

A. CALL TO ORDER

The Ledgeview Town Board held a meeting on **Monday, December 2, 2013, at 6:19 p.m.** at the Municipal Building located at 3700 Dickinson Road, De Pere, WI 54115. The meeting was called to order by Chairman Hess.

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, Philip J. Danen, Richard Huxford and Andy Schlag.

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

D. AGENDA APPROVAL

MOTION by Van Rossum to approve the agenda. The motion was seconded by Hess. No further discussion. Motion carried in a voice vote, 5-0.

CONSENT AGENDA

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1. **Regular Board meeting minutes:**
 - a. **November 19, 2013 Regular Town Board Meeting.**
 - b. **November 19, 2013 Public Hearing**
2. **Routine Reports:**
 - a. **None**
3. **Committee/Commission Reports:**
 - a. **None**
4. **Operator's Licenses:**
 - a. **November 14, 2013 –November 26, 2013**
5. **Other Committee minutes. Accept and place on file.**
 - a. **Ledgeview Fire Department Minutes of November 11, 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 Danen to approve the Consent Agenda. The motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 5-0.

PUBLIC COMMENT: None

PUBLIC HEARINGS/ACTION: None.

COMMUNICATIONS: None.

ZONING AND PLANNING COMMISSION ITEMS: None.

OLD BUSINESS:

1. **Request by Mau & Associates, agent for Belle Isle Meadow, LLC, owner, to rezone parcels D-427-2, D-427-3 and D-427-4 from RR Rural Residential to R-1 Residential.**

A public hearing was held on November 4, 2013 regarding the rezoning of these parcels as required by state law. At that time, because the full board wasn't present at the public hearing and because of several new concerns raised by residents of Dickinson Heights, the board decided not to take any action until there was a full board and research could be done on the new concerns of the residents. The developers also agreed to this extension. It was discussed that sometimes it's hard to separate a rezone from a preliminary plat, but they are separate and distinct actions. Therefore, it was decided that the discussion for this item was going to be limited to just the rezone, and the approval of the plat would be discussed in the next item.

Wolff explained Zoning & Planning's findings of fact. The town's Comprehensive Plan illustrates these parcels as R-1 for future development. The petitioner has requested the rezone for R-1 to the Zoning & Planning Committee and based on the Future Land Use Map, meets the requirement for the rezone. The area has sewer and water hookups and it fits in with the surrounding area zoning. The rezone is a continuation of R-1 zoning to the north of Dickinson Heights subdivision. Based on the findings of fact, the Zoning & Planning Committee, and staff, recommends approval of the rezone itself. Wolff explained that there is a difference between uses permitted by right, which is zoning, and platting land. Rezoning is a critical step to platting land and has to occur prior to any development of the land.

MOTION by Danen to open the discussion up for public comment. Motion was seconded by Hess. No further discussion. Motion carried in a voice vote, 5-0. It was clarified that the discussion will pertain to that of the rezone request only, not the approval of the plat.

Kay Handrick, 1406 Bingham Drive – The residents of Dickinson Heights do not agree that approving this zoning request because it's in violation of ordinance 135-5. The ordinance indicates the purpose of adopting the zoning code is to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare. The disagreement is that the only access to Belle Isle is through Dickinson Heights and the additional vehicular traffic will cause congestion in the streets and unsafe public safety conditions.

Maureen Hodgdon, 1426 Angels Path – Is concerned with the uncertainty of not knowing the plan for road construction in or out of that neighborhood. The town has an obligation to ask the developer for funding for roads that will give Belle Isle another access point.

After several calls for additional public comments on the rezone were made, **MOTION by Hess to close the meeting for public comment. Motion was seconded by Schlag. No further discussion. Motion carried in a voice vote, 5-0.**

It was reiterated that Zoning & Planning had no concerns with the rezone and that staff along with Zoning & Planning recommend approval of the rezone to R-1. **MOTION by Danen to approve the zoning of the above referenced parcels to an R-1 zoning. Motion was seconded by Van Rossum. No further discussion. Motion carried in a voice vote, 5-0.**

2. **Request on by Mau & Associates, agent for Belle Isle Meadows, LLC, owner, for a preliminary plat review of the Belle Isle Meadows subdivision.**

Hess gave a summary of the board's actions regarding this item. There was a public input was provided on this item on November 4th, 2013 in which concerns of residents in the Dickinson

Heights subdivision were heard. There have been subsequent discussions amongst staff, board members, concerned residents, and the developer. Information has been gathered and exchanged between all of the fore mentioned parties.

Town Planner, Dustin Wolff, gave a brief overview of the proposed Belle Isle Meadows plat. The plat is a 48 lot subdivision located to the north of Dickinson Heights. Currently, there is one access to CTH G, ultimately, there will be several access points in the future as development occurs. Assuring residents of multiple access points vs. temporary cul-de-sacs seems to be a point of contention. The plat is keeping with past practices of the town and complies with current town ordinances. It is staff's opinion that changing the past practices is a concern from a legal prospective. The town has approved developments that have longer roadways on a single access point in the past. A roadway is not considered a cul-de-sac if there are multi egress points. There is no documentation specific to the town that regulates the number of lots per subdivision, therefore, the town relies on the industry standards. It is perceived that more cars equal more congestion but there's no data to support that perception. This plat has been held to the industry standard and the town cannot impose a standard that isn't in place. However, the town can rely on past practice. A review of police call data shows the most common accident in this area is car vs. deer, not car vs. pedestrian or car vs. car. Speeding is an enforcement issue, and data shows the majority of the speeders are residents of the area in concern. When making policy and setting a standard, the assumption is that people are going to obey the laws and that people are going to be good neighbors. The same assumption is made for companies doing work in the neighborhood or they're not going to get continued work. There is a difference between valid concern and what can be regulated in approving a plat.

MOTION by Hess to open the meeting up for public comment. Motion was seconded by Schlag. No further discussion. Motion carried in a voice vote, 5-0.

John Opichka, 1399 Bingham Drive – Appreciates the documentation from the engineer and planner. However, the Dickinson Heights residents don't agree that the assumptions, interpretations, and past practices are in accordance with the ordinances. There is no concrete findings and it's time to go back to ordinances and read them word for word so that going forward, plat approval will be done the right way. Single access points to a subdivision should not be allowed, and it will be setting a precedent in all of Brown County. Opichka would like to go back to the beginning of the process to assure all requirements are interpreted correctly and all requirements are met. If the answer is no, then this plat can't be approved.

Matt Gallagher, 380 Chase Avenue – The argument can be made that at what point does the single access become permanent. Should the land that is going to be the second access point not develop, then it becomes a permanent single access point subdivision.

Discussion was held regarding the point that the town cannot make anyone develop land; there has to be a willing developer.

Kristie Elms, 1389 Kuyper Lane – There is no plan, that's the residents concern.

Discussion was held regarding the fact that there is a plan, there isn't a prediction of when. There are many incidents around the town where subdivisions were built with one access point until another subdivision was developed. Dickinson Heights is one of those examples. Wolff again reminded the board that past decisions were based on a certain series of criteria, and if the board were to change the criteria now, the change is midstream. In the absence of showing there is a harm being done, the developer has done what is required to meet all the criteria set forth by the town, and there isn't any supportive data to show a good reason to deny this plat.

Ken Geurts, 1962 Old Valley Court - Mr. Geurts is on the Sanitary District Commission. The Sanitary District made the decision to put infrastructure there (sewer & water hookups) to encourage people to come to Ledgeview and to encourage growth. That infrastructure has to be paid for, and this is an ideal place for it to start. Every subdivision starts this way and they grow upon each other. As the area develops, the roads will connect. Growth keeps the tax rates, sewer rates, and water rates down. Ledgeview needs the growth.

John Opichka, 1399 Bingham Drive – Ledgeview needs growth, but wants it done correctly. Stop the developer, make them do what they're supposed to. They submitted the plat in June with 21 lots, now it's up to 48 lots. The town would be setting a precedent if they approved this.

Discussion was held on the fact that the plat was submitted in June with 21 lots. That plat was withdrawn before any town action was taken on it. The plat was then re-submitted with 48 lots. It was this 48 parcel plat that the Zoning & Planning Committee and town staff reviewed and are recommending approval because it meets all the town requirements.

Kay Handrick, 1406 Bingham Drive – Wanted to clear up any misconceptions about the residents of Dickinson Heights being against growth. They certainly welcome the growth to the Town of Ledgeview. There is no reference in the zoning ordinance about the Comprehensive Plan and well planned street patterns, its counter intuitive. Page 40 of the Comprehensive Plan references single access to a subdivision. This isn't an emotional concern; it's a factual concern which has been pointed out. After all, it's an additional 1,000 vehicles a day coming through Dickinson Heights.

Danen gave clarification on how most board decisions are made. Most board decisions are based on plans that are in place at the time the decision is made. Areas for subdivisions in the town are planned on the Comprehensive Plan or the Future Land Use Map. There is no guarantee when people are going to sell land, that is out of the board's control. The board has control over the requirements that must be met in order to have a plat approved. In this case, the developer has met those requirements. If the requirements are met, the board has to have a strong legal reason as to why an approval isn't given. In this case, there isn't a valid legal reason to deny this plat. This is a piece of the puzzle. Many subdivisions in the town have been initially built with one access point until a connecting subdivision is established, including Dickinson Heights. Temporary cul-de-sacs are needed in a plat because they become the connection to the next subdivision. The board can't look at just one piece of the puzzle; they have to look at the over-all big picture. The board understands the concerns of the residents in Dickinson Heights, but legally, the requirements have been met and there isn't a valid legal reason to deny this plat. The board can and will make sure that all the building codes and ordinances which can be enforced are strictly enforced upon both the developer and any contractors. The developer was made aware of this.

Ken Marzec, 360 Chase – Questioned the definition of sequential development. If this plat is approved is the developer required to put the road in? Are the lot sizes the same?

Sequential development was defined as essentially one subdivision building upon another, with the understanding that the board can't force anyone to develop/sell their land. The lot sizes in Belle Isle Meadows are about 2,000 square feet smaller than that of Dickinson Heights simply because the developer chose to develop the land that way. The Area Development Map displays future roads and connecting points

Pam Gallagher, 380 Chase Avenue - Construction vehicles is a concern, is there a way to have an access road for construction vehicles only? Residents don't want to see someone to get hurt prior

to doing something; the town needs to be proactive instead of reactive. Is there a way to make the developer pay to rent land off of CTH G for construction vehicles only?

State law allows municipalities to do official mapping. Through this official mapping, the municipality can require developers to do what the town wants them to do. However, the town has to spell out those requirements. This particular requirement is not part of the town's platting requirements at this time. Should the town decide to make this part of the requirements, the town would need to change the platting requirements, which can be addressed as part of the Comprehensive Plan Update process Zoning & Planning will be undertaking starting in January.

There was discussion on traffic count data, specifically, how much additional traffic can be expected through the Dickinson Heights subdivision as a result of the Belle Isle Meadows addition. There was a study done on Chase and CTH G which resulted with no significant issues. Pedestrian/vehicle accident study was not completed because Zoning & Planning did not ask for that data.

Pat Kaster, Belle Isle Meadow Developer – Clarified the 48 lot issue. In the beginning, it was thought that there would only be 15 acres to develop. However, as time went on, more land was acquired to accommodate 48 parcels. Ms. Kaster has met all the requirements of the town. This is not a precedent for Brown County; this is the typical way land is developed, and it's done in this fashion all over Brown County.

Mark Chambers, 1422 Bingham Road - Mr. Chambers is on the Zoning & Planning Commission. Mr. Chambers believes it is important to give options for solutions to these types of concerns, and supports Zoning & Planning taking a look at this through the Comprehensive Plan Update process.

Once again, it was determined that the infrastructure (sewer and water hookups) is available for this development. The board heard the resident's comments and concerns, and although they are reasonable concerns, can't force the developer to do anything more than meet the town's current requirements. It is agreed upon that the board would like the single access point issue researched through the Comprehensive Plan Update process that Zoning & Planning will begin in January.

At this time there was a **MOTION by Hess to close the meeting for public comment. Motion was seconded by Schlag. No further discussion. Motion carried in a voice vote, 5-0. No further discussion. Motion carried in a voice vote, 5-0.**

Motion by Danen to approve the Belle Isle Plat as submitted with the understanding that the town will strictly enforce any state statutes, ordinances, and/or any other rules and regulations within its authority to assure the concerns of the neighborhood are respected. Motion was seconded by Schlag. No further discussion. Motion carried in a voice vote, 5-0. It should be noted that developer was in attendance of the meeting and made aware of the understanding.

3. **Review feedback from Public Information Meeting regarding CTH GV-10 Reconstruction Project (from CTH G to CTH X) and access points.**
No action or discussion took place on this item.
4. **Resolution Authorizing the Issuance and Sale of \$760,000 General Obligation Promissory Notes.**
Treasurer L. Pansier consulted with the bank. The bank is willing to extend the interest rate for 60 days from the original quote. L. Pansier would like to keep the developers accounts separate because it's a cleaner way to track. L. Pansier recommends the board decline to bond at this time with the understanding that that bonding can be revisited in 2014 when more is known about GV-10 project. **MOTION by Danen to deny the resolution. Motion was seconded by Hess. No further discussion. Motion carried in a voice vote, 5-0.**

NEW BUSINESS:

1. Discussion/possible action:

a. Annual Quarry & Blasting permit renewal.

Code Enforcement Officer Mark Roberts is recommending approval on those who submitted. There is one individual who would like the board to consider a reduced fee because not much material is going to be taken out of that quarry. The board declined the request because the ordinance does not contemplate a reduced fee based on quantity of aggregate being quarried. **MOTION by Van Rossum to approve the recommended submitted permits. Motion was seconded by Schlag. No further discussion. Motion carried in a voice vote, 4-0-1 with Danen abstaining.** Should the fee be submitted for the one remaining permit, that permit will be on the December 17, 2013, agenda.

b. Contract C-2013, Reserve at Meadow Ridge, Change order #1 for \$540

Town Engineer, Scott Brosteau, explained the change order was to modify some materials in the project on sewer laterals. **MOTION by Danen to approve the change order. Motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 5-0.**

c. Contract C-2013, Reserve at Meadow Ridge, Pay request #1 for \$174,695.04 to Dorner Inc.

Town Engineer, Scott Brosteau, explained the pay request is for the sanitary sewer and water installed today. Five lots are now ready for public service to be installed and ready to build on. This is Radue's money. **MOTION by Danen to approve the pay request. Motion was seconded by Van Rossum. No further discussion. Motion carried in a voice vote, 5-0.**

d. Contract B-2013, CTH GV-9 trail lighting, Change order #1 for \$4,125

Town Engineer, Scott Brosteau, explained this change order is for traffic control on GV conduit in the trail. The county paved the trail, so the conduit had to be moved near the curb which caused contractor to add traffic control. **MOTION by Schlag to approve the change order. Motion was seconded by Van Rossum. No further discussion. Motion carried in a voice vote, 5-0.**

e. Contract B-2013, CTH GV-9 trail lighting, pay request #1 for \$185,168.30 to Bodart Electric Service, Inc.

Town Engineer, Scott Brosteau, explained the pay request is for the lighting the conduit, the wiring for GV-9 trail. The control panel cabinet is on backorder until mid-December. This pay request is for the completed project minus the control panel cabinet and the retainer. **MOTION by Schlag to approve payment to Bodart. Motion was seconded by Danen. No further discussion. Motion carried in a voice vote, 5-0.**

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

Sarah Burdette, Clerk/Administrator:

- November Brown County Sheriff's Department call data was included in the packet.
- Community engagement summary results were included in the packet.
- Meeting tomorrow Public Information Meeting on CTH PP/57 Project is tomorrow at De Pere City Hall. The meeting is sponsored by Brown County. All board members are encouraged to attend.
- Knaus file appeal to U.S. Federal Circuit Court. This was included in the packet.
- Outlot 6 in the Reserve at Meadow Ridge with Radue was closed on last week.
- Real Estate Taxes are almost complete. Anticipated mail date is December 10th.

Luann Pansier, Treasurer

- Accountants are doing preliminary audit work today and tomorrow.

- County is doing their sewer service area amendment. Town received notice of an amendment to add 605 acres; the Sanitary District is working on mapping that. Deadline to submit the amendment back to the county is December 20th.

APPROVAL OF THE VOUCHERS:

MOTION by Schlag to approve the vouchers. Motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 5-0.

ADJOURNMENT:

MOTION by Danen to adjourn. Motion was seconded by Schlag. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 8:31 p.m..

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