

The Ledgeview Town Board held a meeting on **Tuesday, July 5, 2016, 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 PM.

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by all in attendance.

**C. ROLL CALL**

Members present were Chairman Danen, Supervisors Andy Schlag, Renee Van Rossum, Ken Geurts, and Cullen Peltier.

Staff present were Clerk/Administrator Sarah Burdette, Treasurer Renae Peters, Engineer Scott Brosteau, and Planner Dustin Wolff.

**D. AGENDA APPROVAL**

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

**CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. June 21, 2016 Meeting Minutes.
2. Routine Reports:
  - a. Budget Financial Policies and Calendar for 2017 Budget Process.
3. Committee/Commission Reports: None
4. Operator's Licenses:
  - a. June 21, 2016 through July 1, 2016.
5. Other Committee minutes. Accept and place on file:
  - a. May 24, 2016 Beautification Subcommittee Minutes.
6. Pay Requests:
  - a. Approval of Change Order #2, Crossing at Dollar Creek, Contract E-2015 for \$117,793.25.
  - b. Approval of Pay Request #7, Crossing at Dollar Creek, Contract E-2015 for \$244,283.72.
7. Special Event Permits:
  - a. Cellcom Customer Appreciation Event at the Chicago Street Pub & Grill, July 20, 2016, 10 am – 7 pm.
  - b. Watson Circle Block Party sponsored by Jason Latva, 2424 Watson Circle, August 6, 2016 from 9 am – 11 pm. Watson Circle will be closed for this event.

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.

Staff requested the June 21, 2016 Town Board Meeting Minutes be removed from the consent agenda.

There were questions on the Watson Circle Block Party; the Board wanted to make sure the applicant was aware that if they were going to have music at this event a separate permit would be required.

Approved at the July 19, 2016 Town Board Meeting.

With those two notes, MOTION by Van Rossum/Peltier to approve. No further discussion. Motion carried in a voice vote, 5-0.

**PUBLIC COMMENT:**

Tom Kraft, 4336 Scray Hill Road – Mr. Kraft craft read a statement of his thoughts regarding the traffic strain and safety on Scray Hill Road due to dump truck traffic and continued residential growth of the area. Mr. Kraft would like to see the trucks take a different route to the D & J Quarry, as well as road weight restrictions on Scray Hill Road.

John Lombardi, 1707 Limestone Tail – Mr. Lombardi echoed Mr. Kraft’s comments. He indicated that the road is not built to handle the weight of the dump trucks. Mr. Lombardi stated that the nature of Ledgeview as a community has changed, it’s no longer a farming community. Therefore, the location of the quarry is no longer an issue, and truck traffic on Scray Hill Road unsafe. It’s like living on a highway with number of trucks and the noise they make. Mr. Lombardi would like to see weight limit restrictions on Scray Hill Road because of the safety concerns. The trucks have an alternative route to use, the residents don’t.

The Board clarified that when Scray Hill Road was reconstructed, it was built to handle the extra weight of the dump trucks.

Kate Lombardi, 1707 Limestone Trial – Ms. Lombardi is concerned with the safety of the road indicating that there is no shoulder, and the width of the road is very narrow even for regular sized vehicles. When there are two trucks going in opposite directions trying to pass each other is difficult, and if there is a car parked on the road, it’s virtually impossible. The road maybe built to handle the weight, but it wasn’t built to handle the maneuvering of the road.

Larry Carter, 3401 Carter Lane – It’s unfortunate that people purchased the lots in the Scray Hill Road area, but the quarries have been there for an awfully long time. Mr. Carter opposes the weight limit restrictions.

Eric Allen, 4377 Scray Hill Road – Lives on Scray Hill Road and has spoken to the board in the past about the safety of Scray Hill Road. The apron of his driveway is damaged because of trucks using it due to the road not being wide enough. With people in the neighborhood walking and riding their bikes, the road isn’t wide enough. The speed limit reduction did help but the truck drivers don’t respect it. Mr. Allen contacts contractors and ask for their drivers to slow down when he’s able to get the name of a contractor off the truck.

Joan Pansier, 3470 Dickinson Road – The Pansier Farm received a bill for a driver going off the road on Dallas Lane which caused some road damage. Ms. Pansier would like the situation looked into because if Dallas Road is going to be rebuilt in the near future, it’s not worth fixing it now.

Mary Ann Christensen, 1729 Limestone Trail – Gave an example of where she had to pull her vehicle to the side of the roadway to allow a truck to pass, and the truck behind her went around her. Ms. Christensen runs and walks her dog on the road, if there’s a truck coming, she has to stop and gets at least three feet off the road to a place of safety because it’s not a safe situation. Times change, Ledgeview’s gotten bigger, and as times change, the town has to make adapt to those changes. If there’s alternate routes for the trucks to use, then let’s make the change because it’s the right thing to do. Let’s resolve it now, because it’s just a matter of time before someone gets hurt.

Ralph Zellner, 1771 Scray Hill Road – Mr. Zellner questioned who enforces the state and federal laws on Scray Hill Road. The enforcement goes to the county. Mr. Zellner indicated that there hasn't been any enforcement there in years.

Kate Lombardi, 1707 Limestone Trail – Ms. Lombardi wanted to remind the Board that the Town made the town change by making lots available for purchase and that the Town benefits from the tax dollars that Scray Hill Road residents pays. The Town also provided a beautiful park at the top of the hill which creates additional traffic, which in turns causes much more of a hazard on Scary Hill Road. So thank you for the improvements, but realize it causes a road hazard with the trucks.

John Lombardi, 1707 Limestone Tail – Mr. Lombardi realizes there is a contract with the quarry who paid the town to reconstruct Scray Hill Road to sustain the truck use, and if the Town imposed weight limits, it would owe the quarry money. If the Town can't come up with the money to pay out the contract, then the neighbors are willing to raise the money themselves.

Tom Kraft, 4336 Scray Hill Road – Mr. Kraft indicated that the quarry is being used as a dump site because of DNR regulations, which is in violation of the contract. The contract states the quarry will be hauling aggregate out of the quarry. Mr. Kraft is wondering why the Town is subsidizing the quarries.

**PUBLIC HEARING: The Town Board will hear comments on, and may take action on, any or all of the following:**

**1. Ordinance 2016-013, An Ordinance to Establish a Transportation Impact Fee in the Town of Ledgeview.**

Staff was asked to analyze the traffic impact on the 10 year growth period to the community. This was introduced to the Board on the June 6<sup>th</sup> meeting. The draft document was made available on the town website as well at the town hall which complies with state statutes. Tonight's public hearing is also a statute requirement. The Impact Fee Study was conducted which identified a fee for new building permits within the 10 year growth area within the recently adopted Comprehensive Plan. The study focused on town collector roads that would be impacted, not county or state roads. Staff explained how the study was conducted. The impact fees can only be used on new, expanded, or improved public facilities that are required to serve land development, not repair of existing facilities. Impact fees cannot exceed the proportionate share of the capital costs that are required to serve the land development. Impact fees need to be reasonable estimates of capital costs for new, expanded, or improved public facilities. The funds must be kept in a segregated account for new development, and must be used within a ten year window. The fee is based on potential development of land, not on population growth. The impact fee will be collected on all building permits taken out across the board.

Public hearing was open by Chairman Danen at 6:35 p.m.

There was discussions on the hierarchy roads being developed in the community. The priority goes to collector roads that lead to county highway system.

After three calls for input, none were heard. The public hearing was closed at 6:39 p.m.

MOTION by Schlag/Geurts to approve ordinance 2016-013 to establish a transportation impact fee. No further discussion. Motion carried in a voice vote, 5-0.

**2. Ordinance 2016-012, An Ordinance to Amend Chapter 135-Zoning, Section, Article IV-General Provision, Section 15-Fences and Section 16-Swimming Pools, Hot Tubs, and Spas.**

This ordinance was brought forth by staff because there was some inconsistencies with the zoning code for fences along roadways, for security purposes, and related to swimming pools. The proposed code

amendment rectifies the issues identified and provides the Town Board with the ability to determine how security fencing should be approved based upon its context.

The public hearing was opened by Chairman Danen at 6:44 p.m.

After three calls for input, none were heard. The public hearing was closed at 4:45 p.m.

There was discussion on how the amendment would affect the old business item (Jossart fence). It clears up the issue and make the fence in compliance with the new code.

MOTION by Peltier/Van Rossum to approve ordinance 2016-012. No further discussion. Motion carried in a voice vote, 5-0.

**ZONING AND PLANNING COMMISSION ITEMS:** None.

**COMMUNICATIONS:** None.

**OLD BUSINESS:**

**1. Discuss and act on recommendation from Zoning & Planning on the request from Jesse Jossart, of Jossart Brothers, owner, for a fence on parcel D-56-4, 1682 Swan Road.**

Follow up from the June 21<sup>st</sup> Board Meeting, the petitioner is looking to gain storage space for the sewer construction company located on the parcel by relocating the fence closer to the right of way. The existing fence is located 31 feet from Swan Road Right of way, and 16 feet from Storage Court right of way. Zoning & Planning Commission unanimously recommends approval of the relocation of the fence with the addition of 8 arborvitae for screening. The Board wanted to review the proposed new fence ordinance prior to approval. With the adoption of ordinance 2016-012, the fence is in compliance with the zoning code. The landscaping has to be done with the building permit issuance. MOTION by Peltier/Geurts to approve the fence on parcel D-56-4 with the recommendations of Zoning & Planning Commission. No further discussion. Motion carried in a voice vote, 5-0.

**2. Review and possible action on the Developer's Agreement for Heritage Heights Subdivision located on parcel D-395, Heritage Road and Cottonwood Lane.**

Follow up from the June 21<sup>st</sup> Board Meeting. The preliminary plat for the Heritage Heights subdivision was approved in March, with the final plat approval June 21<sup>st</sup>. The Developer's Agreement is the next step in the plat approval process. There was a concentrated effort to get in touch with the Gilson's to get their input in on a secondary access, in which they requested additional information on how it would affect the remainder of their property. That being said, with prior discussions with the developers of putting the road out to the northeast under a two-year plan, as well as the mutual changes that were made, staff made the edits to the developer's agreement. Meaning, a secondary outlet other than Cottonwood would be established within two years, and outlot 4 will be extending within two years with the Town providing the financing for that section. The developers agree with the amendments. MOTION by Danen/Geurts to approve the Developer's Agreement as revised. No further discussion. Motion carried in a voice vote, 5-0.

**3. Discuss and act on recommendation from Beautification and Park & Recreation Committees, along with Zoning & Planning Commission, on the request from the Town of Ledgeview for proposed community gateway/entry signage.**

Follow up from the June 21<sup>st</sup> Board Meeting. Stemming out of the Beautification Committee, and recommended for approval by both the Park & Recreation Committee and Zoning & Planning Commission, are new gateway signs signifying a welcome to Ledgeview. The signs meet the regulations of both the town and the county as being break away material. The signs will be located in the right of way on Dickinson Road

by the BP, Monroe Rd at the town line, and Main Street at Ivy Trails. Zoning & Planning Commission unanimously recommends approve with the confirmation that all signs are going to be illuminated. Due to the placement of the signs, the illumination will come from existing light poles shining down on the signs. The board wanted additional information regarding the sign material. The sign company provided a life expectancy of 20-30 plus years with little to no maintenance. There is the ability to put a message on the backside of the signs. The funds are secured with the funding resolution approved at the previous meeting. The Board would like the Beautification Committee to write the backside message. The signs by Ivy Trail and Red Bird BP are situated in a position where a backside message will not be seen. MOTION by Schlag/Peltier to approve the gateway signs per the applicable committees with the Beautification Committee crafting the backside language for the GV sign. No further discussion. Motion carried in a voice vote, 5-0.

#### **NEW BUSINESS:**

**1. Review and possible action on Scray Hill Road Speed Study conducted by Brown County Sheriff's Department and subsequent request for a Jake Braking ordinance allowing signs to be placed on Scray Hill Road.**

Peltier worked with the Sheriff's Department on the Speed Study. The study lasted for a day and half longer than the previous study. Both studies revealed basically the same results with the 2 axle vehicles exceeding speed limit. The average speed on the road is 42 mph in a 30 mph speed zone. The study did show that the period between 4-7 p.m. is when the highest rates of speeding occurred. The telling point of this study is the amount of vehicles on the road; almost 11,000 total vehicles with just over 2,400 being 3 axles vehicles (trucks).

There was discussion on the Jake Braking ordinance. The ordinance can be as specific to name specific roads or it can be broad enough to be applied town wide. There was talk of the ordinance allowing Jake Braking in emergency situations only. Signs would be placed on Scray Hill Road, with the discretion of signs being placed throughout the town as issues arise. The ordinance would need to go through the typical three readings process prior to adoption.

The discussion turned back to the contract. When a contract is broken, it's not just a matter of paying out the remainder of the contract, it's a matter of having justification for breaking the contract. An option is to start the justification is the Jake Braking ordinance to see if more enforcement is gained, and then progress to tighter restrictions as needed. All possibilities for changing the character of the road need to be explored not just adding weight limits. This information gathering could run parallel to the establishment of a Jake Braking ordinance. Possibilities such as reconstructing a wider road to accommodate everyone, or urbanizing it need to be looked at. We need to look at to totality of the situation before imposing weight limits because not only would the contract be broken, but there's potential for a lawsuit on the backside. The Board needs to do their due diligence and justify actions taken before moving forward.

After a lengthy discussion, MOTION by Peltier to impose a 5-ton weight restriction on the remainder of Scray Hill Road (Hawthorne Heights to Dickinson Road) beginning January 1, 2017, contingent upon the payment of the remaining amount of the contract as of January 1, 2017, to be provided to the town by Tom Kraft on behalf of the neighborhood residents by December 1, 2016. Discussion continued with what happens if the quarry doesn't agree with termination the contract and the town ends up being sued; where does that money come from? The contract was read aloud. Taking the situation step by step seems to be the logical path to take because these trucks have to go somewhere and the problem will be pushed off to another neighborhood. Calls for a second were made. MOTION fails for lack of a second.

There was more discussion on the applicability of the Jake Braking ordinance and if it was enforceable. There was discussion on whether or not an emergency is subjective or enforceable. The Brown County Sheriff's

Department would have jurisdiction to enforce the ordinance with officer discretion at the time of the incident.

MOTION by Danen/Geurts to put the Jake Braking ordinance on the next agenda for the start of the three readings process. No further discussion. Motion carried in a voice vote, 5-0.

There was discussion on future actions. Future action would be to research all possible options for changing the character of the road, and make it part of the 2017 budgeting process.

**2. Review and approve resolution regarding State Trust Fund Loan for Financing of 2016 projects.**

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

**ORDINANCES:** None.

**REPORTS:**

**Clerk/Administrator:**

- A memo from Lamers Bus Company regarding the Creamery Road Bridge.
- Memo from Brown County Public Works Department on a proposed ordinance amendment for road repair.
- New Deputy Treasurer starts next week.
- Sanitary District will have a follow up meeting on the additional of a Public Works Crew Member.
- Work will start on the 2017 Budget process beginning with capital improvements.
- John Lacy started with Public Works Crew Member.
- Building project consultant proposals will be on the next agenda.
- Bid award for the Heritage Heights Subdivision will be on the next agenda as well.

**Engineer:**

- Curb and gutter will be poured tomorrow in the Crossing at Dollar Creek.
- Walking path between Angels Path and the roundabout at G/GV project is out for bid. Bid opening on July 13<sup>th</sup>.

**Planner:**

- Park & Recreation Committee is looking at signage to demarcate a bike routes by using the street signs.

**Treasurer:**

- All is good on the treasurer side and looking forward to the Deputy Treasurer starting.

**APPROVAL OF THE VOUCHERS:**

MOTION by Schlag/Van Rossom to approve the vouchers. 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 7:31 p.m.

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

Approved at the July 19, 2016 Town Board Meeting.