

The Ledgeview Town Board held a meeting on **Monday, March 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 Schlag at 6:02 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all in attendance.

C. ROLL CALL

Members present were Supervisors Andy Schlag, Richard Huxford and Renee Van Rossum. Chairman Marc Hess and Supervisor Philip J. Danen 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 Huxford/Van Rossum to approve the agenda. No further discussion.

Motion carried in a voice vote, 3-0.

CONSENT AGENDA

1. Regular Board meeting minutes:
 - a. February 3, 2014 Regular Town Board Meeting.
2. Routine Reports:
 - a. None.
3. Committee/Commission Reports:
 - a. February 3, 2014 Park Committee Report.
4. Operator's Licenses:
 - a. None.
5. Other Committee minutes. Accept and place on file.
 - a. January 20, 2014 Central Brown County Water Authority Special Board Meeting Minutes.
 - b. January 22, 2014 Central Brown County Water Authority Board Minutes.
 - c. January 20, 2014 Personnel Committee Minutes.
 - d. February 3, 2014 Sanitary District Minutes.
 - e. February 12, 2014 Zoning & Planning Minutes.
 - f. February 19, 2014 Sanitary District Minutes.

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/Huxford to approve the consent agenda. No further discussion. Motion carried in a voice vote, 3-0.

PUBLIC COMMENT: None.

PUBLIC HEARINGS/ACTION:

- 1 **Request from PRH Enterprises, LLC, Patrick R. Hoffman, Owner, for a Class "B" Beer and a "Class B" Liquor License for The Creamery, 2200 Dickinson Road Building 5, (Olde School Square) De Pere, WI 54115.**

Approved at the April 22, 2014 Town Board Meeting.

Supervisor Schlag opened the public hearing at 6:03 p.m.

Deputy Clerk Nelson commented that the "Class B" Liquor License falls under the state licensing quota. The Town has eight liquor licenses available under the quota, seven of the eight "Class B" liquor licenses were issued leaving one, which Mr. Hoffman has applied for. With the approval of this license, the town will now move into the reserves for future license applications in which a \$10,000 deposit is required. Mr. Hoffman wants to expand his business by offering a breakfast menu and subsequent beverages requiring a liquor license. Mr. Hoffman has met all the ordinance requirements, and the necessary paperwork is on file for a "Class B" and Class "B" Liquor License. Staff is recommending approval of the license.

After three calls for public comment, none was heard. Supervisor Schlag closed the public hearing at 6:06 p.m.

MOTION by Van Rossum/Schlag to approve the Class "B" Beer and the "Class B" Liquor License for the Creamery located at 2200 Dickinson Road Building 5 for PRH Enterprises, Patrick J. Hoffman Owner. No further discussion. Motion carried in a voice vote, 3-0.

COMMUNICATIONS: None

ZONING AND PLANNING COMMISSION ITEMS: None.

OLD BUSINESS:**1. Recommendation and consideration of Developer's Agreement between Town of Ledgeview and Belle Isle Meadows, LLC., and related financing options.**

Treasurer L. Pansier and Engineer Brosteau explained that as discussed at the February 3, 2014 Town Board Meeting, staff moved forward with putting together a draft developer's agreement using financing option 1, the use of bond proceeds originally proposed for the GV-10 project. Because GV-10 has been extended to 2015, using the balance of the bond proceeds to finance the Belle Isle Subdivision is a means to invest the funds and gain interest to cover the Town's bond expenses. The Town will have to bond again regardless when the GV-10 project is constructed because current funds will not cover the entire cost. The developers of Belle Isle Meadows would like the engineering for their project to start as soon as possible, however, are prohibited from doing so until there is an agreed upon developer's agreement. It should be noted that Pat Caster was present to answer any questions that board may have had. Pansier explained her spreadsheet depicts the town's current debt payments as they are currently structured, and how there will be major mill rate increases in both 2014 and 2018 due to the increase in debt. By using the bond proceeds to finance this project, these mill increases won't be seen because the costs will be covered by the payments gained. It will even out when the town has to re-finance because the increase will blend in, keeping the mill rate down. **MOTION** by Schlag/Huxford to approve the Developer's Agreement between Town of Ledgeview and Belle Isle Meadows, LLC by financing the project using the bond proceeds with a financing charge .5% over the bond, with repayment as lots sell and guaranteed payments depicted in the amortization schedule. No further discussion. Motion carried in a voice vote, 3-0.

NEW BUSINESS:**1. Recommendation to pursue request from Walter's Excavating, LLC & WEL Companies, Inc. for the town to construct approximately 500 feet of the proposed unnamed road between parcels D-56-2 and D-56-3 (off Swan Road between Arcadian Lane & Olivias Way).**

Brosteau explained that Town staff was approached by Jossart Brothers & WEL (Wisconsin Express Lines) to install a roadway off of Swan Road to the west. A roadway at this location has been planned since WEL built. There is a sanitary sewer line that runs west of Swan Road where the future roadway would be located, water and storm sewer would have to be extended. Jossart is looking at developing the back part of their lot with mini storage units & along with WEL

has requested the road be installed with a cul de sac at the approximate location as shown on the document. Requesting approval to move forward with developing of agreements for design, roadway right of way dedication & construction. There was discussion on public dedication of roadway in which both Walter's and WEL are in agreement with the public dedication and are aware they would be assessed with all costs associated with the required CSM (Certified Survey Map). WEL has not spoken of using this new road as an access point to their business; Jossart would like to see this project done as soon as possible. This project will not be done in time to a factor in the CTH PP project. **MOTION** Huxford/ Schlag to approve this request from Walter's Excavation & WEL Company for approximately a 500 foot extension of road westerly of Swan Road with the survey work to be done per the request of the requestors by the town. No further discussion. Motion carried in a voice vote, 3-0.

2. Review of bids for Town Hall Storage Addition Project for consideration at a future Special Meeting of the Electors.

Bids were received and opened on Friday. There were two bids received for the approximate 950 square feet storage addition to the Municipal Building over the existing cistern. The current utility room would become the Fire Department office, which would be removed from the apparatus room. The bathroom would also be remodeled to be ADA (American Disability Act) compliant. Bids were received from Alliance Construction in the amount of \$124,980, and RJM Construction in the amount of \$136,000. The bathroom remodel is approximately \$20,000. It was explained that the cistern would be used as the footings for new addition. There was discussion of that cost regarding the use of cistern which is no longer in use as the footings. There is a significant savings using the cistern as the footings and there is enough water with the public water system that the cistern is no longer being used, even in the event of a large fire. The next step a Special Meeting of the Electors since it is a public building project. The contracts have a 90-day hold, it is a bid, so there is no obligation to follow through with the project. It was talked about at the February 3rd Town Board Meeting that the bids would be opened on Friday, February 28th, and the bids would be forwarded to the board for their review at this meeting. If the board found the bids to adequate, a Special Meeting of the Electors would be scheduled for March 18th at 6:30 p.m. Required notices for this Special Meeting of the Electors has been completed, it's a matter if the board feel the bids are adequate and would like to move the process along with the Special Meeting of the Electors. These bids are only for the building the addition; there are some more costs for cabinetry, furniture, and a 10% contingency added for any unknown costs that may occur during construction. Should this go to the electors, estimates for furniture and cabinetry would be obtained prior to the Special Meeting of the Electors. The costs are higher because this is a public, commercial building which different codes apply. **MOTION** Van Rossum/Huxford to send this project onto a Special Meeting of the Electors on March 18th, 2014 at 6:30 p.m. No further discussion. Motion carried in a voice vote, 3-0.

3. Recommendation to approve 2014 rates for work completed by Mead & Hunt.

Burdette advised that the Sanitary District approved the 2014 rates for Mead & Hunt at their last meeting. The staff members are essentially the same as in the past and there is a 1-2% increase in the rates which is reasonable and customary. **MOTION** by Schlag/Van Rossum to approve the 2014 rates for Mead & Hunt. No further discussion. Motion carried in a voice vote, 3-0.

4. Recommendation to approve the State-Municipal Agreement to construct a single lane roundabout at the intersection of STH 32/57 and CTH X along with a realignment of STH 32/57 for project year 2016.

The WDOT will be reconstructing the intersection of STH 32/57 & CTH X in 2017 with a roundabout. Because this intersection is in both the City of De Pere & the Town of Ledgeview there is a State/Municipal Agreement. This agreement spells out the cost share for each community. WDOT would use Highway Safety Improvement Funds along with CSD (Community Sensitive Design) funds. CSD funds are typically used for esthetics in or around the round abouts. The proposal is to

match that of what De Pere currently has for esthetics in their around about. Any costs that go above and beyond that of the CSD funding Ledgeview (37.5%) and De Pere (62.5%) would be responsible for. The percentages were based on the quadrants of the intersection. The roundabout is being constructed because of safety issues. The design right now it is a standard, single lane round about. There was discussion the differences between traffic signals and roundabouts. WDOT determined that this intersection is in need of traffic flowing through it vs. creating gaps in the traffic flow which traffic signals would be used. **MOTION** by Schlag/Huxford to approve the agreement between the State of Wisconsin and the Town of Ledgeview for the construction of a single lane roundabout at the intersection of STH 32.57 and CTH X along with a realignment of STH 32.57 for project year 2016. No further discussion. Motion carried in a voice vote, 3-0

5. Recommendation to release and accept the relocated drainage easement on parcel D-710 (Meadow Sound Drive).

Brosteau explained the owner of parcel D-710 decided to combine the two lots in order to build a house on the combined property. The back lot line between the two combined lots contained a drainage easement that provides drainage for the area in the Ridges of Dollar Creek. There are two agreements up for consideration; 1) vacates the existing easement & relocates it about 30 feet to the west. The agreement also adds an access easement for any cleaning or repairs. The property owner also requested that a drainage easement across their property be enclosed in three 36 inch culverts. The sizing of the pipes has been reviewed and found to be adequate to convey a 100 year storm without increasing the backwater above the existing condition. The second agreement is an Ownership and Maintenance agreement for these culverts. This is a town easement that ran across the previous property lines. The owners essentially removed the property line by combining the two lots and would like move the easement to the proposed location. The owner provided the hydrologic information to the town, the town concurs with the study that was provided. There was discussion regarding grating the three culverts. In the agreement, the owner holds the town harmless with regard to any mishaps with the three culverts. The culverts could always be grated at a later date. **MOTION** Schlag/Van Rossum to approve the release and relocation of the drainage easement on parcel D-710 (Meadow Sound Drive). Motion carried in a voice vote, 3-0.

6. Request to have Building Inspector to review Building and Zoning Permit Fee Schedule verbiage for clarity.

Burdette explained that there was some gray area regarding the fees and the related interpretations for agricultural and commercial buildings. Therefore she asked the Independent Inspections, town's contracted building inspection company, to put some clarity to the fees, which the town board needs to approve. **MOTION** by Schlag/Van Rossum to approve the revised fee scheduled. No further discussion. Motion carried in a voice vote, 3-0.

TOWN ORDINANCES:

1. THIRD READING:

a. Ordinance 2014-001, Amend Chapter § 121-6 Public Street and Property.

The ordinance for the Town of Ledgeview covering overnight parking currently states that parking is not allowed during the hours of 2:00 AM to 6:00 AM, Monday through Friday, all year. Last year the Board approved a measure required by the state of Wisconsin to place signs at main thoroughfares into the Town advising residents and guests that there is no parking on the streets of Ledgeview during winter month beginning November 1 of a current year and ending April 1 of the next year, from 2:00 AM to 6:00 AM. This is also in keeping with the conformity of the adjoining municipalities whose months and times are similar. This is the third and final reading of this ordinance with no public comment. **MOTION** by Van Rossum/Huxford to approve ordinance 2014-001, Amending Chapter 121-6 Public Street and Property. No further discussion. Motion carried in a voice vote, 3-0.

2. FIRST READING**a. Ordinance 2014-002, Amend Chapter § 94 - Streets and Sidewalks, Snow Removal**

The Town of Ledgeview ordinance states that residents who have property adjacent to sidewalks are required to remove snow and ice from them with 24 hours of an accumulative snowfall. If a resident fails to do so the Town will cause the work to be done and charge them. Until recently the Town hired out and the property owner would be billed the amount the contractor charged. The Public Works Department personnel have recently taken over the responsibility of snow removal and needs a guideline on fees to charge. This is the first reading, therefore if there are any comments or adjustment by either the board or citizenry, please advise the appropriate staff member.

b. Ordinance 2014-003, Amend Chapter 48 Fire Prevention, Suppression and Hazard Management

The proposed ordinance is adding the NFPA 1 language as Section 48-1. The sprinkler systems regulations would be added to the Code as Section 48-3. Also added is the dangerous and hazardous conditions language to Section 48-27 & the Fire Chief's Police Power authority as sub-section 48-27E. This language is part of the Chief's police power authority to manage dangerous & hazardous conditions. This is the first reading, therefore if there are any comments or adjustment by either the board or citizenry, please advise the appropriate staff member.

c. Ordinance 2014-004, Amend Chapter 5, Alcoholic Beverages

Town ordinance 5-14(A) Closing Hours for Class A liquor license did not coincide with state law. In 2011 state law makers changed the hours in which alcoholic beverages could be sold for Class A liquor licenses to begin at 6:00 AM as opposed to 8:00 AM. The ending hours remained the same with Class "A" (beer) ending at 12:00 midnight and "Class A" (liquor) ending at 9:00 PM. The statute does allow the municipality to adopt more restrictive hours than the state statute allows, however, the issue then becomes one of enforcement. In speaking with Code Enforcement Officer Mark Roberts, he supports the amending of the closing hours to reflect those in the statutes. This is the first reading, therefore if there are any comments or adjustment by either the board or citizenry, please advise the appropriate staff member.

REPORTS:**Clerk/Administrator**

- Audit was completed in February. The auditors will present the audit to the board at the March 18th meeting.
- There was a primary election on February 18 for the Denmark Board. There was 1 in-person voter & two absentee ballots. The next election will be the Spring Election on April 1st.
- Meetings for the month of March:
 - Planning Commission to meet Wednesday, March 12th. There is one CSM and several public hearings as a result of their ordinance review.
 - Personnel Committee to meet Wednesday, March 5th. They will be making a recommendation on the Public Works Utility Operator.
 - Sanitary District to meet Wednesday, March 5th.
 - Park Committee to meet Thursday, March 20th.
- Burdette & Guns met with County Rescue which was very informative. Everything is going well on their end.
- Volunteer Appreciation Dinner will be held on Wednesday, March 26th from 5-7 p.m. Anyone having recognition ideas please communicate them with Burdette.
- Waiting for a judge assignment on the Kuehne matter.

- Sheriff's Call Data from the last four years. Burdette will be working with the Sheriff's Department to look at trends and problem areas in order to make recommendations on adjustment the town could do to reduce the occurrences.
- The board is interested in Burdette pursuing a possible private/public indoor recreational building.
- Burdette has been asked to address the board with the Bigelows building another 12 unit apartment building in the area of East River Drive. The board is interested Burdette pursuing this possibility.
- Play-A-Latté opened last week in Red Bird Circle.
- Gerbers rejected the offer that was made will proceed further.
- Appointments for committees will be starting at the next meeting.
- Comp Plan/Park Plan is moving forward in both the Zoning & Planning & the Park Committee
- Next newsletter will be going out the last week of March.
- Burdette gave a brief overview of a meeting Huxford, Burdette, and Brosteau had with Paul Fontecco of Brown County Highway Department. The meeting was to re-group after the reaffirmation vote that was taken in February. Land acquisition will take up most of 2014 with construction beginning in 2015. Fontecco was very clear that because of timeline constraints any construction in 2014 wasn't feasible. Costs were discussed. The biggest factor to cause the numbers to change would the right way acquisition and how that process would proceed.

Deputy Clerk

- An Agenda Review Sheet was created and passed along to the Town Board members for their feedback. Feedback from the board members has been positive, therefore, starting with the next Town Board Meeting, the Agenda Review Sheet will be posted along with the agenda on the website in an effort to give the public more information on what the agenda items.

Treasurer

- Audit was completed in February. The auditors will be at the March 18th Town Board Meeting to present the audit to the board.
- Working on delinquent personal property taxes, notices were sent out. It was discovered that a liquor license can be held if there is any money owed to the town, which may affect one Ledgeview business. More to follow at subsequent meetings.

Fire Chief

- Per the Capital Improvement Plan, the Fire Department is working on replacement for of the existing tenor.

Board Comments

APPROVAL OF THE VOUCHERS:

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

ADJOURNMENT:

MOTION by Schlag/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 7:13 p.m.

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