

A. CALL TO ORDER

The Ledgeview Town Board held a meeting on **Monday, November 4, 2013, at 6:00 p.m.** at the Municipal Building located at 3700 Dickinson Road, De Pere, WI 54115. The meeting was called to order by Hess at 6:00 PM.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all in attendance.

C. ROLL CALL

Members present were Marc D. Hess, Renee Van Rossum, and Richard Huxford. Excused were Andy Schlag and Philip J. Danen.

Staff present were Sarah Burdette, Clerk/Administrator, Scott Brosteau, Town Engineer, Dustin Wolff, Town Planner, Luann Pansier, Treasurer, and Charlotte Nelson, Deputy Clerk.

D. AGENDA APPROVAL

Hess received a request on behalf of Advanced Disposal Systems to move New Business up on the agenda prior to Old Business. The board agreed with the request. MOTION by Hess to approve the agenda as amended. Motion was seconded by Van Rossum. No further discussion. Motion carried in a voice vote, 3-0.

CONSENT AGENDA

1. Regular Board meeting minutes:
 - a. October 22, 2013 Regular Town Board Meeting
 - b. October 22, 2013 Budget Workshop
2. Routine Reports: None
3. Committee/Commission Reports: None
4. Operator's Licenses:
 - a. October 23, 2013 –November 1, 2013
5. Other Committee minutes. Accept and place on file.
 - a. Central Brown County Water Authority - September 12, 2013
 - b. Central Brown County Water Authority - September 18, 2013
 - c. Public Information Meeting - October 29, 2013
 - d. Sanitary District Meeting - October 30, 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.

MOTION by Van Rossum to approve the Consent Agenda. Motion was seconded by Huxford to approve. No further discussion. Motion carried in a voice vote, 3-0.

PUBLIC COMMENT: None.

PUBLIC HEARINGS/ACTION:

1. Hear comment on amending Chapter 135 of the Town of Ledgeview Zoning Code in section 135-15, Fences.

The Public Hearing was opened at 6:02 p.m. by Chairman Hess.

Dustin Wolff, Town Planner, gave an overview of the ordinance to amend the fences. There were concerns that 36 inch fencing around the front of yard wasn't adequate to keep things enclosed or secure. This ordinance would allow up to 48 inch high fencing for front yards. Zoning & Planning is recommending approval.

After three calls, there was no discussion. Hearing was closed by Chairman Hess at 6:03 p.m.

Being the ordinance has been reviewed and Zoning & Planning is recommending approval, MOTION by Hess to approve the amending of Chapter 135 of the Zoning Code in section 135-15 Fences. Motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 3-0.

2. Hear comment on the request by Mau & Associates, LLP, agent for Belle Isle Meadows, LLC, owner, for a rezone of Parcels D-427-2, D-427-3, D-427-4, located North of Bingham Drive at Altmeyer Drive extended, from Rural Residential (R-R) to Residential (R-1).

The Public Hearing was opened at 6:04 p.m. by Chairman Hess.

Staff gave an overview of the subdivision project and advised that Zoning & Planning recommends approval of the rezoning of the parcels. The public hearing on this agenda is for the rezoning of the parcels, not the plat. Town zoning ordinance was addressed with the Zoning & Planning findings of fact. The findings indicate that the rezone request is consistent with the zoning & development plans in the area, utilities are available, and outlined land use is consistent with the Future Land Use Map. Zoning & Planning did provide, thru minutes, their written recommendation of approval because it is consistent with the town zoning ordinance with the exception of one dissention in the group.

John Opichka, 1399 Bingham Drive: Inquired as to the difference between the rezone and approval of the plat. Dustin Wolff, Town Planner, explained the difference between state statute of zoning and platting. Platting statutes do not require a public hearing, changing the land use (zoning) requires a public hearing via state statutes. There are property rights given to property owners for zoning or land use, and in order to change those rights, the statutes require a public hearing. Mr. Opichka is also concerned with access points into the proposed subdivision. There hasn't been any new information presented to the board at this time. Mr. Opichka would like to have Bingham Drive looked at as far as drainage problems is concerned because the road is buckling underneath and that would need to be fixed prior to any development. Mr. Opichka would also like to know if Bingham is wide enough to be a major thorough fare. Having only one access is setting a precedent for future plats. .

Kay Handrick, 1406 Bingham Drive: Understands that a public hearing is not required for plat approval, but does that mean a public hearing is precluded from happening. She felt that the plat doesn't meet the town ordinance or the comprehensive plan under ordinance 96.10(O) short minor street, or under 135-5 zoning. Hess assured Ms. Handrick there would be another meeting regarding the plat approval because there isn't a full board here tonight and more information is required. There was reference made to the Packer Game and the unavailability of residents to attend the public hearing this evening. There are additional concerns other than what is in the petition, for example, it's a safety issue to have construction equipment go through a residential neighborhood. Hess requested Ms. Handrick continue to provide information to staff so they can research her concerns. Ms. Handrick argued that the traffic study is inaccurate because it was conducted one hour on one specific day and only took into consideration one vehicle per

household. There was discussion on the school district owning land in the area, and once the school is developed, is the school traffic going to go through the same single access point as well? Ms. Handrick understands the board's task is to balance residents concerns with development; but she feels this plat doesn't meet town ordinances. It was believed that water and sewer hookups were going to come from CTY HY. GV, not through Dickinson Heights. Water and sewer are available to the Belle Isle Meadows; it just depends on what way the development comes in.

Rick Chandler, 1391 Bingham Drive: Heard there where phases to the Belle Isle Meadows development. At this time, no phases have been submitted.

Kristie Elms, 1389 Kuyper Lane: Construction equipment traveling through the neighborhood is a concern for her. Ms. Elms would like to have the construction equipment have a separate access road which does not run through the subdivision. There was discussion regarding this issue and requirements of another recent plat that was approved. Safety for the residents means safety for the current residents. There are no current residents in an undeveloped subdivision.

Ken Bartel, 360 Chase Avenue: Thought that Altmeyer is supposed to be a cul-de-sac and at what point can the next land owner/developer convert it to the road. Town defines a cul-de-sac as a single access road that will remain a single access. Discussion ensued regarding the difference between a cul-de-sac and a temporary turn around. A cul-de-sac has a bulb at the end and is meant to remain a cul-de-sac. A temporary turnaround is just that; temporary, and is meant to be converted to a road in the future. Altmeyer is not a cul-de-sac. The town's policy is not to have multiple access roads be a cul-de-sac. Zoning & Planning and the Town Board must follow the current ordinances as the standard to which the developer must meet. The town is currently in the process of updating its comprehensive plan with a Public Engagement Meeting set for Tuesday, November 12. Until such time the ordinances are changed, the town relies on police, fire, public works, and engineering to provide guidance. Mr. Bartel inquired as to whether or not waterways have been researched. Again, Zoning & Planning examined the documented criteria and recommended approval based on the criteria. There was a conceptual area development plan demonstrated in regard to the waterway issue. Mr. Bartel questions why when a developer buys a piece of land zoned rural residential, and wants to develop it as R-1, do they wait until the plat is ready for approval to do the rezoning; it seems late in the process to be changing the zoning. Again, the Comprehensive Plan states R-1 and the developer is asking to do with the land complies with the approved plan.

Richard Butrym, 364 Chase: Is concerned with the cul-de-sac and referenced a study he found on Google. The study suggests that putting cul-de-sacs too close together creates a traffic hazard which becomes a public safety hazard. Mr. Butrym doesn't want the town to use future access roads as a loop hole to bypass the public safety issue. More access points won't occur for a very long time, maybe 30 years into the future. There was discussion on the study's recommendation to have at least 1,000 feet between cul-de-sacs for public safety. The town's policy does, 't have the 1000 foot guideline. There is a difference between cul-de-sacs and temporary turn arounds.

Maureen Hodgdon, 1426 Angels Path: Knew when she purchased her home that there would be development in the area, she just didn't think it would happen so soon. Ms. Hodgdon thought the development would start at GV, and work its way in.

Ms. Hodgdon explained her concern that she feels the infrastructure isn't there for the development. The infrastructure is more than just water and sewer, it's also roads. The developer is either going to have to invest the money by installing the infrastructure (meaning another access point) or wait until the infrastructure was in before moving forward with development. Wolff and Brosteau advised that water and sewer infrastructure is there and available to the development. There is an Adopted Development Plan which facilitates growth in that area. Ms.

Hodgdon would like to know how the school bus routes are going to affect the area with the 48 additional homes.

Bob Juidici, 1415 Bingham Drive: Mr. Juidici is the homeowner on the corner of Altmeyer and Bingham who is going to take the brunt of the traffic. Mr. Juidici is concerned that one single entrance is setting a precedent going forward because that's not consistent with the Comprehensive Plan.

Dave Chrouser, Mau Associates, Developer Representative: Single family residential is desirable in that area, therefore zoning shouldn't be an issue. Infrastructure is not just the roads, it's also sewer and water which is there and available for development. Subdivisions such as this are developed all over Brown County in this same fashion. Developers always try to get multiple accesses as soon as possible, but it's not always feasible. There is no argument regarding the re-zoning of these parcels.

Patricia Kaster, Belle Isle Meadows Developer: Rezoning of the property is done just prior to any construction because of the higher tax rate. So when the time is right to be developed, the zoning is changed to justify the new tax rate.

It should be noted that Hess assured the citizenry throughout the public hearing the following:

1. There would be an additional meeting scheduled.
2. The board has the difficult task of balancing resident concern with development privileges.
3. To forward any concerns or information to town staff so that they can research and make recommendations on those concerns.

After three calls, there was no further discussion. Hearing was closed by Chairman Hess at 7:17 p.m.

COMMUNICATIONS: None.

ZONING AND PLANNING COMMISSION ITEMS FROM OCTOBER 16, 2013 MEETING:

1. **Recommendation on the request by Mau & Associates, agent for Belle Isle Meadow, LLC, owner, to rezone parcels D-427-3 and D-427-4 from RR Rural Residential to R-1 Residential.**
MOTION by Hess to table items 1 and 2 until there is a full Town Board present to render a decision, until all the comments made at tonight's public hearing can be read, and any additional research stemming from tonight's public hearing can be completed. Hess would like the traffic study reviewed, for some understanding of what the next reasonable step would be in the future developments feeding into this subdivision, a study of the infrastructure, the maximum allowance of houses in a subdivision with one access point. Motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 3-0.
2. **Recommendation on the request on by Mau & Associates, agent for Belle Isle Meadows, LLC, owner, for a preliminary plat review of the Belle Isle Meadows subdivision.**
See item 1 above for action taken on this item.

OLD BUSINESS:

1. **Discussion and review of CTH GV-10 (from CTH G to CTH X) design and access points.**
Burdette advised the board that there is no update from the county on the design and access points at this time. Due to the recent public comments regarding additional access points, and the county's opposition for additional meeting with the town, Hess would like an understanding

of reasons why Ledgeview agreed to GV-10 project, the costs involved, and impact it will have on the residents should be reexamined. Hess is also requesting an analysis be completed so a determination can be made as to whether or not it's in Ledgeview's best interest to have GV-10 expanded to four lanes or if simply repaving the two existing lanes is the better benefit. For this reason, MOTION by Hess to table items 2 and 3. Motion was seconded by Huxford. Burdette informed the board this agenda item was only intended to discuss the median cross over request that is before the Brown County Highway Department; no action was to be taken on this agenda item. No further discussion. Motion carried in a voice vote, 3-0.

Discussion ensued on impact of tabling the issuance and sale of \$760,000 General Obligation Promissory Notes will have on the Radue transaction. Treasurer L. Pansier advised the interest rate on the note is only guaranteed through mid-November with Greenleaf Bank. The rate is an excellent rate and the Radue's agreed to repay at .5% above the rate. Hess questioned if the proceeds from the previous note could be used in lieu of taking out an additional note. L. Pansier advised this could be done, however, this will increase the interest rate for the Radue transaction. Hess instructed L. Pansier to use the proceeds of the previous bond on the Radue transaction. No further discussion.

Huxford had given Hess a packet of information received from the county on the GV-10 project. At this time, this information was distributed to the staff and remaining Town Board members. It should be noted that this is the first staff was made aware of this packet of information.

2. **Recommendation on limits of proposed sidewalk, curb and gutter installation project along portions of Oak Ridge Circle and Ledgeview Road.**
See item 1 above for action taken on this item.
3. **Resolution Authorizing the Issuance and Sale of \$760,000 General Obligation Promissory Notes.**
See Item 1 above for action taken on this item.

NEW BUSINESS:

1. **Discussion/possible action:**
 - a. **First amendment to Agreement between Town of Ledgeview and Advanced Disposal Solid Waste Midwest, LLC, f.k.a. Veolia Environmental Services Solid Waste Midwest, LLC.**
Brian Hopkins of Advanced Disposal Systems was in attendance for questions. There were some minor tweaks made to the original agreement that are reasonable and customary such as home charges adjusting quarterly instead of annually, and adjustment for fuel surcharges. There is a good working relationship with Advanced Disposal Systems, and staff is recommending approval of the amendment. Motion by Hess to approve the first amendment to the agreement between the town of Ledgeview and Advanced Disposal Solid Waste Midwest, LLC. Motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 3-0.
 - b. **Review and recommendation on contract between Town of Ledgeview and Alliance Construction & Design for storage addition to Town Office.**
Brosteau received the draft contract from Alliance. The schedule is for design to be completed in November/December, Bids should go out in January, Meeting of the Electors in February, with construction to begin in March. There was a difference in the pay schedule; the original cost of \$3,500 which was for Alliance costs only, \$9500 for design is more reasonable. The contract was awarded by overall costs, not design costs. Staff is recommending approval. Motion by Hess to approve the contract as presented. Motion was seconded by Van Rossum. No further discussion. Motion carried in a voice vote, 3-0.

TOWN ORDINANCES - SECOND READING:

1. **An Ordinance to Amend Chapter § 68-3 Noxious Weeds, Grass, and Vegetation.**

There were no additions, corrections, or deletions from the first reading. Ordinance was forwarded for a second reading. No action taken.

Clerk/Administrator:

1. The 2014 Budget is being prepared for the 19th public hearing.
2. Community Engagement Meeting is Tuesday, November 12, at 6:30 at De Pere Middle School for any board member who wishes to attend.
3. Zoning & Planning is scheduled to meet next week, November 13.
4. Personnel Committee is scheduled to meet Wednesday, November 6 at 7:30 a.m.
5. Newsletter articles are due to the Deputy Clerk on or before Friday, November 8, with delivery the week of Thanksgiving.
6. Nomination papers can begin to be circulated on December 1. There are two Town Board Supervisors and the municipal judge up for re-election in 2014.
7. Staff is due for their annual safety training next week Tuesday, November 12.
8. Code Enforcement Officer Mark Roberts is hosting an informational meeting tomorrow night, November 5, at 6:00 p.m. at the Town Hall on the hunting in the Eagle Bluff subdivision. Board members are welcome to attend. A DNR representative will also be present.
9. Advanced contacted the Town of Ledgeview for any available acreage in the town that a site selector is hoping to find space for a distribution center somewhere in Brown County. Staff supplied materials.

Staff Updates:

Town Engineer:

1. Creamery Road culverts are ready to be looked at for possible replacement before the CTY. HY. GV-10 project starts. Hess would like Brosteau to hold off in doing that study until there is a determination as to whether or not the town is going to continue with the project.
2. Staff met with DOT, county, and City of De Pere staff regarding Cty X/57 intersection. DOT would like to install roundabouts due to accidents at this location. There is funding available through the Highway Safety Improvement Funds. Town costs will be minimal and mostly for landscaping. The next step is to get the state/municipal agreement together. Construction is anticipated to begin in 2016.

Fire Chief. None

Board Comments. None

APPROVAL OF THE VOUCHERS:

MOTION by Van Rossum to approve the vouchers. Motion was seconded by Hess. No further discussion. Motion carried in a voice vote, 3-0

ADJOURNMENT:

MOTION by Hess to adjourn. Motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 7:43PM.

Charlotte K. Nelson, Deputy Clerk
Town of Ledgeview, Brown County, Wisconsin