

**Town Board Meeting Minutes**  
**Monday July 18, 2016, at the Rockland Town Hall**  
**Called to order by Chairman Cashman at 7:30 p.m.**  
**Adjourned at 9:45 p.m.**

The Clerk, Treasurer, and all Board members were present along with Bob Gerbers, Tim Ambrosius (CQM), Tom Collins (Wrightstown Spirit) and other members of the public. Clerk Charette verified that the meeting was properly noticed; the agenda was presented after the pledge of allegiance was recited.

**Minutes from July 5, 2016, Town Board meeting**

M/M by Supervisor Lasee to approve the minutes from the July 5, 2016, Town Board meeting as presented; seconded by Supervisor Van Vonderen. Motion carried 3-0.

**Discussion on proposal to locate a county park on Parcel R-181-1, 5374 Moonlite Drive, De Pere, WI**

Chairman Cashman explained that Paul & Linda Koch, owners of Parcel R-181, 5374 Moonlite Drive, have offered to donate this beautiful parcel to Brown County for use as a future park. An open house was held on the property on July 13, 2016.

M/M by Chairman Cashman to open this item up for discussion; second by Supervisor Van Vonderen. Motion carried 3-0.

Paul Koch, 5374 Moonlite Drive, explained that he and his wife, Linda, moved onto the property 21 years ago. They are both actively involved in the community. On July 17th, he received a petition from his neighbors. He was disappointed to see the petition drawn without his neighbors receiving all of the facts about the proposed donation. Koch explained that he and his wife made a proposal to the Brown County Parks Department to:

- 1) donate the approximately 33-acre property to the county to be used for a preserve. The parcel includes a home, round barn and a prairie;
- 2) donate a monetary gift to Brown County to help develop the park (i.e. for handicap accessibility) and other needs; and
- 3) create a Friends of the Preserve Organization, which would include neighbors and other individuals who would help fund raise, set rules, and serve as stewards of the preserve. Koch envisioned this organization to be similar to the Friends of Nashotah Park in eastern Brown County.

Koch explained that he views this future park as an extension of the neighbors' backyards. They are donating the property so that other citizens can experience the joy that they have experienced on it.

Koch then addressed some of the concerns noted in the petition he received. They offered an open house on the property on July 13th to invite supervisors of the Brown County Board to view it. The Kochs were not sure if the Board even wanted the land for a future park. One concern raised was whether property values would go down due to the park. Koch explained that Brown County Parks Department has research demonstrating that the value of properties near parks either stay the same or go up in value. As to noise, Koch explained that they hosted a wedding on his property over the weekend. He did not receive any complaints regarding noise for that event. The brown barn located on the property can only seat about 80 people. As to traffic, Koch explained that the visitors who frequent parks with prairies are not the normal crowd. To minimize traffic, he believes proper signage could provide immediate access to the property and minimize traffic through other parts of the neighborhood. Finally, he explained that the master plan for this property is not written in stone. Changes may be made and input provided. He and his wife are committed to bringing it to the Recreation Committee because they have promised to do so and do not go back on their word. Their intent is to honor this commitment.

Chairman Cashman asked Koch whether they would sell the parcel if the county does not accept their offer. Koch responded “most likely.”

Chairman Cashman informed the crowd that the Board reached out to the Wisconsin Town’s Association to inquire what its authority was in this matter. Chairman Cashman read the response from Rick Manthe, an attorney for WTA. Per his response, the Town has no veto authority over this issue. The only option is for residents to go to the Brown County Board to express their concerns and opposition to the proposal.

Ryan Fritsch, 851 Windchime Way, stated that his land is directly east of the Koch property. His main concern is for the safety of his two young children. He is concerned about the traffic and what type of individuals will be frequenting the neighborhood. He mentioned the drug issues that the Fonferek Glen Park in Ledgeview is having and the difficulty in policing these rural parks. He stated that the residents do not view this park as in the best interest of the community. With the size of the lots in the Town of Rockland there is no need to have a thirty acre park. The rural setting of Rockland already provides the privacy and beauty that one needs. Fritsch stated that the proposed park is for others outside the area to come, not for the residents nearby to enjoy.

Eric Maki, 843 Windchime Way, expressed his concern over the offer of the land to the County. He stated that once the County owns the property, they can zone and use the property as they like. He questioned whether the Kochs have built protections into the terms of the gift. He prefers that the property remain residential and indicated that he did not get the opportunity to review the facts prior it coming to his attention in the local newspaper.

Justin Samuels, 811 Windchime Way, stated that the neighborhood is in opposition to this proposed county park. He stated that there will be additional garbage, traffic, and noise because of it. Samuels mentioned that there are thirty children who reside in the neighborhood. Right now, families do not have to worry about their kids playing, biking, or possibly being kidnapped because everyone in the neighborhood knows each other. He stated that his family moved into that area for peace and quiet just like the Kochs did many years ago. Samuels does not want the noise nor does he want to be put into a position to have to call the police if there is an issue in the park.

Eric Herber, 819 Windchime Way, stated that no one is questioning the beauty of the Koch’s parcel. He stated that the real issue is that it is coming down to one person’s dream crushing the dreams of thirty of his neighbors. Herber mentioned that some of the neighbors have mentioned selling their properties due to this proposal. He asked whether the Kochs would consider donating the money to the other three County parks that are having difficulty being funded by the County. Herber stated that the facts are here. The people are here in this room and the fact is that the Koch’s initiative is affecting thirty families. He is concerned the Kochs do not care about their families.

Edwin Schuh, 2481 Clarita Way, stated that he is the Koch’s oldest neighbor. He stated that he was leery about where the park is being located and the safety of those visiting the area with the steep ditches of the town roads.

Terry Vertz, 4312 CTH PP, supports the idea about donating money to the other parks that are having financial difficulty. He stated that Brown County does not put enough money into their budget to care for these parks. He is concerned that this proposed park will not be cared for in the future.

Cameron Kaape, 827 Windchime Way, asked what the County will or will not be allowed to do with this park. He stated that the only discussion has been on the donation but not the stipulations of the gift.

Koch responded that they do have concern for their neighbors’ families. The last thing they would do is to harm any of their children. Koch stated that Mr. Kriese, Brown County Parks Director, believed the County would have a caretaker living in the house on the property.

Michelle Fritsch, 851 Windchime Way, stated that she was the person who started the petition and gathered the neighbors’ signatures. She stated that she has read the minutes from the Brown County Recreation Committee.

Residents near the Fonferek Glen Park have stated that they are hearing gun shots. She stated that there are signs in that park posted everywhere. But yet people are not complying. She stated that their peace of mind will go away if this park get approved.

Tasha Widmer, 5455 Moonlite Drive, has a nine year old son who is disabled. She stated that her family searched high and low for the right lot in the right location where they feel their family could be safe. She noted that on Saturday night, 22 cars turned around in front of their home in about a thirty minute period. Her family moved out there for a peaceful and safe place, the same reasons the Kochs did.

Dan Simons, 2482 Julie Circle, asked why the fence was built on the Koch property. Koch stated that the fence was built to keep the deer off the property.

Bill Shardlow, 5472 CTH W, stated that knowledge comes over time. He asked that the Kochs not push it through because there is a meeting next month. Shardlow asked the Kochs to consider what the residents have said and take time to consider their proposal.

Brown County Supervisor, John Van Dyck, recognized the Kochs for their potential gift to the County. Van Dyck stated that this offer is preliminary in nature. The plans that have been drawn up offer potential scenarios and have just been created in the last 30 days. Van Dyck emphasized that it is important for the Town Board to make a recommendation to the County Board regarding this proposal. Van Dyck stated that the Brown County Parks Department believes that a park is due in this portion of the county because it is not currently served by a county park. He has listened to a lot of complaints regarding the Fonferek Glen Park. He understands the concerns of those who have spoken. He believes that a lot more information is needed before a decision can be made on this proposed park. Additionally, Van Dyck is not sure if Brown County can afford this park. He encouraged everyone to reach out to the other 26 Brown County Supervisors.

Tim Platner, 848 Windchime Way, stated that his concern is with Brown County's budget constraints. He questioned what type of financial commitment the county would make to this proposed park 5, 10, 15 years from now.

John Van Dyck stated that he did not have an answer to that question. Van Dyck explained that the original plan for this park included the potential for a dog park and playground. The Park's Department uses this type of template to ensure that each park has the same amenities in them. Van Dyck stated that this property's focal point is different from the template that the Park Department has. He thought it was estimated that it would take an initial \$800,000 to turn it into a park which included septic and parking and then ongoing maintenance costs would run approximately \$100,000/year. He stressed that these numbers were all preliminary at this point.

Michelle Fritsch, obtained a copy of the Brown County minutes. She stated that according to what she read, Brown County proposed generating revenue for this property by hosting weddings on the property. She stated that this would bring drinking and more traffic into their neighborhood.

M/M by Chairman Cashman to return to regular business; seconded by Supervisor Van Vonderen. Motion carried.

Chairman Cashman thanked the Kochs for offering this property to Brown County. Cashman then shared his experience as a resident when Brown County wanted to construct a bike trail along County Highway ZZ. He stated that none of the residents wanted this bike trail. They just wanted to enjoy their peace and quiet. Brown County would not listen. So the residents had to petition the County and attend the meetings to voice their opposition.

Supervisor Van Vonderen shared that the Education and Recreation Committee will consider a recommendation from the Parks Department. That committee decision will then go to the County Board of Supervisors for its decision. The Town Board will consider a resolution on this proposal at a future meeting.

Supervisor Lasee thanked the Kochs for the generous offer. He discussed how he has spent close to 40 years in local government and reiterated that it is incumbent to obtain the approval from the neighbors who are going to be affected by the decision. Lasee stated that this will impact the Koch's neighbors and that he would not want to make them feel as if they are not welcome or unhappy. Lasee also stated that more than likely not this Board will not recommend approval of this proposal.

**Change Order #5 to Agreement with RC Excavating amending Change in Contract Price for Hickory Ridge Area Drainage Improvement Project**

M/M by Chairman Cashman to approve Change Order #5 amending the total contract price of the Hickory Ridge Drainage Improvement Project from \$249,006.00 to \$248,660.50; seconded by Supervisor Van Vonderen.  
Motion carried 3-0.

**Application for Payment #2 from RC Excavating for work done on Hickory Ridge Area Drainage Improvement Project**

M/M by Chairman Cashman to pay RC Excavating \$63,808.06 for excavating work as presented in Application for Payment #2 drafted by Ayres Associates; seconded by Supervisor Lasee. Motion carried 3-0.

Tim Ambrosius, CQM, provided an update to the Board on the Hickory Ridge Drainage Improvement project. RC Excavating will be working on leveling out a low spot on Old Military Road. Cashman, Ambrosius, Kolaszewski-Ayres Associates, and Matt Athley, RC Excavating, met last week on site to discuss the reseeded of certain residential areas. Ambrosius also stated that ditching work needs to be done on Kevin Derenne's property and between the Sukow and Butry properties. These areas are too wet to work in right now. Time Warner also will be replacing a utility box along Old Military in the next week or two. Ambrosius believes that most of the project will be completed by July 25, 2016.

Rick Noel asked what the Town intends for the roads in that subdivision. Chairman Cashman stated that the roads and driveways will be blacktopped. Cashman noted that those residents whose driveways were broken up will have them restored to their original condition.

Kevin Derenne, 3950 Seven Oaks Drive, asked whether the slopes would be graded and shaped better. Derenne stated that at the slope intercept lines there is a sharp knob wherever the grading is taking place. He requested that the slopes be leveled.

Ambrosius stated that he spoke with RC Excavating and they stated that the erosion control matting is currently being used for erosion control and not for seeding purposes. Ambrosius clarified that there is a punch list for landscaping that RC Excavating will have to complete.

Derenne asked if his dog fence will be preserved and whether the damages on his property will be repaired. He provided two handouts to the Board, which are incorporated herein by reference. Derenne explained that prior to RC Excavating working on his property, he dug the electric dog fence out of the ground to expose it on the north side of his property. He also flagged it with orange ribbon. He sent an e-mail to Ayres stating that it was torn up by the contractor. This past week, RC Excavating continued grading the ditch. Derenne did not expose the dog fence on the south side and it was damaged by the grading. Derenne admitted that his dog fence was located 12 inches into the right of way on the south side of the property. Derenne claims that the contractor did not coordinate for the protection of his utility services and was trespassing on his property. Now his dog fence is out of service.

Ambrosius stated that if RC Excavating damaged the fence in the right of way that is one thing but RC Excavating should cover the costs for damaging the dog fence that was exposed and not located in the right of way.

Chairman Cashman spoke with Matt Athey from RC Excavating. Athey believes that RC Excavating should not be responsible for damage done to the dog fence located in the right of way. Athey also expressed that Derenne is watching their work daily and had the opportunity to speak with them prior to the work being done.

Derenne believes that rounding and shaping should take place in the right of way or easement. Derenne claims that Ayres did not honor any of the resident's property rights. The proposed slope intercepts fell outside of the easement and that is why he did not sign the right of entry form. Derenne recommended that the slope be raised .5 feet which will then allow an extra 1.5 feet for the sloping without entrance onto his property.

Chairman Cashman stated that the design will not be changed. Ambrosius will check with RC Excavating to determine who damaged the dog fence on the north side of the property.

**Request from Richard and Mary Vande Hei, Owners, for approval of a Certified Survey Map, Parcel R-313, 1771 Wrightstown Road, De Pere, Wisconsin**

Each Board member received a copy of the proposed CSM dated June 2016. Tim Ambrosius, CQM, appeared before the Board. He explained that his firm, CQM, Inc., surveyed Parcel R-313, on behalf of Richard and Mary Vande Hei. Based upon this survey, the proposed Certified Survey Map, herein incorporated by reference, was created. The CSM divides Parcel R-313, which is 26.905 acres into four lots that are over 6 acres in size. The Vande Hei's current home would remain on proposed Lot 1. The Vande Heis would like to sell the remaining three lots to generate retirement income. Ambrosius noted that the CSM was drafted in accordance with the requirements of the Rockland Code of Ordinances.

Supervisor Van Vonderen explained that the Planning Commission reviewed this proposed CSM on July 14, 2016 and recommended that the CSM be approved by the Board with two conditions. A draft of the minutes from the Thursday, July 14, 2016, Planning Commission meeting was provided to the Board. They are incorporated herein by reference.

M/M by Supervisor Van Vonderen to approve the Certified Survey Map for Parcel R-313, owned by Richard and Mary Vande Hei, with the following conditions: 1) approval is contingent upon lots 1-4 of the CSM being rezoned to Estate Residential 10 (ER-10) District; and 2) the CSM complies with all county, state and federal regulations; seconded by Supervisor Lasee. Roll Call: Chairman Cashman-Aye; Supervisor Van Vonderen-Aye; Supervisor Lasee-Aye. Motion carried 3-0.

**Request from Richard and Mary Vande Hei, to rezone Lots 1-4 of proposed Certified Survey Map, Parcel R-313, 1771 Wrightstown Road, De Pere, Wisconsin, from Estate Residential 10-Acre (ER-10) to Estate Residential 5-Acre (ER-5)**

M/M by Chairman Cashman to set the public hearing date on this request for Monday, August 1, 2016 at 7:00 p.m.; seconded by Supervisor Van Vonderen. Motion carried 3-0.

**Resolution #2016-04 supporting the Just Fix It initiative**

Chairman Cashman explained that this resolution was being proposed by the Wisconsin Town's Association to cause the legislature to fund repairs for Wisconsin's roadways.

Supervisor Lasee stated that the resolution should have been more specific as to how the legislature should fund these repairs.

M/M by Chairman Cashman to approve Resolution #2016-04 in support of the Just Fix It initiative; seconded by Supervisor Van Vonderen. Motion carried 3-0.

**Ordinance #2016-03, amending Section 18-01.14B.2. and Section 18-01.15B.2., Rockland Code of Ordinances**

At its July 14, 2016, Planning Commission meeting, it was recommended that the Board revise the conditional use sections of Sec. 18-01.14 Estate Residential 5-Acre (ER-5) and Sec. 18-01.15 Estate Residential 10-Acre (ER-10), Rockland Code of Ordinances, to include language that allows the Board to consider activities that are not specifically mentioned under the conditional use section. Cashman noted that it is impossible to list all potential activities that could be considered for a conditional use. Ordinance #2016-03 addresses these changes.

M/M by Chairman Cashman to set the public hearing for Ordinance #2016-03 on August 1, 2016, at 6:45 p.m.; seconded by Supervisor Lasee. Motion carried 3-0.

**Ordinance #2016-\_\_\_, Cost Recovery Ordinance**

Clerk Charette explained that this ordinance was drafted by the Town’s attorney in response to the request from the Greenleaf and Morrison Volunteer Fire Departments. Discussion was had on where to locate this ordinance in the Rockland Code of Ordinances. The Board recommended placing this ordinance in Chapter 5 and then returning it to the Board for approval at its next meeting.

**Ordinance #2016-\_\_\_, Driveway Ordinance**

A final draft of Sec. 08-03.00, Driveway Ordinance was provided to the Board.

M/M by Chairman Cashman to set the public hearing for Ordinance #2016-04, creating Sec. 08-03.00, Driveway Ordinance, for Monday, August 1, 2016 @ 6:30 p.m.; seconded by Supervisor Van Vonderen. Motion carried.

**Response to proposed Brown County Ordinance 6.14**

The Board received a copy of Proposed Ordinance 6.14 from Paul Fontecchio, Director of Brown County Public Works Department. Chairman Cashman explained that if the Town does any urban development (curb and gutter, roundabouts) on a county highway the County will request 50% cost reimbursement from the municipality. Chairman Cashman will attend the Brown County PD&T committee meeting on Monday, July 25, 2016 and report back to the Board at a future meeting.

**Proposals for Fabrication, Assembly and Installation of Emergency Signs and Signposts**

Three proposals were received by the Town as follows:

	Lange Enterprises	Tapco	Graphic House
Installation of New Address Sign & U-channel post/unit	\$33.17/each	\$49.85/each location.	\$90.12/each
Total Project Cost w/installation	\$21,593.67	\$32,452.35	\$58,668.12

Cindy LeClair, Graphic House provided a certificate of insurance to the Board and stated that the warranty would be 12 years on the sign. Chairman Cashman recommended that each member take the next two weeks to review the proposals and so that a decision can be made at the August 1, 2016 Town Board meeting.

M/M by Chairman Cashman to table this item until the August 1, 2016, Town Board meeting; seconded by Supervisor Lasee. Motion carried 3-0.

**Building/Zoning Report**

None

## **Chairman's Report**

Chairman Cashman stated that the ditching improvements in the Hickory Ridge subdivision is getting better. He stated that a majority of the work will be done within the Stonewall/Seven Oak section by July 25, 2016, completion date. RC Excavating will be requesting a change order for an extension to complete some work on Old Military Road near the Clark property.

Cashman stated that he has received calls from residents regarding the proposed haunted house on Tower Road who are in opposition to the proposal.

Terry Vertz asked if Brown County is cutting ditches. Cashman stated that the ditches along STH 57 and CTH ZZ are done but those along CTH PP are not done.

Cashman also reported that the section of Cashman Drive that was damaged last summer is being cut back fourteen feet and then black topped. The contractor is fixing the subgrade and will then black top it again.

## **Planning Commission Report**

Supervisor Van Vonderen reported that at the Planning Commission's July 14, 2016, meeting, the Vande Hei CSM and rezoning request was reviewed and recommendations were made to the Board as discussed earlier. The Commission also reviewed the request from Scott Jewitt for a conditional use permit to host a haunted farm on his property. Jewitt will return to the Planning Commission on August 18, 2016.

## **Announcements and Distribution of Correspondence-**

Clerk Charette distributed the agenda for the upcoming De Pere City Council meeting and announced an invitation to the Brown County WTA dinner and meeting scheduled for Thursday, July 28, 2016, at the Wander Springs Golf Course. Treasurer Van Dyck reported that there is no charge for recyclables now.

**Items for future meetings-** refuse and recycling request for proposal, public hearings, farmland preservation update, RFP's for emergency signs.

## **Public comment-**

Bob Gerbers witnessed activity at Bob Hecker property located on Old Martin Road on Friday. Chairman Cashman stated that he has contacted the Sheriff's Department regarding teenagers trespassing on this property again.

## **Cash Flow-July**

Clerk Charette provided the Board with a copy of the cash flow analysis for the month of July.

## **Voucher in Payment of Bills**

Clerk Charette provided the voucher for approval.

M/M by Chairman Cashman to approve checks #9542-9553 for a total of \$132,395.75 with no voided checks and two online payments; seconded by Supervisor Van Vonderen. Motion carried 3-0.

## **Adjournment**

M/M by Chairman Cashman to adjourn the meeting at 9:45 p.m.; seconded by Supervisor Lasee. Motion carried 3-0.

All minutes have been taken truthfully and honestly and to the best of my knowledge and ability.

Jann B. Charette, Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on Monday, August 1, 2016.

Dennis J. Cashman, Chairman