the summer. Fonger asked if a second one should be considered. Mr. Nelson suggested a stop sign at Sandpiper and Nightingale. Hampton suggested looking into permanent speed bumps first.
- F. Road Right of Way Permits: **MOTION** by Anders/ DuPlayee to approve two permits: 1) TDS/West Shore Group to install a fiber drop at 4675 Meadowlark St. and 2) Alliant to install new gas and underground electric service at 2608 Gaston Rd. **MOTION CARRIED 5-0.**

II. BUSINESS

- A. Review April police activities: None of the deputies were present. The monthly report showed 108 calls for service and 27 citations issued in April. Comments that fewer speeding tickets were issued because people are not driving as much and deputies are not stopping as many due to COVID-19.
- B. Discuss/Consider adoption of Resolution 2020-05-18 Revising 2020-21 Class B Liquor License Renewal Fee Due to the Covid-19 Pandemic: **MOTION** by Fonger/Williams to adopt Resolution 2020-05-18 as presented. **MOTION CARRIED 5-0.**

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- C. Review and Approval/Denial of Developer's Satisfaction of Various Conditions of Approval for the Preliminary Plat of Kennedy Hills: Developer David Riesop, his representative David Dinkel and engineer Cleveland Gombar were present. Town Legal Counsel Connie Anderson and engineer Tom TeBeest attended virtually. Atty. Anderson had prepared a memo for the board outlining the outstanding issues (Attached as Appendix A).
- Intersection of Kennedy Road and County Highway BB. The developer has requested that the completion date for the intersection improvements be pushed back from August 2020 to August 2021. Anderson said it is strongly recommended that the developer be the one completing the improvements rather than the Town, and provided her recommended conditions should the Town Board agree to the postponement of the completion date. **MOTION** by Hampton/DuPlayee to accept the recommendation of legal counsel to approve changing the completion date of improvements to the intersection of Kennedy Road and County Highway BB to August 2021, to be effective (1) when County confirms its approval in writing; and, (2) when Developer signs Development Agreement approved by Town Board that specifies (i) the August 15, 2021 deadline, (ii) completion in accordance with County requirements and specifications (which need to be provided to Town Engineer), and (iii) security in a form and amount that will allow performance by the Town if the Developer fails to perform. **MOTION CARRIED 5-0.**
  - Temporary Cul-de Sacs: The Developer has proposed building temporary cul de sacs made of compacted sand, gravel and dirt and located outside the boundary of the plat for those roads that Developer plans to extend in the First Addition to Kennedy Hills. The timing for the First Addition to Kennedy Hills is dependent on market conditions. DGEMS Chief Eric Lang's approval letter for Kennedy Hills indicated that the temporary cul de sacs should be made of asphalt. Atty. Anderson added that since the cul de sacs would be outside of the plat, an easement document will be necessary. Hampton noted that the Viney subdivision has a temporary T-handled turnaround. Gombar said that the cul-de-sacs would be used by haul trucks for dirt pile access during construction of storm water facilities after the binder layer is put on the roads, and suggested that if a hard surface as required for the cul-de-sacs, it should be at a later point. Dinkel thought any paving of the temporary cul de sacs would be a waste of money because they would have to be torn up when construction of the first addition begins. He said there would be adequate stone base to support any load. Fonger did not see a need to pave them. TeBeest recommended that to be consistent with the Viney subdivision, he would accept a T-handled turnaround on Scenic Oak Drive and a paved cul-de-sac on Wood Ridge Trail, both with a minimum 2-inch binder layer until the future phase goes through. He recommended not putting any gravel on the road until dirt moving is complete so it wouldn't get contaminated with topsoil. To address concerns about sediment into the infiltration basin, TeBeest suggested holding off on the engineered fill until earth moving operations are complete, then going ahead with the base course of stone and the binder layer of asphalt before any homes are built. Hampton asked TeBeest if he would prefer to see the base sit over a winter before the binder coat is put upon? TeBeest answered that ideally he would like to see the binder set over a winter before the surface is put on. **MOTION** by Hampton/Williams to accept the Town Engineer's recommendation to require the temporary cul de sac on Wooded Ridge Trail to have binder put on the same time as it is put on the roads. A temporary T-handled turnaround would be allowed on Scenic Oak Drive, but it would also need the binder coat at the same time as the roads. **MOTION CARRIED 4-1** (Fonger opposed).

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- The Developer had provided the Village Action Report regarding approval under ETJ. **MOTION** by Hampton/DuPlayee to acknowledge Village ETJ approval. **MOTION CARRIED 5-0.**
- Developer Agreement: Atty. Anderson had provided a draft of the Developer Agreement to date, along with a list of open items that will be addressed once the Town Engineer submits his final report, which is pending additional information needed from the developer. No Town Board action is needed at this time.
- Easements and updated plat map: Atty Anderson noted that since Outlot #1 is larger and lots and open space are a bit smaller due to a larger area needed for storm water facilities than originally anticipated, revised preliminary plat pages need to be reviewed by the Town. Anderson stated that the submission from the developer marked 2020-03-03 Plat Sheets and Overlay does not satisfy the requirements of the preliminary plat approval as set forth in Town Board Resolution 2019-08-19. Specifically she recommended requiring the developer to provide the Town Clerk and the Town Engineer with updated HARD COPIES and electronic copies of the updated preliminary plat submission (including items such as contour maps, building envelopes and availability of septic field and alternate for each residential lot based on revised lot locations) consistent with the changes required by the County regarding the stormwater management facilities and the Town Engineer's comments on his letter that was incorporated in Town Board Resolution 2019-08-19. She further recommended requiring the developer to prepare and submit both HARD COPIES and electronic copies of the 2-page final plat to the Town Engineer and Town Clerk so that the Town Engineer can review same for consistency with the conditions of approval in Town Board Resolution 2019-08-19. Anderson also stated that she will draft separate easements/deed restrictions to be reviewed by the Town Board and the developer for: (1) the two temporary cul de sacs, (2) drainage easement along the northern boundary of Lot 10 and (3) Outlot 1 regarding stormwater management facilities. **MOTION** by Hampton/DuPlayee to acknowledge and concur with Town Legal Counsel and Town Engineer's position regarding that submission marked as 2020-03-03 Plat Sheets and Overlay is incomplete without information identified in recommendations above. **MOTION CARRIED 5-0.** **MOTION** by Hampton/Williams to require the Developer to satisfy the above recommendations of Legal Counsel prior to Town Board consideration of the final plat. **MOTION CARRIED 5-0.**
- Declaration of Covenants and Restrictions: Atty Anderson had provided the covenants as drafted by the developer. Dinkel had raised two questions:
  1. Aesthetics / architectural requirements related to 10% brick/stone: Atty. Anderson said if the developer had an alternative, it could certainly be considered, but she urged the Town Board not to allow the documents to be silent, which would provide no enforceable standard for any developer who might complete this project. Dinkel felt that good architectural design could substitute for this, and provided photos of homes in the Village of Deerfield as examples. He asked the developer be given architectural control as it is in his best interest to have an attractive development. Discussion was that the requirement should be consistent with the Viney subdivision (30%). Fonger thought 10% was enough. **MOTION** by DuPlayee/Anders to require 20% brick/stone on the front of each residence. **MOTION CARRIED 4-1** (Fonger opposed).

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2. 1500 square foot requirement: Dinkel said that size is the main function of cost, and the idea is to build this phase out quickly so the next phase can be opened. He estimated that a 1500 square foot home + lot would cost \$400,000. He felt his was too high of a standard and would scare buyers off. Discussion returned to keeping with the standards set for the Viney subdivision. TeBeest said those were 1700 square feet for single story, 2000 for 2 story, and 1700 for main floor of raised ranch, bi-level or tri-level. **MOTION** by Hampton/DuPlayee to approve minimums of 1500 square feet for single story, 1600 for 2 story, and 1600 for main 2 floors of raised ranch, bi-level or tri-level. **MOTION CARRIED 4-1** Anders opposed. Dinkel said the developer is fine with that.

- Stormwater Management Agreement: Atty. Anderson stated that this is between the developer and the County, the Town does not have any responsibility or enforcement other than the standards in the development agreement. No action is needed by the Town Board.
- TDR Documents: Dinkel said the developer is working with the County on the documents. Atty. Anderson noted that the TDR purchase agreements have expired. She emphasized that the Town needs a chance to review them BEFORE they are executed. No action is needed by the Town Board at this time.
- Erosion Control and Stormwater Facilities: Atty. Anderson stated that the County has indicated there will be approval of the plans once documents have been signed and surety is provided. TeBeest needs to review them and prepare his report for the next meeting. No action is needed by the Town Board at this time.

Atty. Anderson said that concludes the issues ready to address at this time. She will finalize the relevant documents for signatures and we will be ready to go once the remaining engineering materials are submitted. Hampton asked to include in the development agreement that construction by either the developer or the homeowners cannot start earlier than 7:00 A.M.

- D. Discuss/Consider an early start of approved stormwater plan and street grading for Kennedy Hills: TeBeest said that due to the number of outstanding items he would recommend not granting an early start until those things are in hand. Dinkel stated the developer is OK with targeting a start immediately following the June 1<sup>st</sup> meeting. **MOTION** by Williams/DuPlayee to table until June 1<sup>st</sup>. **MOTION CARRIED 5-0.**

Gombar questioned the requirement that plans for improvements to the County BB / Kennedy Road intersection be approved by the County before the Town signs off on the final plat or grants an early start. He does not see any way that will occur soon due to the review process required. So far he has submitted a schematic drawing, which the County has reviewed, but he estimated they are 5 plans away from an approved plan. Hampton said they have had a year to work this out with the County. The Town just wants to see what they are doing and The Town Engineer needs to review it. Gombar said he will send over what has been provided to the County so far and they will continue to work through it. (See motion related to this under the first bullet point in C. above.)

- E. Discuss/Consider quotes for 2020 re-paving and sealcoating projects: The following quotes were received:

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	Cost for all projects	
	Sealcoating	Re-Paving
Fahrner Asphalt	\$ 59,029.00	
Payne & Dolan		\$ 260,164.05
Scott Construction, Inc.	\$ 59,030.00	
Wolf Paving		\$ 237,300.00

Dresen said Wolf Paving was the obvious choice for re-paving projects, and due to the total cost being considerably under budget, he suggested adding Pierce Road to the project list. Anders asked if any other roads could be better served but Dresen said the budget would only re-pave small portions of any other road that could use it. **MOTION** by Anders/Williams to accept Wolf Paving’s quote for re-paving, and add Pierce Road to the project list. **MOTION CARRIED 5-0.**

- A. Dresen recommended Fahrner Asphalt for sealcoating projects based on the poor condition or roads seal coated by Scott Construction last year. It was noted that Fahrner’s quote includes more material for essentially the same cost. **MOTION** by Fonger/DuPlayee to accept Fahrner Asphalt’s quote for re-paving, including sweeping for a total cost of \$60,551.00. **MOTION CARRIED 5-0.**
- B. Discuss/Consider quotes to outfit meeting room for virtual meetings: Three proposals were submitted.
  - Eric Muchka and Erin Tresner of Fearings were participating virtually to explain their quote. Their base quote included a wall-mounted 86” 4K display connected to a computer the Town would need to supply (the Clerk estimated a cost of \$500 based on her inquiry to Horstman IT), a camera on the North wall, with ceiling mounted microphones and speakers at a cost of \$14,964. Options included a second camera for \$1,889.47, a wireless connection option for \$1,170.98, a control panel for \$4,765.66 (table mounted) or \$4,503.62 (wall mounted), and a 98” display for \$4,454.50. The Town would need to subscribe to an online meeting service.
  - Cal Mazzara of Wisconsin Audio Video was also participating virtually. His quote included a 72” wall mounted display and computer, two wall-mounted cameras, ceiling mounted microphones and speakers, and a controller with monitor for \$30,243.76. The Town would need to subscribe to an online meeting service.
  - Gordon Flesch had submitted a quote for a Ricoh D7500 75” 4K multi-touch display suitable for computer connectivity and use as a white-board. The unit included a camera and microphone and could be on a stand or wall mounted (both at additional cost). Pricing was on a 60-month lease basis at \$300.40/month, plus \$99.00/month for proprietary a Virtual Meeting Room service.

Questions from the Board were regarding expected lifetime of the equipment and references. Responses were that newer technology is always coming out but the quoted equipment should function for many years. Muchka and Mazzara agreed to send references. **MOTION** by Williams/DuPlayee to table until June 1<sup>st</sup>. **MOTION CARRIED 5-0.**

- C. Discuss/Consider of CSM for C&L Investment Partnership, applicant, Larry Skaar, Landowner for land division under rezone petition #11512: **MOTION** by Hampton/Anders to approve the CSM identified as Office Map #90822CSM date stamped 03/06/20 by Dane County. **MOTION CARRIED 5-0.**

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- D. Discuss/Consider adoption of Ordinance 2020-05-18 revising TCG Chapter 06 – Emergency Government Operations: **MOTION** by Williams/DuPlayee to adopt Ordinance 2020-05-18 revising TCG Chapter 06 – Emergency Government Operation as presented. **MOTION CARRIED 5-0.**
  - E. Discuss/Consider waiving of interest and penalties on 2019 tax bills until October 1, 2020 as allowed by 2019 Wisconsin Act 185 and Dane County 2020 Res 020: Discussion was that the Town does not get the interest or penalties on real estate taxes, the County does. The Treasurer reported that there is only around \$200 in delinquent personal property taxes, which would not add up to much interest. **MOTION** by Anders/Williams directing the Clerk to draft a resolution based on the WTA’s model for adoption at the June 1<sup>st</sup> meeting. **MOTION CARRIED 5-0.**
  - F. Discuss/Consider attendees for DCTA virtual Annual meeting on May 20<sup>th</sup>: **MOTION** by Hampton/DuPlayee to allow for 4 attendees. **MOTION CARRIED 5-0.**
- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that the City of Mondovi bought the grader for \$51,000. Trees have been removed at the Hubred Ln/W. Jargo Rd. intersection, and culverts on W. Jargo Rd. will be replaced the week of Memorial Day. They are working on bucket patching the roads scheduled for sealcoating. The Village Public Works Director touched base about cooperatively re-paving Clark Street in 2021.
- IV. CLERK’S OFFICE UPDATE: The Clerk said we will need to consider when to re-open the office based on updated orders related to the COVID-19 pandemic. She said most people have been very understanding about the office closure and it has been a good opportunity to educate people about the resources available on the web site and facebook page.
- V. BOARD REPORTS AND COMMUNICATIONS:
- A. Hampton reported that stormwater control for the Village’s 5<sup>th</sup> addition to Westlawn failed under recent heavy rains and flooded adjacent Town properties. Hampton has been in contact with the Village President and Public Works Director and Jason Tuggle with Dane County.
  - B. Hampton shared a letter from Steven Walters at 4569 Kennedy Road asking where Town residents can take yard waste now that the County compost site is shut down. Board comments were that burning and home-composting are options.
  - C. Anders warned that the July bills from DaneCom will be higher than expected because Harris did not properly bill the County for the second half of 2019.
- VI. COMMITTEE REPORTS: None.
- VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:14 P.M.

Kim Banigan, Clerk  
Approved 06-01-2020

# TOWN OF COTTAGE GROVE

## RESOLUTION 2020-05-18 REVISING 2020-21 CLASS B LIQUOR LICENSE RENEWAL FEE DUE TO THE COVID-19 PANDEMIC

WHEREAS, the Town Board wishes to establish revised renewal application fees for Class Liquor Licenses for the 2020-2021 license year in response to the COVID-19 pandemic,

NOW THEREFORE BE IT HEREBY RESOLVED THAT:  
The Town Board imposes the following renewal application fees for Class B Beer and Class B Liquor Licenses:

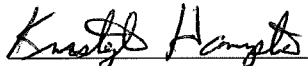
	<u>Current Fee</u>	<u>2020-2021 Renewal Fee</u>
Class B Beer:	\$100.00	\$100.00 (no change)
Class B Liquor:	\$500.00	\$300.00

BE IT FURTHER RESOLVED THAT:

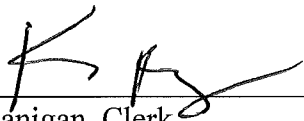
Renewal fees established above for Class B Liquor Licenses issued shall be effective only for the license year commencing after adoption of this resolution (2020-2021), and shall return to the current fees above unless there is subsequent resolution by the Town Board.

Adopted this 18<sup>th</sup> day of May, 2020 by a vote of 5 for and 0 against.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kristopher Hampton, Town Chair

ATTEST:

  
\_\_\_\_\_  
Kim Banigan, Clerk

AFFIDAVIT OF POSTING OF  
TOWN OF COTTAGE GROVE RESOLUTION

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF DANE        )

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On May 19, 2020 the following was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

**TOWN BOARD RESOLUTION 2020-05-18  
REVISING 2020-21 CLASS B LIQUOR LICENSE RENEWAL FEE  
DUE TO COVID-19 PANDEMIC**

  
\_\_\_\_\_  
Kim Banigan, Town Clerk

Subscribed to and sworn before me  
this 19<sup>th</sup> day of May, 2020.

  
\_\_\_\_\_  
Signature of Town Chair person

or

\_\_\_\_\_  
\_\_\_\_\_  
(print name)  
Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_



ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Ordinance 2020-05-18 Revising Chapter 06 -Emergency Government Operations

Code Section(s) <del>created, amended, or repealed</del>	<u>Chapter 06 – Emergency Government Operations</u>
Presented to Board by	<u>Mike Fonger</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>May 18, 2020</u>
Date adopted	<u>May 18, 2020</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>May 19, 2020</u>
Date of publication of adoption of ordinance	<u>Not required</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Chapter 06 – Emergency Government Operations is hereby amended to read as follows:

**CHAPTER 06 - EMERGENCY GOVERNMENT OPERATIONS**

**06.01 EMERGENCY GOVERNMENT COMMITTEE**

(1) POLICY AND PURPOSE.

(a) In order to ensure that the Town of Cottage Grove will be prepared to address emergencies resulting from man-made or natural disasters, an emergency government organization is hereby created to carry out all emergency functions, other than functions for which the military forces are primarily responsible, to minimize injury and repair damage resulting from fire, tornado or other natural or man-made disasters, emergencies or causes.

(b) It is further declared to be the purpose of this chapter and the policy of the Town of Cottage Grove that all emergency government functions of the Town be coordinated to the maximum extent practicable with existing services and facilities of the Town and with comparable services and facilities of the federal, state, county government and other political subdivisions, and of various private agencies toward the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disaster that may occur.

(c) Chapter 323 Wis. Stats., as may be amended from time to time, is herein incorporated in this chapter by reference.

(2) EMERGENCY GOVERNMENT COMMITTEE.

(a) How constituted. There is hereby created a ~~Jointan~~ Emergency Government Committee ~~with the Village of Cottage Grove~~ pursuant to §§ 66.0301(2) and 323.14(2), Wis. Stats. (hereinafter “Committee” or “EGC” for purposes of this Chapter 6.) The Committee shall be a combination of appointive members, and ex officio Committee-appointed members deemed necessary or desirable to carry out its functions. ~~Two members shall be appointed by the Board of the Village of Cottage Grove. Two~~ Three members shall be appointed by the Board of the

**CHAPTER 06 - EMERGENCY GOVERNMENT OPERATIONS**

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

Town of Cottage Grove. The Committee shall elect a Chairman ~~and Vice Chairman~~. The Chairman of the Committee will serve as acting Director of Emergency Government ~~until such time as a Director is appointed~~.

(b) Appointments. Town appointees shall be approved by the Town Board upon recommendation of the Town Chair. At least one of the Town appointees shall be a member of the Town of Cottage Grove Board. Each Town Board appointed member shall serve a term of two years and may be reappointed by the Town Board for one or more successive terms. In the event there is a vacancy on the Committee, the Town Board shall, within 45 days of such vacancy, appoint a new member to serve out the unexpired term. Where a term has expired and there has been no appointment to the new term, the incumbent committee member may continue in office and continue to act until such appointment is made.

(c) Duties of the Emergency Government Committee. The Emergency Government Committee shall be an advisory and planning group and shall advise the Town Board ~~and Emergency Government Director~~ on all matters pertaining to emergency government. The Emergency Government Committee shall meet once a month or on the call of the Chairman.

### (3) EMERGENCY GOVERNMENT DIRECTOR.

(a) Appointment. The office of Director of Emergency Government is hereby created. The Director shall be the Chairman of the Emergency Government Committee. ~~until such time as the Town of Cottage Grove Board and Village of Cottage Grove appoint a Director of Emergency Government~~.

(b) Duties and authority of the Emergency Government Director.

1. The Director shall have direct responsibility for the organization, administration and operation of the emergency government organization subject to the control of the Town Chairman and the Town Board.
2. He/she shall coordinate all activities for emergency government within the Town, and shall maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the county.
3. He/she shall direct local emergency management training programs and exercises.
4. He/she shall direct participation in emergency management programs and exercises that are ordered by the adjutant general or the county head of emergency management.
5. He/she shall advise the county head of emergency management on local emergency management programs.
6. He/she shall submit to the county head of emergency management any reports he/she requires.

He/she shall have such additional authority, duties and responsibilities as are authorized by this chapter, and as may from time to time be required by the Town Board.

(c) Emergency Plan Preparation. The Director, with the assistance of the Committee, shall prepare a comprehensive plan for the emergency government of the Town in accordance with §

## CHAPTER 06 - EMERGENCY GOVERNMENT OPERATIONS

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323.14(1)(b), Wis. Stats., and shall present such plan to the Town Board for its approval. When the Town Board has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency government forces of the Town of Cottage Grove to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner.

### (4) UTILIZATION OF EXISTING SERVICES AND FACILITIES.

In preparing and executing the emergency government plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Town to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the Director.

### (5) EMERGENCY REGULATIONS.

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Town Board, the Town Chair and, in his/her absence, the Director of Emergency Government, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to ensure the cooperation necessary in emergency government activities. Such proclamations shall be posted in a public place and may be rescinded by the Town Board by resolution at any time.

### (6) MUTUAL AID AGREEMENTS.

The Director of Emergency Government may, subject to the approval of the Town Board, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the County Director of Emergency Government.

### (7) DECLARATION OF EMERGENCIES.

(a) Upon declaration by the Governor, by the Town Chair or by the Town Board of a state of emergency, the Director of Emergency Government shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the emergency government plan.

(b) The emergency government organization shall take action in accordance with the emergency government plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority provided that any such declaration not issued by the Governor may be terminated at the discretion of the Town Board.

(c) A model proclamation of the Town Chair declaring an emergency is attached as Appendix A.

### (8) OBSTRUCTION OF EMERGENCY GOVERNMENT ORGANIZATION; VIOLATIONS AND PENALTIES.

(a) No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or of the emergency government plan issued pursuant to this chapter or violate any order, rule, regulation or plan issued pursuant to the authority contained in this chapter.

(b) Violations of this ordinance shall be punished by a forfeiture not to exceed \$200.00

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together with the costs of prosecution.

### **06.02 SARA, TITLE III**

The Emergency Government Committee as set forth in TCG § 06.01, shall be designated the lead agency within the Town of Cottage Grove, to administer the community right-to-know program under Ch. 323, Wis. Stats. and shall maintain a complete file of all reports and plans that are required to be submitted to the local fire department, under the terms of this program.

### **06.03 HAZARDOUS MATERIALS REGISTRATION**

In accordance with the provisions of TCG § 06.01, the EGC shall be designated the lead agency within the Town of Cottage Grove, to administer the hazardous materials transportation registration program under Ch. 323, Wis. Stats., and shall maintain a file of all persons who have registered as a shipper or carrier of hazardous materials in or through Wisconsin.

*[Sections 06.01 to 06.03 were originally enacted in 1991 and substantively amended on April 16, 2007.]*

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

**Chapter 06 - Appendix A**

**PROCLAMATION DECLARING EMERGENCY IN THE TOWN OF COTTAGE GROVE,  
DANE COUNTY, WISCONSIN**

Whereas, due to the existence of an immediate and significant emergency and/or natural disaster, the Town Board of the Town of Cottage Grove is unable to promptly convene a quorum of the Town Board as set forth in § 323.14(4)(b) Wis. Stats. or where the circumstances of the emergency or natural disaster preclude the ability to post and properly convene an Emergency Board Meeting with the requisite 2-hour notice required by § 19.84(3) Wis. Stats.,

I \_\_\_\_\_ (print name), the Town Chair of the Town of Cottage Grove, Dane County, Wisconsin, by this proclamation, hereby declare that an emergency exists within the Town of Cottage Grove, Dane County, Wisconsin for the following reason(s) (select one or more):

- |                                 |                                 |
|---------------------------------|---------------------------------|
| 1. War                          | 6. Tornado                      |
| 2. Conflagration                | 7. Disaster                     |
| 3. Flood                        | 8. Riot or civil commotion,     |
| 4. Heavy snow storm or blizzard | 9. Other disaster or act of God |
| 5. Catastrophe                  |                                 |

which impair(s) transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the Town.

The Town of Cottage Grove Emergency Plan is hereby placed into action.

The period of emergency shall be limited to the time during which the emergency conditions exist or are likely to exist in the Town of Cottage Grove.

The Town Chair, or designated agents, have the authority to order by further proclamation whatever is necessary and expedient for the health, safety, welfare, and good order of the Town of Cottage Grove during the emergency, including without limitation the power to bar, restrict, and remove all unnecessary traffic, vehicular or pedestrian, from the local highways.

Any person who violates a lawful order of the Town Chair or designated agents made under this emergency proclamation, may be subject to prosecution.

The Town Clerk shall post this proclamation under § 60.80 Wis. Stats.

The Town Board shall convene an emergency meeting within the next two hours or as soon as reasonably possible thereafter at the Town Hall or other suitable location if the Town Hall is not reasonably available to ratify this proclamation. Such ratification resolution shall become effective upon adoption by the Town Board and proper posting.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Cottage Grove Town Chair  
\_\_\_\_\_  
(print name)

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

Ordinance adopted this 18th day of May, 2020, by a vote of 5 for, 0 against, with 0 abstentions.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chair

**ATTEST:**

  
\_\_\_\_\_  
Kim Banigan, Town Clerk

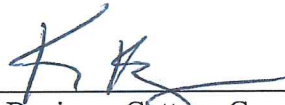
AFFIDAVIT OF POSTING OF  
TOWN OF COTTAGE GROVE ORDINANCE

STATE OF WISCONSIN    )  
                                  ) ss.  
COUNTY OF DANE        )

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On May 19, 2020, the following Town of Cottage Grove Town Ordinance was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

**Ordinance 2020-05-18**  
**Revising Chapter 06 – Emergency Government Operations**



\_\_\_\_\_  
Kim Banigan, Cottage Grove Town Clerk

Subscribed to and sworn before me  
this 19<sup>th</sup> day of May, 2020.

  
\_\_\_\_\_  
Signature of Town Board Chair

or

\_\_\_\_\_

\_\_\_\_\_  
(print name)  
Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_