

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Ratification of the department's determination that prohibiting the nature-based outdoor activities (NBOA) of hunting and trapping is necessary to protect public safety on 4.99 acres in the Town of Wilson, Sheboygan County Stewardship grant project

FOR: March 2013 Board meeting

TO BE PRESENTED BY: Lavane Hessler, Stewardship Local Governments Grant Manager

SUMMARY:

This item was originally discussed with the Board as part of its agenda on February 27, 2013. The Board tabled the item until the Department provided additional project site information.

The Department is requesting that the Board ratify the Department's determination that the prohibition of two NBOAs (hunting and trapping) is necessary for public safety on 4.99 acres in the Town of Wilson, Sheboygan County.

The parcel will create a new park named Schinker Creek Park.

The Department has made the determination that the prohibition of hunting and trapping is necessary to protect public safety because:

- * *The parcel is located within the town limits*
- * *The parcel is adjacent to roads*
- * *The parcel is in proximity to homes, recreational facilities, and other structures*
- * *The size, shape and location of the parcel*
- * *A town ordinance prohibits the discharge of weapons.*

The proposed grant of \$52,500 will come from the Acquisition and Development of Local Parks subprogram of the Stewardship Program.

RECOMMENDATION: Ratify the Department's determination that the NBOA prohibitions are necessary for the Town of Wilson, Sheboygan County Stewardship project.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Background memo | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |
| <input type="checkbox"/> Type name of attachment or type N/A if not applicable | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |

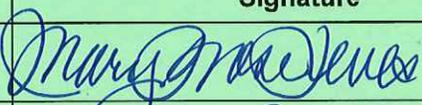
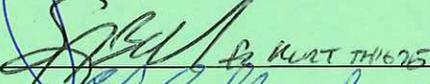
Approved by	Signature	Date
Mary Rose Teves, Bureau Director		Mar 13, 2013
Julie Sauer, Administrator		3/13/13
Kurt Thiede, Administrator		3-13-13
Cathy Stepp, Secretary		3/13/13

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• Appendix E – <i>Compliance Memo</i> A compliance memo is required by s. NR 52.04(2)(e), the Department must summarize the procedure followed to reach any determination to approve an NBOA prohibition and provide that summary to the Board.	25
• Appendix F - <i>Project Maps</i>	27
• Appendix G – <i>Staff Analysis of NBOA Prohibitions</i> The staffs' analysis of any proposed NBOA prohibitions, including a signature from the regional Public Safety Warden who reviewed prohibitions proposed as necessary to protect public safety. The format of this analysis is a standard checklist, approved by DNR Legal Services, and completed for all Stewardship grant projects with an NBOA prohibition for safety reasons. Any relevant ordinances and statutes are also included.	31
• Appendix H – <i>Public Comment Certification Memo</i> This confirms that regional grant staff have completed the requirements for public notice set forth in s. NR 52.04 and summarizes any comment/s received.	37
• Appendix I – <i>News Release.</i> The Department is required by s. NR 52.04, Wis. Adm. Code, to give notice to the public of our intentions to award grant funds to purchase property on which any NBOAs will be prohibited. The news releases also follow an approved template. Because of the timing of these news releases in our grant cycle (often before appraisals have been completed and certified) and per the department's obligations to protect the confidentiality of incomplete real estate transactions, news releases do not identify the exact location of the property, name of the seller, or any information about project financing.	38
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DATE: March 10, 2013

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: RATIFICATION OF THE DEPARTMENT'S DETERMINATION THAT TWO NATURE-BASED OUTDOOR ACTIVITY (NBOA) PROHIBITIONS ARE NECESSARY ON NON-DEPARTMENT STEWARDSHIP LANDS

This item was originally discussed with the Board as part of its agenda on February 27, 2013. The Board tabled the item until the Department provided additional project site information. Additional information, conclusions and recommendation appear below.

Project Sponsor: Town of Wilson
Seller: Green Acre Estates, LLC
Grant sub-program: Acquisition and Development of Local Parks
Grant Amount: \$52,500

I. LAND OWNERSHIP

The Town of Wilson seeks Stewardship Program funds (Acquisition and Development of Local Parks subprogram) for the acquisition of 4.99 acres for "Schinker Creek Park", which will become the town's first major park. This parcel was previously part of a larger 200-acre farmstead known as "Green Acres". The farmstead was inherited by siblings from their parents and they transferred their ownership "as tenants in common" in 1995 to the "Green Acres Estates, LLC" (Developer), the family-owned development company. The current development is the fifth phase of their plans and will encompass approximately 62 acres.

II. SUBDIVISION DEDICATION

In 2005, the Town of Wilson and the Developer signed an agreement for the Lake Aire Addition Number 4 subdivision. The park parcel is part of this approximately 62-acre addition with lots sizes of 0.5 to 1.00 acre in size. The agreement identified areas for trail development that would be dedicated to the Town upon construction. For lots that were not impacted by the trail development, a fee in lieu of parkland dedication was assessed in the amount of \$200 (plus \$200 county fee) per home. Future town plans include using the parkland dedication funds to acquire land for a town park that was more conducive to passive recreation activities such as picnicking, then receiving scattered lands throughout the township that had less recreational quality. The park parcel is zoned Residential and the original plans included 4 to 5 homes on the site. The Development agreement and zoning map is in Appendix A.

III. FARMLAND PARCELIZATION

In 1979 and 1985, Sheboygan County and the Town of Wilson completed a planning process that recognized the importance of preserving agricultural lands. The Sheboygan County Farmland Preservation Plan identified four distinct districts to be reviewed when analyzing development projects within the county. The districts are Agricultural Preservation, Agricultural Transition, Conservancy, and Exclusion areas. The Exclusion areas are generally areas where existing, zoned, or planned activities make the area incompatible with agricultural areas. The park parcel and the larger farmstead are identified as Exclusion Areas. See Appendix B.

IV. TOWN PLANNING PROCESS

In 2012, the Town searched for the ideal location for a town park that would serve the greatest number of town residents and provide another recreational opportunity for Kohler-Andrae State Park visitors. The Town identified three sites that would meet their criteria. The sites were within 1 mile of each other and provided similar opportunities. Through public meetings and comments, the site proposed for Stewardship Program funding was identified as the preferred location by town residents. The Town Board then proceeded to apply for grants and acquire the land. Town meeting information is in Appendix C.

V. RECOMMENDATION

The Department requests that the Board ratify its' a determination that the prohibition of two nature-based outdoor activities is necessary on a 4.99 acre in the Town of Wilson, Sheboygan County. The Department proposes to award a grant in the amount of \$52,500 to the Town of Wilson for the purchase of land on which hunting and trapping will be prohibited to protect public safety.

VI. PROJECT DETAILS

Project Description: The Town of Wilson seeks Stewardship Program funds (Acquisition and Development of Local Parks subprogram) for the acquisition of 4.99 acres for "Schinker Creek Park" – the town's first major park. The property is a rectangular parcel of primarily lawn sod and open, graded soils with a few scattered trees and old agricultural buildings. The park site is surrounded by residences or residential development that is under construction. A small intermittent stream crosses the northeast corner of the property but is not navigable for fish. A map is attached as Appendix F.

Project Goals: The Schinker Creek Park acquisition project meets the following goals:

- Provides nature-based outdoor recreation on new public land for the town's first major park.
- Provides outdoor recreation opportunities in a large, rapidly growing subdivision that currently is without any outdoor recreation facilities.
- Provides for ecological restoration projects, including invasive species management and prairie plantings.
- Implements recommendations from the *Sheboygan County Park and Open Space Plan*.

Current/Prior Use of Property: The property is an old farmstead, no longer in operation, developed into residential subdivisions by the children of the original. The buildings on the property will be removed by the seller. There was no prior public use of the property.

Proposed Public Uses: Schinker Creek Park will be available to the public from 6:30 AM to 10:00 PM, seven days per week, and 365 days per year. Users will be able to hike, bike, picnic, cross-country ski, snowshoe, and enjoy nature. The Town of Wilson anticipates that most of its more than 3,300 residents will enjoy this property annually.

Recreation opportunities include hiking, biking, picnicking, cross-country skiing, snowshoeing, playground use and nature enjoyment. The Department's analysis of allowed nature-based outdoor activities is attached in Appendix G.

Hunting and trapping will be prohibited on the property by town ordinance. The Department has determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety. See Appendix C for a summary of the Department's determination. The memo attached from

Mary Rose Teves, as required by s. NR 52.04(2)(e), Wis. Adm. Code, describes the procedure followed by the Department to make this determination.

Property Management: Schinker Creek Park will be operated and maintained by the Town of Wilson, consistent with their management policy.

Timetable: The Town of Wilson acquired the property on December 21, 2012.

VII. PROJECT FINANCES

A. Partnerships:

- Town of Wilson – acquisition and management of the property.
- Department of Natural Resources – cost-sharing with the acquisition.

B. Appraisals

As required by s. 23.0917(7)(e)2., Wis. Stats., one appraisal was used to determine the fair market value of the land.

Appraisal 1	\$110,000
Value certified by Department	\$110,000

NOTE: The purchase price was \$105,000.

C. Grant Calculation

As required by s. NR 51.006(1), Wis. Adm. Code, financial assistance is limited to 50% of the acquisition cost.

Purchase price (lesser amount than certified appraised value)	\$105,000
Total Maximum Grant Costs	\$105,000

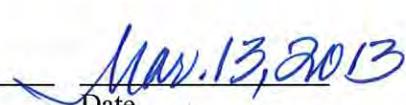
D. Funding Sources

Town of Wilson	\$52,500
Stewardship Grant	\$52,500

VIII. RECOMMENDED:



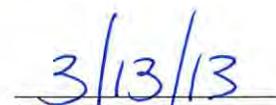
Mary Rose Teves, Director
Bureau of Community Financial Assistance



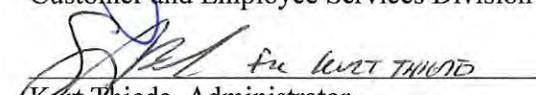
Date



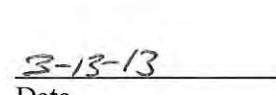
Julie Sauer, Administrator
Customer and Employee Services Division



Date



Kurt Thiede, Administrator
Lands Division



Date

Appendix A

TOWN OF WILSON DEVELOPMENT AGREEMENT

1. **PARTIES.** The parties to this Agreement are the Town of Wilson, a municipal corporation of the State of Wisconsin, located in Sheboygan County, Wisconsin, governed by the Town of Wilson Town Board, hereinafter referred to as "Town"; and Green Acres, LLC, a Wisconsin limited liability company, hereinafter referred to as "Developer".
2. **DESCRIPTION OF PROJECT.** The developer wishes to divide and develop approximately a 61.159-acre parcel of real estate in the Town for residential purposes to be known as Lake Aire Addition No. 4, which tract is described and hereinafter referred to as "plat".
3. **ACCEPTANCE BY DEVELOPER.** Execution of this Agreement by the Developer constitutes acceptance of all terms, conditions, restrictions, changes and qualifications incorporated in the Town Board's decision on the Developer's proposal.
4. **BINDING ON SUCCESSORS; PROHIBITION ON ASSIGNMENT.** The rights and obligations of the Developer under this agreement shall be binding on its heirs, successors and assigns, provided however that none of the rights or obligations of the Developer under this agreement may voluntarily be assigned or conveyed without written consent of the Town.
5. **TOWN AND OTHER CODES INCORPORATED.** All applicable codes, statutes, and regulations of the Town, County, State and Federal Governments are incorporated by reference and are binding upon the parties. The Developer is responsible for obtaining any and all State, County, Federal and WDNR permits at their expense.
6. **IMPROVEMENTS AND DESIGN STANDARDS: STREETS, UTILITY EASEMENTS.**
 - A. **Street Design, Construction and Inspection.** At the Developer's expense, the Town shall review and approve the design of, and inspect, all roadway improvements. The Developer shall grade, gravel and pave all streets in the plat and portions contiguous thereto necessary to connect to Lone Oak Drive and North Shircel Road/South 18th Street, in accordance with the attached Exhibit "A", and in accordance with Town requirements. All streets shall be improved to Town's Development Standards with aggregate base, minimum one and three-quarter inch (1.75") asphalt binder course, and minimum one and one-quarter inch (1.25") asphalt finish course. Schinker Road west from Oak Drive to Moening Road shall have a gravel based only at the time of the development of Lake Aire Addition #4 and is not required to be paved at this time but will be paved by the Developer at a date to correspond with the paving in the next phase of development in which this road is platted.

- 1) The Developer shall file the appropriate application with the required governmental authorities to seek to extend South 18th Street through a mapped wetland on the proposed subdivision by means of roadway built on the wetland by use of a culvert and partial filling. Should such application be denied, the Developer shall not be required to extend South 18th Street through the proposed subdivision. The Developer shall submit the application documents to the Town for the Town Engineers review within 90 days following plat approval.
- B. Completion of Streets.**
- 1) **Aggregate Base.** Before issuance of a building permit, the Developer must have installed and graded the aggregate base of the street abutting the address for which the permit is sought, together with the necessary portions of the streets connecting the abutting street to the nearest public road that provides access to the plat.
 - 2) **Asphalt Binder Course.** The asphalt binder course for all streets and continuous portions for which Developer is responsible under (A) above must be installed by November 15, 2006.
 - 3) **Asphalt Finish Course.** The asphalt finish course for all streets and contiguous portions for which Developer is responsible under (A) above must be installed by November 15, 2007.
- C. Acceptance of Dedication.** The Town shall accept all streets and rights-of-way lying within the recorded plat upon (1) completion in accordance with approved plans and specification including seeding and erosion control in all right-of-way areas, (2) construction and delivery without defect, damage, or non-conformity, (3) delivery to the Town of a certified reproducible mylar "as-built" drawing prepared by a licensed engineer at Developer's expense, (4) receipt of the inspection report and favorable recommendation from the Town engineer, (5) receipt of lien waivers from all contractors, and (6) formal action by the Town Board. Upon acceptance by the Town, the Town shall have full ownership of and maintenance responsibility for such streets for all purposes, subject to the express warranties of the Developer.
- D. Utility Easements.** The Developer shall provide easements for utilities adjacent to certain lot lines and street right-of-way lines as required by the Town upon the recommendation of the Town engineer following consultation with applicable utilities. No limitation or modification of preexisting utility easements or of utility easements that appear on an approved plat, plat of survey, or certified survey map may be made without executed, recordable releases of easement documents signed by authorized representatives of all applicable utilities.
- E. Signs.** All street signs, stop signs, other required signs, and signposts shall be installed by the Town at the Town's expense, in locations to be determined by the Town. Developer may request Town approval of utilization of unique designs or materials for signage. Town approval of Developer's request for nonstandard signage shall be based upon Town Board's subjective assessment of aesthetics, Developer's pledge to pay the

additional costs in procuring nonstandard signage, and such other factors as Town Board may deem relevant.

- F. **Streetlights.** If Developer wishes to install one or more streetlights, a proposal must be submitted to the Town for review and consideration prior to installation. No request for installation of streetlights will be considered or permitted by the Town that places any portion of the financial responsibility on the Town for the purchase, installation, maintenance or electricity. Town approval shall also be based on factors enumerated in sub. E above.

7. IMPROVEMENTS AND DESIGN STANDARDS: STORM AND SURFACE WATER DRAINAGE; SITE GRADING AND EROSION CONTROL.

- A. **Design, Construction and Inspection.** At Developer's expense, the Town shall review and approve the design of, and inspect facilities for storm and surface water drainage. The Developer shall install and provide, at its expense, adequate facilities for storm and surface water drainage in and on the Recorded Plat, including without limitation any storm water pond (the improvements), to standards approved by the Town, and shall be solely responsible for maintenance of the improvements until the Town accepts the improvements. The Town's acceptance of the improvements shall be conditioned upon (i) receiving certification from the Town's engineer that the improvements are in substantial conformance with applicable design and (ii) any included storm water pond is quit-claimed to the Town. The storm and surface water drainage plans and facilities shall be in accordance with Town criteria for design of storm and surface water retention and detention basins. Storm and surface waters shall be retained on the Recorded Plat to the extent necessary to assure that the rate of storm and surface water runoff from the Recorded Plat during and after construction of all public and private improvements shall not be greater than the rate of runoff which existed prior to commencement of development. The Town's subdivision ordinance and all references to storm water calculations shall be adhered to.
- B. **Maintenance.** The Developer shall provide the Town with a maintenance easement for the storm and surface water drainage system not located on public lands, and the Town may specially assess benefited property for any service performed.
- C. **Site Grading and Erosion Control.** Prior to construction of any building improvements, the Developer shall grade the Recorded Plat to within six (6) inches of the approved final elevation and submit proof thereof to the Town. The Town engineer may, upon written application, waive, delay or modify this requirement for good cause. The Developer shall implement adequate safeguards against erosion during all stages of construction, and shall install landscaping improvements, including grasses or other ground covers, promptly after each portion of land is disturbed. An as-built survey, including topographical contours, shall be prepared by the Developer prior to the issuance of any building permit.

8. **IMPROVEMENTS AND DESIGN STANDARDS: SANITARY SEWER SYSTEM.** The Town shall approve the design of and may, if requested by the Developer, construct, furnish, install and provide a sanitary sewerage system throughout the Recorded Plat, including the mains and appurtenances which abut land dedicated for any public purpose, in accordance with sanitary sewer plans and specifications to be prepared by the Town engineers and subject to approval of the Wisconsin Department of Natural Resources and any other state agency with jurisdictional oversight.

A. **Hookup Charges.** Each parcel may connect to the sanitary sewer system that will be extended to the Recorded Plat upon payment of a hookup fee of \$2,000 plus a portion of pump station construction costs to be divided upon all potential property to be served by this pump station. The hookup fee shall be payable upon the application for a building permit. No building or other permit may be issued nor may excavation or other construction commence for any such parcel until all applicable fees have been paid.

B. **Flushing, jetting, televising and videotaping.** The Developer is responsible for the flushing, jetting, televising and videotaping of all newly constructed sewers and of existing sewers to which newly constructed sewers are connected from the point of connection through the next manhole in the existing sewer prior to acceptance of the sewer line by the Town. The Developer is responsible for providing a final printed report and accompanying film to the Town, prior to acceptance by the Town, showing the findings of the flushing, jetting, televising and videotaping. The flushing, jetting, televising and videotaping shall be done at the Developers expense.

C. **Upsized sewer installation costs for increased pipe sizing and depth** will be paid by Sanitary District along with \$3,500 for the value of the land used for the lift station site and all costs will be assessed to future developments on a per lot or per foot basis. Said costs will be established based on review of present bid prices. Sanitary District may not require extra size and depth if costs are excessive.

D. **Developer to pay for installation of sanitary sewer along Sommer and VanDerVaart properties and for 159' of sanitary sewer along CTH V for future Shircel Road hookup.** Developer to be refunded half of the per foot cost by adjacent property owners prior to hooking up to said sewer. See addendum for bid costs and review for fees.

10. **UTILITY/STORM WATER DISTRICT.** Developer agrees to submit a signed Petition to Town for formation of a utility district under WI Statutes Section 60.71. The Petition shall be drafted by Town, or in a form approved by Town, and shall be submitted on or before the date the final plat is submitted to Town for review and approval. If the Petition has not been submitted by the time of submission of the final plat, the final plat shall be held in abeyance until the Petition is submitted but for not longer than thirty (30) days, at which time the final plat will be rejected as incomplete and returned to Developer. The Town shall establish a utility/storm water district for each Recorded Plat. The intent of the district is to create a mechanism for charging property owners for the

infrastructure and utility costs of such improvements, maintenance, and public services as the Town may determine to be in the public interest and to ensure that any improvements required to be made by the TOWN to the utility/storm water district for the Recorded Plat will be appropriately charged as special assessments and placed against the records of title of the property in the Recorded Plat at the time of the levying of the special assessment charges. The district may do so by charges for services, by special assessments, by levying a tax, or by a combination thereof. Developer shall be responsible for Town's costs for the formation of the district, and shall deposit the amount of \$1,000 (one thousand dollars) with the Town Clerk at the time the Petition is submitted. Any funds remaining after the Petition has been acted upon may be returned to the Developer, or at the Town's option, may be held by the Town as start-up funds for the district.

11. PERFORMANCE BOND; LETTER OF CREDIT; CASH DEPOSIT. Within thirty (30) days after approval by Town of this Agreement, and prior to commencement of any construction, Developer shall deposit with the Town Clerk the Developer's choice of a performance bond in a form and amount acceptable to and approved by the Town, an irrevocable letter of credit in a form and amount acceptable to and approved by the Town, or a cash deposit to ensure completion of all improvements of this Agreement in an amount equal to 115% of the preliminary cost estimate by Town engineer. Should the amounts prove to be insufficient or unavailable, the Town may perform the required work and specially assess the benefited lands for any expenditure incurred by the Town.

12. DEDICATION AND ASSURANCE OF COMPLETION OF IMPROVEMENTS. Subject to all other provisions of this Agreement and the exhibits attached, Developer shall upon completion of the above described improvements located in public areas, unconditionally give, grant, convey, and fully dedicate the same to the Town, its successors and assigns, without charge to the Town, forever free and clear of all encumbrances whatever, together with, including without limitation because of enumeration, all buildings, structures, mains, conduits, pipes, lines, plant machinery, and/or equipment appurtenances which may in any way be part of or pertain to such improvements and together with any and all necessary easements for access hereto. After such dedication, Town shall have the right to connect or integrate same into its related facilities, as Town shall determine, with no payment to, award of damages or consent of Developer. Dedication shall not constitute acceptance of any improvements by Town. All improvements will be accepted by Town in writing in the manner herein set forth, where in conformance with Agreement.

13. DEVELOPER'S WARRANTIES. The required improvements constructed by the Developer shall be guaranteed for a period of one (1) year following the acceptance by the Town of such improvements. In order to insure good quality of materials, workmanship and maintenance of drainage and street construction, as required by Town ordinance and this Agreement, the Developer shall, prior to acceptance by the Town of the dedicated improvements, provide to the Town the Developer's choice of one or more guarantee bonds, letters of credit or other satisfactory financial guarantees, in a form or forms approved by the Town, in the

amount totaling twenty percent (20%) of the total construction and installation cost of improvements provided by Developer, as determined by the Town engineer, for a period of one (1) year after acceptance by the Town of the dedication of the improvements. The Town shall have access to such funds and the right at its sole discretion to call or draw upon such funds to correct or repair any defect or deficiency if the Developer or surety or issuer or holder of Developer's guarantee fails to honor this guarantee to the satisfaction of the Town. The Town Board shall give Developer and the surety, issuer or holder of the aforesaid financial guarantee at least ten (10) days written notice and opportunity to cure before calling or drawing upon this financial guarantee or action to correct or repair any defect or deficiency, except that nothing shall preclude the Town in the event of an emergency from acting within a lesser time period of time, with or without written notice, to correct or repair any defect or deficiency in any improvement provided pursuant to this Agreement. The Developer agrees that the Town at its sole discretion shall determine which events constitute an emergency.

14. **INDEMNIFICATION AND HOLD HARMLESS.** For a period of three (3) years from the date the Town accepts the final dedication of improvements under this Agreement from the Developer, the Developer shall indemnify, defend and hold harmless the Town and its officers, agents, representative and employees from and against any and all claims alleging loss or damage arising out of the construction or installation of any improvements provided by the Developer under this Agreement. The duty to indemnify, defend and hold harmless shall include investigation, adjustment, negotiation, compromise, and litigation of such claims and payment of all damages, judgments, costs, expenses and attorneys' fees arising therefrom. This section shall not preclude the Developer from raising counterclaims or cross claims against the Town, the Town engineer, or other agents of the Town for claims alleging loss or damage arising in part out of the materials or services provided by such agent of the Town at the insistence of the Town.
15. **SURVEY MONUMENTS.** Developer shall properly place and install all survey and other monuments required by statute or ordinance. The Town Board waives the placement of the survey monuments until 90 days after the final plat is received back from the State.
16. **DEDICATION OF ENVIRONMENTAL CORRIDORS, FLOODPLAINS, WETLANDS AND SHORELANDS.** Environmental corridors, floodplains, wetlands and shorelands shall be restricted by final plat or deed. Restriction of all such lands lying within the Recorded Plat shall be included on the final plat or Certified Survey Map.
17. **PUBLIC SITES AND OPEN SPACES.** The Developer shall pay Sheboygan County a fee in lieu of public land dedication as provided in Chapter 71 of the Sheboygan County Code. The Town may waive the requirement for dedication of land for parks or open space if it determines that the proposed or available park or open space would be too small, unsuitable, or unnecessary for reasons particular

Agreement approved by Developer on the 5th day of July 2005

GREEN ACRES ESTATES, LLC BY:

Joyce Wagner, member

Agreement approved by the Town on the 5th day of July 2005.

TOWN OF WILSON AND
TOWN OF WILSON SANITARY
DISTRICT NO. 1 BY:

Kenneth F. Sonntag

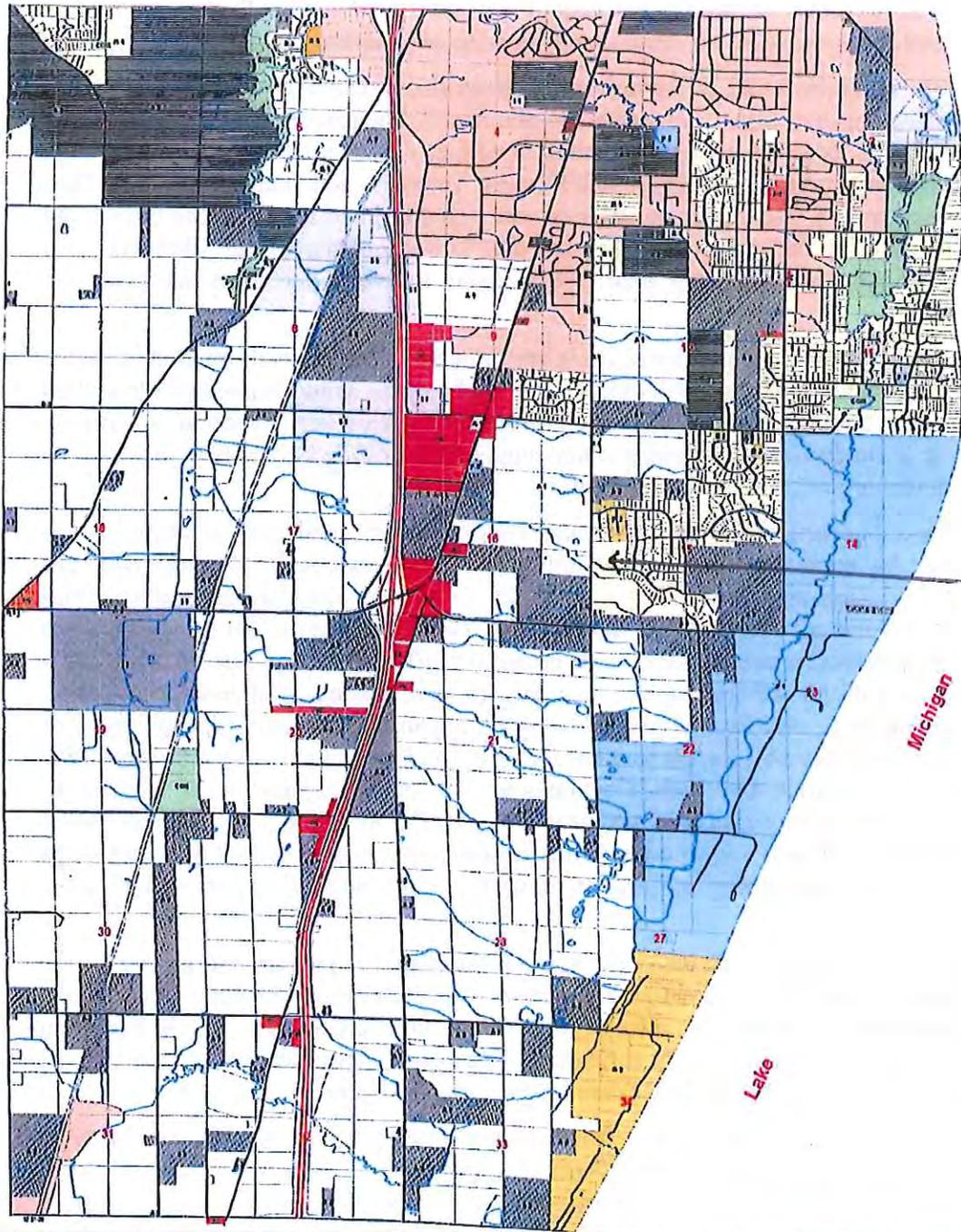
Kenneth F. Sonntag, Town Chairperson and
Sanitary District No. 1 Chairperson

Catherine Conrad

Catherine Conrad, Town and Sanitary
District No. 1 Clerk

THE ATTACHED EXHIBITS ARE INCORPORATED BY REFERENCE INTO
THIS AGREEMENT:

EXHIBIT A: FINAL PLAT OF LAKE AIRE ADDITION NO. 4



Subject Property Zoned R1

Michigan

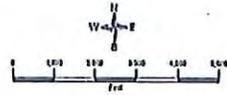
Lake

ZONING DISTRICT MAP FOR TOWN OF WILSON, SHEBOYGAN COUNTY, WISCONSIN

11/11/2022

Legend
ZONING

A1	C01	M2	R3
A2	M5	M1	City of Sheboygan
A3	M1	M1	Village of Fishier
A4	M2	M2	Village of Oostburg



Being an online tool to the Town of Wilson, Sheboygan County, Wisconsin, this map is not a legal document. It is intended to provide a general overview of the zoning districts in the Town of Wilson, Wisconsin. For more information, please contact the Town of Wilson, Wisconsin.

Appendix B

7. Historical, cultural, educational, scientific, and unique geologic and architectural areas of regional, state, local, or national significance. (An Inventory of historic and cultural resources in Sheboygan County can be found in the *Sheboygan County Natural Areas and Critical Resources Plan* adopted in January 2005)

Protection of the resources found in environmental areas (Environmental Overlay District) is critical to preventing serious, often irreversible environmental degradation. For example, as one of the most productive, complex ecosystems found in nature, wetlands retain water during high water periods, thereby reducing flooding, runoff rates, volumes, and maintaining base flow amounts in surface waters. Wetlands also enhance water quality in adjacent surface waters and ground water by filtering out pollutants. They are the “kidneys of the world.” Wetlands also provide wildlife habitat, fish spawning areas, and maintain a diverse and often rare plant and animal population.

In Sheboygan County, some environmental areas are protected through land use controls other than Exclusive Agricultural Zoning ordinances. The Sheboygan County Shoreland-Floodplain Ordinance, Sanitary Ordinance, and Subdivision Ordinance, protect environmentally sensitive areas, protect the groundwater and drinking water supply from pollutants, and help promote the orderly development of land throughout the County.

Exclusion Areas-- The original plans (1979 and 1985) recommended that all developed or developing lands be excluded from agricultural preservation regardless of underlying soil characteristics. Exclusion areas consist of any of the following: incorporated municipalities (except for the Village of Glenbeulah), subdivisions, concentrations of development, areas presently receiving sanitary sewer service, lands larger than 10 acres in size that are zoned by a Town ordinance in a district other than A-1, including airports, schools, businesses, cemeteries, non-metallic mining areas, utilities, and roads. Generally, Exclusion Areas are existing, zoned, or planned activities (that may be adjacent to lands identified as Farmland Preservation areas) that are incompatible with agricultural uses. Development will be encouraged in or adjacent to Exclusion areas, where nearby land uses are, or will be, similar in nature. This includes public property, floodplains, wetlands and woodlands areas. Conservancy areas should be protected as development occurs by minimizing the loss of productive lands and natural vegetation to the extent possible.

In summary, the districts that were identified through the planning process and shown on the plan map include Agriculture Preservation, Agriculture Transition, Environmental Overlay, and Exclusion. Because farmland does not always only include tillable land, land that is shown on the Farmland Preservation Plan map as agriculture preservation areas and are covered by an environmental overlay district are still considered to be agriculture preservation areas.

Map 11.1 illustrates the locations of the farmland preservation categories for the Town of Wilson. Refer to the Sheboygan County Farmland Preservation Plan for a more detailed explanation of categories to determine which areas are eligible for tax credits.

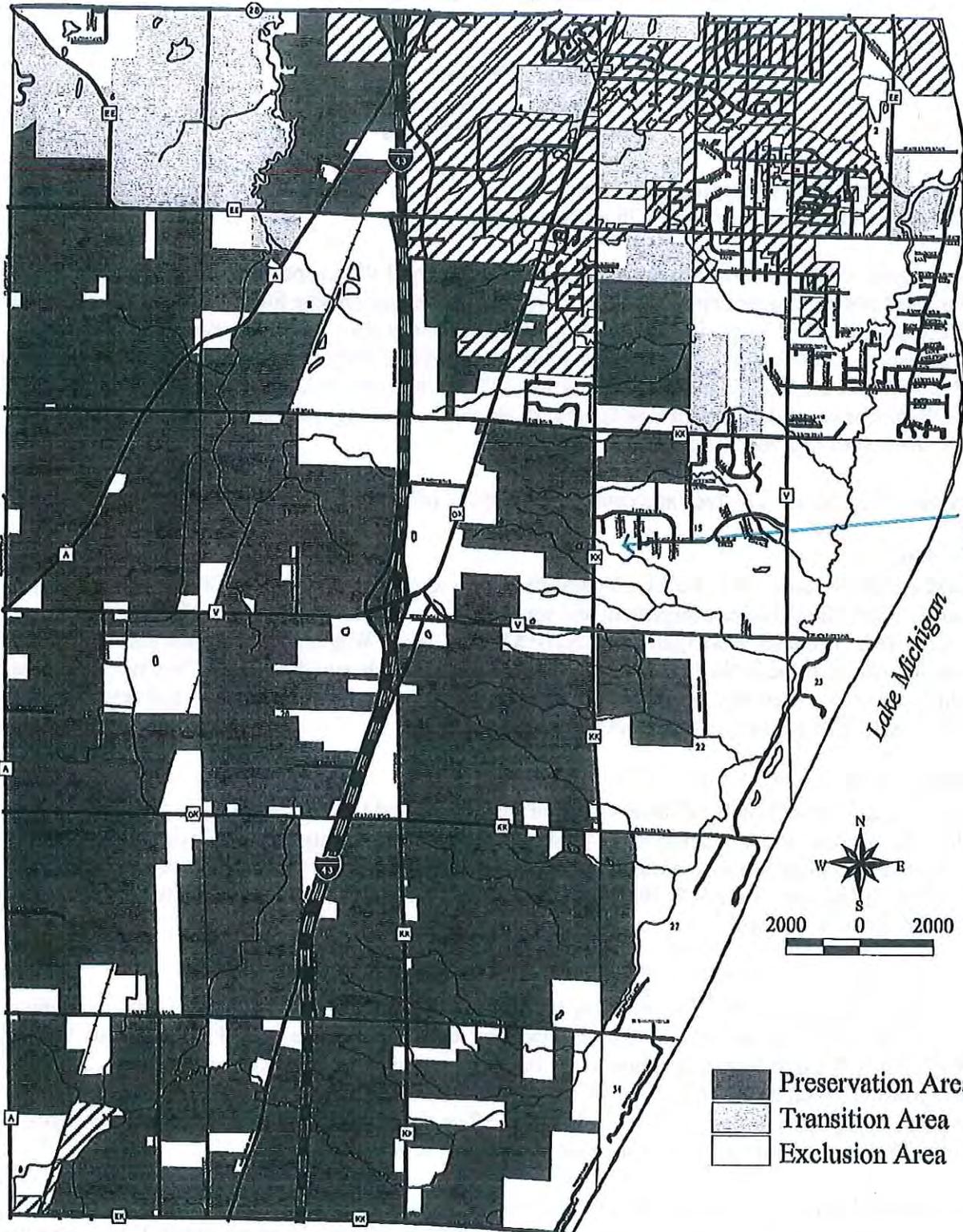
Park and Outdoor Recreation Plan

The Sheboygan County adopted a Comprehensive Outdoor Recreation and Open Space Plan in 2004. The plan which meets the eligibility requirements for participation in Federal Land and Water Conservation Fund (LAWCON) grant program. LAWCON provides grants to assist in the provision of outdoor recreation facilities.

Farmland Preservation Plan

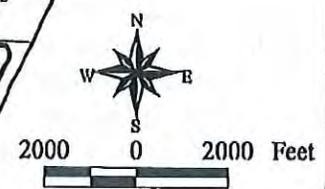
Map 11.1

Town of Wilson
Sheboygan County, Wisconsin



Subject Property -
Exclusion Area

Lake Michigan



- Preservation Area
- Transition Area
- Exclusion Area

Source: Town of Wilson; Sheboygan County; Bay-Lake Regional Planning Commission, 2007.

Appendix C

David Gartman

From: Gerald <gwbertsch@charter.net>
Sent: Thursday, February 28, 2013 1:32 PM
To: David Gartman
Subject: here are the munites you asked forTown of Wilson

Town of Wilson
Park and Forestry Commission Meeting
February 21, 2012 Minutes

Present: Kettler, Bertsch, Brentrup, Kultgen, Kissel
Called to order by Vice-Chair Bertsch at 6:35 with a quorum.

Dave Gartman gave a presentation on prospective sites for a Town of Wilson potential park. The county stewardship grant which must be applied for this spring and the expiration date for the use of some of the park funds by December 31, 2012 is causing the accelerated look at this project. There are two types of parks, natural or recreation. With recreation, there are smaller size used as a neighborhood park and a larger size with athletic areas such as a baseball diamond or soccer field. At this time we are looking at a neighborhood park. In looking at different areas of the Town it was felt that it was too busy along the business corridor and not park friendly. A site east of that would serve the most people.

Three sites were considered. The pros and cons were reviewed of each site. The 3 sites are:

Site 1-Lake Aire

Aprox. 5 acre parcel just south of Lake Aire 3 with aprox. 675 feet on Moenning Road and 350 feet along Schinker Drive. This site contains a large barn and small shed along with a cased well. The home was previously removed. The price is \$15,000 per acre, or \$75,000, as is. Wagner estimated the cost to remove the building and foundation to be in the range of \$30,000 to \$35,000 which would be a buyer's expense, but that was not a firm price. A site survey would be needed to be checked for underground tanks and any other hazards, but Wagner said he didn't think there were any.

Site 2- Thimmig Property

Aprox. 6 acre parcel west of South 18th Street south of Stahl Road and Garden Grove. Site is clear but contains a navigable waterway through the middle of it and would be subject to county shoreland regulations. The owner wants to keep enough frontage north of navigable waterway to allow for access to future development of land owned by seller to west. Cost is \$180,000 and subject to the town installing a chain link fence around the park property at Town's expense.

Site 3-Rammer Ponds

There are 7 adjacent residential lots for sale along Moenning Road and Whispering Winds Drive, and they are lots 16, 17, 18, 19, 29, 30, 31. Lots 29 and 30 are owned by Rautmann and the other 5 are owned by Werner. The lots reviewed by Bertsch were a combination of lots 18, 19, and 31 and contain about 2 acres. This gives access along Moenning Road and Whispering Winds Drive. The cost for the 3 lots is \$123,000 and Werner would donate \$10,000 to the project, or a net of \$113,000. The site is developed with sewer laterals into all 3 lots and little effort needed to landscape. There are street lights in the subdivision.

It was recommended to prioritize sites with a recommendation to the Town Board at the March 5th meeting. An appraisal could be ordered at that time. Gartman stated that the Long Range Planning started the process, the

Park and Forestry then analyzes and recommends, the Town Board reviews and the public would make the ultimate decision, possibly at the April annual meeting. That April annual meeting is also driving the process.

Additional discussion occurred on the sites.

Lake Aire

Possibly burn down the Barn. Does that need a permit, are asphalt shingles a problem, is that safe for the environment and what is the possible fire hazard as the barn collapses and releases hot ashes into the air? Possible salvage value of timbers and necessary insurance required if that route is taken. Possible DNR chapter 30 permit required. Possible town expense for future sewer in Schinker Drive and Moening Road as there is none now and town would be the owner. No current sewer if bathroom facilities are desired.

Rammer Ponds

Rammer site is the easiest to develop. Sewer and electricity is at site. It was noted that the Fireman's Park was 2 acres, or about the same size. Would be town owned land and could help in preventing possible future annexations as there cannot be an island. Lots are fully developed and if the Town ever decides to close the park or build a larger one elsewhere the lots could be resold. Werner stated that if funds were not sufficient from the park fund and stewardship grant that he would consider holding a note for the balance so that the project could proceed this year.

The County Stewardship Grant Program was discussed. Werner is a member of the committee and answered questions. Application dates are not confirmed for this year yet but will be in spring. They are ranked on a point system in different categories with the highest ranking applications normally given the most consideration. It is very helpful to have a letter of the local unit of government's support of the project and that there are matching funds already available if the project is approved. The funds do not have to be a 50/50 match. It was recommended that all the costs of the project be put in the application, even if the project may be done in phases. It was felt that without a stewardship grant that it would be difficult to fund a project. P&F could pursue additional grants if the project is approved and funded.

Gartman said he felt the Town Board could be supportive but that it would be a challenge if any additional funds are needed beyond the available amount in the park fund and any grants obtained.

A vote was taken ranking the 3 parcels as 1, 2, or 3 with #1 being the highest choice. The vote was:

Lake Aire- 3 votes #1, 2 votes #2, or 7 total

Thimmig- 5 votes #3, or 15 total

Rammer Ponds- 2 votes #1, 3 votes #2, or 8 total

It was decided to pursue the top two, which are Lake Aire and Rammer Ponds. The next step is to define the costs, look at all the pros and cons of each site, decide a vision of what we want to accomplish with a park, such as play center, shelter, bike racks, etc. and make a recommendation to the Town Board at the March 5th meeting.

Next meeting set for March 29 at 6:30.

TOWN OF WILSON
APPROVED MINUTES OF MARCH 5, 2012 TOWN BOARD MEETING

CALL TO ORDER & DECLARATION OF OPEN MEETING:

Meeting was called to order by Chair David Gartman at 6:03 p.m., confirmation of posting in accordance with open meeting law was confirmed by affidavit of posting and the meeting was declared an open meeting.

PRESENT: Chair David Gartman, Supervisor Dale Sommer, Supervisor Michael Bergin, Supervisor Brian Hoffmann, Treasurer Laurie Pankratz, Maintenance/Roads Supervisor Rick Meyer and interested residents and other parties. **Absent:** Supervisor David Senkbeil and Clerk Cheryl Rostollan.

PLEDGE OF ALLEGIANCE was recited.

By request of Chair Gartman, a moment of silent thoughts was observed for former clerk and Long Range Planning Co-Chair, Marge Pearce, who passed away on February 28, 2012, for reflection on her dedication and service to the Town of Wilson.

PUBLIC COMMENT SESSION: No public comments received.

APPOINTMENTS / NEW BUSINESS:

1. Approval of draft minutes – No action taken.
2. Deputy Scott Wieland, Sheboygan County Sheriff Deputy regarding potentially providing services for community policing – Deputy Wieland provided information regarding the role of the Sheboygan County Township Officers, the names of the officers on duty in the town, duties and service areas, Humane Officers - who may take on those roles and the training requirements thereof, services offered by the Sheboygan County Humane Society and the Sheboygan County Sheriff's Department. Chair Gartman offered Sheriff's office to provide future Town of Wilson newsletter articles - Discussion, no action taken.
3. Michael Thun, Veolia Environmental - Town Transfer Station regarding Veolia contract and site recommendations – Review of potential site and contract changes – Dale Sommer and Rick Meyer provided proposed site changes and updated proposal from Veolia for a 5-year agreement. Savings would be realized for corrugated recycling. Review, discussion, no action taken.
4. Jane Kettler and/or Gerald Bertsch, Park & Forestry Commission - Regarding Visitors Map/brochure/website access; recommendation to contract with LandDoc.LLC to survey and monument street access points to Lake Michigan & Black River; report Park & Forestry Commission's recommendation for Parkland Dedication site – Motion by Sommer to update Town of Wilson website with map and points of interest with cost not to exceed \$200.00; second by Hoffmann; motion carried with no nay votes, Senkbeil absent. No action taken on survey and monumenting street access points to Lake Michigan and Black River.
5. Shawn Wesener, Sheboygan County Planning regarding Parkland Dedication – Motion by Hoffmann to proceed with grant application; second by Bergin; motion carried with no nay votes, Senkbeil absent.
6. Parkland Dedication Fees Account/Development Funds – Progress report provided regarding assessment of options, potential appraisal(s) for purchase(s) used with Dedicated Funds – Gerry Bertsch will contact Treasurer Pankratz for additional financial details. No action taken.
7. Maintenance/roads:
 - a) Report – Gregg Wagner regarding snow and ice removal / Rick Meyer regarding road and maintenance-related updates – No action taken.
 - b) Sheboygan Scrap Metal – Reviewed proposal, no action taken.
 - c) Doug Ten Haken – Reviewed proposal, no action taken.
 - d) Consideration of Donald Oneson, Michael Tevsh and Alan Gartmann for possible hiring as part-time Maintenance worker(s) – Motion by Hoffmann to extend offer of a permanent part-time maintenance job to Michael Tevsh contingent upon passing physical and drug test and not to exceed 500 hours per year at a starting rate of pay of \$10.00 per hour with 6 month reviews; second by Sommer; motion carried with no nay votes, Senkbeil absent.
 - e) Review and possibly amend address mailing list for Lone Oak/Lake Aire Dr. drainage matters (Lake Aire and Lake Aire Addition #1 Subdivisions) – No action taken.
 - f) Maintenance Engineering LTD – potential purchase – No action taken, but board consensus was that it was ok for Rick Meyer to purchase light bulbs.

TOWN OF WILSON
APPROVED MINUTES OF MARCH 5, 2012 TOWN BOARD MEETING

8. Adoption of Ordinance to Extend Town Officer Terms in Response to Election Law Changes – Motion by Sommer to adopt Ordinance 02-2012 to Extend Town Officer Terms in Response to Election Law Changes; second by Bergin; motion carried with no nay votes, Senkbeil absent.
9. Applications for Operators Licenses for Handlebar & Grill for Tara Jackson – Motion by Hoffmann to approve Operator's License for Tara Jackson pending positive background check; second by Bergin; motion carried with no nay votes, Senkbeil absent.
10. Appointment of Special Voter Registration Deputy in Oostburg, Sheboygan Falls, Kohler and Sheboygan high schools – Motion by Sommer to appoint Special Voter Registration Deputies in Oostburg, Sheboygan Falls, Kohler and Sheboygan High Schools; second by Hoffmann; motion carried with no nay votes, Senkbeil absent.
11. Report on status of the W-2 Annual reports – Clerk to provide details to town board in their mailboxes.
12. Reappointment of Rich Ternes and David Schleicher to Plan Commission – Chair Gartman reappointed Rich Ternes and David Schleicher to the Plan Commission for 3-year term.
13. Reports:
 - a) Treasurer – PILT payment, Balance Sheet present, discussion regarding 2011 audit.
 - b) Clerk – Newsletter presented.
 - c) Town Board
14. Disbursements:
 - a) Checks on hold – Holding tank deposit reimbursements. No action taken.
 - b) Black River Fire Department – Motion by Hoffmann to approve \$22,006.90 disbursements for Black River Fire Department; second by Bergin; motion carried with no nay votes, Senkbeil absent.
 - c) Town of Wilson First Responders – None.
 - d) Town of Wilson – Motion by Bergin to approve \$9,048.38 and \$22,006.90 payroll and payroll liability disbursements (total \$31,663.05); second by Hoffmann; motion carried with no nay votes, Senkbeil absent. Request payroll and payroll liability register from Begalke & Associates. Request form for accounts payable and payroll from Grunewald, Schenck, for town board approval.

OLD BUSINESS:

NOTICES:

- 3/8/2012, 5:30 p.m. – Town of Wilson First Responders Board Meeting at Town Office
- 3/12/2012, 6:30 p.m. – Plan Commission Meeting at Town Office
- 3/14/2012, 6:30 p.m. – Park & Forestry Commission Meeting at Town Office
- 3/19/2012, 5:30 p.m./6:00 p.m. – Sanitary District No. 2 Commissioner Mtg/Town Board Meeting at Town Office
- 3.26/2012, 6:30 p.m. – Long Range Planning Ad Hoc Team Meeting at Town Office

AGENDA ITEMS FOR SUBSEQUENT MEETINGS:

▪

ADJOURN:

Motion to adjourn by Hoffmann; second by Bergin; motion carried with no nay votes, Senkbeil absent.

Minutes submitted by: Cheryl Rostollan, Clerk

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
DRAFT MINUTES OF APRIL 10, 2012 ANNUAL TOWN MEETING

PRESENT: Town Board Chair David Gartman, Town Board Supervisor Dale Sommer, Town Board Supervisor David Senkbell, Town Board Supervisor Michael Bergin, Town Board Supervisor Brian Hoffmann, Town Treasurer Laurie Pankratz, Town Deputy Clerk Daniel Rostollan, Town Attorney Paul Rosenfeldt, Town Accountant Bryan Grunewald and town residents (sign-in sheet attached.)

1. CALL TO ORDER – Meeting called to order by Town Board Chairperson David Gartman 7:04 p.m.; posting in accordance with open meeting law was confirmed by affidavit of posting and the meeting was declared an open meeting.
2. PLEDGE OF ALLEGIANCE was recited.
3. MINUTES – Motion by Gerald Bertsch to approve Draft Minutes of April 12, 2011 Annual Meeting as submitted; second by Dave Kolar; motion carried by majority vote.
4. INTRODUCTION OF TOWN OFFICERS AND TOWN EMPLOYEES –
 - a. Town officers were introduced and those present were acknowledged.
 - b. Maintenance Department Staff were introduced and those present were acknowledged.
 - c. Office Staff were introduced and those present were acknowledged.
5. FINANCIAL AND AUDIT REPORTS, Bryan Grunewald, Schenck, SC (Town Accountant) – Bryan Grunewald presented the Statement of Assets, Liabilities and Fund Balances and Statement of Revenues Collected, Expenditures Paid and Changes in Fund Balance for the year ended 2011 and explanations thereof. Comments were shared by Marko Zagar regarding future consideration of town hall roof repair and Randy Roth that the town should not bear the cost of street lighting in Rammer Pond. Motion to approve 2011 Financial Report by Gary Leonhardt; second by Guy Jones; motion carried by majority vote. Copies of the 2011 Financial Report will be available at the clerk's office.
6. TOWN BOARD CHAIRMAN REPORT - State of the Town – Town Chairperson shared his view of the condition of the town and its continuing changes in demographics.
7. PARK AND FORESTRY COMMISSION:
 - a. Discussion on proposed Park purchase with dedication fees – Jane Kelller introduced the Park & Forestry Commission members, presented the accomplishments and activities of the commission and the commission's proposal to utilize the Parkland Dedication Fees for purchase of the Schlinker Creek/Moenning Road property as presented. Questions and discussion regarding the proposed park included:
 - Hazardous materials and environmental impact study;
 - Qualification for County Stewardship Grant;
 - Qualification for WI DNR Grant;
 - Upkeep, improvements and maintenance;
 - Cost of clearing land.Motion by Nancy Kissel that the Town of Wilson electors authorize the Town of Wilson Board to use the Restricted Parks Fund paid to the town by developers for use on recreational facilities, as well as funds received from grants and/or designated donations, to purchase and improve land for a Town Park; motion seconded by Larry Balterman; discussion; motion by Alan Gartmann to call the question; second by Larry Balterman; motion carried with 68 aye votes and 9 nay votes.
8. WAGE, SALARY & BENEFITS COMMITTEE
 - a. Compensation for elected officials taken oath April 2013 – Guy Jones and Gary Leonhardt presented the Wage, Salary & Benefits Committee recommendations.
 - Town Constable – Recommendation to increase hourly wage by 3% for the term beginning April 2013. Discussion. Motion by Arletta Glese to approve recommendation to increase hourly wage by 3% for Town Constables effective with April 2013 term; second by Art Hosking; motion carried by majority vote.
 - Town Treasurer – Recommendation to increase salary of Town Treasurer by 3% for the term beginning April 2013. Discussion. Motion by Randy Roth to increase Town Treasurer salary by 2% for the first year and 2% for the second year for the term beginning April 2012; no second; motion died for lack of second. Motion by Randy Roth that Town Treasurer salary be increased by 3% for the first year of the April 2013 term and 3% compounded for the second year of the April 2013 term; second by Nancy

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
DRAFT MINUTES OF APRIL 10, 2012 ANNUAL TOWN MEETING

Hosking; discussion; motion to call the question by Nancy Hosking; second by Art Hosking; motion carried by majority vote.

- Town Clerk – Recommendation to increase salary of Town Clerk by 3% for the term beginning April 2013. Discussion. Motion by Cathy Conrad that Town Clerk salary be increased by 3% for the first year of the April 2013 term and 3% compounded for the second year of the April 2013 term; second by Randy Roth; discussion; motion to call the question by Arletta Glese; second by Nancy Hosking; motion carried by majority vote.
- Town Supervisors – Recommendation to increase salary of two Town Supervisors by 5% beginning with those terms commencing April 2013 and to increase the salary of two Town Supervisors by 5% beginning with those terms commencing April 2014. Motion by Cathy Conrad to freeze the current salary of all Town Supervisors and Town Chairperson for their next term; second by James Van Ess; discussion; Heidi Brake raised a point-of-order; motion by Arletta Glese to call the question; second by Randy Roth; motion defeated with 13 aye votes and 50 nay votes. Motion by Ginger Aschebrock to increase the salary of the four town supervisors by 5% beginning April 2013; second by Gerald Bertsch; discussion; motion to call the question by Larry Batterman; second by Arletta Glese; motion carried with 50 aye votes; 9 nay votes and all members of the town board abstaining.
- Town Chairperson – Recommendation to increase salary of Town Chairperson by 5% beginning with the April 2013 term. Motion by Gerald Bertsch to increase salary of Town Chairperson by 5% effective with the April 2013 term; second by Scott Schreiber; discussion; motion to call the question by Ginger Aschebrock; second by Dave Kolar; motion carried with 51 voting aye and 3 naves and entire town board abstaining.
- Per Diems for Town Board – Recommendation of \$50 per diem for all meetings outside of regularly scheduled town board meetings. Discussion. Motion by Mike Rammer that town board members be paid per diems per the current Sheboygan County Per Diem Fee Schedule, subject to prior approval by town board – current rate is \$20 per meeting under 2 hours; \$35 for meetings from 2 to under 4 hours and \$50 for meetings 4 or more hours; be paid mileage per federal IRS rate; pay registration; and pay for meals not to exceed \$25 per day; second by Jean Serlich; discussion; motion by Alan Gartmann to call question; second by Dave Kolar; motion carried with 46 aye votes and 4 nay votes.

9. **PLAN COMMISSION AND LONG RANGE PLANNING** – Jim Kummer introduced Plan Commission members, acknowledged the members present and described the overall activities of the Plan Commission.
10. **BLACK RIVER FIRE DEPARTMENT** – Kory Weindlandt presented the report for the Black River Fire Department and reminded people in the audience to change the batteries in their smoke detectors and obtain burning permits.
11. **FIRE PARTNERS (Oostburg Fire Department)** – Carl Roethel, Trustee for the Village of Oostburg, reported on the activities of the Fire Partners and the calls made in the Town of Wilson which were three (3) calls for fire, three (3) calls to assist in mutual aid and three (3) calls for the Jaws of Life.
12. **FIRST RESPONDERS** – Director Nancy Des Jardins introduced the members of the First Responders and provided a report of the 2011 activities and achievements. Nancy presented Bill Gartmann with a team picture which included everyone who assisted in saving his life.

ROADS – Information regarding potential projects to be done in 2012 was provided.

13. ELECTORATE COMMENTS, DIRECTIVES, AUTHORIZATION

- a. Motion by James Van Ess to appoint a committee of five (5) by the chair to investigate rumors affecting the character of the legal firm of Edgerton, St. Peter, Petak & Rosenfeldt, P.O. Box 1276, 10 Forest Avenue, Fond du Lac, WI 54936, which if true, render this legal firm unworthy of representing this Town of Wilson governing body, and that the committee be instructed to report resolutions covering its recommendations; second by Arletta Glese; discussion; motion carried with 17 aye votes and 10 nay votes with the town board abstaining.
- b. Motion by Randy Roth that the town stop paying Rammer Pond utility bills; no second; motion withdrawn.

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
DRAFT MINUTES OF APRIL 10, 2012 ANNUAL TOWN MEETING

- c. Motion by Phil Mersberger to seek compensation from the Sanitary Districts for the use of the town board members as commissioners at such rates as determined by the town board; second by Jim Kummer; discussion; motion to call the question by Phil Mersberger; second by Guy Jones; motion carried by unanimous vote.
 - d. Tom Kuitgen inquired about the article in the newspaper regarding the town clerk and asked about the compensation and responsibilities of the deputy clerk.
 - e. Shelly Weidig expressed concern and safety issues related to the use of Moening Road between Jackson School and the new proposed park and requested consideration of widening/improvement of Moening Road.
 - f. Nancy Des Jardins stressed the need of formal training for the Town Constables.
14. ADJOURN - Arletta Glese moved to adjourn; second by Guy Jones; motion carried by unanimous vote and meeting adjourned at 11:02 p.m.

Minutes submitted by: Cheryl Rostollan, Clerk
Reviewed by Deputy Clerk Daniel Rostollan

DRAFT

CORRESPONDENCE/MEMORANDUM**DATE:** January 18, 2013**TO:** Natural Resources Board**FROM:** Cathy Stepp, Secretary**SUBJECT: RATIFICATION OF THE DEPARTMENT'S DETERMINATION THAT NATURE-BASED OUTDOOR ACTIVITY (NBOA) PROHIBITIONS ARE NECESSARY ON NON-DEPARTMENT STEWARDSHIP LANDS**

The Department requests that the Board ratify a determination that the prohibition of two nature-based outdoor activities is necessary on a 4.99 acre in the Town of Wilson, Sheboygan County. The Department proposes to award a grant in the amount of \$52,500 to the Town of Wilson for the purchase of land on which hunting and trapping will be prohibited to protect public safety.

I. PROJECT DETAILS

Project Sponsor: Town of Wilson
Seller: Green Acre Estates, LLC
Grant sub-program: Acquisition and Development of Local Parks

Project Description: The Town of Wilson seeks Stewardship Program funds (Acquisition and Development of Local Parks subprogram) for the acquisition of 4.99 acres for "Schinker Creek Park" – the town's first major park. The property is a rectangular parcel of primarily lawn sod and open, graded soils with a few scattered trees and old agricultural buildings. The park site is surrounded by residences or residential development that is under construction. A small intermittent stream crosses the northeast corner of the property but is not navigable for fish. A map is attached as Appendix B.

Project Goals: The Schinker Creek Park acquisition project meets the following goals:

- Provides nature-based outdoor recreation on new public land for the town's first major park.
- Provides outdoor recreation opportunities in a large, rapidly growing subdivision that currently is without any outdoor recreation facilities.
- Provides for ecological restoration projects, including invasive species management and prairie plantings.
- Implements recommendations from the *Sheboygan County Park and Open Space Plan*.

Current/Prior Use of Property: The property is an old farmstead that is no longer in operation. The buildings on the property will be removed by the seller. There was no prior public use of the property.

Proposed Public Uses: Schinker Creek Park will be available to the public from 6:30 AM to 10:00 PM, seven days per week, and 365 days per year. Users will be able to hike, bike, picnic, cross-country ski, snowshoe, and enjoy nature. The Town of Wilson anticipates that most of its more than 3,300 residents will enjoy this property annually.

Recreation opportunities include hiking, biking, picnicking, cross-country skiing, snowshoeing, playground use and nature enjoyment. The Department's analysis of allowed nature-based outdoor activities is attached in Appendix C.

Hunting and trapping will be prohibited on the property by town ordinance. The Department has

determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety. See Appendix A for a summary of the Department's determination. The memo attached from Mary Rose Teves, as required by s. NR 52.04(2)(e), Wis. Adm. Code, describes the procedure followed by the Department to make this determination.

Property Management: Schinker Creek Park will be operated and maintained by the Town of Wilson, consistent with their management policy.

Timetable: The Town of Wilson acquired the property on December 21, 2012.

II. PROJECT FINANCES

A. Partnerships:

- Town of Wilson – acquisition and management of the property.
- Department of Natural Resources – cost-sharing with the acquisition.

B. Appraisals

As required by s. 23.0917(7)(e)2., Wis. Stats., one appraisal was used to determine the fair market value of the land.

Appraisal 1	\$110,000
Value certified by Department	\$110,000

NOTE: The purchase price was \$105,000.

C. Grant Calculation

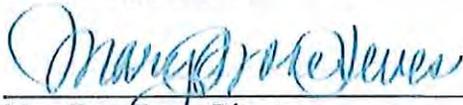
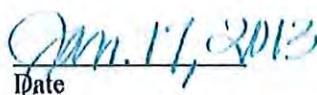
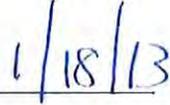
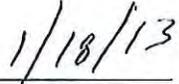
As required by s. NR 51.006(1), Wis. Adm. Code, financial assistance is limited to 50% of the acquisition cost.

Purchase price (lesser amount than certified appraised value)	\$105,000
Total Maximum Grant Costs	\$105,000

D. Funding Sources

Town of Wilson	\$52,500
Stewardship Grant	\$52,500

III. RECOMMENDED:

 _____ Mary Rose Teves, Director Bureau of Community Financial Assistance	 _____ Date
 _____ Julie Sauer, Administrator Customer and Employee Services Division	 _____ Date
 _____ Kurt Thiede, Administrator Lands Division	 _____ Date

DATE: January 18, 2013

APPENDIX E

TO: Natural Resources Board

FROM: Mary Rose Teves, Director
Bureau of Community Financial Assistance

SUBJECT: Summary of Department's Determination to Prohibit Two Nature-based Outdoor Activities on Schinker Creek Park Land Purchase (Green Acre Estates, LLC), Town of Wilson, Sheboygan County

I recommend that the NRB exercise its authority under s. 23.0916(2), Wis. Stats., and s. NR 52.05, Wis. Adm. Code, to ratify the Department's decision to award a Stewardship grant of \$52,500 to the Town of Wilson for the acquisition of 4.99 acres located within the Town of Wilson, Sheboygan County, even though the prohibition of hunting and trapping will be necessary to protect public safety.

PROJECT BACKGROUND

The Town of Wilson is eligible to receive grant funds from the Acquisition and Development of Local Parks sub-program of the Knowles-Nelson Stewardship Program and has requested a Stewardship grant for the acquisition of this parcel to create Schinker Creek Park for the purpose of providing outdoor recreation opportunities.

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, trapping, fishing, hiking, or cross-country skiing. The Town of Wilson proposes to prohibit hunting and trapping in this park. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting and trapping to protect public safety.

A copy of the Town of Wilson ordinance is attached to this Green Sheet as Appendix C. A copy of the prohibition team review is attached to this Green Sheet as Appendix C

PUBLIC NOTICE AND COMMENTS

I certify that public notice requirements identified in s. NR 52.04, Wis. Adm. Code, have been followed for this Stewardship project. Public notice about this proposed project was posted on GovDelivery on December 12, 2012. The Department did not receive any comments regarding this project.

The public notice may be found in Appendix D attached to this Green Sheet.

DETERMINATION

The Town of Wilson has an ordinance prohibiting the discharge of any dangerous weapons. The DNR regional Recreational Safety Warden determined that the prohibition on hunting and trapping was necessary to protect public safety. The warden reviewed the following factors:

1. The primary purpose of the project;
2. An ordinance prohibiting the discharge of dangerous weapons;
3. User conflicts;
4. The size of the parcel;
5. Proximity of the parcel to homes and planned surrounding development;
6. Proximity of the parcel to roads; and
7. Recreational use of adjacent properties

We conclude that hunting and trapping prohibitions on this property are necessary to protect public safety because the parcel:

- Is small in size;
- Has proximity to homes, roads and planned future development;
- Will be visited by users who have a reasonable expectation of no hunting or trapping on a property of this type and in this location.

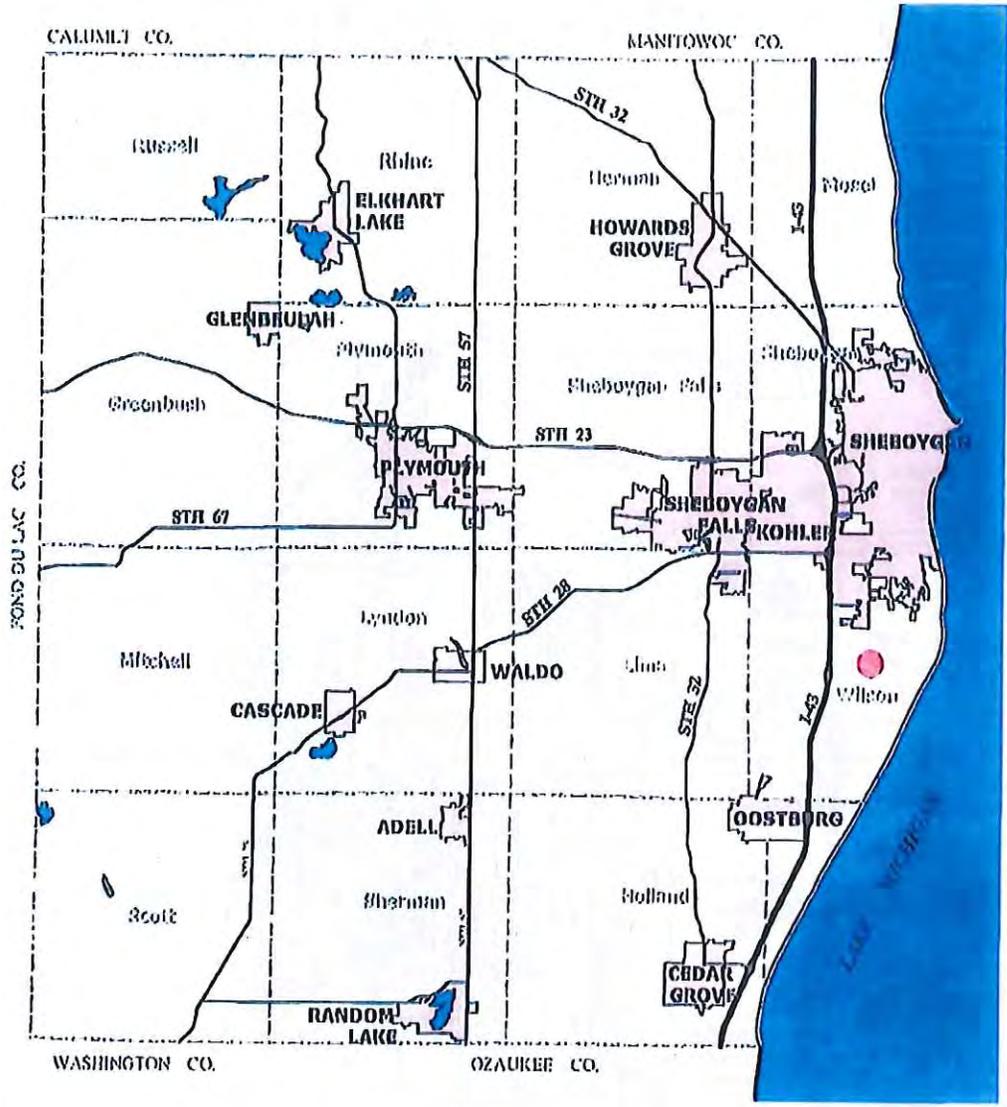
FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this determination will be provided to the individuals who objected to a Stewardship grant award.

This determination is submitted to the Natural Resources Board as required in s. NR 52.04(2)(e), Wis. Adm. Code.

Appendix F

Map of Sheboygan County Location of Proposed Park in Town of Wilson



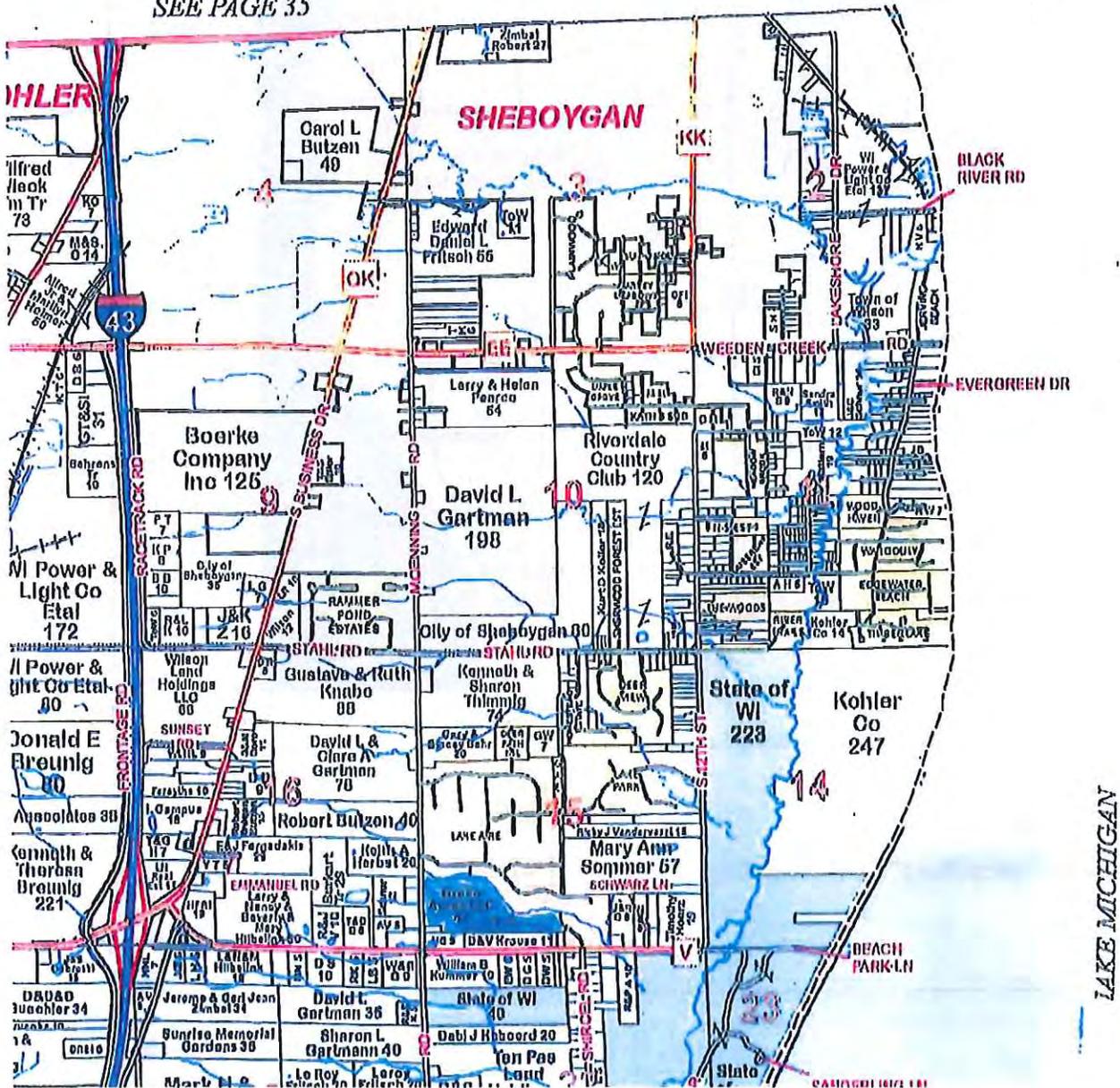
● Proposed "Lake Aire" Park



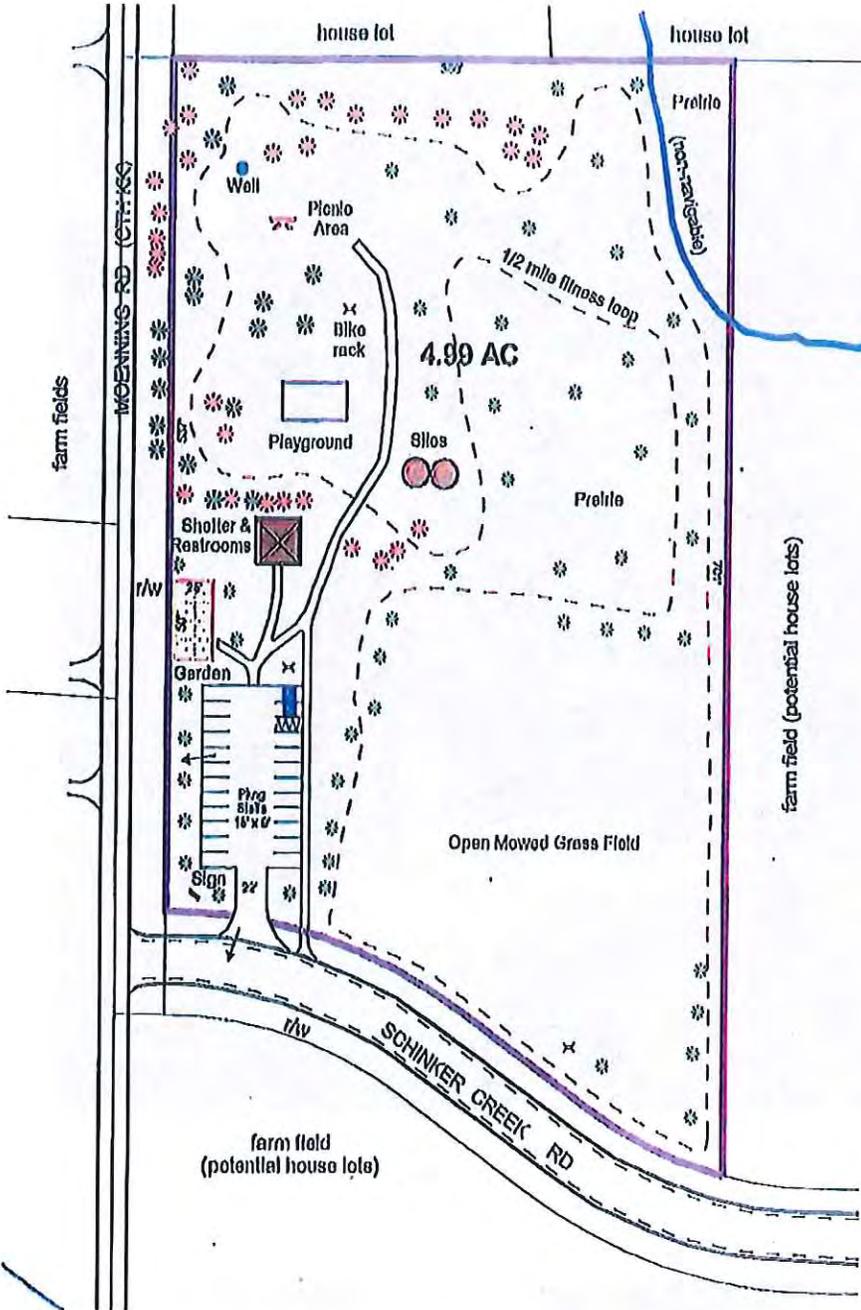
Loon Acres L.L.C. 49 Acres

OF WILSON T14N • R23E

SEE PAGE 35



SCHINKER CREEK PARK -- SITE PLAN v. 2



0/0/12

- Deciduous tree
- Evergreen tree
- New planting
- Runoff direction
- Park boundary
- Bike lane
- Drainageway
- Unpaved trail
- Paved 5' path

Town of Wilson, Sheboygan Co.

50 0 50 Feet



Prepared by Sheboygan Co. UWEX, and A & M Trees, LLC

TOWN OF WILSON — SCHINKER CREEK PARK PROJECT



1



2



3



4



Appendix G

Knowles-Nelson Stewardship Grant Program



Public Safety Team Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds

Rev. August 2012

NOTE TO DNR STAFF: This completed form will be attached to the NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. CF Staff completes the project proposal section prior to submitting to public safety team for review.

PUBLIC SAFETY REVIEW TEAM

Kyle Drake

10-29-12

Regional Recreational Safety Warden

Date

[Signature]
Regional Warden Supervisor

11-15-12
Date

PROJECT DESCRIPTION

Applicant/ Sponsor:

Town of Wilson

Year of Application:

2012

Project Name:

Schinker Creek Park

Primary Purpose:

- Habitat Areas Local Parks
 Natural Areas Urban Rivers
 State Trails Urban Greenspace
 Streambank Protection

Project Description:

The site is 4.99 acres in a developing residential area that will be maintained as a multi-use neighborhood park. The site will have a shelter with restrooms, a playground, a garden, a prairie restoration area, a picnic area, and a fitness loop.

FINDINGS OF FACT:

The Town of Wilson has applied for Stewardship funding for the acquisition of 4.99 acres of land for a neighborhood park. The park site is surrounded by completed residential development or residential development that is under construction. The subject property itself is divided from other lands held for residential subdivision development and preliminary planning indicates the seller would extend a cul-du-sac street on the property. The town has an ordinance prohibiting the discharge of a dangerous weapon, including bow and arrow. Much of the site will be within 100 yards of buildings devoted to human occupancy. State Law prohibits the discharge of firearms and some trapping in these areas. The area that does not fall within these parameters will be the location for the shelter, parking area and playground. Based on these facts the Public Safety Team finds that the prohibition on hunting and trapping is necessary to protect public safety.

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

The property gently slopes from west to east with about 200 feet of a non-navigable waterway in the NE corner. There is a small plowed field to the east and south and subdivision lots on the north property line. The subdivision will further be developed on the eastern and southern property lines. The site has some deteriorating farm buildings that will be removed. There are additional homes to the west.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery/ Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	X	X	N/A
Small Game	X	X	N/A
Turkey	X	X	N/A
Large Game	X	X	N/A

Public Safety Team Narrative:
 Much of the site will be within 100 yards of buildings devoted to human occupancy. State Law prohibits the discharge of firearms in these areas. There is an additional ordinance prohibiting the discharge of "dangerous weapons" including bows in these areas. The area that does not fall within these parameters will be the location for the shelter, parking area and playground. Based on these facts the Public Safety Team finds that the prohibition on hunting is necessary for public safety.

Public Safety Factors Considered: Check all that apply.
 The sponsor is within its own municipally boundary
 Parcel is within 100 yards of building devoted to human occupancy
 Parcel is within 50 feet of the center line of highways & roads
 Parcel is within 1700 feet of school grounds, hospital, or sanatorium
 Ordinance exists –
 Discharge or carrying a weapon Hunting within a park Throwing or shooting missiles, arrows, spears, etc.
 Parcel is subjected to a non-sponsor ordinance
 Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
 Parcel is adjacent to a public waterway.
 Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: SEE ABOVE

 Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	X	N/A
Water	X	N/A
Public Safety Team Narrative: Much of the site will be within 100 yards of buildings devoted to human occupancy. State Law prohibits the use of some traps in these areas. The area that does not fall within these parameters be the location for the shelter, parking area and playground. There will be heavy foot traffic and child use of this park area. Based on these facts the Public Safety Team finds that the prohibition on trapping is necessary for public safety.		
<input checked="" type="checkbox"/> No Water On Site Public Safety Factors Considered: Check all that apply. <input checked="" type="checkbox"/> The sponsor is within its own municipality boundary. <input checked="" type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints. <input type="checkbox"/> Ordinance exists that prohibits trapping or some type of trapping. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input checked="" type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	NO	Per state regulation
Boat	NO	Per state regulation
Public Safety Team Narrative: Fishing not prohibited.		
<input checked="" type="checkbox"/> No Water on Site <input type="checkbox"/> Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____ <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	NO	All year
Off-Trail	NO	All year
Public Safety Team Narrative: Hiking not prohibited.		
Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	NO	Winter
On-Trail (un-groomed)	N/A	N/A
On-Trail (groomed)	N/A	N/A
Public Safety Team Narrative: Cross-country skiing not prohibited.		
Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

CHAPTER 1

REGULATION OF DANGEROUS WEAPONS

1.01 Prohibition Against Discharge. No person shall discharge any dangerous weapons within one hundred (100) yards of any building devoted to human occupancy within any residential district in the Town of Wilson. "Dangerous weapon" as used in this paragraph includes, but is not limited to, firearms, such as pistols, revolvers, shotguns, rifles, and spring-loaded BB or pellet guns; any devices designed as weapons and capable of producing death or great bodily harm, such as a bow-and-arrow or sling shot; or any other devices or instrumentalities which, in the manner used or intended to be used, may produce death or great bodily harm. "Building" as used in this paragraph does not include any tent, bus, truck, vehicle, mobile home, or similar portable unit.

1.015 Exceptions. Temporary exceptions to Section 1.01 may be granted by the Town Board with such restrictions, conditions and limitations as the Town Board may determine

This ordinance shall not restrict or prohibit a licensed hunter from hunting deer with bow and arrow in a residential district on land owned by or lawfully occupied by such hunter, provided that all applicable State regulations are followed.

1.02 Penalty. Any person violating any provision of this Ordinance shall, upon conviction thereof, be fined not less than Fifty Dollars (\$50.00), nor more than Two Hundred Dollars (\$200.00) for each offense, together with the costs of the prosecution, or in default of payment thereof be imprisoned not more than twenty (20) days."

Effective Date. The herein Ordinance shall take effect upon enactment and publication.

Enacted this 2 nd day of August, 2004. Town of Wilson by Kenneth F. Sonntag, Chairman

This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 2nd day of August 2004. Catherine Conrad, Clerk

Published in the Sheboygan Press September 4, 2004.

Published in the Sheboygan Press October 14, 2003.

Hessler, Lavane J - DNR

From: Matt Parmentier <mparmentier@lawfdl.com>
Sent: Wednesday, November 21, 2012 2:10 PM
To: Kaemmerer, Daniel E - DNR
Cc: David Gartman; Cheryl Rostollan
Subject: Town of Wilson Regulation of Dangerous Weapons Ordinance

Dan:

Our firm represents the Town of Wilson. I understand that you need a short description of the Town's Regulation of Dangerous Weapons Ordinance for Monday. Below is a short description. Let me know if you need anything further.

The Town of Wilson's Regulation of Dangerous Weapons Ordinance prohibits any person from discharging a "dangerous weapon," such as a firearm, spring-loaded BB or pellet gun, bow-and-arrow, or similar device within 100 yards of any building devoted to human occupancy located in any of the Town's residential zoning districts. The Ordinance does not apply to licensed hunters hunting deer with bow-and-arrows on land that they own or lawfully occupy as long as they comply with all applicable State regulations. The Ordinance also allows the Town Board to grant temporary exemptions to the prohibition on a case-by-case basis.

Matt

Matthew Parmentier
Edgerton, St. Peter, Petak & Rosenfeldt
10 Forest Avenue
P. O. Box 1276
Fond du Lac, WI 54936-1276
Phone: (920) 922-0470
Fax: (920) 922-9091

This electronic mail transmission and any attachments are confidential and may be privileged. They should be read or retained only by the intended recipient. If you have received this transmission in error, please notify the sender immediately and delete the transmission from your system. In addition, in order to comply with Treasury Circular 230, we are required to inform you that unless we have specifically stated to the contrary in writing, any advice we provide in this email or any attachment concerning federal tax issues or submissions is not intended or written to be used, and cannot be used, to avoid federal tax penalties.

Appendix H

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: January 10, 2012

TO: Lavano Hossler -- CP/2

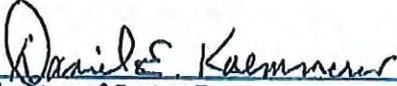
FROM: Dan Kaemmerer - SER

SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval

PROJECT NAME: Town of Wilson, Schlinker Park (Green Acres Estates, LC) Acquisition
The Schlinker Park land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on December 12, 2012 and the fifteen day public review period ended on January 8, 2013.

The Department did not receive any comments regarding this proposal.

In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.



Signature of Contact Person

01/10/2013
Date

NBOA Public Notice Certification:



Mary Rose Teves, CP Bureau Director

January 17, 2013
Date



Wisconsin Department of Natural Resources

Appendix I

Town of Wilson in Sheboygan County seeks grant for acquisition of land

News Release Published: December 12, 2012 by the Central Office

Contact(s): Dan Kaemmerer, Community Services Specialist, (414) 263-8704

SHEBOYGAN, Wis. – The Town of Wilson has applied for a 50 percent matching grant from the Knowles-Nelson Stewardship Program to help buy 4.99 acres of land in the Town of Wilson in Sheboygan County. The Town of Wilson will provide match to the grant award.

The property is being acquired in a developing residential area to provide a multi-use neighborhood park. The site will have a shelter with restrooms, a playground, a garden, a prairie restoration area, a picnic area, and a fitness loop and will include hiking, cross-county skiing, and nature appreciation. There is no fishable water on the site.

The Department of Natural Resources is proposing to make the determination that the prohibition of hunting and trapping is necessary to protect public safety, based on the size of the parcel, the proximity of roads and existing and planned residential buildings; the expectations of visitors, and the town's ordinance prohibiting the discharge of weapons.

DNR's initial assessment of allowed Nature Base Outdoor Activities (pdf) may be downloaded from the Stewardship Public Notice Website or you may request a hard copy by contacting the project contact listed below.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Dan Kaemmerer, Community Services Specialist, Wisconsin Department of Natural Resources – Southeast Region, 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, WI, 53212 or sent by email to Dan.Kaemmerer@Wisconsin.Gov. If you have questions about this project Dan Kaemmerer can be reached by phone at (414) 263-8704. Written comments will be accepted through Jan. 8, 2013. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

To receive e-mail notices of Stewardship Grant project news releases, please subscribe by putting a check mark by DNR Stewardship News under the News & Announcements heading.

The Official Internet site for the Wisconsin Department of Natural Resources

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608.266.2621

Appendix J

101 S Webster St, Madison, WI 53703 to 6505 Moenning Rd, Sheboygan, WI 53081 - Go... Page 1 of 3



Directions to 6505 Moenning Rd, Sheboygan,
WI 53081
116 mi – about 2 hours 1 min



101 S Webster St, Madison, WI 53703



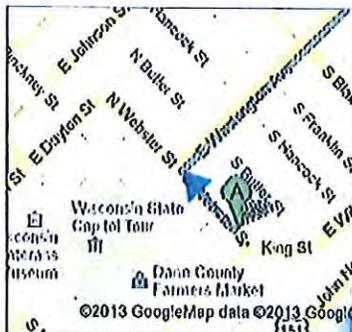
1. Head northwest on S Webster St toward E Main St



go 0.1 mi
total 0.1 mi



2. Take the 2nd right onto E Washington Ave
About 12 mins



go 5.7 mi
total 5.8 mi



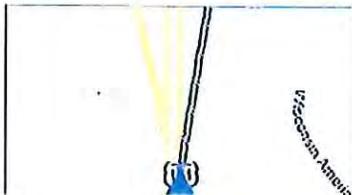
3. Continue onto US-151 N
About 1 hour 5 mins



go 70.0 mi
total 75.8 mi

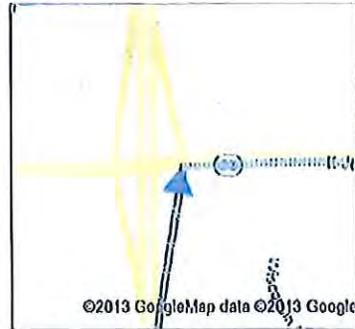


4. Take the ramp to WI-23 E/WI-23 Trunk E/E
Johnson St



go 0.2 mi
total 76.1 mi

- 23 5. Turn right onto WI-23 E/WI-23 Trunk E/E Johnson St
Continue to follow WI-23 E/WI-23 Trunk E
About 33 mins



go 32.3 mi
total 108 mi

- 43 6. Take the exit onto I-43 S toward Milwaukee
About 5 mins



go 5.4 mi
total 114 mi

- ↗ 7. Take exit 120 for County Rd V/County Rd Ok toward Waldo



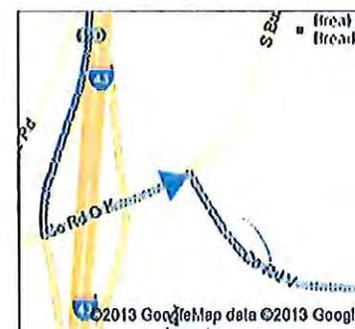
go 0.3 mi
total 114 mi

- ↙ 8. Turn left onto Co Rd O K/Co Rd V
About 1 min



go 0.2 mi
total 114 mi

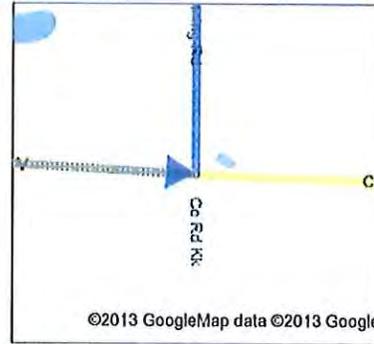
- ↘ 9. Turn right onto Co Rd V
About 2 mins



go 0.9 mi
total 115 mi

- 10. Turn left onto Co Rd Kk/Moenning Rd
Destination will be on the right
About 1 min

go 0.3 mi
total 116 mi



B 6505 Moenning Rd, Sheboygan, WI 53081



These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.

Chapter NR 52

STEWARDSHIP LAND ACCESS

NR 52.01 Purpose and applicability.
NR 52.02 Definitions.
NR 52.03 General provisions.

NR 52.04 Public notice.
NR 52.05 Natural resources board determinations.

NR 52.01 Purpose and applicability. (1) Pursuant to s. 23.0916, Stats., lands acquired in whole or in part with funding from the stewardship program are open for public hunting, trapping, hiking, fishing and cross country skiing unless public access is prohibited pursuant to this chapter. Decisions to prohibit public access for these activities will be reviewed by the department using professional judgment and will be based on sound science, legitimate safety issues, factual data and relevant information. A restriction of a nature based outdoor activity may be considered a prohibition if the restriction prevents a major or a significant amount of the nature based activity from occurring.

(2) The purpose of this chapter is to implement s. 23.0916, Stats., which directs the department to establish standards and criteria for prohibiting public access for hunting, fishing, trapping, hiking and cross-country skiing, defined as nature based outdoor activities under s. 23.0916 (1) (b), Stats. This chapter applies to land acquired in whole or in part with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats. The rules in this chapter are intended to maximize the number of compatible users and uses, to the extent practical, on lands subject to s. 23.0916, Stats.

(3) Pursuant to s. 23.0916 (5) (a), Stats., the natural resources board has determined that ss. NR 1.61 and 51.07 (3) (e) govern public access on all other lands funded in whole or in part with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats., that are not referred to in sub. (1) or (2).

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.02 Definitions. In this chapter

(1) "Accommodate usership patterns" means to consider the factors found in s. NR 52.05 (1) (c) when making a determination to prohibit an NBOA.

(2) "Department" means the Wisconsin department of natural resources

(3) "Department land" means land acquired by the department in fee title, or with an easement on former managed forest land on or after October 27, 2007, with stewardship program funds under s. 23.0917, Stats.

(4) "Former managed forest land" has the meaning given in s. 23.0916 (1) (a), Stats.

(5) "Hunting" means shooting, shooting at, taking, catching or killing any wild animal, other than by trapping, or pursuing for the purpose of shooting, shooting at, taking, catching or killing any wild animal.

(6) "Natural values" has the meaning given in s. 23.27 (1) (f), Stats.

(7) "NBOA" means the nature based public outdoor activity of hunting, fishing, trapping, hiking or cross-country skiing as described in s. 23.0916 (1) (b), Stats.

(8) "Non-department land" means land acquired in fee title, or with an easement on former managed forest land on or after October 27, 2007, by a non-profit conservation organization or local unit of government with the assistance of a stewardship program grant under s. 23.0917, Stats.

(9) "Primary purpose" means the recreational or conservation purpose for which the property is being acquired as guided by ss. 23.09 (2), (20) (am), 23.0915, and 23.0917, Stats., by s. NR 51.05, and by state, regional or local plans that support the project.

(10) "Prohibit access for an NBOA" means not to allow the activity in its entirety, or to restrict the activity so that a major or significant amount of the activity is not allowed.

Note: A temporary restriction of an NBOA for department approved land management practices is not considered a prohibition of an NBOA.

(11) "Stewardship program" means the Knowles-Nelson Stewardship Program authorized under ss. 23.0915 and 23.0917, Stats.

(12) "Unique animal or plant community" means a natural community composed of different plant and animal species, along with their associated geological and archaeological features, that exist together in a specific area, time and habitat. A unique animal or plant community is one identified as endangered, threatened, rare or ecologically sensitive. A unique plant or animal community may also be critical species habitat or an ecological reference area. The sources for identifying unique animal and plant communities include reports or databases, such as the natural heritage inventory, wildlife action plan, regional planning commission reports or other publications routinely referenced by conservation biologists. Individual game species shall not be considered as unique animal species for purposes of this chapter.

Note: References for, or copies of such databases, publications and reports may be viewed or obtained at the Department of Natural Resources, Bureau of Endangered Resources, 101 S. Webster Street, PO Box 7921, Madison, WI 53707-7921.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.03 General provisions. (1) DEPARTMENT LAND.

(a) All department land transactions are subject to s. NR 1.41.

(b) The department shall incorporate an evaluation of the requirements of s. 23.0916 (3), Stats., in master plans under ch. NR 44, feasibility studies and other planning documents that include land acquisition as an implementation strategy. This paragraph applies to new plans as well as any plan updates that may be undertaken for existing department projects that are subject to s. 23.0916 (3), Stats.

(2) NON-DEPARTMENT LAND. In addition to the requirements of ch. NR 51, stewardship program grant applications to acquire non-department lands subject to s. 23.0916 (2), Stats., shall include all of the following:

(a) A description of the public uses proposed for the property being acquired and a checklist indicating which of the specific NBOAs shall be permitted on the property. The checklist shall be in a format determined by the department and shall include at a minimum:

1. An indication as to whether a specific NBOA shall be allowed on the property.

2. For hunting, the checklist shall include information for allowing waterfowl, small game, turkey and big game hunting and shall include gun and archery hunting.

3. For trapping, the checklist shall include information for allowing water trapping and upland trapping.

4. For fishing, the checklist shall include information for permitting shore fishing and boat fishing.

5. For hiking, the checklist shall include information for allowing trail hiking and hiking off-trail.

6. For cross-country skiing, the checklist shall include information for allowing groomed trail skiing and off-trail skiing.

(b) An explanation of the primary purpose for the acquisition. The primary purpose for the acquisition shall be based on s. 23.09 (2), (20) (am), 23.0915, or 23.0917, Stats., and s. NR 51.05 and on state, regional or local plans that support the acquisition. The application shall include the name of the plan being used and a description of the formal or informal public input received.

(c) A description of the NBOAs to be prohibited on the property and the reason for the prohibition. The reason for the prohibition shall be consistent with s. NR 52.05 and the applicant shall address in the application the specific factors in s. NR 52.05 that apply.

(3) DETERMINATIONS MADE IN ACCORDANCE WITH S. 23.0916, STATS., AND S. NR 52.05. (a) When a determination has been made in accordance with s. 23.0916, Stats., and s. NR 52.05 to prohibit one or more NBOAs on department land the feasibility study and master plan for the project where the NBOA will be prohibited shall be amended to describe the prohibited activity and a rule change may be initiated to enforce it.

(b) The stewardship grant contracts executed between the department and sponsor under s. NR 51.07 that are subject to s. 23.0916, Stats., and this chapter, shall describe any determination to prohibit one or more NBOAs and require the sponsor to contact the department if any of the factors identified in s. NR 52.05 changes such that a prohibition may be necessary, or is no longer necessary. The department shall evaluate those changes to determine the applicability to this chapter.

(4) Public use of lands purchased in whole or in part with funding from the stewardship program under s. 23.0917, Stats., shall be subject to all applicable federal, state and local laws; including but not limited to the public trust doctrine.

(5) Contributions of separate property used as sponsor match under subch. 1 of ch. NR 51, are not subject to this chapter.

(6) An organization with an identified policy prohibiting or restricting one or more NBOAs must comply with the provisions of this chapter regardless of the organization's policies.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.04 Public notice. (1) In addition to the public notice requirements of ch. NR 150, the department shall provide individual notification over the internet to any person requesting to receive a notice of any proposal to prohibit an NBOA on department or non-department land subject to s. 23.0916 (2) or (3), Stats. Any public notice regarding a proposal to prohibit an NBOA shall include all of the following:

(a) The name, address and phone number of the department's contact person for the project.

(b) The checklist described in s. NR 52.03 (2) (a).

(c) A summary of the NBOAs to be prohibited and the factors that were considered under s. NR 52.05.

(d) The department's initial assessment of the proposal to prohibit the NBOA pursuant to s. 23.0916 (2) (b) or (3) (b), Stats. The department's assessment shall include an evaluation of s. NR 52.05 (1) (a) to (c) and shall involve the department's resource management professionals at the local, regional and statewide level.

(2) (a) Public comments concerning the proposal to prohibit an NBOA shall be submitted in writing to the department. The comment period shall be 15 business days beginning on the day immediately following the day the department sends out the notice electronically.

(b) Objections must show the proposed prohibition of an NBOA to be inconsistent with s. 23.0916 (2) (b) or (3) (b), Stats., and s. NR 52.05.

(c) If an objection is received during the 15 business day comment period the department shall have up to 15 additional business days following the close of the comment period to evaluate the public comment, including any objections. The department shall contact anyone that submitted an objection under par. (a) and the person that requested the stewardship program funding to notify them that the objection was received and to gain more information about the proposal to prohibit an NBOA.

(d) The department shall create a written summary of its determination on the proposal to prohibit one or more NBOAs at the conclusion of the public comment and evaluation periods in pars. (c) and (d). The department's written determination shall be based on s. 23.0916 (2) (b) or (3) (b), Stats., and s. NR 52.05 and the department shall provide the written summary to anyone that submitted an objection in accordance with par. (a), and to the person that requested the stewardship program funding.

(e) The department shall submit to the natural resources board for each regularly scheduled meeting a report that summarizes determinations made under par. (d). The report shall contain the information made available to the public under s. NR 52.04 (1), public comments, including any objections, gathered under s. NR 52.04 (2), and the department's written determination made under par. (d). The department shall deliver the report to the natural resource board and make the information available to the public over the internet at least five working days preceding the next regularly scheduled meeting of the board. The natural resources board shall allow public participation to receive public testimony regarding the department's determinations and vote whether to ratify prohibitions on non-department land that appear on the monthly report.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.05 Natural resources board determinations.

(1) In accordance with s. 23.0916, Stats., the natural resources board has determined that it is necessary to prohibit one or more NBOAs on department or non-department land for one or more of the following reasons listed below. In accordance with s. 15.05 (1) (b), Stats., the department shall make administrative determinations for each individual proposal to prohibit an NBOA, under the direction of the board, utilizing the process established in ss. NR 52.03 and 52.04, and based on the following reasons and factors.

(a) To protect public safety. One or more of the factors to consider when evaluating a proposal to prohibit an NBOA to protect public safety include:

1. The primary purpose for the project.

2. Laws and ordinances that may impact one or more NBOAs on the property.

Note: NBOAs may be affected by local laws or ordinances and may change as local laws or ordinances change.

3. User conflicts that may create public safety issues and impact one or more NBOAs on the property.

4. The physical characteristics of the property including size, shape, groundcover, topography or proximity to inhabited buildings that create public safety issues and influence NBOAs on the property.

5. A proposal to prohibit one or more NBOAs on a parcel 5 acres or smaller, located within the boundaries of cities and villages, shall be determined to be necessary in order to protect public safety and shall not be subject to s. NR 52.04 unless:

a. The parcel is adjacent to a parcel where the NBOAs to be prohibited already exist or;

b. The parcel is adjacent to a public waterway.

(b) To protect a unique animal or plant community. One or more of the factors to consider when evaluating a proposal to pro-

hibit an NBOA to protect a unique animal or plant community include:

1. The primary purpose for the project.
2. The necessity to prohibit an NBOA to protect and enhance the biological diversity, composition and ecological functions of natural communities exhibiting relatively little human disturbance or that have the capacity to be easily restored to such conditions.
3. The potential for an NBOA to impact the natural values of the site, according to s. 23.28 (3), Stats.
4. The potential for an NBOA to accelerate or increase over time and cause damage to the natural values of a site.
5. The potential for an NBOA to increase the risk of poaching rare plant or animal species, or the removal or destruction of rare geological or archeological features.

(c) To accommodate usership patterns. One or more of the factors to consider when evaluating the necessity to prohibit an NBOA to accommodate usership patterns include:

1. The primary purpose for the project.
2. User incompatibility and how this incompatibility may lead to the primary purpose of the project being significantly altered or curtailed.
3. The complexity, feasibility, practicality and cost effectiveness of separating activities by time and space or any other manner that might mitigate user incompatibility and or reduce the need for enforcement.
4. The size, shape and location of the property as well as surrounding land uses, including the use of public lands immediately adjacent to the property which may or may not have been funded with stewardship funds. The use of adjacent lands shall not be used as the sole factor in making a determination to prohibit an NBOA to accommodate usership patterns.
5. The mix of NBOAs at the location of the property that, to the extent practicable, will provide a quality experience for all compatible users and uses.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.