

MINUTES OF VERMONT TOWN BOARD MEETING  
August 8, 1999

The regular monthly meeting of the Vermont Town Board of Supervisors was called to order by Chairman Steven Frame at 7:30 PM on Monday, August 9, 1999 at the town hall. Board members present were John Bird, David Dybdahl, Bill Hanson, Lori Their Brody and Steve Frame as well as Treasurer, Linda Derrickson.

**Motion made by John Bird to approve the minutes from the June Board Meeting, seconded by Dave Dybdahl. Motion passed.**

John Bird questioned why a portion of the Highway budget was over by \$4208.66. Discussion was held and it was deferred to a later date.

**Motion by Dave Dybdahl to approve the financial report, seconded by John Bird. Motion passed.**

**Motion by John Bird to approve the paying of bills, seconded by Dave Dybdahl. Motion passed**

Committee Reports

EMS - John Bird

Draft Budget is up form last year.

Black Earth Fire Department – John Bird

Equipment committee recommends buying new fire truck. Black Earth portion could be about \$25,000.00.

Mt. Horeb Fire Department – Steve Frame

One of the trucks is getting a new black paint job.

Citizen Input

Barb Grenlie stated that the Plan Commission did not meet in July due to no agenda items.

Max Rosenbaum mentioned the new Vermont Webpage and commended Warren Gaskill, Gary Cox and Scott Moe for putting it together. There were over 250 hits on the web site in one week. The board also thanked Gary Cox for a wonderful job on the newsletter set up.

Renee Revata – Concerns about traffic increase on North & Bohn Rd due to Tyrol Basin. She proposes that along with the approval process that the Board address safety concerns. The following is the written Traffic Safety Proposal for Town Roads Impacted by Tyrol Basin as submitted by Renee Revata

The existence and operation of the Tyrol Basin Ski and Snowboard Area has significant impact on the volume and speed of traffic on several roads in our Township, particularly

North Road and Bohn Road. The Town Board should immediately pursue the following actions to ensure the safety of our residents and those who travel to our Township to enjoy Tyrol Basin:

1. Work with the county, to reduce the speed limit on North Road and Bohn Road.
2. Prominently post speed limit signs on these two roads. Curves should be marked clearly with signs. Also, special signs should be posted directing motorists to reduce speed in the vicinity of Tyrol Basin (i.e., Recreation Area – Reduce Speed).
3. Paint CenterLines on both North Road and Bohn Road.
4. Provide enforcement of posted speed limits and safe driving regulations. This should be done on a random basis, as well as for large, planned events, even if the township has to contract with the county for the service.

Dave Haugen responded that Dane County would need to come out and look at the Vermont Township portion of these roads. Currently the portions of the roads in Blue Mounds Township are posted 45 mph. Steve Frame stated a curve sign with 25-mph speed limit could be posted. This issue was forwarded to the road committee to handle and report back at the next meeting.

Sharon Gaskill suggested that the Town of Vermont hire someone to enforce speed limits on these roads. Delores McClean asked what the speed limit is if it is not posted and the response was 55 mph.

Betty Rosenbaum stated that the last two newspaper reports of the Town of Vermont board meetings had errors and wanted to know what could be done. Correction should be directed to Reed Andrew (reporter for the local paper)

John Bird made comments on the need for new name placards for the board.

**Motion made by Steve Frame to have John Bird get new name placards and seconded by Lori Thein Brody. Motion passed.**

#### Rural Numbering System Survey

The Towns Association proposes a larger green sign at a cost of \$6.00 - \$15.00 each. The signs need to face both ways for ease of viewing by EMS. John Bird recommended that the signs be larger enough to put "Vermont" on it. John Bird also stated the county would like to uniformity throughout the county.

Survey was filled out with a 6 x 12 inch sign painted green as the recommendation from the township.

#### Service Agreement for Voting Machine

John Bird will check with other clerks, as the price quoted seemed high. John will report back at the next meeting.

#### Fax Machine

**Motion made by Lori Thein Brody to authorize up to \$300.00 for new fax machine. Seconded by Bill Hanson. Motion passed.**



#### Gutters on Town Garage

Dave Haugen demonstrated a sample to replace current gutters that have been torn off due to heavy snow and ice. Some water is leaking into back side of garage.

**Motion made by Lori Thein Brody to approve design presented and \$547.50 (per bid) to fix gutters. Seconded by John Bird. Motion passed.**

Dave Haugen brought up the following items for next month's agenda.

1. Heater in Garage.
2. Discontinuing of plowing and sanding of private drives.
3. Money for a new truck at the Budget Meeting.

#### Tyrol Basin Requests

1. 2 Petitions by Tyrol Basin Corp. for termination of deed Restriction #3050476 dated 11-25-98, and for Conditional Use Permit for 121.5 acres to have all contiguous RE-1 zoned property subject to uniform town and county conditional use limitations for outdoor lighting.
2. Action on Tyrol Basin Covenant and Action Tyrol Basin's B1 zoning request and CUP extension if covenant is in place.

The following discussion was held on the Tyrol Basin Requests.

Town of Vermont attorney, Mark Hazelbaker stated that the issue of lighting, noise, etc. could be revisited anytime in the future by the Town of Vermont if there are problems.

Lori Thein Brody stated that the new conditional use would now extend to this new area. The new area is for cross country skiing, snowplay area and some summer biking. Dave Dybdahl brought up the point that Tyrol Basin must come back to the Town of Vermont if it wants to do something other than the current plan states.

Don McKay presented a graphic site plan for the area showing the intended uses.

Mark Brody raised the issue of sound decibel levels of the music. John Bird pointed out that citizens should call Don at Tyrol Basin if the sound is too loud. Don agreed and would welcome phone calls so he could make adjustments to the sound system. Mark Brody thought that the board should revisit the issue regarding the lighting at the end of the Ski Season.

**Motion made by Lori Thein Brody to approve request of Tyrol Basin for approval of a conditional use permit applicable to the entire contiguous property now owned by the corporation which is zoned RE-1 subject to the following conditions:**

1. Tyrol shall record a deed covenant against the entire property in the form of the document drafted July 12, 1999 by the Town of Vermont's counsel, attached to this motion.
2. Tyrol may not use the 30 acre parcel for any purpose other than those identified in the plan submitted by Tyrol in August 1999, a copy of which is attached to this motion without further permission from the Town Board of the Town of Vermont. Lighting for this parcel shall be limited to the winter activities of cross country skiing and snow playing as outlined in the August 1999 Plan.

**Motion seconded by John Bird. Motion passed.**

**Motion made by Lori Thein Brody to approve the application of Tyrol Basin Corp. for a zoning change to B-1 for designated areas of the property, subject to the condition that Tyrol record a deed covenant against the entire property in the form of the document drafted July 12, 1999 by the Town of Vermont's counsel, which is attached to this motion. Seconded by John Bird. Motion passed.**

Mark Hazelbaker has left the attorney firm of Bell, Gierhart & Moore, S.C. to start his own practice.

**Motion made by John Bird to have the files for the Town of Vermont be released to Attorney Mark Hazelbaker. Seconded by Lori Thein Brody. Motion passed.**

Dane County has decided that approximately 1000 acres in Vermont might be purchased in the future to join Brigham and Blue Mounds Parks together. Pleasure Valley is the area targeted for purchase. This will probably be a low priority.

**Motion made by Lori Thein Brody to adjourn. Seconded by John Bird. Motion passed.**

Linda Derrickson, Deputy Clerk

A handwritten signature in black ink, appearing to read "Linda", enclosed within a hand-drawn oval. The signature is stylized and somewhat cursive.





TOWN BOARD ACTION REPORT

REGARDING ZONING PETITION 7464 P.H. 8-9-99

Whereas, the Town Board of the Town of Vermont having considered said zoning petition, be it therefore resolved that said petition is hereby (~~Approved/Disapproved~~).

SUBJECT TO THE FOLLOWING CONDITIONS:  
(Cross out or write "none" if you do not wish to place any conditions)

OUTDOOR LIGHTING FOR ORGANIZED ACTIVITIES  
IN THE RE-1 AND B-1 AREAS SHALL BE LIMITED  
TO PARKING LOTS, BUILDING LIGHTS, DOWNHILL  
SLOPES, SNOW SLIDES, AND CROSS-COUNTRY SKI TRAILS.  
(Use reverse side if additional space is required).

(See ATTACHED MINUTES)

PLEASE NOTE: If the proposed rezoning is approved by the Town Board, but said rezone does not comply with the Town Land Use Plan, please list the reasons for the approval. These reasons can be a critical factor for both the Zoning Committee and the County Board in their consideration of the rezone.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use the reverse side if additional space is required)

I, JANE HANSON, as Town Clerk of the Town of VERMONT, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on MAY 8, 2000

Jane Hanson  
\_\_\_\_\_  
Town Clerk

DATE: MAY 11, 2000

FORMSLIB:TN BD ACT

(3/98)

CUP 1632  
Recorded in  
2000

DEED OF COVENANTS AND RESTRICTIONS

Document Number

Document Title

DANE COUNTY  
REGISTER OF DEEDS

**3252304**

09-20-2000 1:46 PM

Trans. Fee

Rec. Fee 22.00  
Pages 7

**000482**

Recording Area

Name and Return Address

Jesse S. Ishikawa  
Reinhart, Boerner, Van Deuren,  
Norris & Rieselbach, s.c.  
P.O. Box 2018  
Madison, WI 53701-2018

see attached

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

7  
22

000483

Document No.

Tax parcel #'s:

### DEED OF COVENANTS AND RESTRICTIONS

Tyrol Basin Corporation, a Wisconsin business corporation, (herein known as "Tyrol") grants, conveys, and imposes the following deed of covenants and restrictions against that real estate lying in the Town of Vermont, Dane County, Wisconsin which is described in Exhibit A, attached hereto. The foregoing real estate shall be known herein as the "Property." All references herein to the Dane County Zoning Ordinance refer to the Dane County Code of Ordinances which was in force on the date of execution of these covenants.

1. Tyrol shall not use those portions of the Property which are zoned B-1 pursuant to the Dane County Zoning Ordinance, Ch. 10, Dane County Code, (hereinafter, the "D.C.C."), for any of the permitted uses listed in that zoning classification other than:

- a. recreational facilities as described in sec. 10.11 (2)(h), D.C.C.;
- b. retail sales and services as described in sec. 10.11 (2)(a), D.C.C.;
- c. private clubs; and
- d. outdoor sales events limited to two (2) per calendar year. For the purpose of determining the number of outdoor sales events, a single event is one which is held on consecutive days of not more four days in duration. These permitted uses, however, shall not include motorized sports or recreation; or, retail sales of goods or services (other than outdoor sales events) which are not related to the activities occurring on the Property.

2. Further, Tyrol shall not use the Property for any of the following uses, except as allowed by the Town of Vermont:

1. Residential uses;



2. Buildings which have more than four stories;
3. Motels or hotels;
4. Hospitals, nursing homes, convalescent centers, or extended care facilities;
5. Mobile home parks;
6. Government uses; or
7. Adult book or video stores

000484

3. Tyrol may not use those portions of the Property which are zoned RE-1 for any of the following purposes:

- a. Snowmobile rentals;
- b. Baseball diamonds;
- c. Motorized sports such as, but not limited to, snowmobiling, motocross biking, or all-terrain vehicles.
- d. Shooting, skeet or trap shooting or other use of firearms.
- e. Lighted nighttime events other than: non-motorized snow sports; scheduled parties or events using Tyrol's facilities, but no later than 11:30 p.m. and no more than six (6) occasions per calendar year with prior Town Board approval.

4. Tyrol shall not use any portion of the Property in a manner inconsistent with the following restrictions:

- a. Outdoor lighting for organized activities in the RE-1 and B-1 areas shall be limited to the parking lots, building lights and the downhill slopes, snow slides and cross country ski trails. All new lights, including parking, building, and slope lighting shall be installed and/or maintained in a manner (including hoods or shields) so as to minimize direct illumination of adjoining premises and the night sky. It is acknowledged that no amount of relocation, aiming, or shielding will eliminate direct viewing of some of the lighting. However, if a specific fixture can be identified as posing a concern to a neighbor, Tyrol will review and make modifications if possible or reasonable from both an operational and economic (cost) perspective.
- b. Hours of operation of slope lighting shall be limited to when the facility is open for snow-related recreational purposes. However, partial lighting may be continued after closing provided every reasonable effort shall be made to limit lighting to only those areas or slopes where maintenance, snow making, grooming, or non-revenue generating/non-recreational activities are taking place.
- c. The hours of operation of the facility for snow-related recreational purposes shall be limited to 11:30 p.m. However, an additional one-half hour shall be allotted for the orderly clearance of the slopes and departure of patrons. Notwithstanding this provision, the slopes may be used later than 11:30 p.m. as much as six times per year with Town Board approval.

5. The sale of alcoholic beverages shall be limited to those times when organized activities are taking place, e.g.: skiing, wedding receptions, private parties, seminars, or when food is served in conjunction with the restaurant being open. Carry-out or package sale of alcoholic beverages shall not be permitted. Tavern facilities shall not be advertised as such.

000485

6. Sound Amplification. As used in this section, the term "Base area" means the area which lies within 75 feet of the Chalet and other structures.

- a. Limit On Permanent Installations: There shall be no permanent installation of speakers for the amplification of sound and/or music in the area which is outside the Base area.
- b. Amplified Sound In Base Area: Amplified sound and/or music (for weddings, private parties, or regular Tyrol operations) may be used without restriction in the Base area, provided the volume is kept to reasonable levels.
- c. Amplified Sound Outside Base Area: Temporary use of amplified sound and music for outdoor purposes beyond the Base area, including the slopes, is permitted with the following restrictions: outdoor amplification of sound and music beyond the Base area for special snow events will be permitted from 9:00 a.m. to 7:00 p.m. fifteen (15) days of the period running from November 15 to April 15. Outdoor amplification of sound and music after 7:00 p.m., or for more than an annual total of fifteen (15) days, may be allowed upon prior review and approval of the Town Board. The sound level shall be kept at all times at reasonable levels.
- d. "Reasonable levels" shall initially be defined as noise which does not exceed the following decibel levels ("dB") measured using "A" weighting over a 30-second average, at a point 30 feet from the source of the noise:
  - i. In the area zoned B-1, 85 dB.
  - ii. For winter sports activities in the day time, 95 dB.
  - iii. For special events held during the day, 90 dB.
  - iv. For night time special events, 85 dB.
  - 1. In the event that the Town and Tyrol agree to impose different sound amplification regulations by separate agreement, the regulations in such separate agreement shall control.
- e. Outdoor amplification of sound and music beyond the Base area for special events, including weddings or private parties, may be allowed upon prior review and approval of the Town Board.

7. Adequate on premise parking will be available in upper and lower parking lots. When necessary, Tyrol will provide personnel to direct parking, maintain orderly traffic control, and maintain open access to emergency vehicles.

8. These covenants shall be construed in accordance with the law of Wisconsin. In the event that the Dane County zoning ordinance is amended, repealed or no longer in

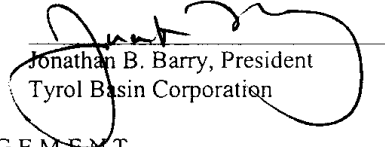


effect, then these covenants shall be reopened for negotiation with the Town of Vermont so as to incorporate references to the successor zoning regulations, if any. It is understood that the property owner retains all property rights the owner possessed prior to the execution of these covenants which have not been expressly restricted in these covenants.

000486

- 9. Interpretation.
  - a. These covenants shall run with the land and be binding upon subsequent owners of the Property.
  - b. These covenants are made in favor of, and shall be enforceable by, the Town of Vermont, and may be modified or released only by a written document recorded with the permission of the Town of Vermont, notwithstanding any provision of the Dane County Code to the contrary.
  - c. Either party to these covenants may request that the other party meet and discuss the substance of these covenants to address changed conditions in the Town or the operation of Tyrol, particularly, issues as to noise and lighting. The duty to meet and discuss does not require either party to agree to modification of these covenants. The parties may not be required to meet to discuss these covenants until April 30, 2001, and thereafter, not more than once in any two-year period.
  - d. These covenants shall be in effect for a term of twenty five (25) years, after which time they shall be renewed for a like period of time unless Tyrol and the Town of Vermont negotiate and agree upon a successor covenant and record a document releasing the covenants stated herein.

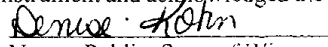
In witness whereof, I affix my signature, this 18 day of September, 2000.

  
 Jonathan B. Barry, President  
 Tyrol Basin Corporation

ACKNOWLEDGEMENT

STATE OF WISCONSIN    )  
                                   ) SS.  
 DANE COUNTY            )

Personally came before me this 18th day of September, 2000, the above-named Jonathan B. Barry, to me known to be the President of Tyrol Basin Corporation, and to me known to be the person who executed the foregoing instrument and acknowledged the same.

  
 Notary Public, State of Wisconsin  
 My Commission: February 2, 2003

This document was drafted by Attorney Mark B. Hazelbaker, Sun Prairie, WI.





EXHIBIT A

LEGAL DESCRIPTION (125.3 +/- acres)

000487

Part of the NE 1/4 of Section 33, and part of the South 1/2 of the SE 1/4 of Section 28, all in T7N, R6E, Town of Vermont, Dane County, Wisconsin, described as follows:

Beginning at the Northeast corner of the said Section 33; thence due West along the Section line 203.50 feet; thence N10°14'W 49.87 feet; thence S26°20'W 26.85 feet; thence S81°28'W 129.10 feet; thence West 207.00 feet to the Southwest cor. of CSM No. 8857; thence S4°28'E along the B-1 zoning line 72.83 feet; thence N75°12'E 128.00 feet; thence S14°48'E 68.00 feet; thence N75°12'E 245.00 feet; thence S14°48'E 107.00 feet; thence S75°12'W 373.00 feet; thence N14°48'W 55.00 feet; thence S88°18'47"W 655.29 feet; thence N2°08'W 208.06 feet; thence East along the Section line 626.43 feet to the Southwest cor. of CSM No. 8857; thence N3°55'W 583.07 feet; thence N62°03'52"W 328.65 feet; thence N2°50'W 290.40 feet; thence N89°46'23"W 384.91 feet; thence N0°10'04"W 300.00 feet; thence N89°46'23"W 1327.30 feet; thence S0°34'24"W 1332.57 feet to the South 1/4 corner of Section 28; thence South along the N-S 1/4 line to a point which is 283 feet North of the Southwest corner of the North 1/2 of the NE 1/4 of Sec. 33; thence East 437.7 feet; thence Southeast 297.50 feet to a point which is 529.6 feet East of the said Southwest corner; thence S18°E 205 feet; thence East 1058 feet; thence North 104 feet along the Westerly line of the East 3/4 of the SE 1/4 of the NE 1/4 of Section 33; thence N54°E 55 feet; thence N23°E 60 feet; thence East along the South line of the North 1/2 of the NE 1/4 to the Southeast corner thereof; thence North 1320 feet to the point of beginning.

AND

Part of the NE 1/4 NE 1/4, Section 33, T7N, R6E, Town of Vermont, described as follows: Commencing at the Northeast corner of the said Section 33; thence N 87°51'36" West 220.72 feet; thence S 83°51'24" West 378.02 feet; thence S 14°48' East 41.78 feet to the point of beginning. Thence N 75°12' East 128 feet; thence S 14°48' East 68 feet; thence N 75°12' East 245 feet; thence S 14°48' East 107 feet; thence S 75°12' West 373 feet; thence N 14°48' West 115 feet; thence S 75°12' West 60 feet; thence N 14°48' West 60 feet; thence N 75°12' East 60 feet to the point of beginning. Contains approximately 1 acre.

AND

Part of the NE 1/4 of the NE 1/4 of Section 33, T7N, R6E, Town of Vermont, Dane County, Wisconsin, described as follows: Commencing at the Northeast corner of the said Section 33; thence N 87°51'36" W 220.72 feet; thence S 83°51'24" W 378.02 feet; thence S 14°48' E 41.78 feet to the point of beginning; thence S 75°12' E 60.0 feet;



thence S 14°48' E 60.0 feet; thence S 75°12' E 60.0 feet; thence S 14°48' E 60.0 feet;  
thence S 88°18'47" W 655.29 feet; thence N 2°08' W 208.06 feet; thence East along the  
section line 626.43 feet to the southwest corner of C.S.M. 8857, thence S 4°28' E 72.83  
feet to the point of beginning. Contains 2.82 acres. **000488**

**EXCEPT, however, the Reinhold parcel (completely encircled, so an exception is  
necessary) as follows: Commencing at the South 1/4 corner of the said Section 28; thence  
East 100.00 feet to the point of beginning of this exception, thence N0°34'24"W 330.00  
feet; thence East 1320.18 feet; thence S0°10'04"E 330.0 feet; thence West 238.50 feet;  
thence South 120 feet; thence West 181.50 feet; thence North 120 feet; thence West to  
the point of beginning.**

Tax Parcel Nos.: 30-0706-284-9011-1; 30-0706-331-8501-2; 30-0706-331-9590-3;  
30-0706-331-9010-4; 30-0706-331-8000-8

