

The Ledgeview Town Board held a meeting on **Monday, October 6, 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 Chairman Danen at 6:00 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, Ken Geurts, and Renee Van Rossum. Andy Schlag was excused

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

**D. AGENDA APPROVAL**

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

**CONSENT AGENDA**

1. Regular Board meeting minutes:
  - a. September 16, 2014 Town Board Minutes.
2. Committee/Commission Reports: None.
3. Other Committee minutes. Accept and place on file.
  - a. September 16, 2014 Joint Town Board & Sanitary District Commission Meeting Minutes.
  - b. October 1, 2014 Sanitary District Commission Meeting Minutes.
4. Pay Requests
  - a. Approve pay request #5 for contract C-2013, Reserve at Meadow Ridge, to Dorner Inc for \$66,540.25.
  - b. Approve pay request #2 for contract A-2014, Belle Isle Meadows, to Jossart for \$379,795.55.

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

**PUBLIC COMMENT:** None.

**PUBLIC HEARINGS/ACTION:**

1. **On the request by the Town of Ledgeview for a rezone on the following parcels located on Plantation Court and Creamery Road from Rural Residential (RR) zoning to Residential (R-1) Zoning:**

D-441-1	D-442-8	D-442-12	D-442-1	D-442-9	D-442-13
D-442-4	D-442-10	D-442-14	D-442-6	D-442-11	D-442-17

**The reason for the rezone request is to comply with the current R-1 zoning code, which is the standard zoning district for single-family residential properties connected to sanitary sewer.**

Approved at the October 21, 2014 Town Board Meeting.

Staff gave a brief overview indicating that the Town is initiating a process to amend its current zoning map, and is proposing to change the zoning of these parcels. Currently the parcels are zoned R-R, Rural Residential District, the proposed change is to R-1, Residential District. The R-1 District is the standard zoning district for single-family residential properties connected to sanitary sewer. The R-R District is only intended for properties not served public sanitary sewer. The proposed change will not affect the use, enjoyment, or value of the property. The two districts are virtually identical in terms of principal, conditional, and accessory uses allowed and the setback requirements. However, the R-1 District does have a smaller minimum lot area and lot width requirement than the R-R District. The R-R District necessitates a larger lot area to accommodate on-site sanitary systems (mounds). Town staff reviewed the properties individually to ensure that future land division will not result from this zoning change. We have determined that—with the exception of one currently vacant large property and one combined double lot—the remaining properties are currently built on and will not allow additional lot splits.

At 6:06 p.m., the floor was open for public comments.

John Fiddelke, 3800 Dickinson Road, question whether this was going to set the precedent or procedure for future re-zones, meaning for the town to request the zoning change on those parcels that are serviced by sewer and water to change to R-1 zoning vs. staying Rural Residential (RR). There was discussion on the difference between R-1 vs. R-2 residential, which is primarily R-2 is multi-family and R-1 is single family dwelling. Mr. Fiddelke questioned if there was a Finding of Fact document to support the reasoning for zoning change. The reasoning is built into the meeting minutes and memos from the Zoning & Planning Commission and the Town Planner. Mr. Fiddelke would like to see a Finding of Fact published along with the resolutions or be attached to meeting minutes. All zoning changes are completed with an ordinance which is published on the town website once the ordinance has been approved and signed.

After three calls for comments, none was heard. The Public Hearing was closed at 6:17 p.m.

MOTION by Van Rossum/Geurts to approve the re-zoning of the above mentioned parcels. No further discussion. Motion carried in a voice vote, 4-0.

**COMMUNICATIONS:** None.

**ZONING AND PLANNING COMMISSION ITEMS:**

- 1. Recommendation on the request by Dave Vaclavik of Central Brown County Water Authority for a Certified Survey Map creating Lot 1 and Outlot 1 on parcel D-442-9, located on the corner of Plantation Ct. and Heritage Rd.**

This CSM was tabled until after the rezone of parcel D-442-9 was complete. The Public Hearing & subsequent approval at this meeting completes the rezone making the CSM ready for approval. The Zoning and Planning Commission (ZPC) reviewed the CSM creating Lot 1 and Outlot 1 on parcel D-442-9, located at the corner of Plantation Ct. and Heritage Rd at their August 13<sup>th</sup> meeting. CBCWA prefers on outlot vs. an easement. The creation of an outlot makes lot 1 less than 60,000 sq. ft., a requirement of RR zoning. A rezone of this parcel to R-1, Residential, was required. ZPC recommended approval of the CSM contingent upon the rezone & subject to any technical corrections required by the Town Engineer or Brown County prior to Town signatures. MOTION by Geurts/Huxford to approve. No further discussion. Motion carried in a voice vote, 4-0.

**OLD BUSINESS:**

- 1. Discussion Only: Follow up on Tax Incremental Financing (TIF) Informational / Work Session held September 10, 2014.**

MOTION by Danen/Van Rossum to open the meeting up for public comment. No further discussion. At 6:22 p.m. the meeting was opened for public comment.

Approved at the October 21, 2014 Town Board Meeting.

Danen gave a brief overview of how the clerk's position became an appointed position with a referendum on the November 4<sup>th</sup>, 1996 ballot. In 1999, the town added an administrator position. On June 20<sup>th</sup>, 2006, official board action was taken to appoint Sarah Burdette as the town's Clerk/Administrator by a unanimous vote. The town clerk by statute is considered a town official, only removed for cause according to state statute §17.001. The town administrator is considered an employee at will, and removal could be for anything.

John Fiddelke, 3800 Dickinson Road, questioned the legality of the referendum. The "for cause" clause is troublesome because why would the board want to give up some of the managerial powers. It was explained that the clerk is considered a town official, not a town employee.

There was discussion on what consisted of "for cause". Danen explained there are four "for cause" reasons: inefficiency, neglect of duty, official misconduct, or malfeasance in office. Two of the four "for cause" reasons have a low threshold to prove.

There was also discussion on the re-appointment of town officials. A town official can be appointed up to three years. If a re-appointment doesn't happen after that, the appointment is presumed to continue until such time there's probable cause to believe there is a problem.

Greg Muehl, 3780 Dickinson Road, questioned who determines the "for cause" and is there a formal process for handling employee complaints. The Town Board would determine the "for cause" and there is a formal process for handling employee complaints that is addressed in the Employee Handbook. There is no formal form to file, but any Town Board member can take an employee complaint.

At 6:50, there was a MOTION by Danen/Geurts to close the meeting to public comment. No further discussion. Motion carried in a voice vote, 4-0.

Danen recapped the "at will" employee vs. the "for cause" town official so everyone had a clear understanding of what the difference is. The board then went through the ordinance language and made some minor language adjustments. It was decided that the ordinance will be put on the next agenda as a second reading, since the first occurred on April 7<sup>th</sup>, 2014 Town Board Meeting.

#### **NEW BUSINESS:**

**1. Resolution regarding Supporting State Legislation Relating to a Uniform Policy for the Residency of Registered Sex Offenders.**

This item is a result of the Village of Allouez request to support establishing state legislation relating to a uniform policy for the residency of registered sex offenders in an effort to equalize the placement of offenders in communities. MOTION by Van Rossum/Geurts to approve the resolution. No further discussion. Motion carried in a voice vote, 4-0.

**2. Recommendation from Personnel Committee regarding salary review for Deputy Clerk.**

Affirmation of Personnel Committee's recommendation to award the Deputy Clerk with a salary adjustment bonus in lieu of back pay for her six month salary modification. MOTION by Geurts/Van Rossum to approve. No further discussion. Motion carried in a voice vote, 4-0.

**3. Operator's Licenses for Erin Timm, Rebecca Van Grinsven, and Lori Conard.**

MOTION by Danen/Van Rossum to approve Erin Timm and Lori Conard's operator license. No further discussion. Motion carried in a voice vote, 4-0. After a lengthy discussion regarding Rebecca Van Grinsven's application, it was decided that her operator's license would be approved as well. MOTION by Danen/Huxford to approve the operator's license for Rebecca Van Grinsven. No further discussion. Motion carried in a voice vote, 4-0.

## TOWN ORDINANCES

### 1. THIRD & FINAL READING:

#### a. Ordinance 2014-019, Amend Chapter 79, Section 13 Institutional Signs and Section 16 Design, Construction and Erection Standards

This is the third and final reading of this ordinance with no changes. Text amendment ordinance relating to the requirements of institutional signs and design, construction and erection standards for only those building zoned institutional. This amendment allows for additional signs so the buildings can be easily located. Danen explained that this is a result of the De Pere Middle School losing a back entrance sign to the building due to weather. MOTION by Danen/Geurts to approve the ordinance. No further discussion. Motion carried in a voice vote, 4-0.

## REPORTS:

### Clerk/Administrator:

- GV Speed limit increase is on the October 15<sup>th</sup> County Board Agenda. The expectation is approval.
- Public Works has been working on the water system leaks. Their efforts are paying off because it's showing in the reports.
- Budget Workshop will be held on October 21, 2014 after the board meeting. There will be a separate dropbox folder for the 2015 budget items.
- Mead & Hunt are working on a preliminary TIF plan to be presented in the future.
- CBCWA Construction Report is included in the packet.
- Zoning & Planning Meeting October 15<sup>th</sup>.
- Park & Recreation Committee Meeting on October 23<sup>rd</sup>. Recommending an ice skating rink at Ledgeview Park.
- DTCAP still reviewing the exclusive AG Farmland Ordinance.
- LedgeFest was a success.
- Microphone installed, but waiting for a piece to prevent feedback to be installed on November 1<sup>st</sup>.

### Engineer:

- Bell Isle curb and gutter is being installed. Public Service is scheduled to being utilities the week of November 7<sup>th</sup> permitting approved. .
- Meadow Ridge storm sewer and curb and gutter is being installed. Next the first phase of paving will start.
- Creamery Road culvert is back ordered. Will take a couple of weeks once the culvert arrives.

### Treasurer:

- Budget hearing is scheduled for October 29th. The levy is about the same and last year.

## 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 Geurts/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 5-0.

## CLOSED SESSION:

1. The Town Board may convene into closed session to discuss the status of a pending claim between the Town of Ledgeview and Robert Gerbers 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 may then reconvene back into open session.

**a. Other recommendations resulting from closed session discussions.**

MOTION by Huxford/Van Rossum to go into closed session. No further discussion. Roll call vote: Geurts - aye, Danen - aye, Van Rossum - aye, Huxford - aye. MOTION carried in a roll call vote, 4-0. At 7:32 p.m. the Town Board went into closed session.

At 7:47 p.m., MOTION by Danen/Huxford to reconvene into open session. No further discussion. Roll call vote: Geurts - aye, Danen - aye, Van Rossum - aye, Huxford - aye. The board reconvened into open session.

MOTION by Geurts/Van Rossum to authorize the Town Chairman to be the spokesperson for the Town Board with respect to the future meditation on the Gerbers matter, under the parameters that have been set by the Town Board. No further discussion. Motion carried in a voice vote, 3-1 with Danen voting no.

MOTION by Danen/Geurts to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 7:48 p.m.

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