

Town of Stockbridge

Town Board Minutes

7:00 p.m. Wednesday, March 11, 2020

UNAPPROVED BY BOARD

Stockbridge Community Hall

Chairman Ken Schaefer called the meeting to order at 7 p.m. Present were Supervisors Mark Ecker, Dean Joas, Clerk Steve Phipps, Treasurer Ralph Schmid, Road Supervisor Jerry Ortlieb (JO) and Fire Chief Mike Funk. Gerald Diedrich, Jim and Faye Burg, Dave Ortlieb, Adam Ecker, Tim Ecker, Terry Moehn, John Vandeenboom, Brian Witkowski, Adam Ecker, Chuck Ecker, David Ecker, Ron Holt, Jim Fett and an unidentified party were present.

Five people signed up to speak. Ron Holt spoke about getting driveway access at his property.

Dean J. moved and Mark E. to approve the agenda. M/C.

Dean J. moved and Mark E. to approve the meeting minutes of Feb. 12, 2020. M/C.

Brian Witkowski spoke about becoming the next town building inspector and his relationship with Paul Birschbach. No action taken.

Tim Mueller of Advance Disposal spoke about his services and ideas for contract renewal as well as their involvement in the community. He shared pros and cons about bidding. Motion by Dean J. and 2<sup>nd</sup> by Mark E. to table the issue until the October meeting and have a contract for 10 years at that time. M/C

Ken S. gave Steve P. instructions to post the rebid of the roofing project when Dean J. gets the packet delivered. Dean J. said he would get the package in a few days.

Employee's policies and procedures agenda item was tabled until an agreement can be found or made regarding the joint fire department and operations with the village.

Per Ken S., the liquid transfer equipment draft ordinance was reviewed by the town's attorney and general discussion occurred. Implementation date was

discussed. The board agreed to place the draft ordinance on the website seeking feedback. Board directed clerk to add the ordinance to the minutes on the website. No action taken otherwise.

On Ron Holt's request for a 2<sup>nd</sup> driveway, Ken S. shared past practice and the history of not granting a second driveway. JO spoke about driveway maximum length. Motion by Ken S. and 2<sup>nd</sup> by Mark Ecker to allow the property owner to fill the ditch to allow the well driller access to the property for no longer than a month and a half at W5403 Quinney Road. M/C

JO shared weight limits are in effect. Long Road is starting to push up and move with the frost. Engineering costs for Fairy Springs Road and Long Road need to be separated from the construction costs according to JO. JO shared communications with a paving contractor and cost estimates from John at Northeast Asphalt but nothing in writing at this time.

Dean J. moved and Mark E. 2<sup>nd</sup> to bid the road projects of Fairy Springs and Long Road and publish the bid advertisement in the Chilton Journal as well as other posting requirements. M/C

No survey maps are submitted.

Steve P shared with the board recent communications from the appraiser seeking a date to open the Board of Review meeting. The board indicated that just prior the regular May meeting would be good. Also, board members were offered a copy of the correspondence to Holsum Dairy outlining the resident Gary Ricker's concerns from the previous meeting.

Dean J. moved and Mark E. 2<sup>nd</sup> to approve the Treasurer's report. Motion carried.

Mark E. Moved Dean E. 2<sup>nd</sup> to approve the bills as presented to the board. Motion carried.

Dean J. moved and 2<sup>nd</sup> by Mark E. to adjourn at 8:24 PM. Motion carried.

Respectfully submitted,

Steve Phipps, Stockbridge Town Clerk

**TOWN OF STOCKBRIDGE  
CALUMET COUNTY**

**\*\*\*DRAFT\*\*\***

**WISCONSIN LIQUID TRANSFER EQUIPMENT ORDINANCE**

The Town of Stockbridge is in charge of town roads and right of ways within its jurisdiction.

Town Board is aware of the agricultural practices related to land application of manure or waste, involving the use of transfer tanks, dump station and transfer hoses.

The need for their temporary location on public right of way near the receiving fields; and the Town deems it in the public interest to allow the temporary location of such liquid transfer equipment in the right-of-way of public highways under limited conditions and subject to specific requirements as a cost-effective method of liquid transfer and application; and it is necessary and in the public interest to regulate this procedure for purposes of the public health and safety; Therefore, the Town Board of the Town of Stockbridge, Calumet County, Wisconsin, pursuant to Section 60.22, Wis. Stat. and its village powers and its statutory authority over the regulation of the public highways, do ordain as follows:

**1. PERMIT REQUIRED**

(A) No person shall Locate Liquid Transfer Equipment within the town right-of-way without first obtaining a permit from the Town Board or Highway Supervisor.

(B) An annual permit application shall be completed by the owner or operator of the Liquid Source. The permit application can be obtained by contacting the Town Board, clerk or Highway Supervisor. The application fee of \$25.00 for a single site [per calendar year] or \$350 for unlimited sights in the Town and is due every calendar year. Permit maybe resubmitted if declined for cause. Permit will be issued upon review. Payment must accompany application. The Town Board Supervisor, Clerk or Highway Supervisor, will also require additional information including, but not limited to,

{C} Certificates of Insurance from one or more of the parties involved in the Liquid Transfer requirements.

{1} Farm or general liability - \$1,000,000 per occurrence, \$2,000,000 aggregate.

(2) Farm and/or business automobile coverage - \$1,000,000 each person/\$1,000,000 each accident for bodily injury and \$1,000,000 for property damage, or \$1,000,000 combined single limit for bodily injury and property damage for each accident. (3) Pollution liability coverage - \$1,000,000, general \$1,000,000 each occurrence limit \$20000 aggregate. (4) All insurance policies shall name the Town of Stockbridge as an additional insured. All insurance policies shall be issued by companies licensed to sell insurance in the State of Wisconsin. All insurance policies shall contain the provision requiring 30 days advanced notice of cancellation or nonrenewal.

(D) Each Permit shall expire on December 31st of the year of issuance.

**2. RULES OF OPERATION.** The Owner and Operator of the Liquid Transfer Equipment for a Liquid Source subject to a permit issued under this Ordinance shall comply with the following rules

- (A) Notify the Town Highway Supervisor by phone text, email at least 12 hours before the start of each hauling event and within 3 days after a hauling event.
- (B) At the Highway Supervisor's request, the Operator shall have a listing and a road map of the locations of all possible liquid transfer sites (i.e. where Liquid Transfer Equipment may be placed before, during, and after transport) for review by the Town Highway Supervisor to determine if any changes or restrictions are necessary. Such required changes may include, but are not limited to establishing and approving a transport route for loaded and empty trucks and combining as many fields to one transfer site to keep repairs to a minimum. Such restrictions required by the Town Highway Supervisor shall focus on improving traffic safety or road conditions. Such restrictions will be determined on a site by site basis.
- (C) Follow the Manual of Uniform Traffic Control Devices (MUTCD) for work zone signage and installation within the work zone. All sign shall be at least 48 inches x 48 inches with prismatic sheeting or higher-grade intensity or such alternative signage approved by the Town Highway Supervisor.
- (D) Day and night Location operations will be permitted as long as all requirements of the MUTCD are met, as well as the proper usage of signage and flashing lights. However, night (i.e. one-half (1/2) hour before sunset until one-half (1/2) hour after sunrise) Location operation privileges may be restricted, suspended or revoked by the Town Board, as its sole discretion.
- (E) Liquid Transfer Equipment may be Located on the right-of-way when not in operation as long as it is properly marked and such equipment does not extend into the roadway. However, no liquid Transfer Equipment may be placed closer than 250 feet from an intersection unless proper MUTCD procedures for flagging are followed.
- (F) No more than four (4) liquid transfer trucks, including the unloading truck, shall located at a transfer site at any given time.

**3. RESPONSIBILITY FOR DAMAGES.** The Owner, Operator and Owner of the Liquid Source shall be jointly and severally liable to the Town for all damages to the highway, right-of-way, including the travelled surface, edge of roadway, shoulder, and ditch for slope and back slope pursuant to s. 86.02 and s. 96.021, Wisconsin Statutes. Prior to utilizing the right-of-way under the Permit, the Owner and/or Operator shall notify the Town Board with photographs of any existing highway and/or right-of-way damage. By failing to provide such notice, or satisfactory evidence of existing highway and/or right-of-way damage, all damages shall be presumed to be caused by the operating of the Liquid Transfer Equipment pursuant to the Permit.

**4. PENALTIES FOR FAILURE TO OBTAIN PERMIT AND/OR FAILURE TO FOLLOW RULES.** The enforcement of the ordinance and all other laws and ordinances relating to Liquid Transfer Equipment may be by means of one or more of the following: 1) the withholding of permits; 2)

imposition of forfeitures; and/or 3) injunctive action. Forfeitures shall be not less than \$50.00 nor more than \$1,000 for each day of noncompliance.

**5. PERMIT FEE AMENDMENT.** The amount of the permit fee may be changed by resolution of the Town Board

**6. SEVERABILITY.** The provisions of the Ordinance are severable. If any provision of this Ordinance is found to be void or unconstitutional by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance which will be deemed in full force effect.

**7. EFFECTIVE DATE.** This Ordinance shall be deemed adopted on \_\_\_\_\_ and is effective upon publication according to law.

**8. DEFINITIONS.**

(A) LOCATE means to park or stop the Liquid Transfer Equipment in any portion of the right-of-way, except for emergency purposes.

(B) LIQUID TRANSFER EQUIPMENT includes transfer tanks and/or dump stations used for the application of liquid on fields. Transfer tank is a large heavy gauge steel tank pulled by a tractor to a site for the temporary storage of Liquid.

(C) Liquid SOURCE is the farm that produces the liquid subject to transfer.

(D) MUTCD means the Manual of Uniform Traffic Control Devices

(E) OPERATOR means the person in charge of operation of the Liquid Transfer Equipment.

(F) OWNER means the legal owner of the Liquid Transfer Equipment.

(G) RIGHT-OF-WAY means the right-of-way of all public highways under the jurisdiction of the Town of Stockbridge.

(H) TOWN means the Town of Stockbridge, Calumet County, Wisconsin.

[I] Liquid means animal or human, nutrient's or waste.

**9 Exempt** Any emergency or spill mitigation equipment

The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Kenneth Schaefer, Town Chair

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Dean Joas, Supervisor

\_\_\_\_\_  
Mark Ecker, Supervisor

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Attested to by: \_\_\_\_\_  
Steve Phipps, Clerk