February 15, 2006

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE met in regular session on January 25, 2006, and recommends the following motions.

1. Review minutes of:
   a) Planning Commission Board of Directors (12/7/05).
   b) Planning Commission Board of Directors Elderly & Disabled Transportation Sub Committee (10/18/05).
   c) Solid Waste Board (11/21/05).

   Receive & place on file items a-c.

2. Highway - Traffic safety study of the Lombardi Avenue/Oneida Street intersection. No action.

3. Highway - Commissioner's report. Receive & place on file.

4. Planning Commission - Resolution re: Authorizing an Application for a Wisconsin Community Development Block Grant for Economic Development from the Wisconsin Department of Commerce. Committee approved. See Resolutions, Ordinances February County Board.

5. Port/Solid Waste - Director's report. No action.

6. Zoning - Update on FEMA floodplain mapping. No action.

7. Zoning - Letter from DNR re; Floodplain Zoning Ordinance Approval for the County of Brown, Approval Number NE-305-76-8G. No action.

8. Zoning - Director's report. No action.

9. UW-Extension - Approve the acceptance of a $1,500 donation from the Brown County Farm Bureau to be used by the UW-Extension 4-H Youth Development Program to teach Agriculture in the Classroom. Approve.

10. UW-Extension - Approve the acceptance of a $5,500 donation from an anonymous donor to fund three months of the UW-Extension 4-H Coordinator position. Approve.

11. UW-Extension - Update on the Farm Technology Days Show. No action.

12. UW-Extension - Distribute the 2005 UW-Extension Annual Report. No action.

13. UW-Extension - Director's report. No action.

14. Airport - Request for a variance to approve construction of a single family home in Airport Crash Zone A. (Held from November meeting until January 2006 meeting.) Deny request for variance and ask the Airport and Corporation Counsel to aid Mr. Thompson's attorney in presenting his case.

15. Agency Agreement & Petition for State Aid. Committee approved. See Resolutions, Ordinances February County Board.

16. Airport - Director's report. No action.

17. **Closed Session:** Pursuant to Sec. 19.85 (1) (c) considering employment, promotion, compensation, or performance evaluation date of a public employee over which the Committee has jurisdiction or exercises responsibility. (No Closed Session held.)

18. Audit of bills. Pay the bills.

Approved by:

_____

COUNTY EXECUTIVE Date

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JAN 2006
Received
Board of Supervisors

PROCEEDINGS OF THE BROWN COUNTY PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE

Pursuant to Section 19.94 Wis. Stats., a regular meeting of the **Brown County Planning, Development & Transportation Committee** was held on Wednesday, January 25, 2006 at Austin Straubel International Airport, 2077 Airport Drive, Green Bay, Wisconsin

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Present: Norb Dantinne, Bernie Erickson, Mike Fleck, Jack Krueger, Mary Scray

Also Present: Supervisor Harold Kaye, Tom Miller, Roger Kolb, Bill Bosiacki, Judy Knudsen, Chuck Larscheid, Chuck Lamine.

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1. **Call Meeting to Order:**
   The meeting was called to order by Chairman Norb Dantinne at 6:30 p.m.

2. **Approve/Modify Agenda:**

   Motion made by Supervisor Scray and seconded by Supervisor Fleck to approve. Vote Taken. MOTION APPROVED UNANIMOUSLY.

3. **Approve/Modify Minutes of regular meeting of December 28, 2005.**

   Motion made by Supervisor Erickson and seconded by Supervisor Scray to approve. Vote Taken. MOTION APPROVED UNANIMOUSLY.

4. **Review Minutes of:**
   a) **Planning Commission Board of Directors (12/7/05).**
   b) **Planning Commission Board of Directors Elderly & Disabled Transportation Subcommittee. (10/18/05)**
   c) **Solid Waste Board (11/21/05).**

   Motion made by Supervisor Krueger and seconded by Supervisor Fleck to suspend the rules to take items 4a – 4c together. Vote Taken. MOTION APPROVED UNANIMOUSLY.

   Motion made by Supervisor Krueger and seconded by Supervisor Fleck to receive and place on file items 4a – 4c. Vote Taken. MOTION APPROVED UNANIMOUSLY.

Communications:

5. There were no communications.

Highway

6. **Traffic safety study of the Lombardi Avenue/Oneida Street intersection.**
Highway Commissioner Roger Kolb and Supervisor Harold Kaye came forward for discussion of this item. Roger Kolb provided a history of that intersection and said there is a big problem with the double left turn in the northbound lane. He proposed installing red arrows, which would only allow left turns on the green arrow and said they could also put more lane markings down. Kolb said a sign bridge could also be installed, at a cost of about $30,000, which would have to be budgeted. A discussion ensued on other long term alternatives for that intersection and a possible cost share for the installation of a sign bridge. Kolb said that the red arrows will be installed at that intersection relatively soon and the pavement work will be done in the spring.

7. **Commissioner's Report.**
Highway Commissioner Roger Kolb reported that he has two days left before retirement. Members of the committee congratulated him and thanked him for his work. Kolb expressed his appreciation to the committee.

Motion made by Supervisor Scray and seconded by Supervisor Erickson to receive and place on file. Vote Taken. MOTION APPROVED UNANIMOUSLY.

Planning Commission

8. **Resolution re: Authorizing an Application for a Wisconsin Community Development Block Grant for Economic Development from the Wisconsin Department of Commerce.**
Planning Director Chuck Lamine explained that this is a Commerce block grant to the County and we loan it out to Miedema Dairy Farm. He said it sounds like a good solid project, there is no risk to the County and we receive $6,000 for administrative expenses associated with this.

Motion made by Supervisor Scray and seconded by Supervisor Fleck to approve. Vote Taken. MOTION APPROVED UNANIMOUSLY.

Port/Solid Waste

9. **Director's report.**
Port & Solid Waste Director Chuck Larscheid distributed a handout to the committee (see attached) and explained the process of Single Stream Recycling. He said some communities want to go that route to save money on pick up costs but it is complicated on the processing side and would require expanding the present recycling facility or relocating the entire facility. Larscheid said they are looking into that and considering how to address single stream recycling.

Larscheid distributed two more handouts (see attached) and explained that the air section of the DNR has received pressure from the EPA and is looking at landfills as one of the largest sources of ozone destroying air emissions in the state. In 2004, the DNR issued air permits to all landfills, listed all the potential violations and in the spring of 2005, the DNR looked at the department's data and hit them with a list of violations. Larscheid said they worked with the air permit individual last fall, hired an engineer, put data together and made repairs. He said they got past the initial concern of potential violations and have just

submitted the second study to try to get within compliance. Larscheid said the decision from the DNR is still pending. He directed the committee to the handout of the east landfill site, pointed out the number of gas wells on the site and explained corrective action that they have taken and said they will be installing well pumps, air lines and leachate lines and possibly replacing 31 wells. Larscheid said he will be coming to the committee next month with a bid to get the work done. He stated this is necessary, they are trying to take as many precautions as possible and the money for this would come from the closer fund. A discussion ensued and Larscheid responded to questions from the committee.

Larscheid also reported the following:

- An agreement was made with Fox River Fiber to take their paper mill sludge and this is very beneficial to the Tri-County agreement.
- A new baler will soon be installed at the MRF.
- Larscheid explained the Cat Island Chain Restoration Project (see attached). He said they are barrier islands on the west shore of the bay that were washed out in the 1980's and the Corps of Engineers and DNR are in favor of restoring these islands. Larscheid stated that a portion of the project will be paid by the Corps of Engineers and Georgia Pacific will pay for most of the local share.
- Larscheid said they are now administering the Foreign Trade Zone and his department is now collecting the fees, instead of a subcontractor.
- He reported on discussions for ballast water legislation in Wisconsin.
- The Renard Island closing plan has been submitted to the State and they have until January 31st to accept comments. Larscheid reported on discussions with the City of Green Bay for the past 2½ years to see if there were any ideas for designs for the property prior to closing.

Zoning

10. **Update on FEMA floodplain mapping.**
Zoning Administrator Bill Bosiacki informed the committee that there were some delays in the project. Due to some discrepancies, 50 or 60 panels were changed, so FEMA decided to halt the project and re-do the preliminary maps.

11. **Letter from DNR re: Floodplain Zoning Ordinance Approval for the County of Brown, Approval Number NE-305-76-8G.**
Bosiacki said that they did receive the approval letter on the ordinance and that is a positive step.

12. **Director's Report**
Bosiacki said that there had been some discussion on how our fees for sanitary permits compare to other counties, so he distributed a handout (see attached) which compares the fees.

UW-Extension

13. **Approve the acceptance of a $1,500 donation from the Brown County Farm Bureau to be used by the UW-Extension 4-H Youth Development Program to teach Agriculture in the Classroom.**

Motion made by Supervisor Krueger and seconded by Supervisor Scray to approve. Vote Taken. MOTION APPROVED UNANIMOUSLY.

14. **Approve the acceptance of a $5,500 donation from an anonymous donor to fund three months of the UW-Extension 4-H Coordinator position.**

Motion made by Supervisor Krueger and seconded by Supervisor Fleck to approve. Vote Taken. MOTION APPROVED UNANIMOUSLY.

15. **Update on the Farm Technology Days Show.**
University Extension Department Head Judy Knudsen reported that the Executive Committee is moving along and chairpersons have been determined. She said that they have had the opportunity to get together with other counties who have hosted the show in previous years and have gathered a lot of information. It is taking place in 2008 and they are expecting a large of crowd of over 100,000.

16. **Distribute the 2005 UW-Extension Annual Report.**
Ms Knudsen asked if she could distribute the reports next month and the committee agreed.

17. **Director's Report**
Ms Knudsen reported that they received significant dollars from the UW Medical School as well as $6,000 for another grant. She reported that Horticulture Agent Paul Hartman retired on January 3rd, but he will work 10 hours per week on a volunteer basis until a replacement is hired. She said the Agriculture Agent position is vacant and there is a very tight market in that field right now.

Airport

18. **Request for a variance to approve construction of a single family home in Airport Crash Zone A. (Held from November meeting until January 2006 meeting).**
Airport Director Tom Miller stated that this pertains to the property on View Lane and at the November meeting, the committee asked if other homes had been built that were in Crash Zone A. Miller reported that there are four homes that he knows of that were built in the late 1980's or early 90's that were approved by the previous director. He added that in 2003, the geometry of the Crash Zones was changed and two of those properties fell out of Zone A. He introduced Keith Gerard, Chief Programming and Finance Officer for the State Bureau of Aeronautics, Todd Gerbers, Building Inspector/Zoning Administrator for the Village of Ashwaubenon and Leif Thompson, owner of the property requesting the variance.

Motion made by Supervisor Krueger and seconded by Supervisor Scray to suspend the rules to allow interested parties to speak. Vote Taken. MOTION APPROVED UNANIMOUSLY.

Leif Thompson distributed a handout (see attached) and reported on communications he has had with the individual that sold him the property. He distributed a map (see attached) and pointed out other homes that have been

built in that area. Todd Gerbers pointed out other houses that were also built in Zone A or mis-marked and a discussion ensued on the glitch in the system that allowed this situation to occur. Keith Gerard explained that his office cannot be involved in this and the ordinance states that there should be no residential development in Crash Zone A. He went on to explain the potential dangers that support that ordinance. Mr Thompson pointed out that this lot is in the middle of a subdivision, with other houses around, so building one more house would not impede the performance of an airplane approaching the airport. Tom Miller stated that Zone A was established, commercial use is allowed in Zone A, but they are trying to avoid adding to the risk in that area and at some point, you just have to say no. He said a new house would also add to the lifespan of the continuation of the neighborhood. Miller said the ordinance has been in place since 1986. A lengthy discussion ensued over the points that were previously made. The committee encouraged Mr Thompson to legally pursue getting the money that he paid for the property back from the seller.

Motion made by Supervisor Scray and seconded by Supervisor Fleck to return to the regular order of business. Vote Taken. MOTION APPROVED UNANIMOUSLY.

Motion made by Supervisor Krueger and seconded by Supervisor Scray to deny the request for the variance and ask the Airport and Corporation Counsel to aid Mr Thompson's attorney in presenting his case. Vote Taken. MOTION APPROVED UNANIMOUSLY.

19. **Agency Agreement & Petition for State Aid.**
Tom Miller explained the agreement to the committee and said this is property that we have already acquired and we are not buying any additional land right now.

Motion made by Supervisor Fleck and seconded by Supervisor Erickson to approve. Vote Taken. MOTION APPROVED UNANIMOUSLY.

20. **Director's Report.**
Tom Miller reported that all of the ticket counters are being moved forward six feet, which will allow them to put the TSA behind the ticket counters. He said it will be more convenient for passengers because they will not have to stand in line a second time. He also reported that the new x-ray machines for checked luggage will be arriving at the end of March and that will make the process more efficient as well. Miller responded to questions from the committee.

Property Listing (No agenda items)
Land Information Office (No agenda items)
Register of Deeds (No agenda items)

21. **Closed Session: Pursuant to Sec. 19.85 (1)(c) considering employment, promotion, compensation, or performance evaluation date of a public employee over which the Committee has jurisdiction or exercises responsibility.**

There was no closed session.

22. **Audit of Bills:**

Motion made by Supervisor Fleck and seconded by Supervisor Scray to pay the bills. Vote Taken. MOTION APPROVED UNANIMOUSLY.

23. **Such Other Matters as Authorized by Law:**

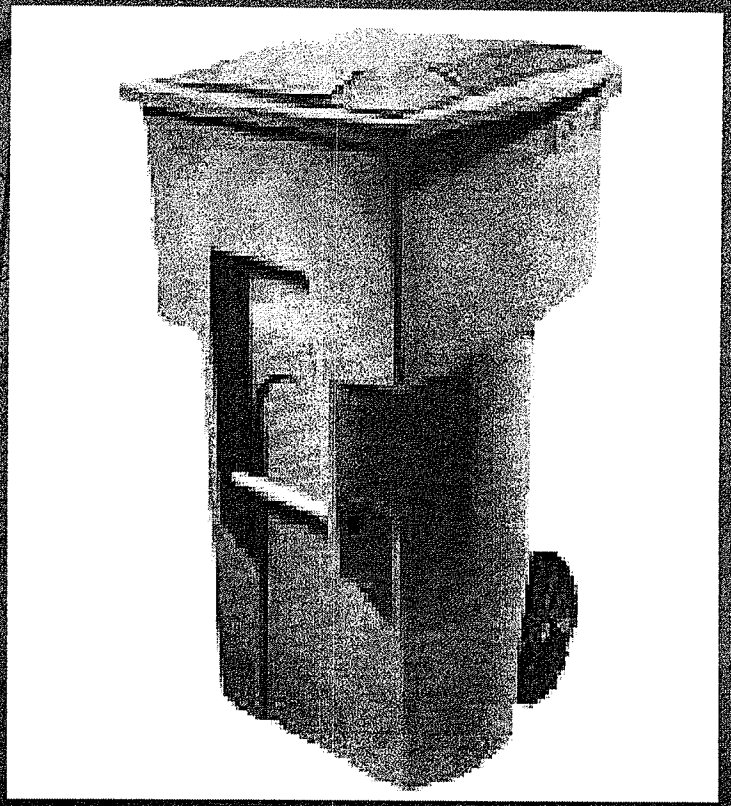
Motion made by Supervisor Erickson and seconded by Supervisor Fleck to adjourn at 9:20 p.m. Vote Taken. MOTION APPROVED UNANIMOUSLY.

Respectfully submitted,

Jeanne Buzzell
Recording Secretary

Single Stream Recycling

- 96 Gallon Bin
- One Truck
- Automated Collection
- One MRF
- 10% - 20% Increase



How does it affect RUs?

- Automated Collection
- Decrease Salary & Fringe Expense
- Fewer Workman's Comp Claims
- Versatile Trucks
- Cost of Bins
- Voluntary

Pros and Cons

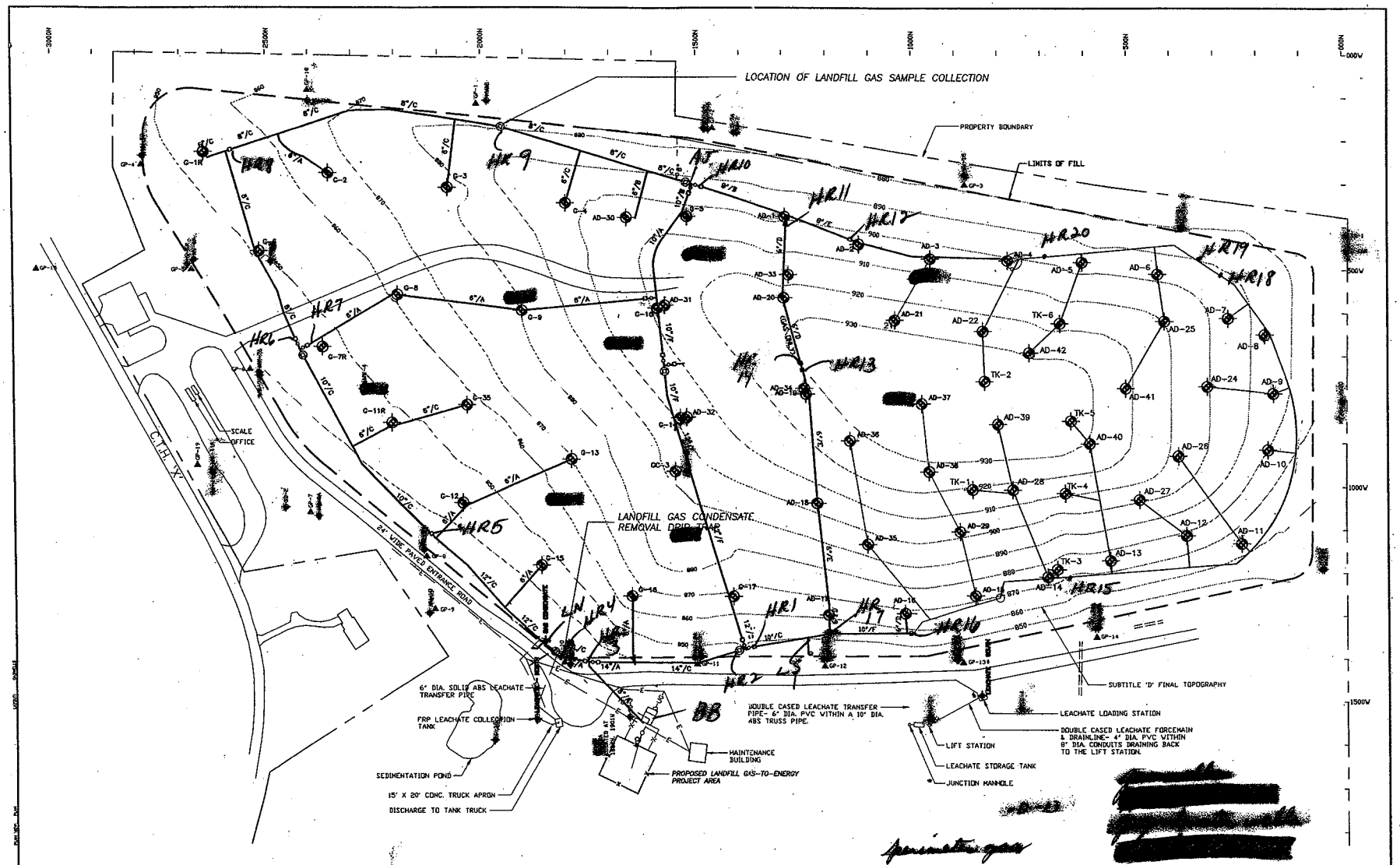
- Redesign to Eliminate Current Problems
- Redesign to Add More Material Streams
- Replace Old Equipment
- Stay Ahead of Competition
- Stronger Tri-County Ties
- Relocate in Outagamie County?
- Capitol Costs
- Re-Educate

Why do we care?

- Ashwaubenon & De Pere
- Green Bay
- Allouez, etc.
- Competition
  - 41% Nationally
  - One Source
  - Waupaca County
  - Lost Tonnage

How does it affect Brown County?

- Upgrade Old Equipment
- Where to Site New Facility?
- Transfer Cost
- Why Sort Paper?



NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION

DRAWN
CHECKED
DESIGNED

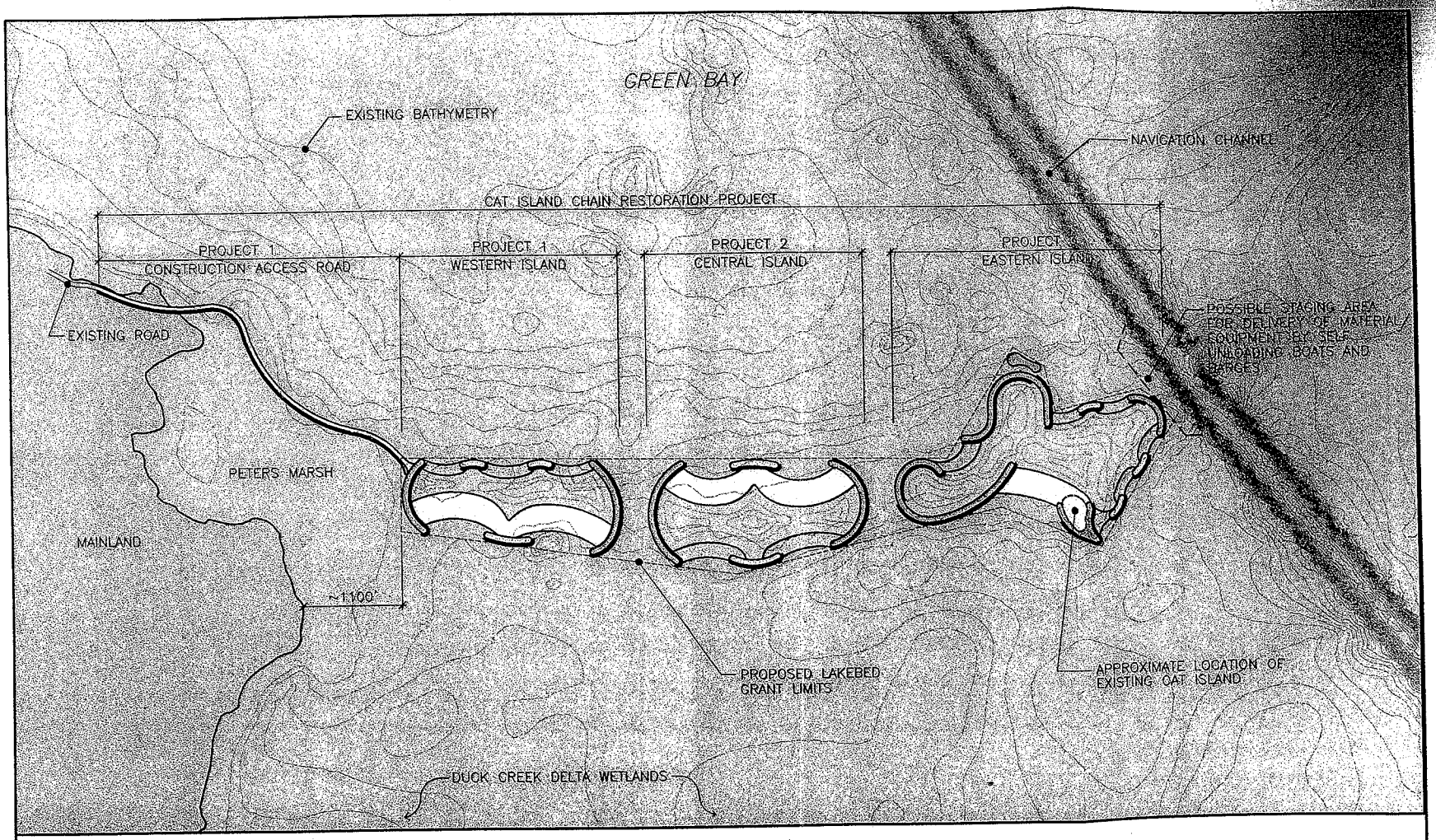
BROWN COUNTY EAST LANDFILL
TOWN OF LEDGEVIEW
BROWN COUNTY, WISCONSIN

ENVIRONMENTAL MONTORING PLAN
LOCATION OF MONITORING POINTS

DATE
FILE
JOB NO.

Robert E. Lee & Associates, Inc.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
4644 GOLDEN POND PARK COURT
DIVISION, WI 54155
PHONE:(920) 662-9641
INTERNET: www.releeinc.com
FAX:(920) 662-9141

SHEET NO. 1



NORTH

0 500' 1000' 2000'
GRAPHIC SCALE IN FEET

CAT ISLAND CHAIN RESTORATION PROJECT

OVERALL SITE PLAN

FIGURE 1

BROWN COUNTY PORT AND SOLID WASTE DEPARTMENT

2561 SOUTH BROADWAY
GREEN BAY, WI 54304

CHARLES J. LARSCHEID

PHONE (920) 492-4950 FAX (920) 492-4957

PORT AND SOLID WASTE DIRECTOR

CAT ISLAND RESTORATION PROJECT
QUESTION AND ANSWER

Q. What is the "Cat Island Restoration Project"?

A. In 1988, the Lower Green Bay/Fox River Remedial Action Plan Workgroup recommended restoring the Cat Island Chain, in the lower Bay of Green Bay. The project is intended to restore the island chain to its approximate configuration prior to being washed out by storms in the 1970's. In 1996 Brown County expressed interest in the project. In 1999 Brown County reaffirmed an interest in the project.

Q. Why restore the Cat Island Chain?

A. Wildlife habitat loss on the Bay of Green Bay is a critical factor in the health of the Lower Bay ecosystem. The Cat Island Chain historically protected a large expanse of shallow Bay waters and wetlands that served as fish and wildlife habitat. A restored Cat Island Chain will provide habitat for shorebirds, waterfowl, colonial nesting birds, amphibians and reptiles. Areas of submerged and emergent vegetation will be protected from destructive wave action and the island(s) terrestrial plants may take root.

Q. How would the Island Chain be restored?

A. The project is being approached as a partnership effort. The U.S. Army Corps of Engineers (USACE) would restore the Islands from outer Bay of Green Bay navigational dredge materials and armoring stone. It would pay for 75% of the cost. This project would be done according to Section 204 of the 1992 U.S. Water Resources Development Act (WRDA) that authorizes cost shared ecosystem restoration projects.

Georgia Pacific Corporation has designated $1,100,000 of its share of the Fox River's Natural Resources Damage Assessment to help pay for the local sponsor's portion of initial island construction costs.

Q. Aren't navigational harbor dredge materials contaminated with PCBs?

A. Outer harbor dredge materials considered for project use range from uncontaminated to those that are slightly contaminated with PCBs but less so than existing Cat Island area sediments.

Q. Who will be the local sponsor?

A. Brown County was approached by the RAP's Biota and Habitat Workgroup and has agreed to explore the responsibilities of local sponsorship. The USACE has completed the Feasibility Study Phase of the project. Brown County has agreed to sponsor the Project through the next Plans and Specifications Phase.

Q. Who will pay the local cost share?

A. A 25% local cost share commitment is due upon finishing the Plans and Specs Phase. The Biota and Habitat Workgroup coordinating the project, is actively seeking financial sponsors to pay the project's local cost share. The end of the Plans and Specs Phase, and with that the need to begin paying the local cost share, is expected in 2006.

Q. How much will the project cost?

A. The project plans on restoring Island # 3, the westernmost Island of the Cat Island Chain. The project is estimated to cost $5.9 million ($4.4M federal and $1.5M local cost share). Future projects to complete the Island chain will involve restoring Islands #1 and #2 at a total estimated cost of $11 million.

Q. What permits and approvals will be needed?

A. Brown County will have to agree to the responsibilities of being the local sponsor. The State of Wisconsin must approve of a Lakebed Grant to Brown County for the Islands and the Wisconsin Department of Natural Resources will need to grant other permits and 401 Water Quality Certification prior to construction.

Q. Who are the members of the Remedial Action Plan's Biota and Habitat Work Group?

A. Colette Charbonneau – US Fish and Wildlife Service; Linda Kurtz – US Corps of Engineers; Vicki Harris – UW Seagrant Institute; Bud Harris – UW-Green Bay (Retired); George Boronow – WI DNR; Chuck Larscheid – Brown County Port and Solid Waste.

Q. What are the steps and timeline of the Cat Island Restoration Project?

A.

Island #3:	Brown County Letter of Intent	Fall 2000	*Finished*
	Plans and Specifications	2006	*Finished*
	WI Lakebed Grant Request	2006	*In Process*
	Project Cooperation Agreement	2006	
	WI Water Quality Certification	2006	
	Construction Approval	2007	
	Construction	2008	
	Island #3 Begin Filling	2009	

Q. What management concerns may restoration of the Islands create?

A. Long term maintenance cost of the armor stone. Establishment of exotic animal and plant species. Increased use by nuisance animal species. Recreational boating hazard.

2006 SANITARY PERMIT FEE COMPARISON BY COUNTY

	FOND DU LAC	OUTAGAMIE	WINNEBAGO	BROWN
SYSTEM TYPE				
In-ground gravity	$300	$400	$525	$425
At-grade	$450	$550	$525	$425
Mound	$450	$550	$525	$425
In-ground pressure	$450	$550	$525	$425
Holding tank	$650	$850	$525	$575

ANNUAL MAINTENANCE FEE COMPARISON BY COUNTY

Brown	$5.00
Manitowoc	$10.00
Sheboygan	$7.50

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GERBERS LAW OFFICES, s.c.

Terry J. Gerbers
Deron J. Andre
Gregory A. Gerbers
Michael O. Marquette

2270 Holmgren Way, Suite A
Green Bay, Wisconsin 54304
Phone (920) 499-5700
Fax (920) 499-9790
www.gerberslaw.com

January 10, 2006

Mr. Leif Thompson
4408 Glendale Avenue
Green Bay, WI 54313

RE: 1651 View Lane, Green Bay; Tax Parcel VA-277-1-2

Dear Mr. Thompson:

Please be advised that our office serves as legal counsel to Mr. and Mrs. Steve Smet. On or about August 26, 2005, you acquired the real estate at 1651 View Lane, Ashwaubenon, from our clients. The property was the subject of a vacant land offer to purchase dated July 22, 2005.

It is my understanding that you were unable to obtain a building permit for the construction of a residential dwelling because the subject property is located in Zone "A" as it relates to Austin Straubel Airport. In my discussions with the Village of Ashwaubenon, it is the Village's position that the subject property should be improved as a single family dwelling to be consistent with adjacent uses. However, the Village has also confirmed that to date, Austin Straubel Airport has been unwilling to grant a variance or other permit to allow the construction of a single family dwelling.

I have further confirmed with the Village of Ashwaubenon that while a request could be made to change to the zoning of the subject property, it would not likely be granted because of the adjacent residential uses and would probably constitute spot zoning, an improper use of the municipality's zoning powers. As a result, the property has little or no value without a variance or permit from Austin Straubel Airport. According to the Smets, they were never compensated for a restriction placed as a result of the airport zoning rules. Such being the case, it is my professional opinion that based upon existing zoning of the Village of Ashwaubenon, the implementation of the existing zoning of Austin Straubel constitutes a "taking of your property", as that phrase is defined by both the United States and Wisconsin Constitutions. As a result, I believe that the airport is obligated to reimburse you your acquisition costs and all holding costs associated with the subject property.

I understand that you have made a demand upon the Smets to reimburse you these particular expenses. However, you are the only party that has standing to bring an action for the recovery of these amounts. You are the legal title holder of the subject property. I understand that you directed our clients' attention to a provision in the contract for sale which sets forth the contingency that the lot must be buildable under normal conditions. Under the doctrine of merger, all contingencies are incorporated into the closing at which point they are deemed to be satisfied or otherwise waived.

Notwithstanding the contractual rights of the parties, our clients have expressed a willingness to assist you as witnesses and cooperate in your efforts to either obtain a variance from Austin Straubel Airport or recover your costs. It would be my recommendation that you make a formal request for variance from Austin Straubel Airport before commencing any action for the recovery of your expenses.

Thank you for your attention in this regard.

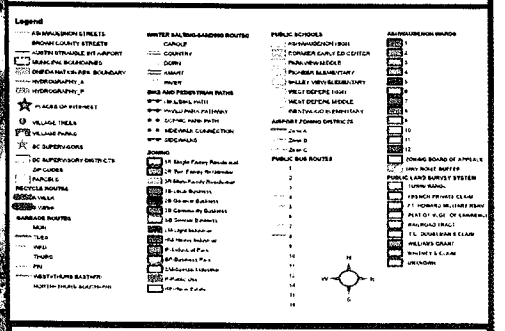
Sincerely,

Terry J. Gerbers

TJG:tno

cc: Mr. and Mrs. Steve Smet

1651 View Ln



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Village of Ashwaubenon
2155 Holmgren Way
Ashwaubenon, WI 54304