

The Ledgeview Town Board held a meeting on **Monday, December 1, 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, Renee Van Rossum, Andy Schlag and Ken Geurts.

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, 5-0.

CONSENT AGENDA

1. Regular Board meeting minutes:
 - a. November 18, 2014 Town Board Minutes.
2. Committee/Commission Reports: None.
3. Operator's License Issued: None.
4. Other Committee minutes. Accept and place on file.
 - a. November 18, 2014 Public Hearing
 - b. November 18, 2014 Special Meeting of Electors
 - c. November 18, 2014 Special Town Board Meeting
5. Pay Request
 - a. Pay request #7 from Dorner Inc for Reserve at Meadow Ridge Contract C-2013 for \$75,609.30.

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 Geurts/Van Rossum to approve the consent agenda. No further discussion. Motion carried in a voice vote, 5-0.

PUBLIC COMMENT:

Jean Bonacci, 3800 Dickinson Road - Ms. Bonacci inquired about zoning changes and how pre-existing nonconforming issues are affected as a result of the change. It is understood that the land use remains the same until there is a change; once there is a change, then the pre-existing (grandfathered) condition is removed. For example, if there is a one-story house currently on the property which is lost to a fire, and the zoning change requires a two-story house, then a two-story house would have to replace the one-story house because that is what the current zoning requires.

PUBLIC HEARING:

Public Hearing on the proposed special assessments for installation of curb, gutter, trail/sidewalk and storm sewer beginning approximately 400 feet south of the intersection of CTH G and CTH GV and ending at the intersection of CTH X and along Oakridge Circle and Ledgeview Road from the intersection of Parker Way to Creamery Road, in the Town of Ledgeview, Brown County, Wisconsin.

Approved at the December 16, 2014 Town Board Meeting.

The public hearing was opened at 6:04 p.m. Brosteau gave an overview of the GV-10 project which has been five years in the making. The project is a 50/50 project, fifty percent of the cost of the project is financed by Brown County, and fifty percent of the project is financed by the Town. Of the Town's half, affected property owners will be assessed only for the installation of curb, gutter, trail/sidewalk, and storm sewer. The remainder of the road work will be financed by the Town. The following financing options were explained:

- Paying the entire cost in full; or
- Paying in ten equal installments (one tenth per year for 10 years) with interest on the unpaid balance at a rate that the Town can borrow plus 0.5%

Payment due in full upon the parcel being divided, transferred, or sold.

The assessments are levied on a per foot basis with no credits given to corner properties. No benefit is incurred by the property if the improvement is non-assessable. These situations are determined on a case-by-case basis. When an existing developed or undeveloped parcel is sold, the seller pays the frontage assessment, and the seller pays the above in full prior to the closure of the sale of the property. The Town may grant an exception from these requirements in any specific case where the Town Board considers that there is an emergency, hardship, or urgent need for granting such an exception. The assessment report was explained as there were some credits given for wetlands.

At this time the floor was open for comments.

John Fiddelke, 3800 Dickinson Road - Questioned the clause regarding payment due in full upon the parcel being divided, transferred, or sold. It is understood that this is an industry standard practice/policy.

David Anderson, 4090 Monroe Road - Asked if the costs included in the report were final costs. These are estimated numbers at this time. The final costs will be determined at the completion of the work. Mr. Anderson also questioned costs for lighting. Lighting costs are not part of the special assessment.

Carl Kuehne, 4479 Heritage Heights Road - Would like to know what percentage of the Town's fifty percent is designed as special assessments. That number will have to be calculated.

Joyce Drewiecki, 2625 Heritage Road - Commented that she doesn't feel the town has been generous with diving up the costs. Ms. Drewiecki explained that when CTH GV was developed, the county split her land, causing her to own property on both sides of the road, resulting in a double assessment.

Brosteau reminded property owners that the assessment will improve the value of their property.

The next steps in the process is to report back to the board and prepare the minutes of the Public Hearing. There will be a final packet including the final costs mailed to all the property owners. The assessment won't be levied until the 2015 tax year, with the first payment due with the 2015 first installment of taxes. There is no penalty to pay the assessment off early; the financing charge will be prorated to the pay-off date. A final resolution adopting the assessments will be approved at a later date. With the project being put out for bid by Brown County, the numbers seem more reasonable; however, there are no guarantees the numbers won't fluctuate either up or down.

The public hearing was closed at 6:17 p.m.

COMMUNICATIONS:

1. Correspondence regarding Fire Department elections.

Danen acknowledged a piece of correspondence received regarding Fire Department election procedures within the by-laws requiring intent to run for Fire Chief paperwork to be filed prior to a specific due date. A

Approved at the December 16, 2014 Town Board Meeting.

candidate who wishes to seek the position didn't file the required paperwork prior to that due date. The by-laws don't specify state any course of action for this situation, and does provide for someone to run as a write-in candidate; therefore creating a gray area in the process and procedures. The candidate has since submitted the proper paperwork to run for Fire Chief and due to the time sensitivity of the Fire Department elections taking place on December 15th, this is a moot point. However, if the Town Board wishes, they can certainly pursue looking at the by-laws and implementing a more defined set of election procedures for the future. No action taken.

ZONING AND PLANNING COMMISSION ITEMS: None.

OLD BUSINESS: None.

NEW BUSINESS:

1. 2015 Annual Quarry and Blasting Permit Renewal.

This is an annual required permit for the quarries if they wish to quarry or blast in 2015 in which Code Enforcement Officer Mark Roberts recommends approval. MOTION by Huxford/Schlag to approve the 2015 Annual Quarry and Blasting Permits. No further discussion. Motion carried in a voice vote, 5-0.

TOWN ORDINANCES:

1. THIRD & FINAL READING:

a. Ordinance 2014-008, An ordinance to Codify Various Duties, Responsibilities and Procedures of Town Government.

Discussion ensued regarding the appointment terms of the Town Clerk and Town Treasurer. It was explained that state statute allows up to a three year appointment. board members agree with the three year appointment term as it brings continuity to town business, especially when boards change. A member would like to see a one year term in order for yearly performance reviews to take place. Members of the audience requested that the meeting be opened for public discussion. MOTION by Schlag/Huxford to open the meeting for public discussion. No further discussion. Motion carried in a voice vote, 5-0. At 6:31 p.m. the meeting was opened for public discussion.

Carl Kuehne, 4479 Heritage Heights Road - Mr. Kuehne is concerned with the three year appointment term, and has found, in private business, there's more motivation for employees to be productive if there is an annual performance review because there are no guarantees. A one year term gives the board an opportunity to evaluate the employee's effectiveness on an on-going basis. Mr. Kuehne stated that the town doesn't currently have an administrator, and feels it would be inappropriate for the town to have one given the outcome of the Annual Meeting.

John Fiddelke, 3800 Dickinson Road - Mr. Fiddelke echoed Mr. Kuehne's concerns on the appointment terms, as well as requested for the section regarding a town administrator be deleted. Also, he would like to see a public comment section on all meeting agendas, not just the town board's. Discussion ensued regarding a public comment section on all agendas, which isn't a statutory requirement, however, the ordinance does allow for discretionary authority to each board, committee, or subcommittee to open the meeting up for public comment. Under the same section, Mr. Fiddelke would like to see the language regarding topics of public comment changed to allow for any topic, on or off the agenda, and the three minute limit to be deleted. Again, there is no statutory requirement to have public comment on all agendas or for a time limit, however, the ordinance does allow for discretionary authority to each board, committee, or subcommittee to open their meeting up to public comment and to enforce the three minute limit, or not.

MOTION by Schlag/Van Rossum to close the meeting to public comment. No further discussion. Motion carried in a voice vote, 5-0. At 6:47 p.m. the meeting was closed to public comment.

Discussion was held regarding the public comments. Danen suggested changing the language in Article IV, Section L, Paragraph 8 to read:

“Except as permitted in the discretion of the Town Board, public comments may be limited to topics which are not the subject of a topic listed on the meeting agenda. Public comments relating to items listed on the meeting agenda should be taken at the time the topic is addressed and only if the acceptance of public comments is approved by the Town Board.”

MOTION by Danen/Van Rossum to approve Ordinance 2014-008, An ordinance to Codify Various Duties, Responsibilities and Procedures of Town Government with the stated language. No further discussion. Motion carried in a voice vote, 4-1 with Huxford opposed.

2. SECOND READING:

a. Referral from Zoning & Planning Commission, Ordinance 2014-022 to Amend Chapter 135 Zoning, Section 16 Swimming Pools, Hot Tubs, and Spas.

This is the second reading for this ordinance; there were no changes from the first reading. This ordinance amendment is a housekeeping issue in an effort to clarify some confusion between what the ordinance states and what is practical to comply with it. Since this ordinance amends the zoning code, there is a public hearing requirement which is scheduled for January 5, 2015. The Commission unanimously voted in favor of the amendment.

b. Referral from Zoning & Planning Commission, Ordinance 2014-023 to amend Chapter 121 Vehicle Regulation, Section 4 Parking Prohibited.

This is the second reading for this ordinance; there were no changes from the first reading. This is a housekeeping issue regarding parking vehicles. The Commission reviewed the original draft and made a few language changes including prohibiting the parking vehicles over sidewalks & crosswalks, and prohibiting the parking of leaky vehicles on public or private property. The Commission unanimously voted in favor of the amendment. Moving on for a third and final reading.

c. Referral from Zoning & Planning Commission, Ordinance 2014-024 to amend Chapter 135 Zoning, Section 15 Fences.

This is the second reading for this ordinance; there were no changes from the first reading. This ordinance amendment is a housekeeping issue in an effort to clarify some confusion between what the ordinance states and what is practical to comply with it. Since this ordinance amends the zoning code, there is a public hearing requirement which is scheduled for January 5, 2015. The Commission unanimously voted in favor of the amendment.

d. Referral from Zoning & Planning Commission, Ordinance 2014-025 to amend Chapter 41, Peace and Good Order, Section 7 Unreasonable Noise.

This is the second reading for this ordinance; there were no changes from the first reading. Another housekeeping issue which was reviewed by the ZPC. The current ordinance is very basic and difficult to enforce. Staff recommended placing time restrictions when noise is prohibited and language for exceptions to the time constraints. The Commission recommends approval of the amendment. Discussion ensued regarding Disorderly Conduct statute, §947.01 which can be forced at anytime. The board would like to see others options are available, i.e. putting restrictions on the building permits.

REPORTS:

Clerk/Administrator:

- GV-10 Project, the county re-evaluated their workload and decided to put this project out for public bid.
- Zoning & Planning Commission are for a work session on the Comprehensive Plan Update this week.
- Staff will be attending their Annual Safety Training next week.
- Monthly Brown County Simple Event List was included in the packets.

Deputy Clerk:

- The Board received an invitation to the Brown County Alcohol Taskforce Public Policy Breakfast on December 8, 2014 at St. Norberts College. If anyone plans to attend, let the office know as a Notice of a Quorum may need to be posted.

Engineer:

- GV-10 Project, sewer and water work will begin tomorrow.

Treasurer:

- Working on bonding options for the Fire Tender Chassis which is due in January.
- Working on bonding for the GV-10 project, will have more in January.

APPROVAL OF THE VOUCHERS:

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

ADJOURNMENT:

MOTION by Danen/Schlag to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 7:27 p.m.

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