

The Ledgeview Town Board held a meeting on **Tuesday, December 22, 2015, 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, Supervisors Andy Schlag, Renee Van Rossum, Ken Geurts, and Cullen Peltier.

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

D. AGENDA APPROVAL

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

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. December 7, 2015 Meeting Minutes.
2. Routine Reports: None.
3. Committee/Commission Reports: None.
4. Operator's Licenses:
 - a. December 5, 2015 thru December 18, 2015.
5. Other Committee minutes. Accept and place on file:
 - a. November 11, 2015 Zoning & Planning Commission Minutes
6. Central Brown County Water Authority Strategic Plan dated December 11, 2015.

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

PUBLIC COMMENT: None

PUBLIC INFORMATIONAL MEETING:

1. On the update of the Town's Storm Water Management Plan.

The Town Engineer gave a presentation on the Federal Clean Water Act. Included in this act is a grant called the UNPS Planning Grant which is the reason for updating the both Storm Water Management and Erosion and Sediment Control ordinances. The Zoning & Planning Commission have reviewed both ordinances and have passed them onto the board for their second reading.

Approved at the January 19, 2016 Town Board Meeting.

The presentation identified the town's BMPs goals and possible options to take to reach those goals. A cost analysis of the options was also given. Recommendations were given which include:

- Maintain existing BMPs.
- Replace the outlet structure of Pond 3 in 2016.
- Prepare a priority list of future BMPs.
- Continue to look for new emerging technology for treatment
- Budget for installing BMPs yearly until compliance is achieved.
- Update TMDL (Total Maximum Daily Load) report yearly to monitor progress towards goals.

Discussion ensued regarding potential penalties for not meeting the goals. Currently there are no penalties, however, the town is required to take strides towards meeting the goals. Information only, no action taken.

ZONING AND PLANNING COMMISSION ITEMS:

1. **Recommendation from Zoning & Planning to approve the request from Vicky Stadther, applicant, for a site plan adding a second drive-thru lane and sidewalk improvements at Mc Donald's, 1373 S. Broadway, parcel D-470-3-66-1.**

Zoning and Planning Commission reviewed the request and unanimously recommend approval of the site plan adding a second drive thru and parking lot improvements at McDonald's, 1373 S. Broadway. The motion did not include approval of the new menu board which conflicts with current town code. Note that The Commission and The Board are not able to approve improvements that do not meet minimum code standards. Recommendation is to change the code to accommodate larger menu boards. Discussion ensued regarding the overall layout of the improvements. MOTION by Geurts/Peltier to approve second drive-thru land and sidewalk improvements with the exception of the menu board per Zoning and Planning. No further discussion. Motion carried in a voice vote, 4-1.

COMMUNICATIONS: None.

OLD BUSINESS:

1. **Review and consider Non-Exclusive Right of Way Use Agreement between Town of Ledgeview and L. Nifong and C. Nifong.**

Danen explained that a response from the residents was recently received, however a recommendation from the Town's attorney on the requested changes has not been given at this time. MOTION by Danen/Schlag to table this item until the next meeting. No further discussion. Motion carried in a voice vote, 5-0.

NEW BUSINESS:

1. **Recommendation from Treasurer on Delinquent Personal Property Taxes due from Snap Fitness, formerly located at 573 Swan Road.**

After several attempts to locate and collect past due personal property taxes from Snap Fitness, the Treasurer is requesting authorization to write them off. There is no legislative recourse for the Town to compel a collection of these taxes, and all other avenues have been exhausted. Discussion ensued regarding past attempts to get governmental support in order to require payment of personal property taxes to no avail. MOTION by Danen/Peltier to authorize the Treasurer to write-off the past due personal property taxes for Snap Fitness as well as contact the town's legislative representatives to request lawmaking support for a personal property taxes policy. No further discussion. Motion carried in a voice vote, 5-0.

2. Recommendation from Engineer on Resolution 2015-014 Approving the Use of Sixty Foot Roadway Right-of-Ways in The Crossing at Dollar Creek Subdivision.

Town Engineer advised that DOT requires an approved resolution when there's a deviation from the standard 66 foot road right-of-way. The town typically uses 60 foot right-of-ways on non-major town roads, which is called for in the Comprehensive Plan. The plat was also approved with 60 foot road right-of-ways. The speed limit on all 60 foot right-of-way street is 25 mph. MOTION by Schlag/Van Rossom to approve the resolution. No further discussion. Motion carried in a voice vote, 5-0.

3. Recommendation to confirm 2015 Fire Department Election results.

Danen explained the results from the Fire Department Elections which are:

Assistant Chief – Randy Edinger (no change)

Captain – Tim Danen (change)

Lieutenant – Jason Benzschawel (change)

MOTION by Peltier/Van Rossom to confirm the Fire Department Election Results. No further discussion. Motion carried in a voice vote, 5-0.

ORDINANCES:

1. Second Reading

a. 2015-015 – An Ordinance Amending Section 135-73 the Town of Ledgeview Zoning Code Regarding Rural Residential Building Setback Requirements.

The ordinance is clarifying an amendment from 2007 regarding the side and rear yard setbacks for properties zoned Rural Residential. No changes were recommended at the first reading. Move to the third and final reading with no changes.

b. 2015-016 – An Ordinance Amending the Town of Ledgeview Chapter 90 Stormwater Management Ordinance.

This amendment is a requirement of the UNPS Planning Grant the town is applying for. No changes were recommended at the first reading. Move to the third and final reading with minor changes from Zoning & Planning and DNR.

c. 2015-017 – An Ordinance Amending the Town of Ledgeview Chapter 36 Construction Site Erosion Control Ordinance.

This amendment is a requirement of the UNPS Planning Grant the town is applying for. No changes were recommended at the first reading. Move to the third and final reading with minor changes from Zoning & Planning and DNR.

2. Third & Final Reading

a. 2015-014 – Amending Chapter 79 Signs, Section 13, Signs Allowed by Permit.

The Commission recommends approval of a code amendment regarding Chapter 79, Signs, regulations for wall and free standing signs along I-43. A new section of code would be added specifically for signs located in B-1, B-2, LI or HI zoning with road frontage facing I-43. The new code also addresses requirements for wall and free standing signs including size, location, base, tenant name and approval process, as well as prohibited signs and illumination requirements. No changes were recommended from either the first or second readings. There was discussion regarding the striking of language in order to allow changeable message boards. Changes are to be made for final approval at the next meeting. No action taken.

REPORTS:

Clerk/Administrator:

- A copy of the final Central Brown County Water Authority Strategic Plan was included for review.
- Notice was received by the Department of Revenue of the Lambeau Field Excise tax monies will be sent to communities on 12/21/15.
- Provided correspondence from the Urban Towns Associations.
- Town of Glenmore's draft of the Comprehensive Plan was provided to the board.
- Statement of Taxes and Levy Limit Worksheets have been completed and submitted to the Department of Revenue.

Engineer:

- Status and recommendation of a speed limit change request on Creamery Road was given to board.
- CTH G (Dickinson Road) Sidewalk – Railing has been installed completing the project.
- Crossing at Dollar Creek – Blasting is done. Sanitary Sewer is completed. Permit has been issued for Dollar Lane work. No work being done over the holidays. Will be completing water main after the holidays.
- Work on Dollar Lane will require the road to be closed to traffic. This is expected to happen once we get enough in-ground frost to minimize damage to the roadway.

Treasurer:

- November 2015 Cash Balance Report was received by the board.

Code Enforcement:

- Status of the Knaus case was received by the board.

Board Comments:

- A request was made by the Fire Department to acquire a pickup truck in the near future, which will put a strain on room at Fire Station #2 as far as Public Works. The board needs to start thinking of possible future facility needs.

APPROVAL OF THE VOUCHERS:

MOTION by Schlag/Van Rossom to approve the vouchers. 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 into open session to act on matters discussed in closed session.**

a. Other recommendations resulting from closed session discussions.

MOTION by Danen/Schlag for the Town Board to convene into closed session to discuss the status of a pending claim between Town of Ledgeview and Robert Gerbers. No further discussion. Roll call vote: Van Rossom – Aye, Schlag – Aye, Danen – Aye, Peltier – Aye, Geurts – Aye.

At 5:33 p.m. the Town Board convened into closed session.

MOTION by Danen/Schlag for the Town Board to reconvene into open session. No further discussion. Roll call vote: Van Rossom – Aye, Schlag – Aye, Danen – Aye, Peltier – Aye, Geurts – Aye.

At 5:41 p.m. the Town Board reconvened into open session.

MOTION by Danen/Schlag to instruct the Town's attorney to seek enforcement of the settlement as well as any costs incurred to the town since the settlement was signed. No further discussion. Motion carried in a voice vote, 5-0.

ADJOURNMENT:

MOTION by Danen/Van Rossom to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 5:42 p.m.

Charlotte K. Nelson

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