

The Ledgeview Town Board held a meeting on **Tuesday, June 17, 2014, at 4:30 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 Chairman Danen at 4:30 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all in attendance.

C. ROLL CALL

Members present were Chairman Philip J. Danen, and Supervisors Richard Huxford, Andy Schlag, and Ken Geurts. Renee Van Rossum arrived at 4:52 p.m.

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

E. AGENDA APPROVAL

MOTION by Schlag/Geurts to approve the agenda. No further discussion. Motion carried in a voice vote, 4-0.

CONSENT AGENDA

1. Regular Board meeting minutes:
 - a. June 2, 2014 Town Board Minutes.
2. Routine Reports: None.
3. Committee/Commission Reports: None.
4. Operator's Licenses:
 - a. June 5, 2014 - June 12, 2014.
5. Other Committee minutes. Accept and place on file.
 - a. June 4, 2014 Sanitary District Minutes.
 - b. June 11, 2014 Zoning & Planning 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 Schlag/Huxford to approve the consent agenda. No further discussion. Motion carried in a voice vote, 4-0.

PUBLIC COMMENT:

After three calls for public comment, none was heard.

PUBLIC HEARINGS/ACTION:

1. **Public comments on the proposed amendment to the existing code section 135-11 definition of Home Occupation. Ordinance 2014-011 - Ordinance to Amend Home Occupation Definition outlines the perimeters in which a home occupation is permitted.**

The public hearing was opened by Chairman Danen at 4:34 p.m. Planner Dustin Wolff explained that Town Staff is requesting to amend the existing home occupation regulations to better clarify appropriateness in residential districts. This will enable the staff to review & regulate home occupations. The existing regulations are "buried" in the Definition section of the Code. Much of the code language itself remains the same; the amendment will relocate the regulations to the general use section to ensure the requirements are readily found.

Approved at the July 7, 2014 Town Board Meeting.

The definition is revised to read "Permitted home occupation is defined as any business or commercial activity that is conducted from property that is zoned for residential or agricultural use." Other highlights include

- Use must be conducted entirely within a dwelling & carried on those living in the house. Can't use more than 20% of the home for the occupation.
- Use must be clearly secondary to the use of the residence for dwelling purposes.
- Home cannot be altered.
- No outdoor storage of materials or storage in accessory buildings.
- No deliveries from a truck larger than a FedEx or UPS truck.

The amendment was unanimously approved by Zoning & Planning Commission at their May meeting.

After three calls for public comment, none was heard. The public hearing was closed by Chairman Danen at 4:39 p.m. **MOTION** by Huxford/Schlag to adopt Ordinance 2014-011 - Ordinance to Amend Home Occupation Definition based on the explanation given. No further discussion. Motion carried in a voice vote, 4

2. **Public comment on the request by Steve Bieda of Mau & Associates, agent for Gerald Bigelow, owner, to rezone of Parcel D-674, located on East River Drive from B-2 Business to R-3 Multi-Family to accommodate a 12-unit apartment building.**

The public hearing was opened by Chairman Danen at 4:40 p.m. Note that both Mr. Bieda and Mr. Bigelow were present to field any questions.

Planner Dustin Wolff explained the petitioner is requesting a zoning change from the existing B-1 Business zoning, which does not allow residential development, to R-3 Multi-Family Residential to accommodate a proposed 12-unit apartment building. In 2010, the town convened a Multi-Family Development Committee to assess demand & determine the community's desires & expectations for multi-family development for the future. The Residential Ratio Policy the committee established was 80/20 with 20% being multi-family. Currently the Town-wide ratio is 60/40 with 40% apartments. However, the Multi-Family Development Committee also decided to split the Town into two halves, each half responsible for its own 80/20 ratio. The dividing location is Bower Creek Road / Scray Hill Road. The thinking was that the eastern half will have more opportunity for multi-family development, and the western half, because the current ratio of housing in the Town, would not be allowed to have any additional multi-family development until more single-family subdivisions are approved. Based on the Residential Ratio Policy, the Zoning & Planning Committee (ZPC) was hesitant to approve the zoning request. The property specified led some of the commissioners to support the rezoning. In fact, motions by ZPC to either approve or deny the petition failed for lack of a majority. The ZPC has stated that the Residential Ratio Policy should be revisited to provide greater (or more specific) direction to developers, town staff, and the ZPC. Therefore, ZPC did not recommend the board approve or deny the petition at their May meeting. The lack of clarity in the policy resulted in the ZPC deciding to leave the ultimate decision to the board.

Discussion ensued regarding the multi-family ratio policy. The board concurred that it makes sense to revisit the multi-family ratio policy not just to look at the ratio itself, but to look at where development should go as well.

After three calls for public comment, none was heard. The public hearing was closed by Chairman Danen at 4:58 p.m.

Clarification was given in that only the rezone is discussed and acted upon at this time. The site plan for the apartment complex will need to follow the appropriate approval

process. MOTION by Danen/Van Rossum to approve the rezone of Parcel D-674, located on East River Drive from B-2 Business to R-3 Multi-Family to accommodate a 12-unit apartment building. No further discussion. Motion carried in a voice vote, 4-0-1 with Schlag abstaining.

COMMUNICATIONS: None

ZONING AND PLANNING COMMISSION ITEMS:

1. **Review and approve request by Mau & Associates, Agent for Chad Bildings, owner, for a CSM to recreate Lot 1 on parcel D-400-5, located on Sportsman Road.**

Note that Mr. Bildings and Mau & Associates were present to field any questions.

The petitioner is requesting the approval of a one (1) lot CSM for a 2.64 acre parcel created from parent parcel D-400-5. The parent parcel is approximately half way between County X (heritage Rd) to the north and Carter Lane to the south. Agricultural lands exist to the south. An unnamed creek runs east-west through the parent parcel & would be the north parcel boundary of proposed Lot 1. The parent parcel is currently zoned A-2, Agricultural District. The proposed CSM is compatible with the town's comprehensive plan. The Environmentally Sensitive Area & appropriate restrictive covenants are included on the CSM. ZPC approved the CSM with the following conditions:

- CSM to illustrate the building envelope, including the total buildable area (in SF)
- Any comments or restrictions required by Brown County or WDNR
- Future land divisions in the area to require the completion of an Area Development Plan
- Add notation stating Lot 1 must connect to public utilities (sanitary & water) when available.

MOTION by Schlag/Huxford to approve the CSM with the conditions set forth by Zoning & Planning. No further discussion. Motion carried in a voice vote, 5-0.

TOWN ORDINANCES

1. THIRD & FINAL READING:

- a. **Ordinance 2014-010 Ordinance to adopt State Statute 29.038 Local Regulation of Wild Animals.**

Recently Legislature made changes in the statutes that affect the Town of Ledgeview ordinance 129 – Weapons and Firearms, specifically section 129-3 Hunting Overlay Zones. The ordinance states: “No discharge of any weapon that launches a projectile of any kind shall be allowed”. This ordinance applies to the area designated District 3 or D-3. The new regulation restricts the Town from preventing the use of bows or crossbows in this area, but does place restrictions on the use of the weapons. Attached is a copy of the regulation and a suggested ordinance change by the Town attorney. This is the third and final reading for this ordinance. MOTION by Geurts/Van Rossum to approve. No further discussion. Motion carried in a voice vote, 5-0.

2. FIRST READING:

- a. **Ordinance 2014-012 Ordinance to amend Chapter 1, Section 1-20 (A) Payment of Taxes and Other Charges as Condition of License, Permit or Contract.**

This text amendment will allow a mutually agreed upon payment schedule to be executed prior to the issuance of any permits and/or licenses to establishments that owe outstanding debt to the town. This debt can be in the form of real estate taxes, personal property taxes,

Approved at the July 7, 2014 Town Board Meeting.

fees, etc. What sparked these text amendments is the current situation with Dillweed Inc. not being able to renew their liquor license because their landlord had delinquent real estate property taxes. By approving the two text amendments the board would be authorizing the issuance of licenses and permits to those who had a mutually agreed upon payment schedule in place prior.

NOTE: This ordinance is on the agenda as a first reading. However, the board does have discretionary authority to approve an ordinance without going through the typical three readings. With the urgency of Dillweed's liquor license expiring June 30th, the board is asked to exercise its discretionary authority and approve the two text amendments without going through the typical three readings. This would kick-off the change of events as noted on the agenda with the approval of the payment schedule agreement with Reedsville Grainery, the approval of Dillweed's liquor license renewal, and the approval of Bleu's Public Amusement & Shows application to host a wedding in November.

MOTION by Danen/Geurts to use its discretion authority and remove the three readings requirement to allow for immediate adoption for ordinance 2014-012. No further discussion. Motion carried in a voice vote, 5-0.

MOTION to approve Ordinance 2014-012 Ordinance to amend Chapter 1, Section 1-20 (A) Payment of Taxes and Other Charges as Condition of License, Permit or Contract. No further discussion. Motion carried in a voice vote, 5-0.

b. Ordinance 2014-013 Ordinance to amend Chapter 5, Section 5-13 (F) Restrictions and Requirements.

This text amendment will allow a mutually agreed upon payment schedule to be executed prior to the issuance of any permits and/or licenses to establishments that owe outstanding debt to the town. This debt can be in the form of real estate taxes, personal property taxes, fees, etc. What sparked these text amendments is the current situation with Dillweed Inc. not being able to renew their liquor license because their landlord had delinquent real estate property taxes. By approving the two text amendments the board would be authorizing the issuance of licenses and permits to those who had a mutually agreed upon payment schedule in place prior.

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MOTION by Danen/Van Rossum to use its discretion authority and remove the three readings requirement to allow for immediate adoption for ordinance 2014-013 t. No further discussion. Motion carried in a voice vote, 5-0.

MOTION by Danen/Van Rossum to approve Ordinance 2014-013 Ordinance to amend Chapter 5, Section 5-13 (F) Restrictions and Requirements. No further discussion. Motion carried in a voice vote, 5-0.

c. Ordinance 2014-014 Ordinance to amend Chapter 79, Section 3 Definitions, and Section 8 Signs Not Requiring Permit

The Park & Recreation Committee was concerned with the limitation of the existing sign code regarding the commemoration or recognition of a person/group for donating or sponsoring the development of parkland or facilities. The amended text is intended to provide an opportunity to acknowledge the efforts or donations supporting the park development. The number & location of the acknowledgement will be subject to review and approval by the Park & Recreation Committee and the Zoning Planning Commission. The size will be limited to a maximum of three (3) square feet.

There was discussion maximum of 3 square feet requirement. The board would like some more information on the regulations of neighboring communities. This information should be brought back to the board at their next meeting.

NEW BUSINESS:

1. Review and approve Reedsville Grainary Installment Agreement to Pay Delinquent Taxes and/or Other Debts.

This agreement was established in response to Dillweed's liquor license renewal situation. Dillweed's liquor license wasn't eligible for renewal because their landlord, Reedsville Grainary, owes the town delinquent real estate property taxes. Due to the fact that Dillweed was negatively affected by a third parties negligence, it was deemed proper to establish a payment schedule with Reedsville Grainary. The board received a copy of the draft of the agreement at the June 2nd meeting in which no action could be taken on it. Reedsville Grainary has since agreed to this schedule. The agreement was crafted so that all delinquent property taxes along with the first half of the 2014 property taxes will be paid in full by June 30, 2015 when the next liquor license renewal is due.

Note that the Installment Agreement was signed by Jeremy McGown, Reedsville Grainary earlier in the day. Ron Schoenfeld, owner of Bleu Restaurant was present at the meeting. It was understood by Mr. Schoenfeld that Bleu's liquor license is in the hands of Reedsville Grainary. Treasurer Pansier will be checking each month to assure payment was received by Reedsville Grainary; however, if a payment is missed, Bleu's liquor license is in jeopardy.

MOTION by Danen/Schlag to approve the Installment Agreement to Pay Delinquent Taxes and/or Other Debts with Reedsville Grainary. No further discussion. Motion carried in a voice vote, 5-0.

Upon approval, Mr. Schoenfeld signed the agreement.

2. Review and approve Resolution 2014-008 - a resolution of support for the increase in speed along the County Highway GV Corridor.

The Brown County Public Works Department references what is called the FDM (Facilities Development Manual). The Manual describes maximum speed limits for certain roadway design and conditions. According to the FDM (section 11-20-12.2 Table 1.2) the maximum speed limit recommended for the CTH GV-9 project is 40 m.p.h. The County also maintains that for the sake of consistence of the speed along the corridor (35 m.p.h. designation in the Village of Bellevue limits), the speed should remain at 35 m.p.h. Additionally, they maintain that upon completion of the GV-10 section (from CTH G to CTH X), there will be additional slowing down and speeding up at the Ledgeview Road roundabout and with that, will create a natural speed limit reduction.

The Village of Bellevue was contacted to get an understanding if they would consider a speed limit reduction within their village limits. According to their Administrator, they have not received any feedback or requests to increase the speed limit recently. Additionally, their Village Board has not requested any change or review, nor is there much of an appetite for their community to address the issue. This is mainly due to the remainder of GV in Bellevue also at 35 m.p.h. and being in a more urban setting.

There have been several complaints heard by the board regarding the speed limit on CTH Hy. GV. The town has nothing to lose by requesting that the county consider increasing the speed limit to the maximum allowed. Therefore, MOTION by Geurts/Huxford to approve Resolution 2014-008 in support for the increase in speed along the County Highway GV Corridor. No further discussion. Motion carried in a voice vote, 4-1 with Schlag voting no.

3. Review and approve the amendment of the Developer's Agreement for Belle Isle Meadows Subdivision.

This amendment to the Developer's Agreement amends the overall cost of the project now that the bids have been received. A total of six (6) bids were received ranging from \$1,070,308.25 to \$1,273,298.48. Jossart Brothers were the low bid at \$1,070,308.25. This agreement also amends the agreement that the Town would levy assessments to each lot rather than take over the lot at the request of the request of the bank. It also updates the amortization schedule, which was left blank at the time as we were waiting for a updated schedule. This agreement also includes the restrictive covenants for the Belle Isle development. The assessment cost is approximately \$30,318/lot.

MOTION Van Rossum/Huxford to approve the amendment of the Developer's Agreement for Belle Isle Meadows Subdivision. No further discussion. Motion carried in a voice vote, 5-0.

4. Review and approve construction contract for Belle Isle Meadows Subdivision as a result of the bid opening held June 3, 2014.

A total of six (6) bids were received ranging from \$1,070,308.25 to \$1,273,298.48. Jossart Brothers were the low bid at \$1,070,308.25. MOTION by Danen/Huxford to approve Jossart as the low bid contingent upon a signed Developer's Agreement. No further discussion. Motion carried in a voice vote, 5-0.

5. Review and approve Town of Ledgeview/Ledgeview Sanitary District #2 Investment Policy.

In reviewing the current town investment policy, there were a couple of recommended changes. Those changes are:

8.0: Correction allows FDIC and State to change limits without requiring Ledgeview to update this policy.

Maturities of individual securities: The State Section 66.0603 allows for 7 years, however I've been told that most municipalities tighten this up further to have a maximum maturity of average life of 5 years. The shorter the time frame the more liquid and generally less volatile. This would allow for the Town to have stricter control over maturity ranges.

GLOSSARY – Federal Deposit Insurance Corporation (FDIC): Updates the amount to current limit.

MOTION by Danen/Schlag to approve the recommended changes to the Town of Ledgeview/Ledgeview Sanitary District #2 Investment Policy. No further discussion. Motion carried in a voice vote, 5-0.

OLD BUSINESS:

1. **Review and approve 2014-2015 Annual Renewal of Class B - Beer & Liquor License for Dillweed, Inc., Ronald Schoenfeld, Owner, d/b/a Bleu Restaurant & Lange, Grainary Building, 2200 Dickinson Road, De Pere, WI 54115.**

The renewal of Dillweed, Inc. liquor license was tabled at the June 2nd meeting due to the situation with the delinquent property taxes owed to the town by the owner of the building. If the following was approved by the board at this meeting, the liquor license is up for renewal:

- Approval of Ordinance 2014-012
- Approval of Ordinance 2014-013
- Approval of the Reedsville Grainary Installment Agreement to Pay Delinquent Taxes and/or Other Debts

NOTE: The Building Inspector recommends a contingency to remove any obstructions in the egress pathway including any tables and chairs upon approval of the license.

MOTION by Danen/Huxford to approve the 2014-2015 Annual Renewal of Class B - Beer & Liquor License for Dillweed, Inc., Ronald Schoenfeld, Owner, d/b/a Bleu Restaurant & Lange, Grainary Building, 2200 Dickinson Road, De Pere, WI 54115 with the above listed contingencies. No further discussion. Motion carried in a voice vote, 5-0.

PUBLIC AMUSEMENTS & SHOWS APPLICATIONS:

1. **Bleu Restaurant & Lounge, 2200 Dickinson Road, Saturday, November 1, 2014, 5:00 p.m. to midnight to host an outdoor wedding utilizing entertainment tents.**

Bleu Restaurant & Lounge would like to host their first ever outdoor wedding on Saturday, November 1, 2014 from 5:00 p.m. to midnight. Bleu will be utilizing entertainment size tents for the ceremony, dinner, reception, and supplies. A site map is included with application depicting the layout. Since there was a question regarding the liquor license renewal, there was a delay in getting this application to the board until issues regarding the liquor license renewal were worked out.

The application was forwarded to the Town Planner, Town Engineer, Fire Chief, and Building Inspector for their review and comment. At the time this memo was drafted, there were not comments made from those listed above. All applicable fees were paid. Bleu would be responsible to notify neighboring properties of the event.

There was discussion on allowing the reception to last until midnight since most of the permits only allow up to 11:00 p.m. It was suggested that Bleu notify surrounding neighborhoods of the event to circumvent any noise complaints. MOTION by Schlag/Danen to approve the application for Bleu Restaurant & Lounge, 2200 Dickinson Road, Saturday, November 1, 2014, 5:00 p.m. to midnight to host an outdoor wedding utilizing entertainment tents. No further discussion. Motion carried in a voice vote, 5-0.

REPORTS:

Clerk/Administrator:

- Andy Tenor is working on minor road repairs such as shouldering.
- 2014 snowplowing budget is expected to be over with the harsh winter. Look for a budget revision in the future.
- Storage addition construction update was given. The project is on schedule.

Approved at the July 7, 2014 Town Board Meeting.

- Summer newsletter will be going out the week of the 4th of July.
- Mark Pansier is working on a draft agreement with the resident who is looking at donating a poll building for recreational use.
- Park Committee will meet next week to discuss short and long term ideas and to hold a brainstorming session.

Engineer:

- Cottonwood/Bower Creek update.
- There was discussion on the CTH PP project, specially the sidewalk lighting. De Pere needs to know what the town plans on doing for street lights. The purpose of the sidewalks is to get more foot traffic to the area business, McDonald's, the gas station, etc. There was talk of installing ten (10) street lights. MOTION by Schlag/Geurts to install 10 street lights as long as De Pere installs lights on their portion of the road. No further discussion. Motion failed in a voice vote, 2-3 with Danen, Van Rossum, and Huxford voting no. Discussion continued on the number of street lights the town is willing to install in this area to allow for safe foot traffic. MOTION by Van Rossum/Huxford to install two (2) street lights on CTH PP from O'Keefe to Heritage on the east side of the roadway. No further discussion. Motion carried in a voice vote, 5-0.
- There was discussion on how the town would like to handle the special assessments for the CTH PP project. The special assessment would be for sidewalk, curb & gutter, and storm sewer. There was much discussion on the handling of the assessments in the past, what the current policy is, the type of property that will be affected by the assessments (residential/commercial), and the estimated costs. MOTION by Danen/Huxford that the town pay for the sidewalk assessment from O'Keefe to Highway X out of the town coffers and assess the property owners for the storm sewer and curb & gutter. No further discussion. Motion carried in a voice vote, 5-0. The rate for the special assessments should be 10 year financing at a rate of .5% over the town's rate.

Treasurer:

- Cash report was received by the board members.

Board Comments:

- Traffic data on Scray Hill Road has not been received from Brown County.
- Would like to remove all truck traffic Scray Hill entirely.

APPROVAL OF THE VOUCHERS:

MOTION by Schlag/Van Rossum to approve the vouchers. No further discussion. Motion carried in a voice vote, 5-0.

ADJOURNMENT:

MOTION by Danen/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:08 p.m.

Charlotte Nelson

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