

The Ledgeview Town Board held a meeting on **Monday, February 3, 2014, at 6:00 p.m.** at the Municipal Building located at 3700 Dickinson Road, De Pere, WI 54115.

A. CALL TO ORDER

The meeting was called to order by Supervisor Danen at 6:03 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all in attendance.

C. ROLL CALL

Members present were Supervisors Philip J. Danen, Richard Huxford and Renee Van Rossum. Chairman Marc Hess and Supervisor Andy Schlag were excused.

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

D. AGENDA APPROVAL

MOTION by Van Rossum to approve the agenda. Motion was seconded by Danen.

No further discussion. Motion carried in a voice vote, 3-0.

CONSENT AGENDA

1. Regular Board meeting minutes:
 - a. January 21, 2014 Regular Town Board Meeting.
2. Routine Reports: None.
3. Committee/Commission Reports:
 - a. None
4. Operator's Licenses:
 - a. None.
5. Other Committee minutes. Accept and place on file.
 - a. December 18, 2103 Central Brown County Water Authority Meeting.
 - b. January 15, 2014 Personnel Committee Meeting.
 - c. January 16, 2014 Park & Recreation Meeting.

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.

There was discussion by Huxford on the January 21, 2014 Town Board Minutes. Huxford wanted it noted in the minutes that he questioned the legality of the vote taken regarding the GV-10 project under old business. Nelson advised she would add that notation. **MOTION by Huxford to approve the consent agenda with the amendment as noted. Motion was seconded by Van Rossum. No further discussion. Motion carried in a voice vote, 3-0.**

PUBLIC COMMENT: None.

PUBLIC HEARINGS/ACTION: None.

COMMUNICATIONS: None

ZONING AND PLANNING COMMISSION ITEMS: None.

OLD BUSINESS:

Approved at the March 3, 2014 Town Board Meeting.

1. **Request by Greg De Cleene, owner, for a replacement sign permit for Chicago St. Pub, located at 1950 Dickinson Road.**

Burdette explained this item was a carryover from the last board meeting. The sign was approved by Zoning & Planning with conditions. The board along with the De Cleenes received the correspondence from Town Planner Dustin Wolff which stated the town requirements for message signs. Burdette recommends sign company meet those requirements upon issuance of the permit. Discussion ensued regarding Shopko's and Uncle Mike's message sign. Shopko complies with this section of the new code, Uncle Mike's Bakery was grandfathered in because it was in existence at the time of adoption. **MOTION by Danen to approve the replacement sign contingent upon conditions recommended by Zoning & Planning. Motion was seconded by Van Rossum. No further discussion. Motion carried in a voice vote, 3-0.**

NEW BUSINESS:

1. **Discussion/possible action:**

a. **Review finance options in consideration of Developer's Agreement for Belle Isle Meadows, LLC.**

L. Pansier supplied a handout in the board's drop box explaining a few ways to assist Belle Isle Meadows, LLC, with financing. She told the board that per our bond agent, the Town could assist this development with bond proceeds that may not be used this year if GV10 is put off until next year. The current balance is not enough to cover all of GV10 anyway, so we could use current proceeds for this project and the CTH PP project, and take out a new issue for GV10 later this year or early next year. She also said the entire 5% Admin fee from this project would be placed in the Town's coffers if the Town also finances the sewer/water portion. There was discussion as to whether or not a limit was set for financial assistance to developments. Danen explained that Hess would like to move this item to the next meeting and have a full board vote taken. Danen concurred. Brosteau explained that the developers wanted to get going on the project as soon as possible and the Developer's Agreement still needs to be put together and agreed upon before engineering can start. Brosteau and Pansier would like to have a draft of the Developer's Agreement for the next board meeting. **MOTION by Danen to table the decision until the next meeting, and staff to bring forth a draft Developer's Agreement with financing option 1 using current bond proceeds. Motion was seconded by Huxford. No further discussion. Motion carried in a voice vote, 3-0.**

b. **Recommendation to approve budget resolution B-2013-01.**

Burdette explained that this resolution goes beyond the authority that the budget adoption resolution gave her to move money around within the categories. The resolution takes the surplus money from individual line items and transfers it to accounts with a negative in order to balance the budget for 2013. Burdette explained with the harsh winter weather this year, most area municipalities are over budget with snow removal for 2013 and are nearing overages for 2014; Ledgeview is no exception. **MOTION by Danen to approve the budget resolution. 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 §121-6 Public Street and Property.**

The overnight parking on town street signs was previously approved by the board. This code change just supports the signs that are currently installed. This is the second reading, no action taken.

REPORTS:

Clerk/Administrator

- The board received a copy of the EIS (Environmental Impact Study) presentation given at the Wisconsin Town's Association Brown County Chapter meeting on Thursday, January 23rd. The EIS presentation was on the southern bypass bridge.
- The board received the Sheriff's Department call data report for January.
- De Pere will be doing a deer population survey at the end of the month. There will be a helicopter flying over to do survey work.
- Staff is working on scheduling the Volunteer Appreciation dinner in the 2nd or 3rd week of March at the Gray Stone.
- The board also received written correspondence between Supervisor Huxford and Brown County Director of Planning, Chuck Lamine, regarding follow-up questions from the CTH GV Corridor Study.

Engineer

- Building addition schedule has been revised due to a computer problem. Bid advertising to be on February 13 and 19, with bid opening on February 26. The bids will go to the board at the March 3 meeting which gives the board the option to decline the project if the bids are too high. The goal is for the Meeting of the Electors to be on March 18 in conjunction with the town board meeting so the board can award the bid.
- Burdette and Brosteau are to meet with Brown County on the GV-10 project. The message to relay to Brown County is to begin construction as soon as possible. Per the County's updated schedule, work is going to start in February, 2014, with construction to be done in 2015. Would like Burdette and Brosteau to discuss the possibility of county assistance to offset any additional costs with the one year delay of the project.

Treasurer

- Auditors are here doing the audit, and it's going well.

Board Comments

- Huxford explained his position on the GV-10 project by stating that the top of the management pyramid of the project is Brown County Planning. In his opinion, Brown County Planning hasn't provided any documentation to questions he's asking to any of the participating municipalities; that is why Huxford is putting these questions in writing. Huxford explained that construction on GV-10 couldn't have gotten started any earlier because it's part of the EIS, and one of the requirements prior to starting construction is to have an approved EIS.

POINT OF CLARIFICATION - Both Brosteau and Burdette explained that GV-10 was taken out of the EIS and is considered an independent project.

Huxford indicated that the process of eliminating GV-10 from the EIS has not been completed. Brown County has one more report to submit to the federal government before the removal is complete; therefore, construction can't begin until federal approval of the exclusion is secured.

POINT OF CLARIFICATION: There is no federal dollars used in the GV-10 project. Brosteau also had the same concern that GV-10 could not be started until Federal approval, so he contacted Cole Runge of Brown County Planning today. According to Runge, there is an understanding with the federal government that the GV-10 project is being removed from the EIS, it's just a matter of completing the ER (Environmental Report), and therefore, construction can begin. Prep work for the construction phase has begun.

- Huxford contacted the Wisconsin Towns Association to discuss the legality of the vote taken on the GV-10 project at the last meeting. Huxford stated he gave Atty. Turonie a general overview of the situation that took place. Atty. Turonie told Huxford that the board shouldn't "box themselves in" by having "discussion only" on an agenda item. Huxford advised that Atty. Turonie suggests putting the prefix, "discussion/possible action" in front of the agenda item, which led Huxford to believe the vote

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on the GV-10 project at the last meeting was inappropriate. Supervisor Danen, who is an attorney, explained to Huxford that agenda for the meeting held January 21st stated “discussion”, the agenda from the January 6th meeting stated “discussion only”, which have very different meanings. “Discussion only” means exactly that, no action, only discussion. “Discussion” coupled with the notation, which reads “Notice is hereby given that the Ledgeview Town Board may take action on any specific item listed within this agenda” gives notice of possible action. Due to the fact that this notation was on the agenda allowed for a vote to be taken because the word “only” was not listed as part of the agenda item. Again, the majority of the board felt the required public notification was met with the notation and the fact that the word “only” was not on the agenda item.

APPROVAL OF THE VOUCHERS:

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

CLOSED SESSION:

1. The Town Board may go into closed session to discuss the status of the claim pending between the Town of Ledgeview and Robert Gerbers, and/or a settlement offer related to such and the related recommendation from the Personnel Committee, pursuant to 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Board will reconvene into open session.
 1. Other recommendations resulting from closed session.

MOTION by Danen, seconded by Van Rossum for the Town Board to go into closed session to discuss the status of the claim pending between the Town of Ledgeview and Robert Gerbers, and/or a settlement offer related to such and the related recommendation from the Personnel Committee, pursuant to 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Board will reconvene into open session. No further discussion. Roll call vote: Van Rossum - aye, Danen - aye, Huxford - aye. Motion carried in a roll call vote, 3-0.

At 6:33 p.m. the town board convened into closed session.

MOTION by Danen, seconded by Van Rossum for the board to reconvene into open session. No further discussion. Roll call vote: Van Rossum - aye, Danen - aye, Huxford - aye. Motion carried in a roll call vote, 3-0.

At 6:50 p.m. the town board reconvened into open session.

MOTION by Danen, seconded by Van Rossum to authorize the Town Attorney to enter into settlement negotiations and to report any progress to the Town Board. No further discussion. Motion carried in a voice vote, 3-0.

ADJOURNMENT:

MOTION by Danen, seconded by Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 6:51 p.m.

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

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