

March 1st, 2021
Monthly Town Board Meeting
8:06 PM Glenmore Community Center

X-Present 0-Absent

Loppnow X Nowak X Klika X Kozlovsky X
DeMerritt X Ossmann X Guns 0 Schauer X
Attorney Labs X Schaefer X Residents/Guests 91

TOWN OF GLENMORE---MONTHLY TOWN BOARD MEETING
MONDAY MARCH 1ST, 2021, IMMEDIATELY FOLLOWING THE PUBLIC HEARING AT 7:30 PM
GLENMORE COMMUNITY CENTER 5718 DICKINSON ROAD, DE PERE, WI 54115

AGENDA: All agenda items, except for Resident Input, are intended for discussion/ consideration and possible action, unless noted.

1. Call to Order **by Chairman Rick Loppnow.**
2. Notice to all that Video Recording is taking Place **by Chair Loppnow.**
3. Pledge of Allegiance **by all.**
4. Welcome **by Chair Loppnow.**
5. Certify Wisconsin Open Meeting Law **by Clerk Cindy Ossmann.**
6. Plan Commission Chair Report **Ann Schaefer reported that the Plan Commission will be meeting next Tuesday for two text amendments and a CSM.**
7. Discuss a Plan Commission review and possible drafting of a livestock facility siting ordinance for the Town Board **On page 3 of our Comprehensive Plan it stated that an objective of the Town based on a survey from prior to the 2016 Comprehensive Plan was to keep out large corporate farms, so we are discussing having our Plan Commission review a livestock facility siting ordinance for the Town. Motion by Loppnow to have the Plan Commission review and possibly draft a livestock siting ordinance for the Town of Glenmore, 2nd by Nowak. M/C by unanimous voice vote.**
8. Request for a Certified Survey Map for Diane Leiterman, 4134 Creekview Rd, De Pere, WI 54115, GL-192 to separate the house, buildings and 4.118 acres from the rest of the parcel. **Motion by Loppnow to table until an updated Certified Survey Map is received by the Town of Glenmore, 2nd by Klika. M/C by unanimous voice vote.**
9. Request for a Conditional Use Permit for Ledgeview Farms, LLC, 3870 Dickinson Rd, De Pere, WI 54115, GL-29 for a Manure Storage Facility and Feed Pad. **Motion by Loppnow, 2nd by Klika to open to Ledgeview Farms and their representatives. M/C by unanimous voice vote. Jen Keuning spoke and addressed the crowd in regards to how Ledgeview Farms would construct a manure pit and feed pad. She spoke about alternate parcels that weren't square 40's and parcels that weren't adequate depth of soil. They completed a site survey where they collected samples and prepared documents on soil types, and a wetland delineation. As part of the wetland delineation work, they sought a navigability determination for the waterway depicted within the subject parcel so as to have the waterway removed from the GIS map by Brown County. Then they did a combination CSM, to have on 80 acre parcel made. NRCS standards were followed and they collected a total of 32 soil borings for the feed pad and manure pit ranging from 8-27 feet below surface. 21 samples were submitted to ECS lab in Green Bay. The subject parcel has good clay and high quality soil for a manure pit per Jen Keuning. There will be 4 inches of concrete and the southern slope will be completely concrete all the way up to the manure pit and is designed that all run off will go to the manure pit. That design is to provide for 100% collection into the manure pit. 400 feet x 600 feet with a max depth of 15 feet. Total capacity is 19.7 million gallons. Usable capacity is 16.4 million gallons, giving 317 days of storage, for their whole operation. The feed pad is 320,000 square feet for feed to be stored. Per Jen Keuning, approvals were received from Brown County Land Conservation, DNR, DNR Construction Stormwater Permits, and the last piece of the puzzle is a Conditional Use Permit from the Town of Glenmore. Eric McCloud, the attorney from Ledgeview Farms, LLC then spoke. He stated that the state law that governs here is state statute is §60.62(4e). He then referred to our agriculture zoning code that has 6 requirements for a CUP and referenced how he believes Ledgeview Farms LLC fits into those 6 parts of our ordinance. McCloud feels that as they fit into the 6 sections, and are following all of the items, then the town shall grant the CUP, if the Town agrees that they satisfy the 6 conditions. He is unsure why this pit is causing controversy, and this board needs to be guided by what is in front of them. He encourages this board to engage in a subjective analysis. Those types of issues should not affect the outcome that he described and they should approve the application. Jodi Labs asked if he was relying on**

State Statute 93.90 and McCloud stated no. Ann Schaefer, Plan Commission Chair, questioned the alternative locations at GL-75 and the location behind Jason's house as to why those locations were not used. Keuning stated those were odd shaped parcels so that would not allow them to fit. Ann Schaefer asked if an above ground pit on GL-67 was considered or any above ground pit considered. Keuning stated above ground pits are more expensive and are much more risky, due to a wall giving out or a berm giving out. Keuning said Pansiers were only looking for below grade due to risk and cost. Schaefer questioned about the solid manure and what they would be putting in. We did not receive a complete answer. Atty Labs questioned the DOJ enforcement referral document which included a draft complaint that outlined several alleged violations by Ledgeview Farms. Per the Town's review, there are 4 outstanding items in the DOJ complaint that Ledgeview Farms has not yet addressed, each of which is based on requirements in Ledgeview Farms' WPDES permit. McCloud stated that he felt we could not use these items in regards to this application. There was discussion that the DNR might be able to prove that they are violations, and that the Town is able to consider the potential impacts of the proposed structures and activities on the health and safety of the Town and its resident. We can look at last two items in regards to run-off on both farms. Violation 15 and Violation 16 are being referenced in the DOJ complaint. Current applications are based on total animal units of 2618 and when we talked in December Ledgeview Farms noted that the number can fluctuate. Right now Ledgeview Farms operates above the limit of 1000 animals which requires special livestock siting approval from the Town; Ledgeview Farms is currently in conversations and a legal battle with the Town of Ledgeview, so Atty Labs asked what the farm's plan is with respect to its current operations, including whether it would be looking to move its barns and livestock to the Town. Ledgeview Farms LLC has a WDPS permit, but they don't have a permit from the Town of Ledgeview. The Town Board asked about the driveways and is suggesting a run pad of 100 feet off of Glenmore Road to help with the dirt and manure near the road. The Town Board also asked what the plans were to prevent runoff into Glenmore Road, and what about the 250 foot contour. Jake said it would be kept as a field to help with any run off. Klika is concerned with the surface flow of the field and the pitching going back to the field and if the sight is going to be reworked. Labs stated that the need is going to be that all the storm water is going to need to be kept on site, along with all the flooding. Keuning stated that they would still be cropping all the edges of the field around the pit. Nowak commented on Health and Safety, that the DNR has let Ledgeview Farms LLC place dry manure piles in different locations in the Town of Glenmore, and Nowak would rather see these in a pit, rather than in the middle of sporadic fields. Klika wants to ensure that no water from the property would be running into any other properties; Jake Pansier said they could clean the ditches out on Crystal Lane to ensure that water would flow in the right direction. Keuning states everything from this feed pad will run straight into the manure pit; the road ditch on Crystal Lane flows to the West and everything else on the property flows North along with Glenmore Road. Keuning doesn't envision changing that. Keuning stated they have applied for a driveway permit, but the Town has not received an application for a driveway permit. Nowak stated that he would rather see a feed pad versus feed in different areas throughout the Town. Klika asked about the driveway, a turnaround, erosion control, who is building (Jake stated that they would have others doing it, but that they would be doing some of it also). Nowak questioned if the Town could be present during preconstruction meetings. Keuning said we could be present during these meetings and we could be present on site. The Town Board stated that it would want to be present at preconstruction meetings. Keuning says they complete a post construction document of who was there and what was done, which is finally certified by an engineer and the DNR. Nowak asked what the daily maintenance reports are; Keuning stated that these are inspections. This pit will be filled from the top, so there will not be a crust on the top, or a very minimal crust, which may increase the odor that is spread in the immediate area. Jake stated the daily hauls will be crust from the other farms. Motion by Loppnow to close the floor, 2nd by Nowak. M/C by unanimous voice vote.

Chairman Loppnow stated the following: "It is my obligation to ensure through documentation that a proposed project meets our ordinance as in place at the time of the application, follows our comprehensive plan and will not adversely affect the health, safety or well-being of our residents. I am further entrusted to act in the best interest of Glenmore as a town, not an individual or entity.

I use facts and documents from the applicant and any planners or engineers involved in the project and documentation of history of compliance. Threats of lawsuits in the event of a vote one way or the other have no affect on my decision.

With the CUP application that is before us there are four violations the Department of Justice notified Ledgeview Farms of that I do not see documentation of resolution for.

Therefore, I hereby make a motion to table a decision on Ledgeview Farm's application for a conditional use permit for the waste storage facility and feed storage pad at Parcel GL-29 in the town of Glenmore, pending receipt of the following information and/or documentation:

1. The Town Board has reasonable concerns about Ledgeview Farms' compliance history and possible adverse effects to the Town's resident's safety and general welfare and thus the Town requires Ledgeview Farms to submit documentation that establishes that the following violations raised by the Department of Natural Resources (DNR) have been fully resolved and considered closed out by the DNR:
 - a. That Ledgeview Farms has not maintained the functional internal controls to prevent discharges to waters of the state from the feed storage areas and feed lots on the Main Farm on Dickinson Road and the Heifer site on Lime Kiln Road (collectively, the Dairy). Per Sections 2.5 and 2.6 of the WPDES permit issued to Ledgeview Farms in March 2019, such internal controls were to be installed by March 15, 2019. (Violation 5 on the list of 16 in DOJ Complaint)
 - b. That Ledgeview Farms had not submitted plans to either upgrade or abandon the manure storage facilities at the main farm and heifer site production areas by September 1, 2019 as required by Section 2.8 of WPDES permit; nor had they completed construction of the upgrades or abandonment of the manure storage facilities by March 1, 2020. (Violation 12 in DOJ Complaint)
 - c. That Ledgeview Farms failed to submit a construction schedule and construct runoff controls on feed storage area at Heifer Farm. Per Section 2.11 of the WPDES permit, the construction schedule was due on July 1, 2019 and Ledgeview Farms was then to complete construction of the runoff controls by December 1, 2020. (which is violation 15 in DOJ Complaint)
 - d. That Ledgeview Farms failed to complete construction of runoff controls at the Main Farm by March 1, 2020. Per Section 2.12 of the WPDES permit, Ledgeview Farms was required to submit an engineering evaluation of runoff controls by September 1, 2019, and then complete construction of runoff controls for the concrete heifer feedlot at the main farm site that permanently correct any adverse runoff control conditions by March 1, 2020. (Violation 16 in DOJ Complaint)
 - e. Loppnow also stated that there should be rebar in the concrete for the first 100 feet off of Glenmore Road, in their driveway.

Tom was wondering if we would be having a meeting with them again. Yes, we would have additional meetings with Ledgeview Farms again, once they provide documentation on the items listed above.

Nowak questioned if this motion was just to table the item or exactly what was going on. Loppnow stated that the motion was strictly to table the agenda item until all items could be further reviewed.

The Town Board also requires engineered plans for the design and construction of the driveway, access road and interior roads within the site to be submitted to the Town Board for review and approval. The driveway, access road and interior roads shall be designed for heavy use and shall be in accordance with the minimum standards set forth on page P-15 of the Town of Glenmore Zoning Ordinance. The

driveway, access road and interior roads shall also comply with Section Q of the Zoning Ordinance. In addition, the engineered plans should reflect and include a minimum of 6” of concrete, reinforced with rebar, as the final surface area of the driveway, access road and interior roads within the Site.

Klika 2nd the motion. M/C by unanimous voice vote.

10. Zoning Administrator Report
 - a. Driveway Permits
 - b. Code Violations
11. Building Inspector report **Nothing presented by Johnson**
 - a. Non-compliant issues
12. Constable’s Report **Nothing presented.**
13. Assessor’s Report **Open Book is April 14th 5-7 PM and Board of Appeals is May 10th 6:30-8:30 PM. Working on finalizing the assessment rolls to turn in to the Clerk.**
14. Treasurer’s Report
 - a. Tax Collection Contract with Brown County **Motion by Loppnow to approve the Tax Collection Contract with Brown County pending the March 4th meeting, 2nd by Nowak. M/C by unanimous voice vote.**
15. Community Center issues **There are several bookings coming up per Nowak and Klika stated he is working on getting the door finished in the front.**
16. Various road, sign, culvert, ditch and bridge issues **Sign went down on Big Apple by Hwy G. Ron talked to Mike Burnside about roads for this year.**
 - a. Review any bids that may need to be posted for 2021 **Bids have been posted.**
17. Minutes:
 - a. February 1st, 2021 Public Hearing
 - b. February 1st, 2021 Monthly Town Board Meeting
 - c. February 24th, 2021 Town Board Meeting
Motion by Nowak to approve the minutes for Feb 1st, 2021 Public Hearing and Monthly Town Board Hearing and the February 24th, 2021 Town Board Meeting, 2nd by Klika. M/C by unanimous voice vote.
18. Budget / Current Bills **Motion by Loppnow to approve the bills as presented, 2nd by Klika. M/C by unanimous voice vote.**
19. Clerk’s Correspondence
 - a. Election—April 6th
 - b. 2021 Town Clean-Up Day—April 10th 8 AM – 12 PM
 - c. Meeting at the county for taxes—March 4th
20. Chair’s Correspondence
21. Town Board will convene to closed session per WI Stats. 19.85 (1) (g) “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved **The Town Board did not convene to closed session.**
22. Resident Input **No additional input received.**
23. Adjournment **Motion by Nowak to adjourn, 2nd by Klika. M/C by unanimous voice vote. 9:22 PM**

Upcoming Board Meeting: April 5th, 2021

Any person wishing to attend who, because of disability, requires special accommodations should contact the Town Clerk (920-864-3420) at least 24 hours in advance of the meeting so arrangements can be made.

Members of other Town committees, who are not members of the body whose meeting agenda is above noticed, are entitled, as any other citizen of the Town of Glenmore, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town committee or board.

Respectfully Submitted,

Cindy Ossmann, Clerk