

TOWN OF SILVER CREEK  
RECONVENED CROSS - CARTWAY HEARING  
DECEMBER 18, 2012

A reconvened hearing was held on Tuesday December 18, 2012 at 6:15 p.m. at The Silver Creek Town Hall for the continued purpose of hearing all reasons for and against the proposed cartway as petitioned for by Cathryn Grace Sunde, Mary Lou Anderson, Steven L. Cross and Maria G. Rattin and otherwise act upon the petition.

Present were Supervisors – Michael Hoops, Greg Hull, Larry Lampart; Clerk – Frederick R. Whitney; Petitioner’s Attorney – Timothy Costley; Constituent – Larry Saur.

Hearing was posted on December 12, 2012 at the Town Hall and The Township’s Website same date. The hearing was being recorded.

Chairman Hoops reconvened the hearing at 6:17 pm. Hoops indicated that we would not discuss any findings or observations made as a result of our site tour of the proposed route or any alternative routes on December 8, 2012.

Hoops turned the hearing over to Supervisor Hull who had requested the meeting so that The Board could discuss a decision making methodology he was working on.

Hull indicated that while he has been working with aspects of the cartway procedures, a number of issues have caused him some level of consternation. Hull referenced an email between Hull and Pete Morris, Town Attorney, dated December 4, 2012. (This email had not been forwarded to all parties by The Clerk. Clerk agreed to forward the email later). The email references cartway cases, in particular – Kennedy v. Pepin Twp – and cartway routing decisions made by Townships. The routing needs to be a “meaningful access” to the property which is also consistent with the highest and best use of the property. And, The Township needs to adhere to the beginning point and general course of the petitioner’s original request. How do we do that with the alternative routes that have been offered? Hull asked our attorney as to whether or not all supervisors need to go on all route tours. According to Hull, it wasn’t necessary and we could delegate fieldwork to our road foreman. Hull asked, “How do we deal with all of these issues”? Hull’s answered, by utilizing his decision making methodology and the spreadsheet that collects all of the data. Hull added that this could become a part of all future cartway procedures.

CARTWAY EVALUATION WORKSHEET						
Route Options						
Disruptive Elements	Petitioners Route					
	A Saur 1	B Saur #2	C Pine Ridge	D Auditors Plat	E Christensen	F Other
Total length of cartway						
Number of Parcels						
Number of Parcel Owners						
Meaningful Accessibility						
"Highest and Best Use"						
slope/grade						
buildings or commercial operations						
Wetlands						
Public Road Intersection						
Other unique and specific factors						
1 existing clearings/rd beds						
2						
3						
4						
5						
6						
7						
8						

As described by Hull, data and observations are collected and made. Aerial photography of the area in question is obtained. On this aerial mapping, all potential sites and routes are identified. Contours are reviewed. Parcel owners are identified. Potential wetlands are identified. Lengths of routes are calculated. Before any site tours are made by anyone, this mapping is reviewed. Then, all potential options are "scored". Scoring is relative to each other as determined by The Board. All route scoring is then added together per each option/route. The observations, the scoring, is quantified that will assist The Board in determining which route to decide upon. Perhaps all routes/options are eliminated except for the lowest two. The Board can then deal with these final two in their decision process. The Road Foreman could be directed to go out and review these final two options. He then can report back to The Board with his observations and or recommendation. Then, utilizing all of these observations, all of this data, all of our findings collectively, a decision is made.

Discussion followed. Hoops indicated that this builds a good base for our findings. He approved of the process. As oppose to all of the Supervisors going out on tours, utilizing the mapping capabilities available to us today, we are more efficient in our procedures. And, this doesn't alter the decisions that could be made for a route, but rather it assists and supports The Board in its decision making methodology.

Discussion continued as to the "public's" interest. What does that mean? Perhaps, under the current zoning law for the parcel and what land-use would be permitted and how many taxes could be collected if the parcel expanded to that highest and best use? What is the parcel's best use? And, how do we handle adhering to the original beginning point of the requested route, the general direction and the terminus point?

Hull moved that we set a date in January for the reconvened cartway hearing and that before that meeting the Clerk be directed to contact Wenck Engineering requesting that they prepare an aerial photo with mapping information that they have available. This mapping is to include topography, contours and parcel information surrounding the petitioner's parcel. The mapping needs to show the lands between Highway 61 and County Road 3 up to Aspen Road. The purpose of this meeting will be to utilize this mapping during the meeting in January. We will identify where the potential routes are that we have been discussing. By the end of this meeting, we will hope to identify the two routes that are the least disruptive. This motion was second by Lampart. Motion carried unanimously.

- Preferred meeting date: January 14, 2013 at 6:00 pm
- Alternative meeting date: January 22, 2013 at 6:00 pm

(Please note: January 22, 2013 at 6:00 was the selected date by all parties – Board members, the Town attorney, all petitioners and their attorney).

Hoops made a motion to recess the hearing at 7:00 p.m. Second by Hull. Motion carried unanimously.

Respectfully submitted,  
Frederick R. Whitney, Clerk