



1712 Bob Bea Jan Road  
De Pere, WI 54115  
Phone: (920) 336-2814  
www.townofrockland.org  
Dennis Cashman – Chairman  
Julie Koenig - Clerk

**Town Board Meeting Minutes**  
**Monday, October 2, 2017, at the Rockland Town Hall**  
**Called to order by Chairman Cashman at 7:30 p.m.**  
**Adjourned at 8:50 p.m.**

The Clerk, Treasurer, and all members of the Board were present along with Bob Gerbers, Terry Vertz, Frank Hutjens, Steve Gander, Jim Paque, Kevin Derenne, Tim Ambrosius, Pete Kolaszewski, Tom Hockers, Darrin Butry, Ryan Kussow, Tyler and Angela Nackers and many members of the community and Tom Collins from the Spirit. Clerk Koenig verified that the meeting was properly noticed; the agenda was presented after the pledge of allegiance was recited.

**Minutes from September 18, 2017, Town Board Meeting, after any corrections have been rectified.**  
M/M by Chairman Cashman to approve the minutes from the September 18, 2017 Town Board Meeting; with no corrections seconded by Supervisor Meeuwsen. Motion carried.

**Conditional Use Permit submitted by Tyler Nackers**

A Public Hearing occurred immediately prior to this meeting. Most members of the community had positive support for Tyler and Angela Nackers. The purpose of his business is to board and rehabilitate horses, raise beef and pig seasonally for meat, and provide a petting zoo to the community. In addition, riding lessons are being offered for therapeutic purposes as well as providing a wholesome opportunity for youth in the community. His business model would require him to exceed the number of animals allowed by the zoning ordinance for his ER-10 parcel #R-279.

Bob Gerbers summarized the process Mr. Nackers took to get to this point. The permits are in place on every level other than the Town's Conditional Use Permit. The Planning Commission met on September 6<sup>th</sup>, and did not make a clear recommendation as the vote was split 2 for, 2 against. Mr. Gerbers has been working with Tyler all along the way and feels that he has gone well beyond all that would be expected of anyone.

Mr. Nackers was asked how many animals he would be boarding on the 11 acre parcel. He indicated that he's looking for up to 40 horses, though the normal number will be 25-30. He will have 40 pigs in the spring. The pigs will be slaughtered in the fall. He may have as many as 20 steers, but currently has only 6 and one cow which will freshen.

Supervisor Lasee indicated it was clear that Mr. Nackers exceeded all requirements as discussed. Supervisor Lasee stated that the Nackers business model fits well within Rockland's comprehensive plan. Chairman Cashman expressed that more properties will look like this into the future as family farms sell off the land and retain the buildings on 10-20 acre parcels. Supervisor Meeuwsen shared that all who spoke at the Public Hearing were in support of the Conditional Use Permit for the business model as presented.

M/M by Chairman Cashman to approve the Conditional Use Permit for one year at 1201 Wrightstown Road to exceed the number of animals allowed per the ordinance, given he not exceed 40 horses, 40 pigs

and 20 steers (the latter two to be seasonally kept). He can have the petting zoo animals. In addition there are several requirements: 1) keep all permits up to date; 2) all future buildings conform to the state building code; 3) bring all existing public access buildings up to code; 4) Parking lot to have a hard surface; 5) Bathrooms for public use; 6) obtain permits from the town of all necessary items; 7) Follow up with Brown County on the manure storage site in the spring. A review will happen in 1 year at the Town Board meeting, and every review thereafter will be in two year intervals. The purpose will be to see that he is holding to the requirements set forth in this conditional use permit. There will be no cost to review as long as the Conditional Use is not rescinded. Seconded by Supervisor Lasee. Motion carries.

#### **Conditional Use Permit submitted by Ryan Kussow**

A Public Hearing occurred immediately prior to this meeting. Ryan Kussow is being heard regarding his request to dig a pond on his property on Goldust. R-440-23 Ryan intends to have a ½ - ¾ acre pond dug behind his house. He has the Brown County and DNR permits already. He has edited the plan to include a safety shelf as recommended by the Planning Commission. He also changed the overflow pipe to be an 8 inch pipe. He will use the pond to fish, swim, collect ground water and keep it away from his home, and also for aesthetic purposes. One neighboring property owner came to get his questions answered and seemed satisfied with the responses.

Bob Gerbers shared the process and the results of the Planning and Zoning Commission. The requirements are to 1) keep DNR permits up to date; 2) keep County permits up to date; 3) follow the maintenance agreement; 4) any changes must be up to code for both the town and state; 5) overflow be increased to an 8" diameter pipe; 6) Excavation permit be retained along with a copy of the plan – including the shelf; 7) a \$1,000 security deposit be retained until it is clear no damage has occurred to town roads.

M/M by Chairman Cashman to approve the conditional use permit to dig a pond on his property at 5477 Goldust Drive, parcel R-440-23 (ER-5) He must meet the following conditions: 1) keep DNR permits up to date; 2) keep County permits up to date; 3) follow the maintenance agreement; 4) any changes must be up to code for both the town and state; 5) overflow be increased to an 8" diameter pipe; 6) Excavation permit be retained along with a copy of the plan – including the shelf; 7) a \$1,000 security deposit be retained until it is clear no damage has occurred to town roads. 2nd by Supervisor Meeuwesen. Motion carries.

#### **Discussion on the Hickory Ridge Drainage Project**

Chairman Cashman acknowledged Pete from Ayres in the attendance. Pete announced that the contractor had completed the punch list and recommended the Town of Rockland make final payment. He indicated the final segment of the ditch work was completed last week. Supervisor Meeuwesen indicated he felt the work was marginal and wasn't sure the townspeople got what was paid for. Pete stated it was built to specifications and the weather certainly changed it some. He reiterated that the contractor did what was asked. The ditches were constructed as drawn, the grades as set. There is a "fall" from culvert to culvert.

M/M by Chairman Cashman to move to open the floor to the public. Seconded by Supervisor Lasee. Motion carries.

Kevin Derenne, 3950 Seven Oaks Drive addressed the room. He explained there is a 30' wide easement, 15' on his side and 15' to his neighbor's side. The ditch runs 140'. Mr. Derenne reiterated that the work wasn't done to specifications, the water wasn't moving and he wants the contractor held to the standard of delivering what they were contracted to deliver. Mr. Derenne is a trained Civil and Environmental Engineer with a degree from UW Madison and 19 years' experience in working with the DOT of WI and IL. He knows how to review specifications as that was a part of his duties. He stated that the

specifications are set in place to protect the public. Pete spoke up and said it is his opinion that the work was done to spec. Mr. Derenne used that statement to provide drawings, and photos showing that in areas the work was not done to spec. He submitted an open records request to review the specifications. He stated "all I want is to hold the engineering plan accountable, hold the contractor accountable." He named several neighbors, some of which asked what he thought was done on their behalf – and expressing that the contractors wouldn't do it.

Mr. Tom Hockers, 3470 Hwy 57, spoke up and stated that something isn't right. It was a spec item and it clearly wasn't done to spec. It needs to be corrected. Supervisor Meeuwesen inquired whether the specifications were shot when the project was declared to be finished. Pete stated that the field data wasn't verified.

M/M by Chairman Cashman to close the public comment concerning Hickory Ridge. 2nd by Supervisor Lasee. Motion carried.

Chairman Cashman stated that according to Pete, the project was done according to calculations, and it was washed out because of rain. RC added erosion mat, once, absorbing the cost. Mr. Derenne stated that the ditches are either too steep or too flat and the water doesn't move as it should. Supervisor Meeuwesen agreed. The photos are evidence. Mr. Derenne stated that they have been there two times, both times he impressed upon them that the grad wasn't to specifications. He sent messages both on August 22<sup>nd</sup> and again on September 15<sup>th</sup> to Tim Ambrosius, Pete at Ayres, and the Town Board members. The same items continue to be on the punch list. He is looking for it to be resolved.

Chairman Cashman asked Pete if it was built to spec. It was as originally completed. It met the intention of the specs. Mr. Derenne challenged Pete as not being truthful. All admit RC didn't do a very good job, offering a grade of a D.

The topic turned to whether to make the final payment to RC Excavators. The board inquired as to whether there was a warranty. Pete expressed it would be a one year and at this point it's probably expired. He indicated that if the problem was brought up inside the first year, the contractor would be responsible. Supervisor Lasee stated that the town has approximately \$350,000 into this project and they aren't offering another dime. He challenged Pete stating "you gotta admit you didn't watch the construction company well enough".

A question was raised as to whether or not the town could go after the bond. Kevin stated that tis outstanding issue is the contractor's responsibility. Pete stated that we are beyond one year after the final substantive completion date which was last fall sometime. RC is not interested in even looking at the project at this point. Chairman Cashman asked Pete to go look at the ditch, and to see if he can find when the substantial completion date was.

Tim Ambrosius spoke up and indicated that because of the flow lines, the softer dirt will move around, it will change some. There are 7 sump pumps running into the ditch.

There was discussion among the town board members to see if there was a way to go after the performance bond. No member of the board ever signed off on the bond to say the project was finished. The Town Board must take action somehow to say the project is done. Pete will get back and check on the date and the final sign off. The last payment to RC will be held until the next meeting. Pete will go find the exact warrant, as Kevin Derenne's ditch was on the punch list. The second time RC came to adjust, they simply wheel borrowed dirt in and they didn't shoot any lines or take any measurements. The town should draft a letter requesting a review of the final grading and approvals.

M/M by Chairman Cashman to postpone the payment to two weeks from this meeting, pending the warranty information. Seconded by Supervisor Lasee. Motion carries.

#### **Deer Disposal agreement with Brown County**

The Clerk read the letter from the County. The County will begin charging \$200 to remove and dispose of deer carcasses on town roads. After a brief discussion a motion was made.

M/M by Supervisor Lasee to change accept the agreement offered by the County, to pay \$200 for deer carcass removal on town roads, Seconded by Supervisor Meeuwsen. Motion Carries.

#### **Treasurer's Report**

Mary reviewed the Treasurer's report. She reviewed the balances and stated that everything was in good order. A report is attached for the record.

M/M by Supervisor Meeuwsen to accept the Treasurer's Report as presented, Seconded by Supervisor Lasee. Motion carries.

#### **Building and Zoning Report**

Bob Gerbers stated that he gave six permits: one remodel of 1<sup>st</sup> floor, one garage, a master bath remodel, a new home on Goldust and a basement. The report is attached. There are 7 new homes this year to date.

#### **Chairman's Report**

Chairman Cashman received a letter from Brown County regarding the Town Roads Improvement program (TRIP). Seven of thirteen towns will be awarded funds, with an approval set for early December. Dennis will submit construction work for Tetzlaff Road.

Jay Graetz started the deep cut of the town ditches. Bill Urban met with Dennis to identify some problem trees for removal and Bill will take care of them. There are some on Sportsman Road, on Van Deurzen & Old Ledge, and also on Julie Circle to allow room for the snow plows.

The phone line over Old Martin posed a problem for a local farmer. The call was made and the line was raised. Semi traffic has a requirement to have a clearance of 14'6". A farm vehicle needs two feet higher than that, though there doesn't appear to be a town ordinance on this item.

#### **Announcements and Distribution of Correspondence received, if any**

Clerk Koenig shared an opportunity for training at UW Whitewater. There is a Wisconsin Town's Association district meeting at Hilly Haven on Thursday, Oct 26<sup>th</sup>. The budget meetings have gone well and the Public Hearing and Special Budget Meeting of the Electors will be held on Wednesday, November 15<sup>th</sup>, at 7:30.

#### **Items intended for future meetings**

Hickory Ridge Project final payment to RC Excavating, warranty dates/date of substantial completion  
Carter contract review for 2018  
TRIP funding selection

#### **Public Comment**

Terry Vertz stated that if there is a deer kill on a county road it has to be called in to the County. If it's on personal property, they will be right there. If it's on the road or on the shoulder, it should be picked up. If it's in the ditch, it may stay there a while.

**Cash Flow Analysis**

The Clerk presented the Cash Flow Analysis through the end of September. Everything is in good standing, though the Clerk's budget is getting low as a result of on boarding Clerk Koenig and Jann's departure.

**Voucher in Payment of Bills**

Clerk Koenig presented the voucher in payment of bills. There are two: one from late September, as a result of connectivity, the printer would not work and checks could not be cut. Voucher dated September 30<sup>th</sup>, checks # 10110 - 10116 \$4,301.84, 1 void check #10115, two online payments

M/M Chairman Cashman to approve the voucher dated September 30<sup>th</sup>, checks # 10110 - 10116 \$4,301.84, 1 void check #10115, two online payments, 2<sup>nd</sup> by Supervisor Meeuwsen. Motion carries.

Voucher dated October 2, 2017, checks number 10117 – 10139, with no online payments, no voided payments and one check held #10138 in the amount of \$8,720.80. The approved amount of the voucher is \$76,324.57.

M/M Chairman Cashman to approve the voucher dated Oct 2, 2017, amount of \$76,324.57, 1 check removed #10138, and no voided payments. 2<sup>nd</sup> Supervisor Meeuwsen. Motion carries.

**Adjournment**

M/M by Chairman Cashman to adjourn the meeting at 8:48 p.m.; seconded by Supervisor Lasee. Motion carried.

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

Julie Koenig,  
Town Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on September 18, 2017.

Dennis J. Cashman  
Town Chairman



1712 Bob Bea Jan Road  
De Pere, WI 54115  
Phone: (920) 336-2814  
www.townofrockland.org  
Dennis Cashman – Chairman  
Julie Koenig - Clerk

**Public Hearing Minutes**  
**Monday, October 2, 2017, at the Rockland Town Hall**  
**Called to order by Chairman Cashman at 6:30 p.m.**  
**Adjourned at 7:03 p.m.**

The Clerk, Treasurer, Chairman Dennis Cashman, Supervisor Matt Meeuwssen and Supervisor Lasee were present. Also in attendance were the applicants Tyler and Angela Nackers and a large group of supporters and neighbors. Clerk Koenig verified that the meeting was properly noticed and published. Chairman Cashman read the agenda.

**Tyler and Angela Nackers have applied for a Conditional Use Permit to exceed the allowable number of animals on Parcel R-279, located at 1201 Wrightstown Road, 11.02 acres in size. This parcel is zoned Estate Residential – 10 acre.**

**OPEN THE RECORD**

M/M by Chairman Cashman to open the record at 6:32 p.m.; seconded by Supervisor Meeuwssen.  
Motion carried.

Chairman Cashman invited Mr. Nackers to address the public and describe his project. He proceeded to indicate that the purpose of his business is to board and train horses, rehab horses, provide riding lessons for children with/without disabilities and to house a traveling petting zoo. In addition, Mr. Nackers intends to raise pigs and steers to harvest for meat each fall. He intends to have up to 40 horses, though some will remain inside, 4-5 horses per paddock. He currently has 1 cow and 5 steers, though the steers and pigs will be harvested in the fall and young stock will arrive in the spring. Mr. Nackers has worked with the County to create a 4' walled manure pit to prevent runoff. It's masonry block, and filled with concrete to contain any liquid and measures 20' X 20'. A contract has been secured with Landscape Associates to remove the manure once a month for a period of 5 years.

Chairman Cashman, having reviewed the request and the results of the Planning Commission Meeting held September 6th, 2017, indicated that the commission was deadlocked at a vote of 2-2, and would not recommend an approval based on that result. Their concern was centered on waste run off and the 11 acres being sufficient to house the increased number of animals. After reviewing the plan, the Supervisors were asked if they had any questions. Having none, Mr. Gerbers was invited to speak.

Bob met with the County and the DNR. He also held conversations with both the state and the federal agencies involved in the plan and approval. Mr. Nackers has met everyone's criteria with the exception of Rockland's animal limit ordinance. In Mr. Gerber's opinion, Tyler and Angela have gone above and beyond to be sure every condition has been met, often incurring additional

costs to meet those criteria. All permits are in place. Mr. Nackers will be building a better engineered manure pit which will measure 20' X 24' with 4' walls, and a roof to keep weather out. Brown County will pay for a portion of it, and the project was engineered by a Brown County Land Conservationist. Mr. Gerbers said the Nackers have done a nice job of getting everything to fit.

## **PUBLIC COMMENT**

Chairman Cashman opened the floor to the public.

Jenn Plumber, 2440 Hudson Circle inquired about how Mr. Nackers could proceed with such a plan when the neighbors – the Krueger's - had a similar plan a number of years back and were denied. Mr. Gerbers replied that because Mr. Nackers got a federal permit, it overrode the Town of Rockland permit.

Liz Benecke, 704 Grignon, spoke on behalf of the Nackers as their Barn Manager. She endorsed the project saying that the care of the animals is phenomenal, the programing serving children with special needs was awesome, and that there are kids in 4-H who will be able to care for large animals. They have been recognized by the Wisconsin Horse Project as being a great example of a rehab stable. She believes they are a quality business and an excellent place for riders, children, and families.

Sheila Benz, 5571 River Oaks Drive, stated that she feels this will be an asset for the community and is on record in support of the conditional use.

Brian Hill, 547 Windy Wood, a Town of Wrightstown resident, is in favor of the project. He feels it's a good opportunity to keep children involved in healthy and clean activities.

Charlee Wilson, 3733 Libal Street, spoke to the quality of the stables. She indicated that she has traveled nationally and has found this stables to be of a higher quality that many she sees. She feels the Nackers have been honest and forthright in their efforts to meet all requirements and is hoping that they can get approval.

Tim Just, 1343 Meadowlark, indicated he too is in support of the project.

Supervisor Lasee addressed the Nackers, expressing that he feels they have met all the requirements.

Sheila Benz spoke again, stating they have been, and will be, diligent about making sure things are done properly.

Chairman Cashman made a motion to close the hearing. Supervisor Lasee seconded the motion. Motion Carried.

## **CLOSED THE RECORD**

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

Julie Koenig  
Town Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on Monday,  
October 16, 2017.

Dennis J. Cashman  
Town Chairman





1712 Bob Bea Jan Road  
De Pere, WI 54115  
Phone: (920) 336-2814  
www.townofrockland.org  
Dennis Cashman – Chairman  
Julie Koenig - Clerk

**Public Hearing Minutes**  
**Monday, October 2, 2017, at the Rockland Town Hall**  
**Called to order by Chairman Cashman at 7:10 p.m.**  
**Adjourned at 7:20 p.m.**

The Clerk, Treasurer, Chairman Dennis Cashman, Supervisor Matt Meeuwesen and Supervisor Lasee were present. Also in attendance was the applicant Ryan Kussow and neighbor Damian Hanus. Clerk Koenig verified that the meeting was properly noticed and published. Chairman Cashman read the agenda.

**Ryan and Michelle Kussow have applied for a Conditional Use Permit to build a pond on their property located at 5477 Goldust Drive, Parcel R-440-23, 6.46 acres in size. This parcel is zoned ER-5.**

**OPEN THE RECORD**

M/M by Chairman Cashman to open the record at 7:10 p.m.; seconded by Supervisor Lasee.  
Motion carried.

Chairman Cashman invited Mr. Kussow to address the public and describe his project. He proceeded to describe the plan for the pond as indicated in the drawings. He has secured DNR and Brown County approval. He'd like the pond to be approximately ½ acre to help manage water on his lot. He indicated that at the Planning Commission level, he was asked to get engineered drawings of his intended pond, but after many calls found it to be cost prohibitive at more than \$2,800. He spoke with Bob Gerbers, and together they decided it would be acceptable to draw the 6' safety ledge on the current pond drawing.

Another condition for Planning Commission for approval was to have a Maintenance Agreement on file for the pond. Michelle and Ryan have drawn up an agreement and have delivered it to the board. Bob Gerbers was asked to comment. He stated that he spoke with Matt at the County regarding the pond, and he has no problem with it. All the soil will stay on site, to be used to build a berm behind the house. They will aerate the pond to keep algae and growth down.

Mr. Kussow will have a sandy beach area as well. The primary use will be for recreation, wild life and fish. However, he noted that the water table there is quite high so he is hopeful his sump pump will stop running after the pond is dug. An overflow pipe will be increased to an 8" diameter and will flow toward the creek. Approximately 150' of creek is on his property.

The Supervisors were asked if they had any further questions. There were none.

## **PUBLIC COMMENT**

Chairman Cashman opened the floor to the public.

Damian Hanus, owner of R-440-24 Goldust Drive, directly to the south of Mr. Kussow indicated he had no problem with the pond, but did have a few questions on how it would impact his parcel. Mr. Kussow shared the drawing to show Mr. Hanus where the pond would be located. He also inquired about what a safety shelf was and the answer seemed to suit him.

Chairman Cashman made a motion to close the hearing, Supervisor Meeuwsen seconded the motion. Motion Carried.

## **CLOSED THE RECORD**

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

Julie Koenig  
Town Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on Monday, October 16, 2017.

Dennis J. Cashman  
Town Chairman