

Nominations were open for Town Assessor, to succeed Wm. Huck Sr.

Wm Huck Sr. by Steve Reid, 2nd by Val Eppli

Gene Brietbach, Declined Ed Braun, Declined.

Motion by Lyle Thome, 2nd by James Huck to close nominations. carried.

Wm. Huck Sr. will appear on the ballot for the April 4, 1995 election.

Nominations were open for Town Constable to succeed Roger Birschbach.

Roger Birschbach, by Ginny Schneider, 2nd by Marv Schneider.

Vic Schneider, by Dan Duester, 2nd by Rich Schmitz.

Tom Floyd Declined.

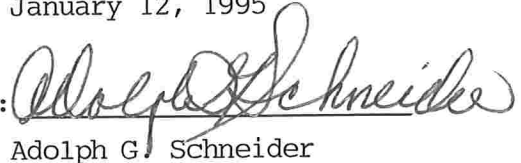
Roger Birschbach and Vic Schneider will appear on the April 4, 1995 election.

Motion by Wm Huck to close nominations. 2nd by Val Eppli. carried.

Meeting adjourned.

Dated: January 12, 1995

Attest:

A handwritten signature in cursive script, appearing to read "Adolph G. Schneider", written over a horizontal line.

Adolph G. Schneider

Town Clerk

January 9, 1995

The regular monthly meeting of the Town Board, Town of Taycheedah, January 9, 1995, held at the Town Hall at 8:00 P.M.

Present - Bertram, Chairman - Sabel & Nett, Supervisors.

Minutes of the December 12, 1994 meeting were read and approved on motion by Bertram. 2nd by Sabel. carried.

John St. Peter, Town Attorney, was present to answer questions on a number of issues.

The Town Board approved a contract with Pro Waste, for Curbside Recycling Pickup, on motion by Nett, 2nd by Sabel. carried.

Curbside Pickup for Recycling is tentatively set to begin in February, 1995. More information to be mailed to all residents.

Motion by Nett to approve Certified Survey Maps, Lot nos. 5-6-7-8-11-12-13 filed by Elizabeth M Eppli. 2nd by Sabel. carried. Property located in Parkview Court, on Lakeview Road in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 21.

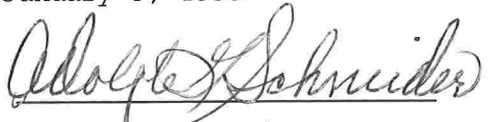
Motion by Bertram to accept the Bid of \$ 4,908.00 for the installation of an accustical ceiling in the town Hall. 2nd by Sabel. carried.

Motion by Nett to approve the bills. 2nd by Sabel. carried. (order nos. 1 thru 45)

Moion by Sabel to adjourn. 2nd by Bertram. carried.

Dated: January 9, 1995

Attest:



Adolph G. Schneider

Town Clerk

February 13, 1995

The regular monthly meeting of the Town Board, Town of Taycheedah, held the Town Hall, the 13th day of February, 1995 at 8:00 P.M.

Present: Bertram, Chairman, Sabel & Nett, Supervisors.

Minutes of the January 9, 1995 meeting were read and approved on motion by Sabel, 2nd by Nett. carried.

An application for a Junk Yard License, filed by Trans American Recovery Service Inc., Kenneth Ogie, President, was approved - subject to the presenting to the Town Board, a copy of a valid Sellers Permit issued by the State of Wisconsin. Motion by Sabel, 2nd by Nett. carried.

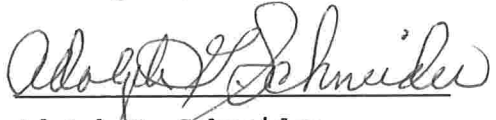
Motion by Bertram to approve the Town Bills on file. 2nd by Sabel. carried. (order nos. 46 thru 100)

Motion by Sabel that Smoking be prohibited in the Town Hall, effective immediately. 2nd by Bertram. carried.

An Ordinance regulating the use of Explosive and Blasting Activities was introduced. Town Attorney, John St. Peter, answered questions relating to the Ordinance. The Taycheedah Quarry Committe requested a 30 or 60 day delay on acting on the Ordinance, so they could study and compare the Ordinance. The Town Board agreed to the delay and recommended that the Quarry Committe report to the Town Board at the next monthly Town meeting, and report what progress has been made.

Motion by Nett to adjourn. 2nd by Sabel. carried.

Dated: February 13, 1995

Attest: 
Adolph G. Schneider
Town Clerk

March 13, 1995

The regular monthly meeting of the Town Board, Town of Taycheedah, held the 13th day of March, 1995, at 8:00 P.M. , at the Town Hall.

Members present, Bertram, Chairman - Sabel & Nett, Supervisors.

Minutes of the February 13, 1995 meeting were read , and approved as read, on motion by Sabel, 2nd by Nett. carried.

Scott Mistlebauer, Commander of Company C of the Wisconsin Army National Guard, requested approval from the Town Board to utilize the Town Park area as a part time training area. 1. The Town Board would be notified 3 months in advance, the exercise would last 6 to 8 hours. 2. No more than 3 training Exercises would be held per year. 3. No Explosive devices would be used. 4. The Town of Taycheedah will not be held Liable for any Injuries to any Soldiers. 5. No destruction of any trees or plant life to result from the activity. Motion by Bertram , to grant permission to Co. C of the National guard for the Training Exercise as proposed. 2nd by Sabel. carried.

Dennis Osterholz, Secretary of the Taycheedah Quarry Committe, explained some of the changes the Committe would like the Town Board to consider in the Proposed Blasting Ordinance.

Motion by Bertram, to approve an Application filed by the St. Perter Lions Club for a Special Class B Beer License for the Annual Pool Tournament. 2nd by Nett. carried.

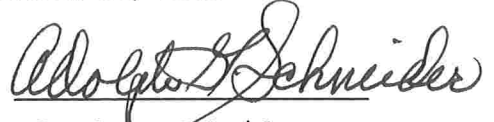
Motion by Bertram, to authorize the purchase of Recycling Bins. 2nd by Nett. carried.

Motion by Sabel, to approve the bills. 2nd by Nett. carried.

Motion by Nett, to allow the Fishermns' Road Fishing Club to improve the Landing , at the Fishermens' Road Boat Landing, upon approval from the Department of Natural Resources. 2nd by Bertram. carried.

Motion by Nett, to adjourn. 2nd by Sabel. carried.

Dated: March 13, 1995

Attest: 
Adolph G. Scheider
Town Clerk

April 10, 1995

The regular monthly meeting of the Town Board, Town of Taycheedah was held on the 10th day of April, 1995 at 8:00 P.M.

Present - Chairperson, Bertram - Supervisors, Sabel & Nett.

Motion by Sabel to approve the minutes of the March 13, 1995 meeting, 2nd by Nett. carried.

Dan Freund, Chairman of the Taycheedah Quarry Committee explained the Rough Draft # 5, of the revised Town Blasting Ordinance. Action on Ordinance tabled until the May meeting.

A Proposal to vacate the unused portion of Fulton Street was explained by Mike Nett. Motion by Bertram to accept the proposal as presented to the Town Board by Kevin Gratton, subject to the approval by the Town Attorney's opinion. 2nd by Nett. carried.

Motion by Nett to approve the Certified Survey Maps presented by Dale Theel. Lot 2 & 3, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 T15 R18E on Lap Road. 2nd by Sabel. carried.

A Certified Survey filed by Elizabeth Eppli was tabled until the May meeting on motion by Sabel. 2nd by Bertram. carried.

A Certified Survey filed by Mike Nett was tabled until the May meeting on motion by Sabel. 2nd by Bertram. carried.

Motion by Bertram to approve an Application for a 6 month Class B Beer License , filed by St. Peter Athletic Club. 2nd by Nett. carried.

Motion by Bertram to approve an Application for a 6 month Class B Beer License, filed by Johnsburg Athletic Club. 2nd by Nett. carried.

Clean Wood Burning at the Landfill , will be allowed every 2nd Saturday of the month from 8:00 A.M. to Noon, starting May thru October.

Motion by Bertram to allow St. Peter Parish to move the Handicap Parking to the east side of Church Road. 2nd by Sabel. carried.

Motion by Nett to approve the bills. 2nd by Bertram. carried.

Motion by Nett to adjourn. 2nd by Bertram. carried.

Dated: April 10, 1995

Attest:


Adolph G. Schneider
Town Clerk

April 13, 1995

Special Meeting

Members present-James Huck, chairman, Michael Nett and Mark Kirschling, Supervisors.

Chairman, James Huck, called the meeting to order.

James Huck explained that he had been advised to resign as the alternate on the Board of Appeals due to his recent appointment as Town Board Chairman. The reason for this meeting was to appoint a replacement on the Board of Appeals.

Mark Kirschling made a motion to reaffirm the appointment of the following Board of Appeals members:

Robert Holzman

Leo Michels

John Wagner

John Buechel

The motion was seconded by Mike Nett. The motion carried.

Mike Nett made a motion to appoint Lance McClellan as the alternate on the Board of Appeals. The motion was seconded by James Huck. The motion carried.

Mike Nett made a motion the adjourn the meeting, seconded by Mark Kirschling. The motion carried.

Dated: April 14, 1995

Attest.

Brenda A. Schneider

Brenda A. Schneider
Town Clerk

April 20, 1995

Special Meeting

Members present-James Huck, chairman, Michael Nett and Mark Kirschling, supervisors.

The meeting was called to order by Chairman James Huck at 7:00 P.M., at the town hall.

Mark Kirschling made a motion to appoint Virginia Schneider as Deputy Clerk, seconded by Mike Nett. Motion carried.

Jim Huck made a motion to appoint Virginia Schneider to a one year term as deputy clerk, after one year the need for a deputy clerk would be re-evaluated, seconded by Mike Nett. Motion carried.

The deputy clerk's salary would be decided at the May monthly meeting.

Lengthy discussion on hiring replacement employee for Ray Ditter took place. Possible options were-hiring one full-time employee, hiring a few part-time employees, hiring teenagers to cut the lawn at the town hall, or sub-contracting lawn work. Also discussed were various duties of a full-time employee, such as: cleaning of the town hall, cleaning ditches, as well as all the duties performed by Ray in the past. Payment of benefits also came up. They decided a need to do much more research on the subject before a decision could be made.

Constable expenses were the next subject. Victor Schneider, the town's constable, needs an appropriate animal carrier for in his vehicle. Jim Huck made a motion to allow Vic to purchase, at the town's expense, an appropriate animal carrier, seconded by Mike Nett. Motion carried.

Jim Emerich's change of zoning request followed. The request was tabled indefinitely. The request will be handed over to the Plan Commission, and also, Mike Nett wants to hire Russell Knetzger to map the 27.71 acre parcel before the Board decides on the request.

Board of review was set for May 8, but will be adjourned and reset for a future date because the books will not be ready in time.

The following Fond du Lac County correspondence was discussed:

An upcoming, April 25 meeting, at Atty. St Peter's office with Russell Knetzger. Fond du Lac area representatives will finally get to view the maps, dealing with annexation, that Mr. Knetzger has been hired to prepare.

Fisherman's Road Fishing Club want the retired beacon from Columbia Park.

The county approved to solicit grants in order to purchase 84 acres of La Fleur's Farms. The land would then be made into a County Park.

The subject of re-keying the town hall was on the agenda. The Board was told that the town hall was re-keyed approximately 4-6 weeks ago.

The Plan Board Committee was reviewed. The following citizen member's terms will expire in May: Ed Braun, Barb Bertram, and Ruth Miksha. And replace Board member Al Sabel.

The Building Inspector wants to meet with the Board. A meeting will be set for some time in May.

The Quarry Advisory Committee's status was discussed. It was decided to retain James Bertram as a citizen member and add Mark Kirschling as the Board representative. Thus increasing the committee to ten members. This motion was made by Mike Nett, seconded by Jim Huck. Motion carried.

Mark Kirschling questioned Atty. St Peter's billing procedures.

A computer price quote from Bob Lewis was mentioned.

The public questioned about the certified surveys listed on the agenda. The Board decided to postpone them until the May monthly meeting because the minutes of the April monthly meeting state that the surveys will be brought up in May.

Mike Nett motioned to adjourn the meeting, seconded by Jim Huck. Motion carried.

Dated: April 21, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Town Clerk

May 8, 1995

Monthly Meeting

1

The regular monthly meeting of the Taycheedah Town Board was held on the 8th day of May, 1995, at the town hall.

Board members present were Chairman Jim Huck, Supervisors Mike Nett and Mark Kirschling.

The minutes of the April 10, 1995, monthly meeting were read. Motion by Mike Nett to approve the minutes as read, seconded by Mark Kirschling. Motion carried.

The Town Board accepted the request from Northeast Asphalt via their attorney John Thiel, to discuss certain objections in the proposed Blasting Ordinance. The Board decided to include the town's attorney, John St. Peter and Dan Freund, chairman of the Quarry Advisory Board.

The future of the Quarry Advisory Committee was discussed. The Board decided to let the committee continue at this time. The issue will again be evaluated at June's monthly meeting.

Motion by Mike Nett that any Board member or committee member who wishes to speak to Attorney John St. Peter, direct their requests through Chairman Jim Huck. Seconded by Mark Kirschling. Motion carried.

Chairman Jim Huck appointed and reaffirmed the following people to the Plan Commission:

<u>MEMBER</u>	<u>STATUS</u>	<u>TERM EXPIRES</u>
Jim Huck	board member	May 1, 1996
Mark Kirschling	board member	May 1, 1996
Ed Braun	1 yr. citizen member	May 1, 1996
Dan Belzer	1 yr. citizen member	May 1, 1996
Dale Klitzke	3 yr. citizen member	May 1, 1996
Gale Burg	3 yr. citizen member	May 1, 1997
Mark Diedrichs	3 yr. citizen member	May 1, 1998

Chairman James Huck appointed Robert Lewis as Town of Taycheedah Permit Issuer.

Motion by Mike Nett to grant Jim Feyen's request for a kennel license. Seconded by Mark Kirschling. Motion carried.

Motion by Mike Nett to approve Elizabeth Eppli's certified survey located in the NW 1/4 of the SW 1/4 and in the NE 1/4 of section 28 T 16 N - R 18 E, subject to the clerk receipt of a letter of credit in the amount of \$15.00 per foot of roadway as an insurance of proper ditch, roadbed, gravel and blacktop construction and subject to County approval of a drainage plan from surveyor. Seconded by Jim Huck. Motion carried.

Jim Huck motioned to approve Mike Nett's certified survey located in the SW 1/4 of the NE 1/4 and in the NW 1/4 of the NE 1/4 of section 21, T 16 N-R 18 E subject to the clerk receipt of a letter of credit in the amount of \$15.00 per foot of roadway as an insurance of proper ditch, roadbed, gravel and blacktop construction and subject to County approval of a drainage plan from surveyor. Seconded by Mark Kirschling. Motion carried.

Motion by Mike Nett that the Town Board direct the Plan Commission to review the rezoning request from Jim Emerich by the June monthly meeting. Seconded by Jim Huck. Motion carried.

Motion by Mark Kirschling that the Town Board direct the Plan

Commission to review the rezoning request from Darrin Wilson by the June monthly meeting. Seconded by Mike Nett. Motion carried.

The board discussed posting large outdoor signs on property subject to rezoning or variance changes. Jim Huck motioned that the town furnish two signs for the petitioners to post on their property which is subject to rezoning or variance changes. Seconded by Mike Nett. Motion carried.

Steven E. Godfrey, P.E., vice president of Crispell-Snyder, Inc., consulting engineer for the Johnsbury sanitary proposal, gave a status report to the Board. He has met with the Johnsbury Sanitary Committee and requested a meeting with the Taycheedah Town Board, the Johnsbury Sanitary Committee, and Calumet Town Chairman Al Sattler. The meeting will be as soon as possible.

Road resurfacing was mentioned. The Board will ask Herman Grohskopf from Northeast Asphalt for a bid on the job.

The drainage on Kevin Gratton's property was discussed. The Board will ask Attorney John St. Peter to compose a legal agreement in regards to an easement for drainage.

A full-time employee was again discussed. Wages and benefits were mentioned. Board members will study the issue further. The Board decided when ready to take applications, we will go through Job Service.

Jim Huck motioned that Deputy Clerk Virginia Schneider's wage for the first year of service will be \$3750.00. Seconded by Mark Kirschling. Motion carried.

The Nuisance Ordinance was tabled until the June monthly meeting.

Mark Kirschling, Park Committee member, discussed the County availability to help with grounds work in the park.

The computer was again discussed. The town will purchase the computer through Bob Lewis when construction of the Clerk's office is complete.

Mark Kirschling motioned to change the time of the monthly meeting to 7:30 P.M. Seconded by Mike Nett. Motion carried.

Jim Huck motioned to purchase plat books. Seconded by Mike Nett. Motion carried.

Mike Nett motioned that Nite Owl Janitorial strip, seal coat and wax the town hall floor per their proposal of \$315.00 (copy of proposal attach). Seconded by Jim Huck. Motion carried.

Jim Huck motioned to approve the town bills (order nos. 171-228) Mike Nett seconded. Motion carried.

Mike Nett motioned to adjourn the meeting. Seconded by Mark Kirschling. Motion carried.

Dated: May 11, 1995

Attest: Brenda A. Schneider
Brenda A. Schneider
Town Clerk



Nite Owl Janitorial Service

220 Walnut Street
Fond du Lac, WI 54935

(414) 922-1909

DWL JANITORIAL
20 WALNUT
FOND DU LAC, WI 54935
(414) - 922-1909

May 1, 1995

Taycheedah Town Board
Fond du Lac, WI 54935

Dear Board Members:

Enclosed you will find a cleaning proposal for the Town of
Taycheedah townhall.

Our experienced crew will provide all of the services listed in
Proposal I. All supplies needed to complete the work will be
provided by Nite Owl Janitorial.

Proposal II is for the follow-up maintenance needed to keep
the floor at its' optimum level of quality. We are able to
provide this service on an as needed basis.

If you have any questions regarding this proposal, please feel
free to call me at anytime.

Sincerely,

Harvey Broennimann
Owner/General Manager

NITE OWL JANITORIAL
220 WALNUT
FOND DU LAC, WI 54935
(414) - 922-1909

PROPOSAL I

The following services will be provided by Nite Owl Janitorial service for the Taycheedah Townhall:

- *Strip all hard surfaced floors (tiled floors) to the base
- *Application of 2 coats of sealer
- *Application of 4 coats of floor finish wax
- *All cleaning, stripping, and finishing supplies will be supplied by Nite Owl Janitorial at no additional cost

Cost: \$315.00

*5-8
Jan #
Brenda Pedraza
5/8/95
Clerk*

NITE OWL JANITORIAL
220 WALNUT
FOND DU LAC, WI 54935
(414) - 922-1909

PROPOSAL II

Will provide a follow-up service for maintaining the floor finish at its' optimum level. We will return on a two or three month basis and supply the following:

- *Spot cleaning of hard surface floors
- *Application of 2 coats of floor finish
- *Buffing of all hard surfaced floors
- *Provide all supplies for cleaning and finishing floors at no additional cost

Cost \$55.00 per visit

May 16, 1995

Informational Meeting

1.

A meeting was held at the Taycheedah Town Hall at 7:00 P.M. Members present were Chairman James Huck, Supervisors: Michael Nett and Mark Kirschling.

Herman Grohskopf, Project Manager for Northeast Asphalt, explained different methods of road resurfacing. Herman also supplied the Board with a proposal for the road resurfacing jobs they need to have done this year.

Motion by Mike Nett to adjourn, seconded by James Huck. Motion carried.

Dated: May 17, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Town Clerk

May 16, 1995

Special Meeting

1

A special meeting of the Taycheedah Town Board was held at 7:30 P.M. at the town hall. Members in attendance were: Chairman James Huck, Supervisor Michael Nett, and Supervisor Mark Kirschling.

This meeting was requested by Attorney John Thiel on behalf of his client, Northeast Asphalt. Northeast Asphalt wanted to bring to the attention of the Town Board, several certain objections they have to specific parts of the proposed Blasting Ordinance

Northeast Asphalt's objections are as follows:

1. Page 4, section 3.2B. Financial Assurance. Attorney John Thiel claimed that surety is defined as "to guarantee performance of a duty". Mr. Thiel said this definition, in their opinion, does not pertain to this situation. Mr. Thiel claimed to have checked into purchasing surety bond in the amount of \$100,00.00. He said he was unable to find a company with such a policy available. He said Karol Ins. have available: bid bonds, performance bonds and purchasing bonds. No surety bonds. Atty. John St. Peter showed the Board members a copy of a \$50,000.00 surety bond maintained in the Town of Caladonia by a quarry company. Discussion then moved on to the possibility of not requiring the surety bond, but instead requiring the quarry company to maintain expanded liability coverage, including Explosion, Collapse, and Underground coverage. Additional public liability insurance for a full range of risks. A secondary policy with specific risk insurance to be carried by the subcontracted blasters.

Northeast Asphalt verbally agreed to double insurance coverage with the Explosion, Collapse and Underground coverage. Attorney Thiel said he would discuss the insurance issue with his client and get back to Attorney St. Peter and the Town Board.

2. Page 5. partial paragraph at the top of the page. The bond and liability insurance must be issued by a company licensed by the State of Wisconsin to issue the bond and policy. This objection was briefly mentioned due to the possible double insurance agreement discussed in surety bond objection.

3. Page 8, section 5.3 B. Airblast Limits. The proposed ordinance states "Maximum level in db of 123 peak. Attorney Thiel questioned why 123 peak and not 133 peak. Mr. Thiel claimed the Wisconsin Department of Industry, Labor and Human Relations set 133 as peak. Lengthy discussion about the level of blasts occurring in 1994, peak limits stated in blasting ordinances adopted in other townships, questions about difference between blasts at 123 and at 133, levels used by Northeast's contracted blaster and state code limits, took place.

4. Page 11 (b). Applicant shall not be required to conduct a preblast survey more than once every six years and a well water quality test more than once every two years. Attorney Thiel claimed this is not state mandated. His client want the well water

May 16, 1995

Special Meeting

2.

test changed to "more than once every six years". Cost was cited as the reason for this request. When questioned as to the cost for the recent well water tests voluntarily done at Northeast Asphalt's expense, no one would state the cost.

The final objection is the use of the word annoyance. Atty. Thiel requested that the word "annoyance" be replaced with the word "nuisance". Atty. Thiel's opinion is that annoyance is too vague to be properly applied. Atty. St. Peter cited State vs. Quality Egg-nuisance includes the annoyance in its definition.

Atty. St. Peter advised the Board that the "surety bond" issue is the only objection with possible cause. The others would not stand up in court.

Motion by James Huck to adjourn, seconded by Mike Nett. Motion carried.

Dated: May 17, 1995

Attest.

Brenda A. Schneider

Brenda A. Schneider
Town Clerk

June 12, 1995

Monthly Meeting

1.

The Taycheedah Town Board Monthly Meeting was held on June 12, 1995, at the town hall. Members present were: Chairman James Huck, Supervisors: Michael Nett, and Mark Kirschling.

Minutes from the May monthly meeting were read. Mike Nett motioned to approved the minutes from the May 8, 1995, meeting, seconded by Jim Huck. Motion carried.

Mark Kirschling gave a report on the May 20th, Urban Towns Association meeting that was held at the Ramada in Fond du Lac.

Mike Nett gave an update on the outdoor rezoning, variance request signs. The Graphics Center will fax Mike a mock-up. The signs will be four foot by two foot.

Mark Kirschling discussed Wisconsin Conservation Corp. assistance in the Town Park. Services will be provided free of charge. He hopes to have supplies donated by several companies. The town will need to purchase the supplies not donated.

The Eppli fence agreement was the next item of discussion. One property owner along the town park right away, cleaned the brush from the back of his yard. Mark said it looks more park-like now. The lot owner questioned if it would be possible to disregard the fence agreement and instead plant a row of trees along the right away. Mark Kirschling had a price quote of \$3768.00, for a woven wooden fence, and approximately \$6000.00, for a chain link fence. Val Eppli verbally agreed to forego the original agreement of a woven wooden fence, and instead plant an evergreen fence line. Mike Nett motioned to accept Val Eppli's offer to allow us to plant a row of evergreen trees 10-15 feet on his lots on the South side of the town park right away in place of the town having to install a woven wooden fence. Jim Huck seconded the motion. Motion carried. The project will be done in the Fall of '95.

The underbrush and trees growing wild for many years along the fence line in the park was mentioned. How to go about cleaning out the area was debated. Roger Braun would remove the underbrush for \$200-240.00. A suggestion was made from the floor to talk to Dennis Stenz, president of the Holyland Snowflyers. The club would possibly donated time to help clean out the fence line. The Board will study the fence line clean up.

Mike Nett gave an update on the Johnsburg Sewer situation. He also talked about ILHR 83 and its impact on the future installation of septic systems.

Kevin Halverson and Colleen Lapham of the U.S.D.A., reviewed the soil stabilization plan for the town park. Their construction plan from the Land Conservation Department totalled an approximate cost of \$4000.00. A small amount would not be covered by a 70% payback. W.C.C. crew would supply the labor. Mark Kirschling motioned to approve the proposal by the U.S.D.A. Soil Conservation Lake Winnebago East Priority Watershed. Jim Huck seconded. Motion carried.

The proposed Blasting Ordinance was debated. Particularly the subject of 123 vs. 133 peak for the blasts. Public comment was entertained. The Board will be ready to adopt the ordinance at the scheduled June 19, 1995, meeting.

Mark Kirschling gave a brief report on the East Central

June 12, 1995

2.

Planning Committee. East Central will meet with the long range planning committee once it is established.

Representatives from the Willow Lane Beach Association request a passing pavement at the intersection of Highway 151 and Fisherman's Road. There have been three serious accidents and one death at this intersection. Mark Kirschling has composed and distributed a letter to Ron Sontag of the Department of Transportation. It was suggested that a copy of the letter also be sent to Robert Christie and of the same department and William Heimlich. Mike Nett made a motion to request the Department of Transportation to construct an acceleration/deceleration and passing lane at the intersection of Highway 151 and Fisherman's Road for the safety and well-being of Taycheedah town residents. Seconded by Jim Huck. Motion carried.

The Fisherman's Road Fishing Club will construct a sheltered bulletin board. The fishing club will provide the labor and materials, with the exception of the lexyn glass. The club requested that the town purchase the glass. Mark Kirschling motioned to provide \$140.00 for the purchase of the lexyn glass to cover for the Fisherman's Road Fishing Club's bulletin board, Mike Nett seconded. Motion carried.

The Fisherman's Road Fishing Club was asked if they are still interested in the old Columbia Park beacon. The pros and cons were discussed. Jim Huck will talk to Arlyn Julka. The D.N.R. will take the beacon if Fisherman's doesn't.

Liquor/beer licensed were then reviewed. Mike Nett motioned to approve all liquor/beer license applications, seconded by Mark Kirschling. Motion carried. Applicants and their classifications are as follows:

Scott M. Huck	Sunset Supper Club	Class B Liq./beer
Larry D. Bornemann	Borny's Country Inn	Class B Liq./beer
Dave Schumacher	East Shore Conser. Club	Class B Beer
Allen Sabel	Steffes' Tavern	Class B Liq./beer
Kenneth C. Schmitz	Ken's Retreat	Class B Liq./beer
Barbara J. Casper	Thornbrook Golf Course	Class B Liq./beer
George F. Butts	Silica Bar & Grill	Class B Liq./beer
Robert LeMense	Taycheedah Pump n' Pantry	Class A Liq./beer

The chairman Jim Huck call a 10 minute recess.

The Nuisance Ordinance was again tabled to a future meeting. It will be scheduled for discussion and possible approval at the June 19, 1995, meeting.

Adjustments to the Land Use Permits fees were made. They are as follows:

Land Use (decks, pools, etc.)	\$25.00
Premanufactured homes	\$100.00
Additions, garages-including inspection fee	\$75.00
with electric inspection needed	\$125.00
with elec. & plumbing inspection needed	\$175.00
Structurally altering remodeling-exception of	
windows and roofs	\$75.00
with electric inspection needed	\$125.00

June 12, 1995

3

with elec. & plumbing inspection needed \$175.00

Jim Huck motioned to approve new fee schedule, seconded by Mark Kirschling. Motion carried.

Liquor and beer license fees were then discussed. The clerk reported what other local municipalities are charging. Mike Nett motioned to adjust the towns liquor and beer licence and related fees to the following:

Class B Liquor	\$75.00
Class B Beer	\$50.00
Class A Liquor	\$50.00
Class A Beer	\$25.00
Temporary Picnic Beer	\$10.00
Operator	\$10.00
Cigarette	\$5.00

The motion was seconded by Jim Huck, motion carried.

A Certified Survey from Roger Braun was reviewed. Description is S.W. 1/4 of the N.W. 1/4 of section 28, T. 16 N.-R. 18 E. of the Town of Taycheedah. Mike Nett motioned to accept certified survey for Roger Braun, seconded by Jim Huck. Motion carried.

A Certified Survey from Mike Nett was reviewed. Description is N.W. 1/4 of the N.E. 1/4 of section 21, T. 16 N.-R. 18 E. of the Town of Taycheedah. Mark Kirschling motioned to approve certified survey from Mike Nett conditional upon meeting town road standards and county subdivision standards and upon clerk receipt of a letter of credit of \$15.00 per foot of roadway, seconded by Jim Huck. Motion carried.

The Board decided the job title for the position to be filled would be TOWN MAINTENANCE SUPERVISOR. The position would pay \$11.00 per hour and health insurance would be covered 80/20%.

When arriving for the meeting tonight, the Board discovered the town hall was left in somewhat of a mess. A window also had been broken. The hall rental fee schedule was discussed. Mike Nett motioned to require a security deposit of \$50.00 whenever anyone rents the hall, seconded by Jim Huck. Motion carried.

Mike Nett motioned to approve town bills (order nos.229-281), seconded by Jim Huck. Motion carried.

Jim Emerich's rezoning request was reviewed. Mr. Emerich requests a zoning change from agricultural to residential. The 27.71 acre parcel is located at East of Lakeview Road and North of Silica Road. The Plan Commission met earlier. The Plan Commission approved lots 1,2,3,4,5,6,&7, with 6 yes votes and 1 member absent. Mike Nett motioned to approve lots 1,2,3,4,5,6,&7, to be rezoned from agricultural to residential, seconded by Mark Kirschling. Motion carried. Petion becomes Amendment Ordinance No. 26 to the Zoning Ordinance.

Darrin Wilson's rezoning request was reviewed. Mr. Wilson requests a zoning change from agricultural to residential. The 6.53 acre parcel is located on Cody Road. The Plan Commission met earlier. The Plan Commission denied the request based upon many unanswerable questions due to the fact that the Mr. Wilson did not appear at the meeting. The vote was 5 deny, 1 approve, and 1

June 12, 1995

4

member absent. Jim Huck motioned to deny Darrin Wilson's rezoning request based on the fact Mr. Wilson was not present to answer any important questions, seconded by Mark Kirschling. Motion carried.

The Board discussed road work that will be done this summer.

Jim Huck motioned to adjourn the meeting, seconded by Mark Kirschling. Motion carried.

Dated: June 14, 1995.

Attest, Brenda A. Schneider
Brenda A. Schneider, Clerk

June 13, 1995

Open Book

1

Open Book was held at the Taycheedah Town Hall on Tuesday, June 12, 1995. William Huck, Taycheedah Assessor made the following open book changes to the assessment roll:

Elmer Bertram, T20-16-18-10-12-001-00, improvements from \$4,800.00 to \$1,200.00, for a mobile home located in his woods.

Clarence Schafrik, T20-16-18-99-VT-493-00, land from \$5,000.00 to \$4,000.00.

Ledgeview Development Corp., T20-16-18-29-15-014-00, land from \$15,000.00 to \$7,500.00.

Ledgeview Development Corp., T20-16-18-29-15-005-00, land from \$15,000.00 to \$7,500.00.

Dated: June 16, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Town Clerk

June 19, 1995

Special Meeting

1.

A special meeting was held at 700 P.M., at the town hall. Town Board members present were: Chairman James Huck, Supervisors, Mark Kirschling and Michael Nett.

The main reason for calling this evenings meeting is to adopt the proposed Blasting Ordinance. Representatives from Northeast Asphalt and their attorney, Mr. John Thiel were present. Considerable discussion took place regarding the objections made by Northeast Asphalt at the May 16th meeting.

Jim Huck motioned to adopt Rough Draft No. 7 of the Blasting Ordinance with the following alterations and deletions:

Change the word "annoyance" to "nuisance" using the following definition: "an injurious effect on the safety, health or morals of the public or use of property which works some substantial annoyance, inconvenience or injury to the public, and which causes hurt, inconvenience or damage"

Page 4, section 3.2B. Financial Assurance. Delete the surety bond and rephrase all references to "bond" in the ordinance.

Page 11, (b), Applicant shall not be required to conduct a preblast survey more than once every six years and a well water quality test more than once every two years. Change well water quality test to "more than once every four years".

Motion was seconded by Mark Kirschling. Motion carried. A copy of the adopted Blasting Ordinance is attached.

Mr. Darrin Wilson addressed the Board concerning his request to rezone a 6.53 parcel from agricultural to residential. Mr. Wilson did not appear at the June 12th, Plan Commission or Town Board meetings. Mr. Wilson supplied copies of a Restrictive Covenant he has with Patricia Birschbach, the previous owner. The covenant restricts subdividing as well as stating that Mr. and Mrs. Wilson are the only ones that can build a home on the property. The Board decided to table the Wilson Rezoning request to a future date because they want Russell Knetzger, a land planner, to do a study on the parcel.

Mike Nett motioned to approve the Certified Survey from Ken Sippel. Description: SE 1/4 of the NE 1/4 section 1, T. 15 N. R. 18 E., seconded by Jim Huck. Motion carried.

Mike Nett motioned to approve the Certified Survey from Gerald and Claire Mueller. Description: Part of Government lot 3, fractional section 19, T. 16N., R.18E., seconded by Jim Huck. Motion carried.

A rezoning request from Thomas Koenigs and Tamara Boyls was presented. The Board will consider the request after Russell Knetzger does a land planning study. The cost of the study will be paid by Thomas Koenigs and Tamara Boyls.

Mike Nett motioned to approve the Nuisance Ordinance as printed in the revised sample ordinance from Attorney St. Peter dated, May 19, 1995, seconded by Mark Kirschling. Motion carried.

June 19, 1995

Special Meeting

2

A copy of the adopted Nuisance Ordinance is attached.

The new tractor and mower was discussed. Ray supplied visual aids of what he finds in ditches. The Board decided whoever could make it, would go the Farm Progress Days in July.

The Board decided to establish a long range planning committee. A preliminary list of members was compiled. Mike Nett will ask advise of Russell Knetzger in forming the task force.

July's monthly meeting will be held of July 17, the third Monday of the month. At the July meeting, the Board will establish the Long Range Advisory Committee.

Mike Nett motioned to adjourn the meeting, seconded by Jim Huck. Motion carried.

Dated: June 20, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Town Clerk

**ORDINANCE REGULATING THE USE OF EXPLOSIVES
AND BLASTING ACTIVITIES**

The Town Board of the Town of Taycheedah does ordain as follows:

Section 1. Authority and Purpose

1.1 Authority. This Ordinance is adopted pursuant to the police powers granted to the Town under Chapter 60, Statutes.

1.2 Purpose. The purpose of this Ordinance is to:

- A. Protect the health, welfare and safety of Town residents;
- B. Protect public and private property located within the Town;
- C. Regulate the use of explosive materials and establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or nuisance to persons or property.

Section 2. Definitions

2.1 The following definitions shall apply in this Ordinance. Terms not herein defined shall be understood to have their usual and ordinary dictionary meaning:

- A. "Airblast" means an airborne shock wave resulting from the detonation of explosives.
- B. "Approves" means approval granted by the Town of Taycheedah.
- C. "Blaster" means any individual holding a valid blaster's license issued by the Wisconsin Department of Industry, Labor and Human Relations.
- D. "Blasting" means any method of loosening, moving or shattering masses of solid matter by use of an explosive.
- E. "Blasting operation" means any operation, enterprise or activity involving the use of blasting.
- F. "Blasting resultants" means the physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration and concussion, which might cause injury, damage or unreasonable nuisance to persons or property located outside the controlled blasting site area.
- G. "Community" means a built-up inhabited area.

- H. "Permitted explosives use area" means the area that surrounds a blasting site and:
- (1) Is owned by the operator; or
 - (2) With respect to which, because of property ownership, employment relationship or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to assure the safety of persons and property.
- I. "Detonator" means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and non-electric instantaneous and delay blasting caps.
- J. "Department" means the Wisconsin Department of Industry, Labor and Human Relations.
- K. "Electric blasting cap" means a blasting cap designed for, and capable of, initiation by means of an electric current.
- L. "Explosion" means the substantially instantaneous release of both gas and heat.
- M. "Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion unless the compound, mixture or device is otherwise classified by the Department by rule.
- N. "Explosive materials" means explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black power, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.
- O. "Flyrock" means rock that is propelled through the air from a blast.
- P. "Ground vibration" means a shaking of the ground caused by the elastic wave emanating from a blast.
- Q. "Highway" means any public street, public alley or public road.

- R. "Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.
- S. "Particle velocity" means any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.
- T. "Person" means any individual, corporation, company, association, firm, partnership, society or joint stock company.
- U. "Powder factor" means any ratio between the amount of powder loaded and the amount of rock broken.
- V. "Primer" means a capped fuse, electric detonator or any other detonating device inserted in or attached to a cartridge of explosive.
- W. "Stemming" means the inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.
- X. "Nuisance" means an excessive, repeated noise, action or other disturbance that is not justified by reason.

Section 3. Regulation of Explosive Materials and Blasting

3.1 General. No person shall handle or use explosive materials in the Town of Taycheedah unless he:

- A. Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with the proper classification; and
- B. Possesses all necessary State permits and complies with all applicable local, State and Federal regulations, including, but not limited to, the requirements of this Chapter and Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.

For purposes of this ordinance, blasting does not include the discharge of firearms for hunting.

3.2 Permit. No person shall handle, use or cause explosives to be detonated within the Town of Taycheedah without an explosives use permit issued by the Town of Taycheedah, as hereafter set forth, to such person, his supervisor or employer:

- A. Application. Applications for an explosives use permit shall be in writing upon forms provided by the Town Clerk. Applications shall be accompanied by a Five Hundred Dollar (\$500.00) permit fee. Permits shall be issued on an annual basis commencing January 1 and ending on December 31. Applications may be made by and permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. The applicant will identify the licensed blasters operating under the permit and the blasting locations within the Town of Taycheedah.
- B. Financial Assurance. Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a certificate of insurance evidencing comprehensive general public liability insurance against claims for bodily injury, death, or property damage arising out of the blasting operation; such insurance to afford protection to the Town of Taycheedah and its residents of not less than \$1 million with respect to bodily injury or death to any one person, not less than \$3 million with respect to any one accident, and not less than \$100,000 with respect to property damage. The certificate of insurance shall name the Town of Taycheedah and its residents as additional insureds under the relevant policy. Any insurance which the blaster is obligated to carry under the terms of this ordinance may be carried under so-called "blanket" policies covering other properties or liabilities of the blaster, provided, that such blanket policies otherwise comply with the provisions of this section 3.2. Each insurance policy shall provide that it shall not be cancelled by the insurance company, except after not less than ninety (90) days' notice to the Town, in writing, by registered or certified mail. Not less than thirty (30) days prior to the expiration of the ninety (90) day notice of cancellation, the blaster must deliver to the Town a replacement insurance policy in absence of which all blasting shall cease. The liability insurance must be issued by a company licensed by the State of Wisconsin to issue the policy. The Town Board reserves the right to increase the amount of the insurance policy depending on the circumstances of the blasting activity.

- C. Explosives Use Plan. Each application for an explosives use permit or a renewal thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Board with a scale of no less than one (1) inch equals one hundred (100) feet and having an overlaying grid of fifty (50) feet by fifty (50) feet which accurately includes all areas and inhabited buildings within five hundred (500) feet of all proposed blasting areas.
- D. Hours of Operation. Blasting shall only be conducted between 9:00 a.m. and 4:00 p.m. on Monday through Friday, provided, however, that in the event an emergency has delayed a blast beyond 4:00 p.m., a loaded hole may be blown within a reasonable time thereafter. Blasting shall not be conducted at other times or on Sundays or legal holidays without written permission from the Town Board or its designee, which shall only be granted upon a showing of extreme need.
- E. Blasting Log. An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of said log shall be supplied to the Town Clerk within seven (7) working days of the initiation of the blast. The Town may require that the permittee furnish to the Town an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Town may obtain such analysis from an independent expert. The permittee shall be liable for the reasonable cost of such analysis if it is determined after an opportunity to be heard that this ordinance was violated by the permittee. Each blasting log shall include, but not be restricted to, the following information:
- (a) Name and license number of blaster in charge of blast;
 - (b) Blast location with grid coordinate references to the supplied aerial photograph or drawing of the explosives use area;
 - (c) Date and time of blast;
 - (d) Weather conditions at time of blast;
 - (e) Diagram and cross-section of blast hole layout;
 - (f) Number of blast holes;

- (g) Blast hole depth and diameter;
- (h) Spacing and burden of blast holes;
- (i) Maximum holes per delay;
- (j) Maximum pounds of explosives per delay;
- (k) Depth and type of stemming used;
- (l) Total pounds of explosives used, including primers and initiating cord;
- (m) Distance to nearest inhabited building not owned by permittee;
- (n) Type of initiation system used;
- (o) Seismographic and airblast information, which shall include:
 - (1) Type of instrument and last calibration date;
 - (2) Exact location of instrument and date, time and distance from the blast;
 - (3) Name and company affiliation of person taking reading;
 - (4) Name of the person and firm analyzing the seismographic and airblast data when required;
 - (5) Vibrations and airblast levels recorded; and
 - (6) Copy of the seismograph printout.

Section 4. Temporary Permits

The Town Clerk or Building Permit Issuer upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for a duration of fourteen (14) consecutive working days. The Town Board, in its discretion, may grant one fourteen (14) day extension. Only one (1) temporary permit (and one renewal) can be issued for any given site within the year of permit issuance. Applicants for temporary permits are required to provide financial assurance as specified in Section 3.2 and provide notice to all neighbors within 500 feet of the special construction or demolition activity.

Permits shall be in the following categories:

1. Road, sewer, heavy construction. The fee shall not exceed \$500.00 determined by the Town Board based on the explosive use plan submitted by contractor or blaster.

2. Construction authorized by Town Board. Construction authorized by the Town Board for town use is exempt from the fee. Applicants for these permits are required to file financial assurances as specified in Section 3.2 and provide notice to all neighbors within 500 feet.

3. Construction. This category includes home building, septic systems, swimming pools, etc. The fee is included in the \$10.00 building permit. If blasting becomes necessary after the issuance of a building permit, a \$10.00 fee will be assessed for the blasting permit. No bond is required. However, proof of insurance and notice to all neighbors within 500 feet is required.

4. Agricultural. This category includes stump removal, silo demolition, manure pits, etc. The fee shall be \$10 for the permit. No bond is required. However, proof of insurance and notice to all neighbors within 500 feet is required.

Section 5. Regulation of Blasting Resultants

5.1 Purpose of Section. It is the purpose of this Section to provide for the establishment of uniform limits on permissible levels of blasting resultants to reasonably assure that blasting within the Town of Taycheedah does not cause injury, damage or a nuisance to persons or property outside and beyond the permitted explosives use area.

5.2 Instrumentation. All blast-monitoring instruments used to produce data to support compliance with this Subsection shall meet the following minimum specifications:

- A. Seismic frequency range: 2 to 200 Hz (\pm 3 Hz).
- B. Acoustic frequency range: 2 to 200 Hz (\pm 1dB).
- C. Velocity range: 0.02 to 4.0 inches per second.
- D. Sound range: 100 to 140 dB linear.
- E. Transducers: Three (3) mutually perpendicular axes.
- F. Recording: Provide time-history of wave form.
- G. Printout: Direct printout showing time, date, peak air pressure, peak particle velocity and frequency in three (3) directions and a printed waveform graph of the event depicting measured air blast and particle velocity in the three (3) directions.
- H. Calibration: At least once every twelve (12) months according to manufacturer's recommendations.

5.3. Control of Adverse Effects.

A. General Requirements. Blasting shall be conducted so as to prevent injury and unreasonable annoyance to persons and damage to public or private property outside the permitted explosives use area.

B. Airblast.

- (1) Limits. Airblast shall not exceed the maximum limits listed in Table A-1 at the location of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permitted explosives use area. Notwithstanding this general requirement, an annual permit holder subject to this limitation may exceed the limitation on up to five percent (5%) of the blasts it initiates during the period from January 1 to December 31 without violating this Ordinance, provided that the airblast produced by such blasts does not exceed the limitations on airblast imposed by the Wisconsin Department of Industry, Labor and Human Relations in Subsection ILHR 7.64(2), Wis. Adm. Code, as amended from time to time.

TABLE A-1

AIRBLAST LIMITS

<u>Lower Frequency Limit of Measuring System in Hz</u>	<u>Maximum Level in db</u>
2 Hz or lower -- Flat response	123 peak
6 Hz or lower -- Flat response	129 peak

(2) Monitoring.

- (a) The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permittee explosives use area, provided, however, that the permittee may monitor, at another location, approximately the same distance from the blast site, if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Town Board or its designee may, at its discretion, require the relocation of monitoring equipment to a more suitable site and/or may conduct independent air-blast monitoring to spot-check data supplied

by the permittee. If independent monitoring by the Town after hearing discloses that the ordinance was violated by the permittee, then in that event, the permittee shall pay the reasonable costs incurred by the Town for the independent monitoring. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the permittee, who shall reimburse the Town for such expenses within thirty (30) days after receipt of such notice.

(b) The measuring equipment used shall have an upper end flat frequency response of at least two hundred (200) Hz.

(c) All measuring equipment during monitoring shall be spiked to the ground or sandbagged.

C. Flyrock. Flyrock produced as a result of explosives use shall be totally contained within the permitted explosives use area.

D. Ground Vibration.

(1) General.

(a) The maximum ground vibration at the location of any dwelling, public building, place of employment, school, church or community or institutional building outside or beyond the permitted explosives use area shall have a maximum peak-particle-velocity limit as provided by the Department, the scaled-distance equation provided by the Department, or the blasting level chart provided by the Department, whichever is applicable hereunder.

(b) All structures in the vicinity of the permitted explosives use area, not listed in Subsection (a), such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines shall be protected from damage by establishment by the permit holder of a maximum allowable limit on the ground vibration. The permit holder shall establish the limit after consulting with the owner of the structure.

(2) Seismic monitoring.

- (a) The Town Board, in its discretion, may conduct independent seismic blast monitoring to spot-check data supplied by the permit holder. If the independent monitoring was done after good cause was shown therefor and after the permittee was given notice and an opportunity to be heard on the matter, the permittee shall be liable to the Town for all expenses incurred by the Town as a result of such independent monitoring. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the permittee, who shall reimburse the Town for such expenses within thirty (30) days after receipt of such notice.
- (b) The Town Board, upon good cause shown and after giving the permittee notice and an opportunity to be heard, may request analysis of records and data for any or all blasts which occurred within the permitted explosives use area.

(3) Preblasting notification.

- (a) Each explosives use permit application and all reapplications shall include the names and addresses of all residents or owners of dwellings or other structures located within an area affected by the permitted explosives use. The affected area shall be determined based on the maximum pounds of explosive per 8 MS delay from the previous three years' high. This calculation's square root x 100 shall determine the affected in area in feet. This calculation shall be the maximum distance from the boundary of the quarry where a preblast survey may be requested. One thousand feet shall be the minimum distance for which a preblast survey may be requested regardless of the above calculation. Residents outside of these boundaries may petition the Town Board for a preblast survey, with the survey to be at the quarry operator's expense. Residents denied this preblast survey may, at their own expense, secure a survey by a company acceptable to the quarry operator. The quarry operator may not unreasonably reject the company proposed to perform the survey. The surveys performed in this paragraph will

serve as the basis for damage claims against the quarry operator. The blasting logs used to determine the previous three years' high, as referenced in this subsection, are available for inspection from the Town Clerk. (See Section 3.2, E.)

- (b) At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the affected area, previously defined in subsection (3)(a) immediately above, who may request a preblast survey. All preblast surveys shall include a water quality test for existing wells. The applicant shall cause a preblast survey to be conducted as to such dwellings or structures, and extensive water quality testing for existing wells, provided, however, that the applicant shall not be required to conduct a preblast survey more than once every six (6) years and a well water quality test more than once every four (4) years. The applicant or permittee are responsible for the costs of all requested preblast surveys and water quality tests.
- (c) The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town Clerk, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town any objections to the survey report, setting forth in detail such objections.
- (d) The owner of a dwelling or structure that is within the affected area defined in subsection (3)(a) above, who subsequent to the preblast survey has substantially modified or improved the dwelling or structure by 50% or more of the fair market value may request a new preblast survey. If it is found that a preblast survey is appropriate, the permittee may conduct such surveys within a reasonable period of time, but not exceeding twice a year for all such requests by all owners. These updated surveys shall be requested in writing submitted to the Town Board, which shall promptly notify the permittee of the request.

- (e) All expenses incurred as a result of such independent surveys shall be the responsibility of the applicant/permittee. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the applicant/permittee, who shall reimburse the Town for such expenses within thirty (30) days after receipt of such notice.

Section 6. Applicability

6.1 Effective Date. All use of explosives and blasting activity conducted in the Town on or after the date of adoption of this Ordinance shall be subject to the provisions of this Ordinance. Existing operations of whatever nature, including without limitation nonmetallic mining operations, shall comply with the terms of this Ordinance.

6.2 Other Ordinances. Where the provisions of this Ordinance conflict with any provisions of any other Town Ordinance, the provisions of this Ordinance, if more restrictive than those of the other Ordinances, shall control and shall supersede the provisions of the other Ordinances.

6.3 State and Federal Laws. Where the provisions of this Ordinance conflict with the provisions of any applicable State or Federal law or regulation, the provisions of the most restrictive Ordinance, Statute or Regulation shall control, to the extent permitted by State and Federal law.

Section 7. Violations and Penalties

7.1 Enforcement Provision.

- A. Enforcement. The following are criteria that the Town Board may consider for issuance, re-issuance, suspension or revocation of a blasting permit:
 - 1. Compliance with the blasting standards established by the Town of Taycheedah as noted herein by this ordinance.
 - 2. Development and submittal to the Town Board of the Town of Taycheedah the explosives use plan and fails upon operation to comply with the plan.
 - 3. Development and submittal to the Town Board of the Town of Taycheedah the blasting log and fails upon operation to comply with the information called for by the blasting log.
 - 4. Maintaining the financial assurance requested by the Town Board of the Town of Taycheedah.

5. Compliance with the operational hours for blasting as noted herein by this ordinance.
6. Compliance with airblast and ground vibration standards established by the Town of Taycheedah as noted herein by this ordinance.
7. Compliance with the pre-blasting notification requirements to residents and the Town Board as noted herein by this ordinance.
8. Attempts made by the permittee or party in interest to comply with the provisions of this ordinance.
9. Consideration of atmospheric, unknown conditions including geophysical conditions, and other matters beyond the control of the permittee or party in interest.

B. Suspension/Revocation. Unless expressly provided herein or by other Town of Taycheedah ordinance provisions, the explosive use permit may be suspended or revoked for cause for substantial noncompliance with the ordinance after the proper Town of Taycheedah hearing noted below, unless in an emergency condition determined by a designated member of the Town Board and either the Town Clerk, the Town Constable, or the permit issuer of the Town of Taycheedah wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board of the Town of Taycheedah must, by the Town Clerk of the Town of Taycheedah, receive a verified complaint concerning the licensee, registrant or permittee. The following persons may file a verified complaint with the Town Board of the Town of Taycheedah:

1. The Town Chair.
2. The Town Clerk.
3. The Town Supervisors.
4. The Town Zoning Administrator/Building Inspector.
5. The Town Constable.
6. Any Town of Taycheedah Resident.
7. A Landowner within 1000 feet of the blasting site.

The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to required a formal evidentiary hearing.

The person subject to charges for violation of any Town of Taycheedah ordinance or any violation of a condition of the explosives use permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board of the Town of Taycheedah. The hearing shall be required to be not less than 10 days nor more than 30 days after the receipt of notice, unless stipulated in writing by the Town Board of the Town of Taycheedah and the person subject to charges.

The person subject to charges for violation of any Town of Taycheedah ordinance or any violation of a condition of the explosive use permit shall be entitled to the following:

1. Representation by legal counsel.
2. Right to present and cross examine witnesses.
3. Right to subpoena witnesses by the Town Chair of the Town of Taycheedah issuing subpoenas to compel attendance of witnesses.

The Town Board of the Town of Taycheedah may, after the hearing for any person previously issued an explosive use permit by the Town Board of the Town of Taycheedah, act as follows:

1. Revoke the permit as a final decision.
2. Suspend the permit for a date certain as a final decision.
3. Request additional information as an interim decision prior to taking future action.
4. Take no action on the permit as a final decision.

The final decision of the Town Board of the Town of Taycheedah to revoke or suspend the explosives use permit shall be subject to appeal to the Circuit Court.

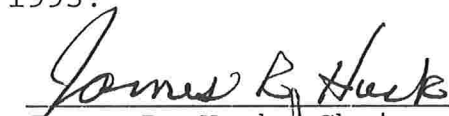
7.2 Penalties for Violations. In addition to the denial, suspension or revocation of a permit issued under this Ordinance, any person who shall violate any provision of this Ordinance or who shall fail to obtain a permit as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance. Any default of such forfeiture determined by a Court of competent jurisdiction shall be subject to any penalties as provided by Section 66.115, 66.117, 66.119 and 66.12, Wis. Stats., as may be amended.

Section 8. Miscellaneous

8.1 Severability. It is hereby declared to be the legislative intent that should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance in its entirety or any part thereof, other than that so declared to be invalid.

8.2 Effective Date. This Ordinance shall take effect and be in force upon its passage and publication as required by law.

Adopted this 19 day of June, 1995.



James R. Huck, Chairman

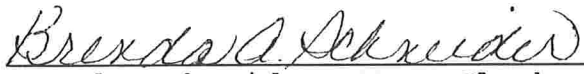


Michael Nett, Supervisor



Mark A. Kirschling, Supervisor

Attest:



Brenda Schneider, Town Clerk

TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN

PLEASE TAKE NOTICE that on June 19, 1995 the Town Board of the Town of Taycheedah adopted a final Ordinance Regulating the Use of Explosives and Blasting Activities. The purpose of the Ordinance is to reasonably assure that blasting does not cause injury, damage or nuisance to persons or property.

"Nuisance" means an injurious effect on the safety, health, or morals of the public, or use of property which works some substantial annoyance, inconvenience, or injury to the public and which causes hurt, inconvenience, or damage.

Brenda Schneider, Town Clerk

TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN

ORDINANCE PROHIBITING PUBLIC NUISANCES

WHEREAS, the Town Board of the Town of Taycheedah deems it in the public interest and welfare to establish regulations prohibiting public nuisances as defined herein; and

WHEREAS, the Town finds it necessary to exercise its police powers as authorized by sec. 60.22 of the Wisconsin Statutes;

NOW, THEREFORE, the Town Board of the Town of Taycheedah, Fond du Lac County, Wisconsin, does ordain as follows:

SECTION 1. APPLICABILITY

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Taycheedah.

SECTION 2. DEFINITIONS

2.1 Public Nuisance-General. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to: (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; (b) In any way render the public insecure in life or in the use of property; (c) Greatly offend the public morals or decency; (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property; (e) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

2.2 Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 2.1 of this section:

(a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(b) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(c) All animals running at large.

(d) The escape of soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.

(e) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(f) Any use of property, substances or things within the Town emitting or causing any foul, offensive, nauseous, unwholesome or disagreeable odors, gases, stenches, liquids or substances offensive to the physical senses to an ordinary person possessed of ordinary tastes and susceptibilities or which otherwise annoy, discomfort, injure or inconvenience the health of persons within the Town. This definition shall not apply to odors produced through the operation of farming practices.

(g) All abandoned wells not securely covered or secured from public use.

(h) Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters.

(i) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, or debris.

2.3 Public Nuisances-Intoxicating Liquor. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license or contrary to an existing permit or license, are deemed a public nuisance.

2.4 Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of 2.1 of this section:

(a) All loud, discordant and unnecessary noises or vibrations of any kind.

(b) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall annoy or disturb neighbors or other residents of the Town. This definition shall not apply to noises made by farm animals.

(c) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.

(d) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(e) Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).

(f) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(g) All items enumerated in section 2.2, above.

SECTION 3. ABATEMENT OF PUBLIC NUISANCES

3.1 **Inspection of Premises.** Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Board shall inspect or cause to be inspected the premises complained of.

3.2 **Notice to Owner.** If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting or maintaining the nuisance or the owner or occupant of the premises to abate or remove such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

3.3 Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Town shall cause the abatement or removal of such public nuisance.

3.4 Abatement by Court Action. If the Town shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals or decency, the Town may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Fond du Lac County.

3.5 Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

SECTION 4. COST OF ABATEMENT

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

SECTION 5. PENALTIES

Any person who violates any provision of this ordinance or any order, rule or regulation made hereunder shall, upon conviction, be fined not less than \$50.00, nor more than \$500.00 for each offense, together with the costs of prosecution, including reasonable attorneys' fees. Each day that a violation continues shall be considered a separate offense. Furthermore, the Town shall be permitted to withhold the issuance of licenses, authorities, grants or permits until the nuisance has been abated and all penalties and costs satisfied.

SECTION 6. INTERPRETATION AND SEVERABILITY

6.1 Interpretation. The provisions of this ordinance are not intended to supersede or modify provisions of existing Zoning Ordinances or other rules, regulations and ordinances adopted by the Town. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant, the provisions of this ordinance shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

6.2 Severability. It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

James R. Huck
Town Chairman

Attest:

Brinda A. Schneider
Town Clerk

Adopted this 19 day of June, 1995.

Published this 29 day of June, 1995.

July 17, 1995

Monthly Meeting
CORRECTED MINUTES

1.

The July monthly meeting of the Taycheedah Town Board was held on July 17, at the town hall. Members present were: Chairman Jim Huck, Supervisors Mark Kirschling and Mike Nett.

The minutes from the June monthly meeting were read by the Clerk Brenda Schneider. Jim Huck motioned to approve the minutes as read, Mike Nett seconded. Motion carried.

Community planner, Russell Knetzger, updated the Board on the boundary agreement negotiations with the City of Fond du Lac.

Russell then gave a verbal report on the Darrin Wilson rezoning request. Mrs. Wilson agreed not to subdivide the parcel and was willing to put it in writing. Mrs. Wilson stated that her and her husband plan on building a home on the parcel within one year. Jim Huck motioned to approve the Wilson rezoning request with the understanding that Mrs. Wilson offered that the property would not be subdivided if zoning were changed to Residential, seconded by Mike Nett. Jim Huck and Mike Nett voted in favor of the motion, Mark Kirschling voted against the motion. Motion carried. Wilson request will become Amendment Ordinance No. 27 to the Zoning Ordinance.

Board of Appeals member whose term whose terms were up for reappointment were: Leo Michels and Robert Holzman. Leo Michels does not wish to seek another term. Jim Huck motioned to appoint Robert Holzman and Lance McClellan to the Board of Appeals, seconded by Mike Nett. Motion carried. Robert Holzman and Lance McClellan will each serve three year terms. Their terms will expire in July of 1998.

After discussion about zoning change and variance fees paid by the petitioners and the towns expenses of maintaining the Appeals Board and the Plan Commission, Mike Nett motioned to increase the Board of Appeals fee to \$75.00 (paid by the petitioner), set the Board of Appeals secretary's salary at \$20.00 per meeting, additional Board of Appeals members salary at \$12.00 per meeting, Plan Commission secretary's salary at \$20.00 per meeting, additional Plan Commission members would not receive a salary, milage reimbursement would be paid if requested to any member on either Board. Seconded by Jim Huck, motion carried.

Koenigs/Boyles rezoning request was discussed. Mike Nett motioned to direct the Plan Commission to study the request of Tom Koenigs and Tamara Boyles to rezone a parcel near the intersection of Cty. Tr. W and Silica Road from Agricultural to Residential. Seconded by Mark Kirschling, motion carried.

Jim Huck motioned to approve installing a stop sign at the intersection of Fulton St. and Winnebago St. in Taycheedah, replacing a yield sign, seconded by Mark Kirschling. Motion carried.

Mark Kirschling motioned to amend the operator's license fee to \$5.00, seconded by Mike Nett. Motion carried.

Calumet Fire Department's Chief Al Simon had a verbal agreement with former Town Chairman Jim Bertram in regards to a yearly donation to the Calumet First Responders. Mike Nett motioned to donate \$500.00 to the Calumet First Responders,

July 17, 1995

Monthly Meeting

2.

seconded by Jim Huck. Motion carried.

The Board agreed to change the pay periods of the Town's elected officials from August & February to August, December & April. Thus resulting in final payment at the end of terms.

Mark Kirschling dispersed a Drainage, Development and Construction Ordinance from the Town of Caledonia. Dave Bestor does Fond du Lac's roadwork on the computer. The Board wishes to study computerized road maintenance.

The Army's agreement with the Board, as far as using the Town Park for drills was mentioned. Mark Kirschling will contact the Army in regards to the amount of notice given prior to future requests.

Mark Kirschling submitted a sample Blasting Permit application. The Town Clerk and the Town Permit Issuer will accept the filed applications. The Board will review and approve the applications. The permits will run yearly from January 1 to December 31, with the exception of the temporary permits.

The purchase of a new tractor was again discussed. The Board traveled to Farm Progress Days in Slinger on July 10, in order to investigate what equipment would best suit the Town's need. The major debate is whether to purchase a rotary or a flail mower. Dan Freund offered to give a demonstration of a rotary mover. The mower decision needs to be made before a decision can be made on which tractor to purchase.

Job Service recommended two applicants for the Road Maintenance Supervisor position. Jim Huck will notify the two individuals and set up interviews for Thursday evening, July 20.

Jim Huck motioned to approve the Town bills (order nos. 283-323), seconded by Mike Nett. Motion carried.

Mike Nett motioned to adjourn the meeting, Jim Huck seconded. Motion carried.

Dated: July 23, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Taycheedah Town Clerk

July 20 1995

Special Meeting

1.

A special meeting was held on July 20, 1995, at 7:00 P.M. for the purpose of interviewing a job applicant. Members present were: Chairman Jim Huck, Supervisors Mike Nett and Mark Kirschling.

Jim Huck motioned to open the meeting, seconded by Mark Kirschling. Motion carried.

Mark Kirschling motioned to go into closed session, Jim Huck seconded. Motion carried.

The Board interviewed Steven Peachy.

Mark Kirschling motioned to adjourn the meeting, seconded by Jim Huck. Motion carried.

Dated: July 23, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Taycheedah Town Clerk

July 22, 1995

Special Meeting

1.

A special meeting was held on July 22, 1995, at 10:00 A.M., at the town hall for the purpose of interviewing a job applicant. Members present were: Chairman Jim Huck and Supervisor Mark Kirschling.

Jim Huck motioned to open the meeting, seconded by Mark Kirschling. Motion carried.

Mark Kirschling motioned to go into closed session, Jim Huck seconded. Motion carried.

The Board interviewed Eugene Yaeger.

Mark Kirschling motioned to adjourn the meeting, seconded by Jim Huck. Motion carried.

Dated: July 23, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Taycheedah Town Clerk

July 31, 1995

Special Meeting

1.

The meeting was called to order by Chairman James Huck at 7:00 P.M. Board members present were: Chairman James Huck, Supervisors Michael Nett and Mark Kirschling.

An application for Blasting and Explosive Use was submitted to the Board from Northeast Asphalt. All information and the fee which was required of the applicant was accepted by the Board. The Board studied and evaluated the application, certificate of insurance, and the maps of their blasting plan. Mark Kirschling motioned to approve the Blasting and Explosive Use application of Northeast Asphalt conditional upon the addition of benchmarks for the existing quarry faces (adding the notations on the site initiation map), seconded by Mike Nett. Motion carried.

Certified Survey Map from Mike Emerich was reviewed by the Board. The zoning change from Agricultural to Residential has now been formally completed. Mike Nett motioned to accept the Certified Survey Map from Mike Emerich as presented, seconded by Jim Huck. Motioned carried.

The Board approved the Scott Construction bid for roadwork and repairs. Scott's bid was \$20.00 per ton and Northeast Asphalt's was \$22.00 per ton.

The Board gave permission to the Clerk, Brenda Schneider, to purchase an electric typewriter for Lance McClellan, the Appeals Board Secretary. Price not to exceed \$100.00.

Mark Kirschling motioned to go into closed session to review applications and resumes and to decide which applicant to hire as the Town's Road Maintenance Supervisor, seconded by Jim Huck. Motion carried.

August 14, 1995

Monthly Meeting

1.

The monthly meeting of the Taycheedah Town Board was held on Monday, August 14, 1995, at the town hall. Members present were: Chairman James Huck, Supervisors, Michael Nett and Mark Kirschling. The minutes from the July 17th monthly meeting were read. Mark Kirschling made one addition in regards to the Wilson rezoning petition. The addition is as follows: Mrs. Wilson stated that her and her husband plan on building a home on the parcel within one year. The minutes stand as corrected.

The petition of Thomas Koenigs and Tamara Boyles, to rezone a parcel they wish to purchase with the intent of building a home on it in 1997, as Amendment Ordinance No. 28 of the Town of Taycheedah Zoning Ordinance was considered by the Board.

A Public Hearing held by the Town Plan Commission was held at 7:00 P.M.. The Plan Commission unanimously recommended adoption of Amendment No. ~~28.3~~ Five members in favor, two absent. Mike Nett motioned to approve the petition from Thomas Koenigs and Tamara Boyles subject to petitioner submitting a legal description of the property they petitioned for with 200 feet of frontage on County Trunk W and 800 feet deep more or less, Jim Huck seconded. Motion carried.

Mike Nett proposed changing the existing standards for driveway approaches currently in the Approval and Acceptance of Plats, Certified Surveys and Roads. Currently, concrete approaches are not allowed. Mike suggested the following: (a) approaches being two feet wider than driveway at the road then form a triangle six feet into the driveway, on both sides, (b) dirt and grass up to the approach or slope concrete around the culvert and down into ditch, (c) no barricades or fences higher than ground level between culvert and road. The Board discussed the possibility of requiring residents to submit details indicating width of approach, slope and whether or not barricades would be added, including their placement. Acceptance and enforcement of this proposal would decrease maintenance and repairs of the Town's snowplows and other road work equipment, as well as increase public safety. Mike Nett will mail a sketch of his proposal to the other Board members.

Dick Schaefer has contacted the Board in regards to the abandonment of Railroad Street in Malone. Agri-Land Coop wishes to remove three existing buildings and construct a new building. Prior records indicate that the topic of abandoning Railroad Street was considered but nothing was formally completed. Mr. Schaefer informed the Board that Agri-Land's attorney will contact Attorney John St. Peter, and that the issue will be settled through the court system.

Mike Nett made a resolution clarifying how the Town officials will be paid per diem and meeting fees when conducting town business. It is as follows:

\$30.00 per diem for meetings held out of town when an overnight stay is necessary-when meals are not included in the meeting fees

\$25.00 per day for time spent at meetings out of town

August 14, 1995

Monthly Meeting

2.

(more than 10 miles from the town hall-seminars, workshops and educational meetings held within 10 miles of the town hall will be paid only when pre-approved by the Town Board

Hotel accommodations paid or reimbursed at a reasonable rate for the area

Russell Knetzger faxed Mike Nett a long range planning proposal which Mike distributed to the Board. Mr. Knetzger is not sure that he will have enough time to work with the Board to establish a long range growth plan for the Town of Taycheedah. Mr. Knetzger recommended several other planning firms that the Board could consider.

The new tractor was discussed. The following quotes have been compiled:

76 hsp Ford w/72" mower	\$33,590
66 hsp Ford w/72" mower	\$30,000
75 hsp John Deere w/60" mower	\$32,799
60 hsp John Deere w/60" mower	\$31,679
72 hsp Case w/72" mower	\$28,400

The Board will request a demonstration of a rotary mower. Dan Freund could give a demonstration in September.

Jim Huck motioned to purchase a Motorola cellular phone to be used by the road maintenance supervisor, seconded by Mike Nett. Motion carried.

The night of the monthly meeting will change to the second Tuesday of the month due to a conflict in the clerk's schedule. The time will remain at 7:30 P.M..

Jim Huck informed the Board of the possibility of a rezoning request on the 116 acre Reichling property possibly being purchased by a developing firm.

Mark Kirschling mentioned road construction standard. The Board agrees that quality depends upon compaction.

Mike Nett obtained a report from WP&L on the cost per month to install and operate a street light at the intersection of Highway 151 and Fisherman's Road. The quote is \$4.67 including bracket, rent, and electricity. The light has been requested by the Willow Lane Beach Association and the Board will bill them for cost of the light. The Board will check with the State about adding a light by the Town Hall at the intersection of Highway 151 and Kiekhaefer Parkway.

The Board has requested that the clerk draft a letter for Steve and Sue Guelig indicating that the Town Board has no objection the their plans of using the existing driveway approach located at W2998 Ledge Road. The Board indicated that the approach must stay in its existing position.

Mandatory drug testing of town employees by January 1, 1996, was mentioned. Consultants Lab can do the testing for the Town.

Ed Braun asked about the vision restricting brush by the stop sign at the intersection of Michigan and Fulton streets in Taycheedah. Jim Huck and Ed will personally take care of the

August 14, 1995

Monthly Meeting

3.

problem.

Jim Huck motioned to approve the town bills (nos. 324-384), seconded by Mike Nett. Motion carried.

Nite Owl Janitorial will be contacted to do cleaning and buffing on the town hall floor every six months instead of every two to three as indicated on their proposal.

Mike Nett motioned to adjourn the meeting, seconded by Jim Huck. Motion carried.

Dated: August 18, 1995

Attest. Brenda A. Schneider
Brenda A. Schneider
Taycheedah Town Clerk

The Taycheedah Town Board held a meeting on September 12, 1995, at 7:00 P.M., to meet with the Town's Attorney John St. Peter. Members present were: Chairman James Huck, Supervisor Mark Kirschling.

Jim Huck called the meeting to order at 7:05 P.M.. Jim Huck motioned to convene into closed session pursuant to sec. 19.85(1)(g), Stats., to confer with the Town Attorney concerning strategy to be adopted by the Town with respect to its defense against a lawsuit filed by Northeast Asphalt, Inc. challenging the Town's Blasting Ordinance.

Jim Huck motioned to reconvene into open session following a five minute break, seconded by Mark Kirschling. Motion carried.

The Chairman requested that the Clerk dispense with the reading of the minutes from last months meeting.

The Board received a petition from Agri-Land Coop's legal representative, Attorney Charles Averbeck, for Vacation of Railroad Street in Malone. Agri-Land proposed to abandon Railroad Street from the West lot line of Delmore Koenigs' property to the West, then from the West end of Railroad Street further West to include the alley. Agri-Land will provide an easement to Joe Julka provided Railroad Street is abandoned. (Map attached.) Jim Huck motioned to acknowledge receipt of petition to vacate Railroad Street in Malone, to proceed with publication prepared by applicant, seconded by Mike Nett. Motion carried. The Board agreed to have a special meeting, as soon as possible, to consider vacating the street.

Elmer Thome questioned who would maintain the section of Railroad Street from the West lot line of Delmore Koenigs' property to the East up to County Trunk W. Agri-Land has been grading, gravelling and snowplowing the area in question. The road does not have a good base. The Board will check on the possibility of receiving shared revenue for the road. The Board will also check into the most cost effective maintenance solution. The Coop agreed to continue to snowplow the road it is abandoned. Delmore Koenigs' questioned the County Trunk W right-away. Attorney St. Peter answered his question.

The Board requested the appearance of Darrin and Mary Ann Wilson in regards to their property on Cody Road, which the Board recently granted their zoning change. Attorney Charles Averbeck, who was retained that day by the Wilson's, appeared on their behalf. The Wilson's have listed the property for sale with Hometown Realty. Mr. Averbeck informed the Board that Mr. Wilson lost his job with Farm Credit Services in mid June. Mr. Wilson started a new job in Indiana on July 21. Mr. Wilson moved his wife and family to Springhurst, Indiana. The rezoning was granted on July 17. The Wilson's have not paid the fees which they were billed for on August 3. Atty. St. Peter informed the Board that the new buyer would not be obligated to Mrs. Wilson's verbal offer on July 17, not to subdivide the property. However, the restrictive covenant that the Wilson's have with Patricia Birschbach would stay with the land, regardless who owns the property. Mike Nett motioned not to rescind the Wilson's rezoning provided that the Town Board receives payment of the fees previously billed to the Wilson's and an

Attest, Brenda A. Schneider
Brenda A. Schneider
Town Clerk

TOWN OF TAYCHEEDAH

FOND DU LAC COUNTY

RESOLUTION

Whereas, the 1995-97 State Transportation Budget has not been passed by the State Legislature,

Whereas, further delay will hinder local governments in preparing their budgets for 1996 and selecting Local Road Improvement Projects (for TRIP, MSIP, & CHIP),

Whereas, further delay may jeopardize letting of state projects, possibly even losing one whole construction season next year,

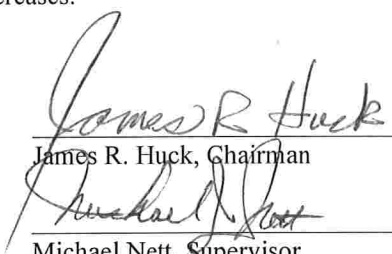
Whereas, additional state revenues are needed to make up federal cuts and increased debt obligation from, past projects to have the same level of funding as the past two years,

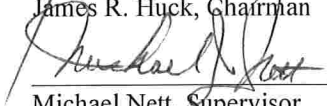
Whereas, local roads in the Town of Taycheedah, Fond du Lac County, are in need of adequate funding to properly maintain and reconstruct roads,

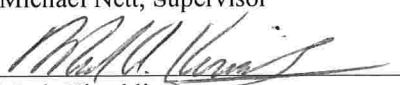
Now Therefore Be It Resolved the Town of Taycheedah, Fond du Lac County, does hereby ask the State legislature to pass the 1995-97 State Transportation Budget as soon as possible and no later than October 5, 1995.

Further Be It Resolved the Town of Taycheedah, Fond du Lac County does hereby support increasing state revenues the equivalent of 3.5 cents per gallon by a franchise fee on motor fuels (except dyed diesel fuel), if local per mile minimum aids are set at \$1415 per mile for 1996 and \$1480 per mile for 1997, and the Local Road Improvement Program receives 3% per year increases.

Adopted this 12th day of September, 1995.


James R. Huck, Chairman


Michael Nett, Supervisor


Mark Kirschling

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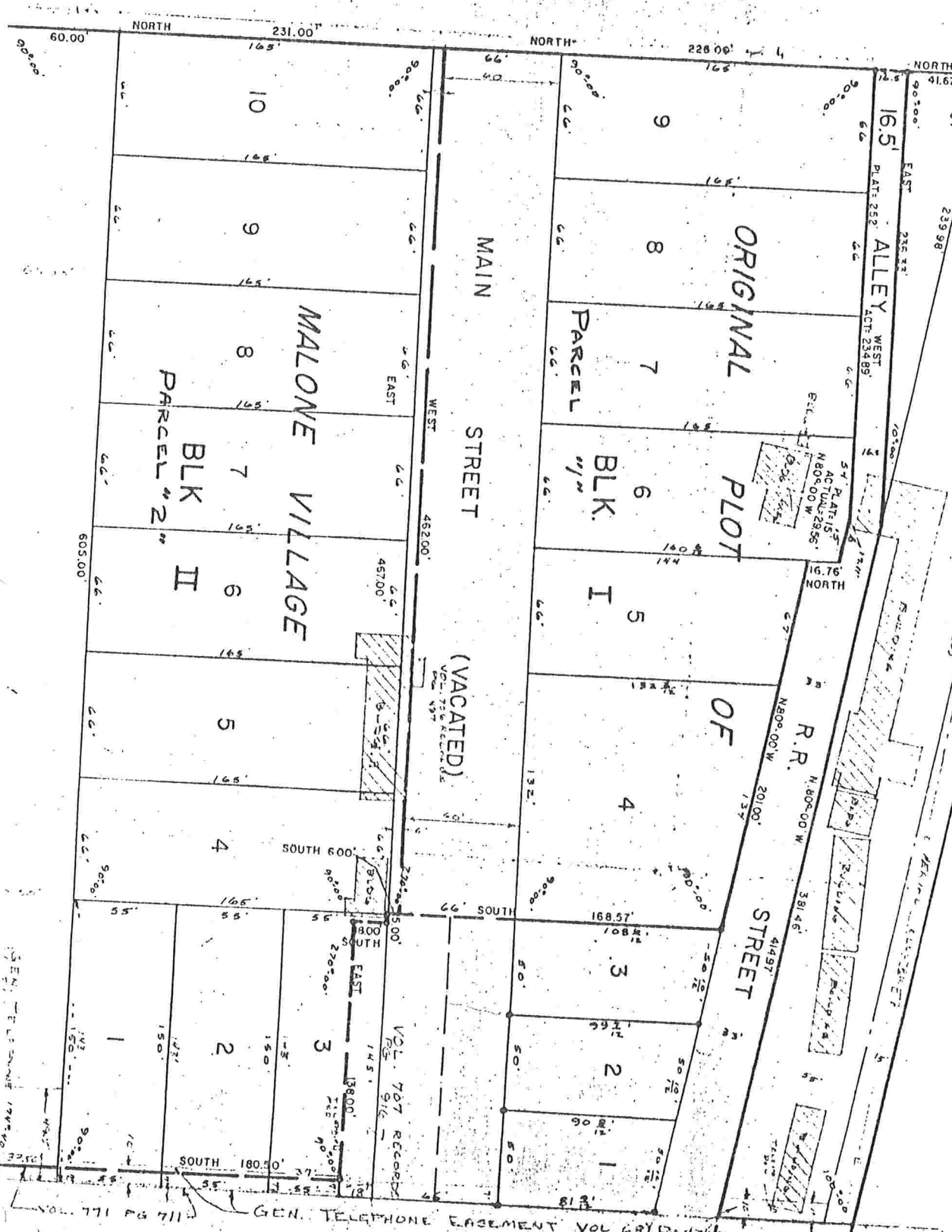
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TOWN OF TAYCHILLDAH

TOWN OF TAYCILEDAH