

**TOWN OF NEW DENMARK
MINUTES FROM MONTHLY MEETING
AUGUST 13, 2018**

1. The regular monthly meeting for the Town of New Denmark was called to order on Monday, August 13, 2018 at 7:00 p.m. by Chairman Bill Krueger.
2. After the Pledge of Allegiance;
3. The Minutes from July's regular monthly meeting are reviewed. Motion by Sup. Goetsch and seconded by Sup. Olsen to approve. MC
4. **MINUTES FROM SPECIAL MEETINGS:** None.
5. **TREASURER'S REPORT:** As of July 30, 2018, the money market account has a balance on hand of \$810,093.31 and \$32,590.86 in checking. Clerk submits BMO Harris bank statement with report for review. Motion by Sup. Goetsch and seconded by Sup. Olsen to accept report. MC
6. **COMMENTS and CONCERNS FOR THE PUBLIC:** Gary Moore of 5526 N. Town Hall Road. questions why a public hearing was not conducted on the Conditional Use Permit for NEW Digestion, LLC. Atty Sickel states since the Plan Commission recommended no revision to the current CUP was necessary, there is essentially no change and is an extension of existing CUP. Board will take action to either firm or deny that recommendation later in the agenda. Francis Rabas of 5340 Maribel Road raises concern about grading, exposed breaker run and lack of shoulder left on Maribel Road. Town of Cooperstown recommended to box grade to improve pitch for drainage. Railroad sign missing on east side of railroad track by Langes Corners and Langes Corners Road sign missing by Cty Hwy P intersection. Gary Moore questions if the Board has reviewed the possibility of a conflict of interest pursuant to Wis. Stat. 914.2 / 914.6 with a member of Town Board voting on issues concerning NEW Digester. Sup. Goetsch believes his brother-in-law's employment at Big Ox Energy was previously addressed by Attorney Sickel, and that it did not pose a conflict of interest. Attorney Sickel states they will draft a legal opinion in that regard and place on file. Andy Noth of 6595 County Hwy R inquires if a decision was made about the rezoning request of ND-756-4. Board will address tonight.

OLD BUSINESS: None.

NEW BUSINESS

7. APPROVE INFORMATIONAL BUILDING & CULVERT PERMITS: ND-98-3 4706 Cty Hwy R re: relocation of metal storage container to comply with setbacks. No action needed. ND-214-1 Old Settlers Road for addition to north side of home & free standing structure. Setbacks met, but working with homeowner to comply with building code. Motion by Sup. Olsen and seconded by Sup. Goetsch to approve. MC, ND-323-1 200 ft of additional culvert on Town Hall Road. M. Mincheski provides additional documentation regarding heights, grade for areas to be drained (100-150 ft). Applicant submits photos depicting other areas in Town where right of ways have been filled. Town is responsible for maintenance of the right of way and would be responsible for culvert. The Town cannot turn over that responsibility to the property owner or future property owners. Need to ensure water drains from the roadbed and does not under mind the roadbed. M. Mincheski states 4 accidents also occurred with vehicles landing in his front yard due to the railroad tracks, speed and alcohol. By filling in the right of way he is improving the safety of the road and protecting his home and family. M. Mincheski states he was approached by the Chairman of the Town to do something with the standing water in the ditch line and was given verbal approval to install the culvert, but now the permit has been pending since April 2018 with no action. Sup. Goetsch feels there is still a lack of information and engineering to determine what is being proposed as to pitch and how the water will drain. Suggestion to remove the culvert and submit documents depicting slope to ensure water drains off the road and will move eastwardly. Motion by Sup. Goetsch to table for further information addressing drainage concerns, seconded by Chairman Krueger. MC 2-1. Sup. Olsen opposed and believes all fill should be removed. ND-410 & ND-409 Informational only: Request from RC Ag Ventures to construct compost facility by utilizing wind rows and frack tanks to shock and spray the digested material which will be converted into a compost and sold as potting soil. Chairman Krueger questions if digester material is considered Industrial waste as it is generated from an industrial

process. All material taken into the digester is organic, food and animal waste. NEW Digestion is working with the DNR for permitting and determining how the product would be labeled – currently labeled as an organic solid waste and same material that is currently permitted to be land spread. Zoning Administrator states building a facility to process may be different; and the zoning code is silent. Supervisor Goetsch feels more information would be needed from the DNR. Gary Moore suggests a chemical analysis of the material be requested as it is stored on a limestone base and runoff could affect ground water of neighboring property. Board would agree and tables. Request for a chemical analysis of product and DNR input if material is agricultural or industrial before taking action. It is estimated 15 trucks would be hauling material on a weekly basis to the site, process takes 21 days from start to finish. Sup. Goetsch questions if any issues have occurred at the Iowa plant. Chad Kane states no issues, but they are working with a facility that was existing and they providing the raw product. ND-429-2 5420 W. Town Hall Road for detached garage. Setback met. Motion by Sup. Olsen and seconded by Sup. Goetsch to approve. MC, ND-530-1 8064 Irish Road for removal and replacement of garage addition. Zoned appropriately, no setback issues. Motion by Sup. Olsen and seconded by Sup. Goetsch to approve. MC, ND-573-1 5982 Maribel Road for second floor interior renovation. Motion by Sup. Goetsch and seconded by Sup. Olsen to approve. MC, ND-718 6209 Hwy R for renovation of existing cellular tower/ antennas. Motion by Sup. Goetsch and seconded by Sup. Olsen to approve MC. ND -743-4 5865 Cooperstown Road for garage addition. No setback issues. Motion by Sup. Olsen and seconded by Sup. Goetsch to approve. MC ND-756-1 6601 Cty R for NEW Digestion for dry ice manufacturing facility. Tabled until CUP addressed later in agenda.

8. ASSESSOR'S REPORT: None

9. APPOINTMENT OF RESIDENT MEMBER TO BROWN COUNTY 20/20 COMMITTEE:

Board requests Clerk publish in August newsletter seeking possible appointee to 20/20 committee.

10. GARBAGE / RECYCLING CONTRACT FOR 2019: Sup. Goetsch working with Advanced on new garbage/recycling contract. Renewal up in September 2018. New tipping fees rates provided by Brown County.

11. ROAD & BRIDGE REPORT: Larsenville Road blacktop complete. Shouldering to be completed in September. Sup. Olsen addressed resident concern of Cooperstown Rd & Rosecrans intersection. Vehicle ran stop sign, trees are located on private property / not right of way. Town of Cooperstown inspected Podlasik Lane and recommendation to blacktop as there is a good road base. Board to look at for 2019. Grass cutting complete. Bridge replacement to start at the end of August. Notice of road closures to be updated as the Town is notified.

12. ANY OTHER BUSINESS BY THE BOARD

A) Parking Lot for Northern Concrete ND-750-3 (County Hwy P): On going discussion of commercial/ overflow parking on ND-750-3. Currently in process of paving commercial property and uncertain when it will be completed and able to move vehicles back on site. Northern Concrete has no immediate solution as Village of Denmark requires storage facility to store commercial vehicles and cost is too high. Town of New Denmark sent letter on July 10, 2018 stating all commercial vehicles must be removed and /or request rezoning or fines of \$200-\$1,000 per day may be imposed. Property zoned Ag-1. Commercial vehicles in violation of Town code. Zoning Administrator not in favor of contractual rezoning. Attorney Foscatto states vehicles were moved out of necessity, safety and did responded to letter, but no option available to remedy the problem. Motion by Sup. Olsen to impose \$500 fine for any vehicle non-compliant as of July 10, 2018 in accordance with the July 9th Minutes which were approved tonight. No second to motion. Motion fails. Motion by Sup. Goetsch to impose \$1,500 fine per month, which would be retroactive to July 10, 2018 for parking violation, after six months the fine will increase an additional \$1,000 per month and increase an additional \$1,000 every six months thereafter. Seconded by Sup. Olsen. MC 3-0. Attorney Sickel to issue citation on behalf of the Town with due date.

B) Culvert Expansion / Filing of Right Way on Town Hall Rd: Previously addressed.

13. UPDATE AS TO LEGAL ACTIONS: Attorney Sickel to follow up on service on the Railroad Commission regarding repair to Frontier Road crossing.

PLAN COMMISSION RECOMMENDATIONS/ZONING ADMINISTRATOR REPORT:

A) *Rezoning request from R. Wavrunek to rezone 6.74 acres from Ag-1 to B-1 for ND-756-4 & ND-756-5 (located at 5800 block of Wavrunek Lane and 6594 Cty Hwy R):* Sup. Goetsch discusses split zoning of ND-756-4 and Zoning Administrator position he prefers one zoning on a parcel as it is difficult to determine exact location of where splits occurs. Pursuant to Comprehensive Plan future use map, this area is designated for future business and has been used as a business for 50 plus years. ND-756-5 currently zoned Ag-1; located on other side of residential property. C. Wallerius states she has submitted a packet of information in support of the rezoning, the position of the Brown County Zoning Commission and additional information that addresses questions raised by the Plan Commission. Use or intent of the rezoning request of rezone should not be a factor in decision. Motion by Sup. Goetsch to rezone the balance of ND-756-4 to B-1 to conform with existing zoning and have one zoning classification. Seconded by Chairman Krueger. MC 2-1. Sup. Olsen opposed. Motion by Sup. Goetsch that ND-756-5 remain Ag-1 zoning. Seconded by Sup. Olsen MC

B) *Conditional Use Permit for ND-345-3 for used motor vehicle sales located at 5334 Shady Acres Lane, Denmark. Property zoned B-1:* Discussion if property owner, M. Seidl approves of request. Administrator Witte states a commercial lease agreement on file, so he is aware of the proposed use. Motion by Sup. Goetsch and seconded by Sup. Olsen to accept the conditional use permit for ND-345-3 for a used car lot with a maximum number of vehicles not to exceed 10. MC

C) *Recommendation current Conditional Use Permit for ND-756-1 & ND-756-2 (2018-01) issued to NEW Organic Digestion, LLC shall extend to the manufacturing & production of dry ice:* Sup. Olsen states CO2 has always been a by-product of the digester and is an extension of the current CUP that was previously approved by the Town. Board sees no reason to modify. Motion by Sup. Goetsch and seconded by Sup. Olsen to approve informational building permit for dry ice manufacturing facility. MC 3-0. Discussion of recent spill of tanker on site, Town notified within 24 hours. The Kruegers inquire if information has been provided regarding spill in Nov. 2017? Board directs Administrator to investigate DNR letter of November 2017 regarding organic release of material on neighboring property.

14. CORRESPONDENCE: Brown County Solid Waste, 2019 tipping fees. Town of Cooperstown 2019 rates provided. Law Enforcement Roundtable. Towns Association workshop. Thank you from Scott Construction.

15. PAYMENT OF BILLS: Motion by Sup. Goetsch and seconded by Sup. Olsen to pay bills. MC Motion by Sup. Goetsch and seconded by Sup. Olsen to adjourn at 9:55 pm MC

Prepared by: Michelle Wallerius, Clerk
Approved: 9-10-18