

The Ledgeview Town Board held a meeting on **Monday, June 1, 2015, 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 Andy Schlag 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 Andy Schlag, Renee Van Rossum, Ken Geurts, and Cullen Peltier. Chairman Philip J. Danen was excused.

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

D. AGENDA APPROVAL

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

CONSENT AGENDA

Regular Board meeting minutes:

- a. May 19, 2015
2. Routine Reports:
 - a. None.
3. Committee/Commission Reports:
 - a. None.
4. Operator's Licenses:
 - a. May 18, 2015 through May 29, 2015
5. Other Committee minutes. Accept and place on file.
 - a. April 22, 2015 Central Brown County Water Authority Minutes
 - b. April 28, 2015 Beautification Committee Minutes
6. Public Amusements & Shows Application
 - a. Dollar Hill Equestrian Center Rodeo and Band, June 20, 2015, from 5:00 pm to 9:00 p.m.
7. Pay Request and Change Order
 - a. Pay request #9 for contract C-2013, Reserve at Meadow Ridge, for \$80,408.24 to Dorner Inc.

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

PUBLIC COMMENT: None.

PUBLIC HEARING:

1. **Request by Denis Lotto for a Conditional Use Permit to construct a man-made body of water for manure storage on parcel number D-306 located at 4176 Elmview Road. Said property is zoned A-2, Agriculture**

Approved at the June 16, 2015 Town Board Meeting.

District, and ponds and manure pits are permitted by conditional use in all zoning districts in accordance with Article XXIV of the Zoning Code.

The public hearing was opened at 6:06 p.m. by Supervisor Schlag.

Staff explained that property is currently zoned A-2, Agricultural, and man-made bodies of water are permitted by conditional use in A-2 district. A manure pit is considered a man-made body of water. The town's comprehensive plan does not specifically address man-made bodies of water or manure pits, however, the plan does recommend the town should continue to implement Brown County Farmland preservation plan and preserve the Town's productive agricultural lands through property zoning and planning. The proposed use will be contained entirely on the site and constructed by the proper owner. In staff's opinion, there will be no environmental factors impacted by the proposed use. The construction is regulated by State and Federal agencies, being the DNR and NRCS. These agencies handle the permitting approvals to assure the facility is constructed properly and any concerns would be directed to those agencies. Zoning & Planning unanimously recommended approval of this application.

Phyllis John, 2559 Henes Road, Green Bay - Staff answered questions regarding the public hearing process, which was followed properly. The required two week notice was published in the Green Bay Press Gazette.

Denis Lotto confirmed that the Department of Land Conservation created the plans for the manure pit.

Syh Micolichek, 4145 Elmview Road – Brought concerns about how the stench is going to affect the future development of the area. He also has concerns regarding the contamination of wells and a nearby creek. If the wells have to be abandoned, will the assessment for sewer and water will not be lifted. No, the assessment for sewer and water connection will not be lifted.

Denis Lotto explained that this is a solid manure pit. It is a 500,000 gallon solid retention pit, with the purpose of the pit would be to maintain the liquid in an effort to prevent manure from getting to the creek. There will be concrete walls around the pit, with the bottom on the pit 12 feet above the bedrock. There's 19 feet of soil before bedrock, so the bottom of the pit will be 12 feet above the bedrock. Soil testing was done to confirm that there wouldn't be any leakage at that depth. Manure is going to smell whether it's in a pit or not. There isn't going to be much liquid in the pit other than to control the runoff. The pit itself is hidden behind the barn and the shed, so it isn't going to be visible from the roadway. The current system is 25 years old and is failing, causing runoff. That is the reason for the upgrade to a solid manure pit. The current pit will be used as a cow yard and the runoff liquid will discharge into the pit. Again, the whole purpose of this upgrade is to make the area more environmentally sound.

Ralph Linssen, 4010 Elmview Road – Is concerned about the drain tile that runs through the back of the Lotto farm. Mr. Lotto explained that piece of the tile was cut off and lifted; it no longer exists.

Thomas Micolichek, 327 N. Wall Street, Denmark - Feels that the town wouldn't be doing themselves any favors to approve this if the future zoning of the area is industrial and residential.

The board understood the concerns of the residents, but can't make decisions on a "someday" because it's unknown when or if development will occur. If this area develops, farmland will become too valuable to farm and, more than likely, the farmland will develop. However, until such time, there is a business that is trying to improve itself and to improve the environmental impacts as well. Mr. Lotto is following the law, as it is today, therefore it's difficult to deny the permit. The experts, Department of Land Conservation and DNR, are advising Mr. Lotto and overseeing the project to assure the laws are being followed.

After three calls for public input, none were heard. The public hearing was closed at 6:31 p.m.

The board understands where the Micolicheks are coming from and respects their concerns. However, can't justify denial of the permit when Mr. Lotto has done his due diligence in following all applicable laws. The laws are being met, this is an upgrade in an effort to protect any environmental impacts, and the comprehensive plan calls for the preservation of farmland. **MOTION** by Schlag/Van Rossum to approve Dennis Lotto's condition use permit for the man-made body of water for manure storage on parcel number D-306 located at 4176 Elmview Road. No further discussion. Motion carried in a voice vote, 4-0.

2. Review and approve the renewal applications for Class A and Class B Liquor Licenses, and Cigarette Licenses.

Staff explained that all current liquor licenses and cigarette licenses expire on June 30th, 2015. All applicable fees and payments have been received to date. There are no problems with any of the applicants with the exception of Dillweed Inc. who's license should be contingent upon the final payment of the Installment Agreement made last year, and 21 Gun Roadhouse contingent upon compliance with the mutually agreed upon Installment Agreement to Pay Delinquent Taxes and/or Other Debts; default of the agreement will result in revocation of 21 Gun Roadhouse liquor license.

Public Hearing was opened at 6:36 pm. After three calls for public hearing, none were heard. The public hearing was closed at 6:38 p.m.

MOTION by Van Rossum/Peltier to approve the annual renewal of the Class A and Class B Liquor Licenses and Cigarette Licenses with two contingencies:

- Dillweed Inc, contingent upon the remaining balance of the 2013 taxes being paid by June 20th in accordance with the agreement, the second installment of the 2014 property taxes paid in full by July 31, 2015, and upon full payment of any and all applicable fees associated with the liquor license.
- 21 Gun Roadhouse, LLC contingent upon compliance with the mutually agreed upon Installment Agreement to Pay Delinquent Taxes and/or Other Debts; default of the agreement will result in revocation of 21 Gun Roadhouse liquor license.

No further discussion. Motion carried in a voice vote, 4-0.

COMMUNICATIONS: None.

ZONING AND PLANNING COMMISSION ITEMS: None.

OLD BUSINESS: None.

NEW BUSINESS:

1. Appoint Steve Jauquet to the Sanitary District Commission for a six year term to expire June 1, 2021.

Sanitary District Commissioners are appointed by the Town Board for a six year term. Mr. Jauquet's term expires today, in which he would like to continue serving on the commission. **MOTION** by Geurts/Schlag to approve appointing Steve Jauquet to the Sanitary District for a six year term expiring June 1, 2021. No further discussion. Motion carried in a voice vote, 4-0.

2. Agreement between the Town of Ledgeview, the City of De Pere, and the Unified School district of De Pere regarding the maintenance of pedestrian walkways and associated drainage facilities.

Staff explained that this is the trail that goes through Jordan Road to Heritage Road. At the time of construction, there was a flood study done, which called for the installation of four 48" storm water pipes. For unknown reasons, only one 36" pipe was installed under the sidewalk. With the development of the subdivision, there is potential for flooding of the homes in that flood plain. After several years of conversations, the three parties come to an agreement that each entity would pay one-third the cost to install the pipes which is consistent with the original cost sharing agreement. The school district will maintain that sidewalk and any major repairs would be brought to the three entities for cost sharing opportunities. This is a five year agreement which can be renewed in writing. Staff for all entities recommend approval. **MOTION** by Schlag/Geurts to approve the Agreement between the Town of Ledgeview, the City of De Pere, and the Unified School district of De Pere regarding the maintenance of pedestrian walkways and associated drainage facilities. No further discussion. Motion carried in a voice vote, 4-0.

3. Confirm Town Chairman's appointment of members to the Length of Service Award Committee.

In accordance with Chapter 2 of the Ledgeview Code, the Town Chair appoints members to the LOSAP Committee, which are confirmed by the Board. The Chair appoints Brain Kiehnau, Chairperson (FD Member), Andy Schlag (TB), Mark Nemetz and Dan Kerkhoff citizen members all to a two year term, and Dennis Pansier, citizen member for a one year term. **MOTION** by Peltier/Van Rossum to confirm Town Chairman's appointment of members to the Length of Service Award Committee. No further discussion. Motion carried in a voice vote, 3-0 with Schlag abstaining from voting.

ORDINANCES:

1. Third & Final Reading

a. Ordinance 2015-005 Amending Chapter 1 – General Provisions, Article II Fees and Penalties, Section 1-16 Forfeiture Schedules.

The forfeiture schedule will be used by the Brown County Sheriff's Department for enforcement of weight limits on roadways. The proposed scheduled is consistent with neighboring municipalities. This is the third and final reading with no changes or corrections since the first reading. **MOTION** by Geurts/Schlag to approve ordinance 2015-005 as written. No further discussion. Motion carried in a voice vote, 4-0.

REPORTS:

Clerk/Administrator:

- Business Directory was compiled by one of the interns with two goals in mind: to update the Business Directory, and to get a sense of the business climate in Ledgeview. Efforts will be made to further engage town businesses to collection additional data and feedback.
- Brown County conducted a recent test to he emergency sires. Both Ledgeview sires are in working order.
- Written testimony in support of Multi-Jurisdictional Tax Incremental District legislation was submitted.
- Central Brown County Water tank construction project is on schedule. Will be conducting some future strategic planning process to give perspective to the future of the Authority. Also working on modifications to the contract with Manitowoc Public Utility.
- Ledgeview TID #1 documentation has been submitted to Department of Revenue for their review and certification.
- Annual Statement of Assessment has been submitted to the Department of Revenue now that Board of Review is completed.
- Board received all the GV-10 Construction Updates.

- A brief meeting was held this morning regarding the public works related issues.
- The 2016 Budget process is starting with the proposed calendar and related financial policies.
- Attended the Brown County Administrators meeting, working on potential collaborative ideas with a focus of Informational Technology and a regional compost facility.
- The Park & Recreation Committee is working on completing the final draft of the 2015 Comprehensive Outdoor Plan.
- Beautification Committee is continuing to work on the signage, the GV corridor landscaping, and citizen engagement.
- 2nd Quarter utility meter reading and billing is scheduled for the week of June 15th.
- Work will begin on the July/Summer newsletter. Any input is appreciated.
- Manitowoc Public Utilities 2014 Annual Report is available for viewing.
- Code Enforcement Officer is looking for feedback on a proposed off-road motorized vehicle ordinance. Forward onto the next agenda for the first reading.

Engineer:

- Public informational meeting was held today at 5:30 p.m. for the sidewalk along County Road G. No one attended that meeting, so staff will continue to move forward with the project.
- Ledgeview Road construction is starting between Creamery Road and the roundabout.
- Jossart Road construction is moving forward slowly because they are working on it as time allows.
- Bower Creek Road and Winding Water resurfacing and pipe replacement plans are being put together for a bid opening on June 16th. Bid award should on the next Town Broad Meeting. Bower Creek, CTH GV, and portions of Lime Kiln will be closed at the same time at some point during the summer.

Board Comments:

- 21 Gun Roadhouse Truck and Tractor Pull was rained out on May 30th. The plan is to reschedule the event for later date this summer. Since the Special Event Permit was issued for the 30th, would the town charge for another permit to reschedule the event? The consensus of the board is no, there will not be an additional charge, but it would be an agenda item to change the date.

APPROVAL OF THE VOUCHERS:

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

CLOSED SESSION:

1. **The Town Board may convene into closed session pursuant to WI State Statute 19.85 (g) 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 regarding recorded documents on Town owned property at 1925 Scray Hill Road. The Town Board may reconvene into open session to take action of matters discussed in closed session.**

At 7:06 pm, **MOTION** by Geurts/Van Rossum for the Town Board to enter into closed session. No further discussion. Roll call vote: Schlag – aye, Van Rossum – aye, Geurts – aye, Peltier – aye. Motion carried in a roll call vote, 4-0. At 7:07 p.m., the Town Board went into closed session.

MOTION by Schlag/Van Rossum for the Town Board to reconvene into open session. No further discussion. Roll call vote: Schlag – aye, Van Rossum – aye, Geurts – aye, Peltier – aye. Motion carried in a roll call vote, 4-0. At 7:22 p.m., the Town Board reconvened into open session. No action taken.

ADJOURNMENT:

Approved at the June 16, 2015 Town Board Meeting.

MOTION by Schlag/Geurts to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 7:22 p.m.

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