

**A. CALL TO ORDER**

The Ledgeview Town Board held a meeting on Tuesday, June 18, 2013 at the Municipal Building located at 3700 Dickinson Road, De Pere, WI 54115.

The meeting was called to order at 4:30 p.m. by Chairman Marc Hess.

**B. PLEDGE OF ALLEGIANCE**

All members present recited the Pledge of Allegiance.

**C. ROLL CALL**

Present were Marc Hess, Philip Danen, Richard Huxford and Andy Schlag. Renee Van Rossum was excused.

Staff present were Sarah Burdette, Clerk/Administrator, Scott Brosteau, Town Engineer, and Luann Pansier, Treasurer.

**D. AGENDA APPROVAL**

**MOTION** was made by Hess, seconded by Schlag, to approve the agenda as is. The motion carried unanimously.

**CONSENT AGENDA**

1. Regular Board meeting minutes: June 3, 2013.
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator's Licenses:
  - a. June 3, 2013 through June 18, 2013.
5. Other Committee minutes. Accept and place on file.
  - a. Sanitary District No. 2, June 2, 2013.
  - b. Sanitary District No. 2, June 6, 2013.

All items listed under "Consent Agenda" are considered to be routine and non-controversial by the Town Board and will be approved by one motion. There will be no separate discussion. If discussion is desired by members, that item will be removed from the consent agenda and discussed separately immediately after consent agenda is approved.

Burdette requested the Board remove Cerra LeRoy's name from the list pertaining to item 4(a) *Operator's Licenses* and take separate action on her request at the next regular meeting.

**Motion** was made by Hess, seconded by Danen, to approve the consent agenda with the above noted recommendation to remove Cerra LeRoy's name from the list of operator's licenses until the next regular agenda. Huxford pointed out in the June 3<sup>rd</sup> minutes, under Clerk/Administrator report, that on May 30th, he and Jane Tenor, chairwoman of Zoning and Planning, went to a zoning and planning commission training seminar.

Motion carried unanimously.

**COMMITTEE/COMMISSION REPORTS:**

1. Zoning and Planning Commission, June 12, 2013.

Burdette noted that Zoning and Planning held the first Public Hearing regarding Henninger's site plan (Cottage Rd). The Town will hold the second one on July 1<sup>st</sup>. Burdette also noted that the Zoning and Planning Commission has reviewed and recommended a few ordinance amendments

regarding the Institutional zone, protest petition provisions and nonconformity and they will be scheduled for a future public hearing by the Town Board.

**Motion** was made by Hess, seconded by Schlag, to accept the Committee/Commission reports and put them on file. The motion carried unanimously.

#### **PUBLIC HEARINGS/ACTION:**

*A public hearing concerning a Resolution regarding the vacating of **Aerodrome Road** in the Town of Ledgeview, Brown County, Wisconsin.*

Hess called the public hearing to order at 4:35 p.m. He then asked three times if anyone wanted to comment on the vacating of Aerodrome Road and there were none, so he closed the hearing at 4:36 p.m.

*A public hearing concerning a Resolution regarding the vacating of **Cobalt Lane** and **a portion of Copper Lane** in the Town of Ledgeview, Brown County, Wisconsin.*

Hess called the public hearing to order at 4:36 p.m. He then asked if there were any comments on this issue.

- T.J. Parins, 3585 Meadow Sound Drive, said he thinks there are some contentious issues with this particular road vacation, and asked the Board to hold on this issue at this time because vacating them may be a little premature.
- Ryan Radue, developer of the Reserve at Meadow Ridge, clarified that the small end portion of Copper Lane, just west of CTH V, is not part of this vacation request. He also said the vacating of Cobalt makes sense to have larger lots and that these are being requested to follow the code.

Hess asked three times if anyone else had comments on this issue and there were none, so he closed the hearing at 4:39 p.m.

*A public hearing concerning a Resolution regarding the vacating of **Jordan Road** in the Town of Ledgeview, Brown County, Wisconsin.*

Hess called the public hearing to order at 4:39 p.m. and asked three times if anyone wanted to voice comments regarding the vacating of Jordan Road. There were none, so he closed the hearing at 4:40 p.m.

#### **BOARD ACTION FOLLOWING THE ABOVE HEARINGS:**

##### ❖ **Resolution to vacate Aerodrome Road:**

Burdette went over logistics and due process requirements and indicated that all action items up until the public hearing have been completed for the three road portions that are under review and being proposed to be vacated.

**MOTION** was made by Hess, seconded by Danen, to approve the Resolution to vacate Aerodrome Road in the Town of Ledgeview, Brown County, Wisconsin, subject to the necessary utility easements that may exist either by dedication or by franchise within the right-of-way as of the date of the Town of Ledgeview vacation of said road shall be maintained. Motion carried unanimously.

##### ❖ **Resolution to vacate Cobalt Lane and a portion of Copper Lane:**

**MOTION** was made by Hess, seconded by Huxford, to table this resolution to either the next meeting or later within this meeting after further discussion. The motion carried unanimously.

❖ Resolution to vacate Jordan Road:

**MOTION** was made by Danen, seconded by Schlag, to approve the Resolution to vacate Jordan Road in the Town of Ledgeview, Brown County, Wisconsin. The motion carried unanimously.

**PUBLIC COMMENT:**

- Mary Beth Ryan, 1985 Ledgeview Rd, gave a statistical report of the results from a Ledgeview Road speed study that was done last April by the Brown County Sheriff's Department. The people living along this road would like to offer some suggestions, such as, temporary flashing lights or flags on the speed limit signs, newsletter article regarding speed and a three-way stop at the Winding Waters/Ledgeview Road intersection.
- Darlene Fink, 1955 Ledgeview Rd, made the suggestion to cul de sac Ledgeview Road before it meets CTH GV.
- Donna Herber, asked the board to reconsider sidewalks on Ledgeview Road and possibly install a trail instead for bikes and pedestrians.
- Bill Thomas, owner of East River Square, asked if the Town would allow two picnic tables to be placed in a designated area within the right-of-way along Redbird Circle for Sweet Frog customers to sit and enjoy. Burdette gave feedback from the fire department, public works and building inspector who noted our ordinance 94-18 and State Stat 86.04 specifically restrict items within a road right of way. The board denied the request.
- Dan Kerkhoff, 3848 Dickinson Rd, said Danen & Janssen has been steadily burning something in the quarry that's located in Glenmore and it stinks worse than manure. He asked the board to approach Glenmore's board about this.

**COMMUNICATIONS:**

1. Ledgeview Community Association – LedgeFest update.  
Yolanda Hernandez, Pat Krienke, and Patrick Drury from the Ledgeview Community Association attended to ask the Town for assistance in setting up the association as a 501 C(3) entity. They need some expertise on how to get that going and would really appreciate some volunteer attorney time and financial assistance. Phil Danen said they should call his office.
2. Petition regarding the "Reserve at Meadow Ridge". Noted as received.
3. Summons/Claim was received from Carl & Mary Ellen Kuehne – forwarded to the Town's attorney as well as to the Town's insurance carrier. All board members were advised to note attorney/client privileges on all information that will be provided as a result of this complaint and that any future discussions on the matter will take place in closed session.

**OLD BUSINESS:**

1. Discussion and possible action –
  - a. Review the current Class A and Class B Liquor and Beer License renewal applications for the following: Bleu Restaurant and Lounge, Coaches Corner Kolbs Corner and Dollar Hill Equestrian Center.  
Pansier stated that the Personal Property Taxes have been paid by Coaches Corner and Capital Asset Management has set up an excepted payment schedule, so she recommends the board approve both Bleu and Coaches license renewals. Regarding Dollar Hill Equestrian Center's renewal, the board asked if a rescue squad was present at their last event and Burdette said she

wasn't sure but that our fire chief and building inspector would like to see improved precautions listed on the application form for special events.

**MOTION** was made by Schlag, seconded by Danen, to approve the requests from Blue Restaurant and Lounge, Coaches Corner Kolbs Corner and Dollar Hill Equestrian Center for Liquor and Beer License renewal. The motion carried unanimously.

- b. Request from Jason Ingram of Ayres & Associates, agent for Ryan Radue of Radue Homes, owner, for preliminary plat review of the Reserve at Meadow Ridge subdivision (creating 25 lots) located on Parcels D-179-1, D-179-2 and D-164-1.

Burdette gave a technical overview and said this plat meets all Town, County and State specifications. Brosteau said the Pansier's (Ledgewood Farms) are not willing to give up property for the egress as planned from this development onto CTH V (Lime Kiln Rd), so he showed two other options that could be considered. One is to make the temporary construction entrance to be a permanent entry but this would be partially over the old quarry and may be very unstable due to potential settling, and the other option would be to swing the existing lanes of Copper a little north so that the crossroad would be completely on the Radue development. This would slow down the speeding traffic on Copper Lane, but we do not know if Tesar, the property owner on the east side of Lime Kiln, would be agreeable.

**BOARD COMMENTS:**

Both Hess and Danen said they prefer to have an outlet from the proposed development. Danen asked Ryan Radue to come back with a preferred option. Burdette reminded everyone that there's a 90 day timeframe to take action on this plat or it is automatically approved.

**MOTION** was made at 5:30 p.m. by Hess, seconded by Huxford, to open up the meeting to take public comment on the Reserve at Meadow Ridge plat. The motion carried unanimously.

- Ryan Radue said the north option is a traffic hazard because of the curve and slope of Lime Kiln. He said they have close to \$700,000 into this project and would like to get going on the development, and that he cannot, on his own, negotiate with the Tesar's to acquire Town right of way. He said he's worked with the Town in good faith, the road is on the official map and this meets all the codes of the Town. It's up to the Town to make the access to them. It's a unique situation, but the road was accepted by the Town in 2003.
- Supervisor Danen had questions regarding condemnation.
- Supervisor Schlag said he's not a fan of taking land.
- Supervisor Danen said the Meadow Sound folks should be able to rely on our planning docs. The connection onto CTH V is important.
- Glen Pansier, adjacent land owner, questioned the County's 1,000ft access rule and the cross connection to Tesars.
- Supervisor Huxford said we should check into the process to see what the Town Board and the Planning Commission did at the time the street pattern was adopted.
- Ryan Radue said they're willing to do what they can but he is at a point where they can't do anything else.
- Jason Pansier, adjacent land owner, said speeders do not speed on cul de sacs, but will on a road that they can cut through.

- T.J. Parins – 3585 Meadow Sound, presented the petition from the Meadow Ridge subdivision and said all but one household signed it. Their main concern is safety and this development would double the size of the area he lives in and the amount traffic. The developers could purchase property from Tesar's and dedicate it to the Town. He also said the comp plan wants to make smaller roads, so make this a 60' road instead of 70' to slow traffic while having larger, more taxable property. Mr. Parins said the petitioners also have a problem with vacating conservancy for development because it's a slippery slope.
- Tina Parins – 3585 Meadow Sound, said they relying on what they were told – that the conservancy is public property and cannot be built upon. She also said they were never notified about the plat and that the design puts her home on the side of a home instead of back to back. She wants to know who will maintain the pond and said all of these issues affect three borders of her property. And, she asked why would you put a sign in the middle of the subdivision?
- Ryan Radue said it makes sense to vacate the conservancy and that he is relying on Town approved documents, too, just as much as the Parins have.
- Chairman Hess – Lets's do the best we can to find an outlet onto CTH V.
- Christy Janitsch, 2264 Fox Den Ct., said at about 4:20 today a trailer/tracker came down Meadow Sound and put her in the ditch. She fears for her son who is legally deaf.
- Chairman Hess – There's only so much that the Town can do regarding safety. Roads are not built for kids but are built for cars and traffic.
- Walter Ratschan, 3564 Meadow Sound Dr., said he couldn't get up the hill one day this past winter and his concern is that without another outlet, there'll be emergency whereby snow plow equipment, rescue, fire, etc. may not be able to get proper access to the scene without a second viable access point.
- Tim Reilly, 2273 Fox Den Ct., thanked the Town Board for taking the time to discuss this plat further with the residents and stated that much more work needs to be done to the plat, as the Town shouldn't settle for good enough. He also reiterated his comments from the last town board meeting in terms of his concern on safety. Additionally he indicated that vacating a conservancy is a serious problem, as residents have relied upon the existing plans when they purchased their lots.
- Tina Parrins – questioned her existing home and the design/layout they chose and indicated her concern with a new road extension from Meadow Sound Drive and how that would affect her border property lines.
- T.J. Parins – asked if the county would consider a variance for access that is less than 1000 feet.
- Frank Kiley, 2757 Dutchman Road – questioned why access was shown on the Northeast side of Copper/Lime Kiln, but yet there was no such development on the Tesar property.
- Sue Haupt, 3440 Euro Ln., urged the Town to decline the plat based on safety issues. If approved, she would like a contingency list attached.
- Ken Geurts, Sanitary District Commissioner, said the Sanitary District was responsible for putting in the infrastructure years ago. He also indicated that if the residents on Meadow Sound felt that the additional access onto Lime Kiln was so important that they should help contribute to the cost of that access in conjunction with the developer.

- Cristy Janitch, 2264 Fox Den Ct., - stated that the developer should put the road in over the course of a weekend and to then ask for forgiveness later.
- Dan Kerkhoff, 3848 Dickinson Rd., suggested Tesars may be willing to swap land to move the existing portion of Copper Lane as it meets Lime Kiln, because they own both sides.

**MOTION** was made by Hess, seconded by Schlag, to close public comment on the plat for the Reserve at Meadow Ridge at 6:55 p.m. The motion carried unanimously.

**BOARD COMMENTS:**

Chairman Hess said he prefers to work with the landowners and likes the original location for the outlet.

Schlag said he understands the safety concerns. We need growth and it will come over time. Beachmont was dedicated in 2003 to meet up with Copper Lane. Leave Copper the way it is and put in a cul de sac for now.

Huxford said he likes the lower connection option, but doesn't like imminent domain action. The specs don't say they have to go out beyond their property.

Danen said he would like to see an egress out of this subdivision.

Hess asked if we can approach the landowner on the other side and what the timeline could be. Brosteau said about two weeks.

Hess asked Ryan Radue if this is doable and Ryan said it's not their preference.

Schlag asked if the Town would be paying for any adjustments to Copper Lane on the east side of Lime Kiln and Hess said yes.

Huxford asked Burdette if July 22<sup>nd</sup> was the deadline to act on this plat and she said it is.

Both Hess and Danen are not willing to conditionally approve the plat. Danen would like to find out answers to this road issue prior to the deadline.

**MOTION** was made by Hess, seconded by Huxford, to table the preliminary plat for the Reserve at Meadow Ridge to explore the three options for an outlet, which are – 1: agreement with Tesars to move the Copper Lane entrance to Lime Kiln Road, 2: imminent domain for land from the Pansiers, 3: if northern outlet can be less than 1,000ft from Copper. The motion carried unanimously.

- c. Phase I Developer's Agreement between Town of Ledgeview and Radue Homes for the residential subdivision – The Reserve at Meadow Ridge.

**MOTION** was made by Hess, seconded by Schlag, to table the developer's agreement for the Reserve at Meadow Ridge. The motion carried unanimously.

**NEW BUSINESS**

1. Discussion and possible action –

- a. Resolution opposing Non-Fiscal Policy Items Negatively Affecting Municipalities Added to the State Budget in Assembly Bill 40.  
Burdette explained that there are provisions within the state budget that limit the local municipality's ability to control and said all surrounding communities are adopting this resolution.  
**Motion** was made by Danen, seconded by Schlag, to adopt this Resolution. The motion carried unanimously.
- b. Proposed Town Ordinance – first reading,  
“An Ordinance to Create an Economic Development Grant for Reimbursement of Minimum Statutory Fee for Reserve “Class B” Liquor Licenses.”  
Burdette explained options for both keeping and reimbursing the \$10,000 statutory fee that is a State requirement for reserve licenses. Danen said we could reimburse it over time – maybe years. Burdette said Nancy Hawley is looking into various options and will report her findings at an upcoming meeting.

## REPORTS

Clerk/Administrator: Burdette gave an update on the following items:

- The Brown County Public Works Department will be hosting a public informational meeting at the Town office on July 1<sup>st</sup> from 5-6pm regarding the GV-10 reconstruction project.
- The Town received correspondence from legal counsel regarding the Knaus matter.
- A reminder that the deadline for responses on the RFQ's for the comp plan/park plan and the consulting services is June 21<sup>st</sup> at 4pm.
- The Park Committee met last week and they are looking to learn more information about past park developments as well as to tour the existing park facilities.
- The Town received a copy of the speed data that was collected by the Brown County Sheriff's Department for a portion of Ledgeview Road.
- The summer Town newsletter will be mailed out in July. Please let office know if there are ideas for content or articles.
- Up-coming contracts for review will be for garbage/recycle services, assessor services and building inspection services.
- The conservancy vacation matter between the Sullivan's and the Town will have a court hearing on Monday, June 24<sup>th</sup>.

Engineer: Brosteau told the board that the sidewalks on Swan and Ledgeview Roads were starting to go in. One property owner on Ledgeview Road wants it moved back further and wants the Town to pursue talking to neighbors. The board said it's on the property owners to do the legwork on that idea. Additionally Brosteau informed the board about the concerns of the Destache's regarding the sidewalk placement in relation to their trees and the Town's right-of-way.

Treasurer:

Pansier asked if the board had any questions with May's cash flow report. There were none. She then reported that New China Kitchen moved out and the owners cannot be found. She had a conversation with the Town's collection agency who indicated it would not be worth the expense to

file small claims against New China Kitchen for the delinquent Personal Property taxes and said it will be on the next agenda for action to write off the 2011 and 2012 taxes totaling \$715.60.

Board: Huxford said he received a call at 9:00 a.m. on Saturday from someone who rented the park shelter for Sunday and when they checked it out they discovered human feces was spread around in the men's bathroom. Huxford said he tried to call several people for help but no one answered and wondered what the process is. Burdette said the off numbers are on the message when you call the office, so call either Mark or Andy at one of those numbers, leave a message and the problem will be taken care of.

#### **APPROVAL OF VOUCHERS**

MOTION was made by Schlag, seconded by Huxford, to approve to vouchers. The motion carried unanimously.

#### **ADJOURNMENT**

MOTION was made by Danen, seconded by Schlag, to adjourn this meeting at 7:42 p.m. The motion carried unanimously.

Sarah K. Burdette, Clerk/Administrator  
*Town of Ledgeview*