

A. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.

The Ledgeview Town Board held a meeting on **Tuesday, August 20, 2013, at 4:30 p.m.** 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 D. Hess.

B. PLEDGE OF ALLEGIANCE.

All members present recited the Pledge of Allegiance.

C. ROLL CALL.

Members present were Richard Huxford, Renee Van Rossum, Marc Hess, Andy Schlag and Phil Danen.

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

D. VERIFY/MODIFY/APPROVE AGENDA.

MOTION made by Hess, seconded by Danen to modify the agenda to move Item 7. Public Amusements & Shows Application for a rodeo to be held on August 24, 2013, in the outside arena of the Dollar Hill Equestrian Center, 2690 Dollar Road, Green Bay, WI 54311 to after the public hearing. The motion carried unanimously.

CONSENT AGENDA

1. Regular Board Meeting Minutes: July 16, 2013, August 5, 2013.
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator's Licenses:
 - a. August 5, 2013 through August 20, 2013.
5. Other Committee minutes. Accept and place on file.
6. Public Amusements & Shows Application from the Central WI Tractor Pullers & Circle Star Ranch for an Antique Tractor Pull on September 14, 2013, at the field area on Parcel D-257-2, Dickinson Road.
7. Public Amusements & Shows Application for a rodeo to be held on August 24, 2013, in the outside arena of the Dollar Hill Equestrian Center, 2690 Dollar Road, Green Bay, WI 54311.

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.

Hess indicated that he and Supervisor Danen were not in attendance at the July 16, 2013, Town Board meeting. Therefore, **MOTION** made by Schlag, seconded by Van Rossum to approve the July 16, 2013, minutes. Schlag-aye, Van Rossum-aye, Huxford-aye. The motion carried. Schlag was not present at the August 5, 2013, meeting. Therefore, **MOTION** made by Hess, seconded by Van Rossum to approve the August 5, minutes. Hess-aye, Huxford-aye, Van Rossum-aye, Danen-aye. The motion carried.

ZONING AND PLANNING COMMISSION:

1. a. Review and make a recommendation on the request by Jason Ingram of Ayres Associates, agent for Ryan Radue of Radue Homes, owner, for a final plat review of The Reserve at Meadow Ridge subdivision located on parcels D-179-1, D-179-2 and D-164-1.
Burdette indicated that the Zoning and Planning Commission reviewed the request by Ryan Radue of a final plat for the Reserve at Meadow Ridge subdivision. The Commission recommended approval of the final plat with conditions. The preliminary plat was already

approved by the Town Board with conditions and Mr. Radue has satisfied the conditions. A temporary construction driveway will be constructed between lots 9 and 10. Main entrances into the subdivision will be Meadow Sound Drive and a to-be-determined access from Lime Kiln Road near Copper Lane. The Board discussed access to the north, forcing outlets, County interaction with the project, and options that could impact an existing Area Development Plan (ADP) of adjacent property owners who do not wish to change the plan. The Board discussed the issue of eminent domain and indicated that they did not wish to pursue that action.

Ryan Radue explained that he was agreeable to a temporary cul-de-sac. If the option to the north was pursued, it would entail approximately 500 ft more road and he would lose approximately 2-3 lots. He indicated that access at Copper would be preferable. The Board also discussed the location of the number of cul-de-sacs located throughout the Town.

5:20 p.m.

MOTION made by Hess, seconded by Schlag to open the floor for public comment. The motion carried unanimously.

T.J. Parins, 3585 Meadow Sound Drive, commented that a petition had been signed by all residents of the Meadow Sound subdivision to stop an entrance for the development on Meadow Sound Drive due to safety concerns and indicated that a temporary cul-de-sac will become a permanent cul-de-sac. He indicated that currently there are no sidewalks in the Meadow Sound subdivision and again indicated the safety issues.

5:30 p.m.

MOTION made by Hess, seconded by Schlag to close the floor for public comment. The motion carried unanimously.

MOTION made by Hess, seconded by Huxford, to approve the request by Jason Ingram of Ayres Associates, agent for Ryan Radue of Radue Homes, owner, for a final plat review of The Reserve at Meadow Ridge subdivision located on parcels D-179-1, D-179-2 and D-164-1 as platted with a temporary cul-de-sac subject to the following conditions from the Zoning and Planning Commission with the **exception of condition 7**. Access to Copper Lane will not be pursued by the Town at this time. The motion carried unanimously.

1. Sidewalk must be included as provided for in section 96-9(H).
2. Subject to the design, bidding process as provided by Chap. 96 and as deemed necessary by the Town Engineer.
3. Subject to an approved developer's agreement between Radue Homes and the Town of Ledgeview and/or the Ledgeview Sanitary District.
4. Subject to approval by all overlying Federal, State and local agencies having jurisdiction over the platting process.
5. Addition of any drainage easements or temporary easements as identified by the Town Engineer.
6. The 20' wide access easement off of Outlot 6 and Lot 1 should be changed to an Outlot that is owned by the Town.
7. Access to Copper Lane will continue to be pursued by the Town. The developer shall participate in the cost associated with their development and frontage for the connection to Copper.
 - b. Review and make a recommendation on the request by Steve Zeitler, surveyor for Mark Laack, owner, to rezone parcel D-401 from RR Rural Residential to R-1 Residential. (Zoning and Planning tabled item.)

NO TOWN BOARD ACTION REQUIRED AT THIS TIME.

- c. Review and make a recommendation on the request by Steve Zeitler, surveyor for Mark Laack, owner, for a Certified Survey Map (CSM) for Parcel D-401 to split parcel into 3 lots. (Zoning and Planning tabled item.)

NO TOWN BOARD ACTION REQUIRED AT THIS TIME.

- d. Review and make a recommendation on the request by Steve Bieda of Mau & Assoc., agent for Darrell & Tammy Henninger, owner, for a Certified Survey Map (CSM) for Parcel D-112, located at 3161 Cottage Rd.

Burdette informed the Board that this was the last step for Henninger to split off one lot. The site plan was already submitted and a variance was granted for the house to remain on Lot 2. Sewer on the property is supplied by Bellevue and the Zoning and Planning Commission recommended approval of the Certified Survey Map (CSM) with the condition that a statement on the Certified Survey Map (CSM) that sewer easement shall be a private easement and that maintenance, repair, and inspection of the facilities shall be the responsibility of the owners of Lots 1 and 2.

MOTION made by Van Rossum, seconded by Schlag to approve the request by Steve Bieda of Mau & Assoc., agent for Darrell & Tammy Henninger, owner, for a Certified Survey Map (CSM) for parcel D-112, located at 3161 Cottage Rd. with the condition that a statement on the Certified Survey Map (CSM) that sewer easement shall be a private easement and that maintenance, repair, and inspection of the facilities shall be the responsibility of the owners of Lots 1 and 2. The motion carried unanimously.

- e. Continue review of an ordinance concerning Model Agricultural-Farmland Preservation (AG-FP) Zoning text.

Burdette informed the Board that the Commission continued review of the model Agriculture-Farmland Preservation ordinance. She indicated that Brown County is looking for uniformity in the zoning ordinance though Ledgeview still has the authority to make changes.

NO TOWN BOARD ACTION REQUIRED AT THIS TIME.

PUBLIC HEARINGS/ACTION:

4:30 p.m. or as soon thereafter as can be heard:

1. Application for Temporary Class "B"/"Class B" Retailer's License for the Central WI Tractor Pullers, Inc. for an Antique Tractor Pull on September 14, 2013, at the field area on Parcel D-257-2, Dickinson Road.

4:37 p.m. Public Hearing opened.

There were no public comments.

4:38 p.m. Public Hearing closed.

Hawley informed the Board that the Tractor Pull was an annual charitable event. The Central WI Tractor Pullers, Inc. are a bona fide organization that qualifies for a Temporary Class "B"/"Class B" Retailer's license.

MOTION made by Danen, seconded by Van Rossum to approve the application for Temporary Class "B"/"Class B" Retailer's License for the Central WI Tractor Pullers, Inc. for an Antique Tractor Pull on September 14, 2013, at the field area on Parcel D-257-2, Dickinson Road. The motion carried unanimously.

CONSENT AGENDA

7. Public Amusements & Shows Application for a rodeo to be held on August 24, 2013, in the outside arena of the Dollar Hill Equestrian Center, 2690 Dollar Road, Green Bay, WI 54311.

Hawley indicated that the establishment has held this type of event in the past. However, she indicated that she has contacted Public Works, the Building Inspector and the Fire Chief to inspect the premises prior to the event.

MOTION made by Hess, seconded by Van Rossum to approve the Public Amusements & Shows Application for a rodeo to be held on August 24, 2013, in the outside arena of the Dollar Hill Equestrian Center, 2690 Dollar Road, Green Bay, WI 54311 subject to the determination of the Fire Chief and the Building Inspector that there are no discrepancies that need to be corrected prior to the event. The motion carried unanimously.

PUBLIC COMMENT:

Ed Phillips, 4380 Monroe Road, voiced his concern regarding the new section of CTH GV (GV-10) and the lack of access points across from driveway. He indicated that it would impact the businesses along the highway from the roundabout at CTH-G and CTH-GV to CTH-X. The Board directed staff to request that Brown County schedule another public informational meeting with the property owners to answer some of their questions.

Steve Malvitz, 4210 Monroe Road, indicated that four out of the five properties on that stretch of road are commercial units, and that he bought his property for that reason.

T.J. Parins, 3585 Meadow Sound Drive, asked if the Board could look into eminent domain against the property owners on Copper Lane and pursue if viable based on the number of members of the Meadow Ridge subdivision who signed a petition against having an entrance to the Reserve at Meadow Ridge subdivision come off of Meadow Sound Drive.

Carl Kuehne, 4479 Heritage Heights, asked the Board if the roundabouts on CTH GV (GV-10) are subject to change or have they already been established. He asked if there is a way to change the location of any of the roundabouts.

Vince Cisler, 3706 Hidden Valley Lane, asked why the Zoning Board of Appeals minutes are not on line as soon as the meeting is over.

COMMUNICATIONS: None.

OLD BUSINESS:

1. Discussion/possible action:

a. Operator license re Rebecca Mott.

Hawley indicated that she spoke to Ms. Mott and that she had provided required documentation of attendance to indicate that she has fulfilled her obligation to the Court.

MOTION made by Danen, seconded by Schlag to approve the operator license re Rebecca Mott. The motion carried unanimously.

b. Ordinance to amend Chapters 135-8 and 135-11 regarding the enactment of 2011 WI Act 170, non-conforming uses.

Burdette indicated that the paragraph that deals with the 33% threshold and 50% threshold are at the discretion of the Town. The main point of the Ordinance is contained in the last seven points as follows:

Non-conforming buildings and structures that are damaged or destroyed by a natural event, including but not limited to, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be reconstructed provided that:

1. The use of the building or structure which is non-conforming as to these ordinances was not discontinued for a period of 12 months or more;
2. The repair and reconstruction are limited to that part of the structure and its specific improvements which are actually damaged or destroyed by a natural event and similar building materials shall be utilized;
3. The owner has the burden to establish that the damage or destruction was to a non-conforming structure or a part thereof was actually caused by a natural event and to establish the specific extent to which the damage or reconstruction occurred for the structural or part thereof that has actually been damaged or destroyed shall be reconstructed to the size, including the footprint and total square footage, location, and use that it had immediately before the damage or destruction occurred subject to Paragraph 6;
4. The owner shall bear the burden as to the size, location, and use of a damaged or destroyed non-conforming structure or part thereof immediately before the damage or the destruction;

5. The size of the non-conforming structure can be larger than the size it was immediately before the damage or destruction if it is necessary to comply with applicable local, state or federal requirement;
6. Repair and reconstruction shall be in compliance with all other provisions of applicable ordinances; and
7. Damage was not due to an intentional act of the owner or his agent.

MOTION made by Danen, seconded by Hess to approve the Ordinance to amend Chapters 135-8 and 135-11 regarding the enactment of 2011 WI Act 170, non-conforming uses. The motion carried unanimously.

- c. Ordinance amending section 135-15 (fences.)

Burdette indicated that there was some question regarding some provisions of the Ordinance. The Ordinance is being sent back to the Zoning and Planning Commission to review and clarify the language and then make a recommendation to the Town Board.

MOTION made by Danen, seconded by Hess to return the Ordinance to the Zoning and Planning Commission for their review to clarify the language in the Ordinance and then make a recommendation to the Town Board. The motion carried unanimously.

- d. Ordinance amending section 135-16 (swimming pools, hot tubs and spas.)

Burdette explained that the main purpose of the Ordinance was to allow the use of the type of cover that can be used over swimming pools and the related fence height requirements.

MOTION made by Hess, seconded by Van Rossum to approve the Ordinance amending section 135-16 (swimming pools, hot tubs and spas.) The Ordinance carried unanimously.

- e. Ordinance amending section 135-250(f) (2) of the Town of Ledgeview Zoning Code regarding protest petitions and time for action on re-zoning applications.

MOTION made by Hess, seconded by Danen to table the Ordinance amending section 135-250(f)(2) of the Town of Ledgeview Zoning Code regarding protest petitions and time for action on re-zoning applications indefinitely pending the results of current litigation. The motion carried unanimously.

- f. Ordinance to amend Chapter 135-118, Institutional zone in the Code of the Town of Ledgeview.

MOTION made by Hess, seconded by Danen to table the Ordinance to amend Chapter 135-118, Institutional zone in the Code of the Town of Ledgeview indefinitely pending the results of current litigation. The motion carried unanimously.

- g. Request from Sharon L. Pallock to negotiate a 50/50 split of Country Winds II final invoice in the amount of \$5,410.08.

Luann Pansier informed the Board of the situation with the Country Winds subdivision. The development was finished in 2000; however, the final coat was not applied until 2009. Based on the length of time between the development of the subdivision and the bill from the Town for the last coat, the developer did not feel that he should incur this added expense. When the last lot sold, the amount due from the developer, \$5,410.08 was placed into escrow. The developer has since passed away and his daughter would like to settle the matter without the added expense associated with litigation. She has formally requested that the Board accept her offer to pay the Town 50% of the remaining cost, or \$2,705.04.

The Board discussed whether it was more feasible to accept the 50% arrangement or proceed with legal action to recover the entire remaining amount.

MOTION made by Hess, seconded by Van Rossum to accept the request from Sharon L. Pallock for payment of 50% of the final invoice from Country Winds for a total amount of \$2,705.04. Hess-aye, Van Rossum-aye, Huxford-aye, Schlag-nay, Danen-nay. The motion carried.

- h. Recommendation from Town Engineer to upsize pipe under Creamery Road at Tributary F.

Brosteau informed the Board that 50% of the cost to upsize the pipe under Creamery Road at Tributary F can be taken out of the bridge fund. The remaining cost can be taken out of the storm water budget. However, the bridge fund cannot fund the cost of the

flood study. Brosteau explained that this expense can be funded through the storm water utility or can be added into the cost of the CTH GV-10 project. The Board indicated that the cost should be funded through the storm water utility.

The Board asked about the drainage of the water and also when the project could be started. Brosteau responded that the drainage would be into the East River and would not impact that flow to any great extent and that the project would most likely be started next spring.

MOTION made by Hess, seconded by Huxford to approve the recommendation from Town Engineer to upsize pipe under Creamery Road at Tributary F. The motion carried unanimously.

NEW BUSINESS:

1. Discussion/possible action:

- a. Support the application to Brown County for a Minor Sewer Service Area Amendment to include the remaining balance (approximately 2 acres) of Parcel D-401 located on Heritage Road.

Pansier informed the Board that the purpose of the amendment is to include the back two acres of parcel D-401 that are currently outside the border of the current 2002 Brown County Sewage Plan. The purpose is to allow for sanitary sewer service to parcels being created from Parent parcel D-401 at 3100 Heritage Road. She also informed the Board that Sanitary District No. 2 is in support of the amendment.

MOTION made by Schlag, seconded by Danen to approve the application to Brown County for a Minor Sewer Service Area Amendment to include the remaining balance (approximately 2 acres) of Parcel D-401 located on Heritage Road. The motion carried unanimously.

- b. Review and discuss 2013 Annual Meeting advisory motions as presented by the Town electors

1. Advisory motion to require a Public Comment section on all Town Board, and Committee agendas. (Motion passed unanimously by voice vote.)

Burdette informed the Board that advisory motions do not require Board action. She also informed the Board that the Zoning and Planning Commission is the only Committee or Commission that does not contain Public Comment on their agenda. The Zoning and Planning Commission is in the process of working on a set of meeting rules and procedures going forward.

The Board discussed the matter and determined that they would not make a decision on the motion at the present time and allow the Zoning and Planning Commission to continue their process to adjust their rules regarding their meeting protocol.

2. Advisory motion to require all Town Board, Committee, Commission materials be made online 24 hours in advance of meetings. (Motion passed 23 in favor, 5 opposed, 8 abstained.)

Burdette informed the Board that this matter needed additional analysis in light of the type of information that can be released online. This would include filtering the online information to exclude proprietary information, and to adhere to state statutes regarding the open records requests. Additionally, the cost and number of staff required to fulfill the task needs to be factored in to the request. The Board discussed the matter and agreed that government should be as transparent as possible. They also determined that the matter did need more research, but decided that agendas would be placed online as soon as possible after they are approved and that any public hearings and/or associated ordinances would be placed online as soon as they are available.

NO TOWN BOARD ACTION REQUIRED AT THIS TIME

- c. Recommendation to approve Brown County Municipal Recycling Agreement Amendment IV.

Burdette informed the Board that this is an annual amendment to the agreement between Brown County Port and Solid Waste and the Town of Ledgeview that allows us to rely on them for services as well as allow the Town to be eligible for the 2014 Wisconsin Recycling Consolidation Grant.

MOTION made by Schlag, seconded by Hess to approve the Brown County Municipal Recycling Agreement Amendment IV. The motion carried unanimously.

- d. Recommendation to approve Amendment to Intergovernmental Agreement between the City of De Pere and the Town of Ledgeview regarding crossing guard service.

Burdette informed the Board that this is an amendment to the agreement with the City of De Pere for the addition of a crossing guard at the intersection of Swan Pointe Terrace and Swan Road.

MOTION made by Hess, seconded by Danen to approve the Amendment to Intergovernmental Agreement between the City of De Pere and the Town of Ledgeview regarding crossing guard service. The motion carried unanimously.

- e. Recommendation from Review sub-Committee on Town of Ledgeview proposed consultant services for Planning, Zoning and Economic Development.

Burdette informed the Board of the requirements sent out to consultant firms for obtaining submittals for Contract Planning, Zoning Administration and Economic Development. She indicated that four firms submitted proposals and a committee composed of Town Board supervisor Renee Van Rossum, Redevelopment Chairman Ryan Van Straten and herself interviewed three of the four firms. A weighted system was used to rank the firms and the top two firms were evenly matched. One of the firms was able to provide the services requested based on the fee of one of the residents who was a part-time employee of the firm. Prior to selection of the final firm, that individual elected to pursue full-time employment with another employer. Due to this situation, the firm's approximate number of hours per month for the approximate fee would be lower than the number of hours offered by the other ranked firm. The firm that was recommended was Mead & Hunt, with a trial six-month period and a re-evaluation after that time.

The Board indicated that they would like to review a crafted agreement with Mead and Hunt for the next meeting.

MOTION made by Hess, seconded by Huxford to table action on authorizing the consultant services for Planning, Zoning and Economic Development with Mead and Hunt until a future meeting when the agreement can be reviewed. The motion carried unanimously.

REPORTS: Clerk/Administrator, Staff Updates and Board Comments.

A. Clerk/Administrator:

1. a. Burdette asked how in-depth the Board would like community involvement with the process of updating the Comprehensive Plan. The Board would like the widest possible input, including surveys, workshops, round-table discussions, etc.
- b. Advance has held a retention visit with Dedicated Systems. They received a favorable report regarding the Town of Ledgeview.
- c. The Department of Administration has estimated our current population at 7,074.
- d. There was a decision on the Knaus matter.
- e. Advance is accepting nominations for manufacturers of distinction annual award.
- f. A letter was received from Ms. Lemke regarding her desire to provide to the Comprehensive Plan update.
- g. Sarah and Renae will have a follow-up meeting with Advanced Disposal next week.
- h. The last day for submittals for the Deputy Clerk position is Friday, August 23, 2013.
- i. The Board received the incident report from the Brown County Sheriff Department. There have been several instances of break-ins. Please alert residents to report all incidents.
- j. Scott Construction indicated their blasting dates, commencing August 22, 2013.
- j. The Town Association will have its fall meeting if anyone is interested in attending.
- k. Annual staff reviews are being conducted this week.

- l. There will be a meeting with the Central Brown County Water Authority (CBCWA) on Wednesday.
 - m. Site review will review a new plat for a subdivision behind Dickinson Heights, several signs and an additional amount of feet on a Cellcom antenna.
 - n. The Park Committee will be on Thursday at Ledgeview Park.
 - o. We are in the process of updating the Zoning Map.
- B. Engineer**
- a. The Construction Project Management Proposals - due Friday
 - b. Brosteau asked if the Town Board was in favor of a landscape island off of Meadow Sound in conjunction with the Radue project - the Town Board is not in support.
- C. Treasurer**
- a. Pansier asked if the Town Board had any questions regarding the cash flow report. There were none.

COMMENTS FROM BOARD MEMBERS:

- a. Schlag questioned the status of the driveway permits from the Pansiers.
- b. Huxford questioned the status of the Gossen Certified Survey Map (CSM) and the environmental constraints associated with it. He questioned when Zoning and Planning could become involved in such a review.
- c. The Board has received recent positive feedback regarding the services offered by the building inspector. They will monitor.

APPROVAL OF THE VOUCHERS:

MOTION made by Danen, seconded by Hess to approve vouchers. The motion carried unanimously.

ADJOURNMENT:

MOTION made by Danen, seconded by Hess to adjourn the meeting at 7:15 p.m. The motion carried unanimously.

Nancy L. Hawley, CMC, WCMC, Deputy Clerk
Town of Ledgeview