

The Ledgeview Town Board held a meeting on **Tuesday, April 19, 2016, 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 Supervisor Schlag 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 Supervisors Andy Schlag, Renee Van Rossum, Ken Geurts, and Cullen Peltier. Chairman Philip J. Danen was excused.

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

**D. AGENDA APPROVAL**

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

**CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. April 4, 2016 Meeting Minutes.
2. Routine Reports: None.
3. Committee/Commission Reports: None.
4. Operator's Licenses:
  - a. April 1, 2016 through April 15, 2016.
5. Other Committee minutes. Accept and place on file:
  - a. March 16, 2016 Zoning & Planning Meeting Minutes
6. Pay Requests: None.
7. Special Event Permit: None.

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

**PUBLIC COMMENT:**

After three calls for public comment, none was heard.

**PUBLIC HEARING:**

1. **The purpose of the public hearing is to hear comment on the request by Rob Wolter, agent for LKR Properties, for a Conditional Use Permit to a fence, private trails for a private park on parcel D-179 located on Lime Kiln Road. Said property is zoned C-1, Conservation District, and fence, private trails and a private park are permitted by conditional use in accordance with §135-251 of the Zoning Code.**

Approved at the May 2, 2016 Town Board Meeting.

The public hearing was opened with a status update of the project by staff. Staff explained there was a grading and excavation permit issued for parcel D-179 in error. In conservancy zoning, constructing a berm, which is considered a fence requires a conditional use permit; all other zoning does not require a conditional use permit for a berm. When the error was discovered, a stop work order was issued, in which the contractor complied. Proper applications were submitted to the town, and staff review of project was accelerated because of the error. The conditional use permit process requires a public hearing, and subsequently public hearing notices were sent to property owners in the area per statute.

Staff gave an overview of the proposed project which basically consists of an eight foot berm around the perimeter of the east, west, and south sides of the property, with landscaping on top. Because the berm is around the perimeter of the property, it is considered fencing. There will be a construction of a walking trail throughout the property with lighting similar to that on the northern property. There will be no lights located on top of the light poles, just the lights eliminating downward on the trail. The culdesac on Lime Kiln will be gated with a gate similar the entrance gate on the northern property. Drainage is a concern but there are options; 1-install a swale around the property, or 2-sinstall an inlet in the southwest corner and pipe the water to Meadow Sound if an easement is secured by the property owner. The berm height will be determined by the ground elevation at the irons located for properties off Beachmont.

With that overview, the public hearing was opened for comments at 4:37 p.m.

Kurt Voss, 3585 Beachmont Rd. – Cited no communication as the crux of the issues neighbors had at the previous meeting. Since that meeting, neighbors have been able to talk about the project, as well as walk the property, and Mr. Voss believes an understanding has been reached for six foot berms instead of eight foot berms.

Steve Radue, 892 Woodrow Road, Denmark – Is going to be building a home on lot 8 (3705 Beachmont) this summer. Mr. Radue indicated that conservancy zoning does allow for private trails, but not a private park. He would like the lighting to be pulled back further from the property lines than proposed to eliminate light pollution at the property lines.

Tim Bodart, Bodart Electric, Project Contractor – Mr. Bodart advised the lights are dark ski compliant, and that they were pointed down towards the trail, similar to that which is on the north property. Mr. Bodart advised that a photometric plan has been submitted to the town.

Staff advised the photometric plan have been submitted and meets the requirements of the town.

Ryan Radue, 2111 Dollar Road – Spoke about staff's handling of the timing of the process, and thought the town was trying to accelerate the conditional use process. After attending the Zoning & Planning Commission Meeting, Mr. Radue got the sense that The Commission didn't understand what they were approving or didn't have enough time to review the information. Mr. Radue cited the code book only allows for security fencing to be 6 feet and made of rod iron, not berms. The property is zoned conservancy which means it's supposed to be kept in its natural state, which it's being improved.

Al Cheslock, 3565 Beachmont Rd. – Was wondering if the board and property owner would consider putting the lights on 4 foot poles as opposed to 6 feet poles. Mr. Cheslock owns the property where a drainage easement is preferred. Mr. Cheslock is opposed to having a drainage easement on his property.

Discussion ensued about piping the water to the drainage pond across Beachmont. This would not be possible due to the topography of the land. The other available options is a swale around the perimeter with drainage to the interior of the property, or there are other easement opportunities to direct the water to Meadow Sound.

Cathy Ratschan, 3564 Meadow Sound Drive – Is learning of this project for the first time, and was a little taken back that information about the project hasn't surface prior to this meeting. Ms. Ratschan questioned the use of the park; private or public. The park will be private with the only vehicle access to the property is through the gated culdesac on Lime Kiln. There won't be any on street parking, the park is for private use only. Ms. Ratschan prefers a smaller berm, and is concerned about the lights. She also questioned if the lots at the end of Beachmont are buildable, which they are.

There was discussion on the berm landscaping. The landscaping will be of both deciduous and coniferous trees, planted with space to grow. Wild flowers will also be planted. All similar to that done on the northern lot.

Kurt Voss, 3585 Beachmont Rd. – Mr. Voss purchased the property for the view of the city and didn't want walls and stadium lights. However, since the neighbors have spoken and more is understood about the project, the situation is much better.

There was discussion on the hours of light illumination. It was stated that the lights would be on at dusk and would run until 11:00 p.m. or midnight.

Bill Swiekatowski, 3517 Meadow Sound Drive – Mr. Swiekatowski's bedroom faces the north property where similar improvements have been completed. He states he never had blinds on his bedroom windows and the lights don't bothered in the least. Furthermore, he has no intentions of putting blinds on the windows as there's no need.

Tom Sylvester, 3625 Beachmont Road – Queried the height of the lights. Staff replied that what is submitted is 16'6" to the top of the pole, no lights on the top of the pole, with lights that shine directly down to illuminate the trail. A photometric plan was submitted which meets all the requirements of the town and assures no light pollution at the lot lines.

Steve Radue, 892 Woodrow Road, Denmark – Would prefer to have low lights that are low to the ground and shine outward on just the trail. He doesn't want to see street lighting.

Rob Wolter, Bodart Electric – Mr. Bodart advised the lights are set back 70 feet off the lot lines, and with the berm and landscaping, would hardly be seen. Plus, a photo metric plan has been submitted. The plantings are going to be placed to accommodate future growth, however, they will be about 7 feet high to begin with. There will be both deciduous and coniferous tree plantings.

Ryan Radue, 2111 Dollar Road – Is looking big picture. Conservancy should be held to a higher regard than residential zoning. The town isn't protecting the conservancy and is setting a precedent for future reclamation.

Mike McCarthy, 3481 Meadow Sound Drive – Mr. McCarthy gave a history of the property, to which the previous owner used as a dump site. The two main reasons the property was purchased was for drainage and security. The lower lot takes on a great deal of water and drainage has been an on-going problem. His

goal is to clean up the property, leave it natural, and make it look neighborhood friendly. Mr. McCarthy doesn't want to force this on anyone, and wants to be a good neighbor by talking with the neighbors and walking them through the property to explain the intentions. Mr. McCarthy understands the neighborhood concerns, however, wants clean usable space for this family to enjoy as well, and will take better care of property than in the past. Mr. McCarthy is willing to concede to a 6 foot berm on the south side as long as the drainage is correct. Drainage and security are to main reasons for the purchase of the property. Mr. McCarthy is willing to work with the neighborhood on the timing of the lights.

Joe Schlag, 3307 Lime Kiln Rd. – Lives across the street from the northern property. Mr. Schlag appreciates the work done on the northern property. The lights are not bothersome to Mr. Schlag, in fact make for a beautiful winter scenery, and his view of the Green Bay Metropolitan Area is not impaired.

Ryan Radue, 2111 Dollar Road – Isn't necessarily pointing at the property owner, he's pointing at the town for the way the process was handled.

Supervisor Schlag praised the neighbors for working together and communicating with one another. He explained that a conditional use permit is a different process than development of a subdivision. The town has nothing to gain by accelerating the approval process on any matter, but assures that the proper process will be followed.

Mark Handeland, 4100 Creamery Rd. - Mr. Handeland is a member of the Zoning & Planning Commission. He made it clear that he was well informed about the project and understood what The Commission was approving.

Mike Tesar, 3505 Lime Kiln Rd. – Wanted to know if the drainage could be directed to the drainage pond across Lime Kiln Rd.? Staff responded this wasn't possible as there's no cross culvert on Lime Kiln.

Jane Tenor, 2425 Copper Lane – Ms. Tenor is a member of the Zoning & Planning Commission. Ms. Tenor also felt informed and understood the intention of the motion made by The Commission. Ms. Tenor also read the town ordinance which states private parks and trails are an approved use under the conservancy zoning code with a conditional use permit.

Rob Wolter, Agent for LKR Properties, LLC - Wanted to clarify that the 6 foot berm is only on the south side of the property. This was confirmed.

The conditional use permit was on tonight's agenda for action.

After three calls for additional comments, none were heard. The public hearing was closed at 5:18 p.m.

#### **ZONING AND PLANNING COMMISSION ITEMS:**

**1. Recommendation from Zoning & Planning Commission on the request by Rob Wolter, agent for LKR Properties, owner, for a conditional use permit for a fence and private trails on parcel D-179.**

Staff explained that Zoning & Planning unanimously recommends approval of the proposed plans, with conditions, which are:

- Prohibiting construction of the proposed security wall on top of the berm,
- Allowing landscape plantings on top of the wall consistent with the berm approved at 3604 Meadow Sound Drive,
- Proving a photometric plan to ensure no light trespass at the property lines

Approved at the May 2, 2016 Town Board Meeting.

- Resolving technical requirements related to site grading and drainage as required by the Town Engineer and Building Inspector.

The project is in harmony with the Comprehensive Plan, does not have a substantial adverse effect on adjacent property, and is consistent with surrounding land uses. The intent of the project is to connect the southern piece with the northern piece to make it consistent and symmetrical. The project meets the town requirements and the photometric plan was submitted to assure no light pollution at the property line. There are options available to correct the drainage.

MOTION by Schlag/Van Rossum to approve the conditional use permit with the Zoning and Planning Commission conditions with emphasis on the photometric plan to assure no light pollution onto neighboring properties and with a 6-foot berm on the south side of the property. No further discussion. Motion carried in a voice vote, 4-0.

**2. Recommendation from Zoning & Planning Commission on the request by Vicky Stadther of Mc Donald's for menu board signs located at 1373 S. Broadway, parcel D-470-3-66-1.**

Unanimous approval recommendation from Zoning & Planning Commission. The submitted plan meets the required code criteria. MOTION by Van Rossum/Peltier to approve. No further discussion. Motion carried in a voice vote, 4-0.

**3. Recommendation from Zoning & Planning Commission on the request by Sarah Peters of Jones Sign, agent for Nicolet National Bank, owner, for monument and directional sign changes at 3223 Main St., parcel D-122-8.**

Unanimous approval recommendation from Zoning & Planning with conditions. The change in signage is to accommodate rebranding of the bank along with corresponding directional signage. The recommended conditions are:

- To provide a landscape plan showing area dimensions & planting prior to building permit issuance
- Revise directional signage to comply with code

No sign illumination between the hours of 11:00 p.m. and sunrise unless premises are open for business during that time. MOTION by Peltier/Geurts to approve with the recommended conditions from Zoning & Planning. No further discussion. Motion carried in a voice vote, 4-0.

**4. Recommendation from Zoning & Planning Commission on the request by Sarah Peters of Jones Sign, agent for Nicolet National Bank, owner, for building façade, monument and directional sign changes at 1395 S. Broadway, parcel D-470-3-66-2.**

Unanimous approval recommendation from Zoning & Planning with conditions. The change in signage is to accommodate rebranding of the bank along with corresponding directional signage. At this location, there will be an electronic messaging board added as well. The recommended conditions are:

- To provide a landscape plan showing area dimensions & planting prior to building permit issuance
- Revise directional signage to comply with code
- No sign illumination between the hours of 11:00 p.m. and sunrise unless premises are open for business during that time
- Ensuring compliance with Section 79-16(A)(2) for the EMC: video display is prohibited, minimum message time of 4 seconds, minimum two seconds of blank screen between images is required, installation of an automatic dimmer to reduce evening brightness levels, certification that the light

intensity has been factory preset not to exceed required levels and the EMC will be stationary between the hours of 11:00 p.m. and 6:00 a.m.

There was discussion regarding the consistency with the electronic messaging center with Shopko Express who set the precedent for EMCs. MOTION Schlag/Van Rossum to approve with conditions and to follow the regulations set forth by Shopko Express. No further discussion. Motion carried in a voice vote, 4-0.

**5. Recommendation from Zoning & Planning Commission on the request by Susan Buchholz of the Unified School District of De Pere for a site plan for an addition to Heritage Elementary located at 1250 Swan Rd., parcel D-428.**

Unanimous approval recommendation from Zoning & Planning. The addition includes a covered, double-door entryway, resurfacing and restriping the parking lot and adding landscaping to the island near Swan Rd. The site plan meets lot area, setback, access and parking requirements. Code requires more landscaping than is proposed, however, there are vision and security issues in which the Commission agreed. An early start permit was issued for only the footings. MOTION by Peltier/Geurts to approve per Zoning & Planning Commission recommendation. No further discussion. Motion carried in a voice vote, 4-0.

**COMMUNICATIONS:** None.

**OLD BUSINESS:**

**1. On the request of the Zoning & Planning Commission on ordinance 2016-008 to amend Chapter 135 Zoning, Section 8-Definitions and Section 11-Building and Use Restriction regarding Accessory Buildings.**

The Board opened the floor for comment on this issue.

Chet Lamers, Zoning & Planning Commission Member – Mr. Lamers wanted the board to keep in mind that most of the residents in favor of this ordinance are looking to break ground to take advantage of the building season. The ordinance comes before you because if a property owner wants to build an accessory building on his property that's larger than what the zoning allows, they have to show hardship to get a variance, which most property owners aren't able to do. Therefore, the process is stopped before it starts. This ordinance is to change that.

The Commission had lengthy discussion on the following:

- Placement of the structure in the yard – maintaining the line of view
- Building size as it relates to property size and when becomes meaningful than the current code allows. The Commission determined that a 2% rule with properties 1 ½ acres is appropriate.
- Current code may require a land owner to deconstruct to reconstruct depending on the number of buildings on the property. The 2% rule negates this rule.
- What does mean for the town? Landowners will be taxed for improvements to the land, yet this is not an excessive burden to the town.
- The accessory building will be made of the same materials of as the home, so that it's aesthetically pleasing.
- This will also encourage people to keep park vehicles inside a building.

Mark Handeland, Zoning & Planning Commission Member – Also commented that a great deal of time had been spent on this issue, more than the typical, in order to get the ordinance right.

The three foot setback was decided on to accommodate the basic 100 square foot shed. The garden shed is capped at 10' high because it would allow the resident to have a shed with small attack. The ordinance does not all the accessory building to be larger than the home.

Konrad Jossart, 2644 Dickinson Rd. – Would like to build a little bit bigger of an accessory building than what current code allows. He would hate to be tied to a particular building size if the space is available.

MOTION by Peltier/Geurts to approve. No further discussion. Motion carried in a voice vote, 3-1 with Schlag opposed.

**NEW BUSINESS:**

- 1. Recommendation for approval an Application for Temporary Class”B” Retailers License for the Ledgeview Fire Department Booyah & Bake Sale, Sunday, May 1, 2016 from 10:00 AM to 6:00 PM at the Ledgeview Fire Station, 3700 Dickinson Rd.**

The Fire Department is a volunteer organization. All proceeds from the event will go towards equipment for the department. The Booyah & Bake Sale is an annual event and has been held at the Fire Department and Meeting Room of the Municipal Building in the past. A licensed bartender will be on site at all times to supervise the distribution of fermented malt beverages. The fire department has met all the necessary requirements for the approval of the temporary license. MOTION by Geurts/Van Rossum to approve. No further discussion. Motion carried in a voice vote, 4-0.

- 2. Receive the annual MS4 (Municipal Stormwater) report to be posted on the website.**

This is an annual permit in which the town is required to get for Municipal Stormwater Management. MOTION by Geurts/Van Rossum to approve. No further discussion. Motion carried in a voice vote, 4-0.

- 3. Receive the final Total Maximum Daily Load (TMDL) and Storm Water Management Plan.**

This is the final report on the TMDLs and Storm Water Management Plan in which public informational meetings and board discussion took place last fall. MOTION by Geurts/Van Rossum to approve. No further discussion. Motion carried in a voice vote, 4-0.

**ORDINANCES:**

- 1. Third & Final Reading**

- a. 2016-005 to Amend Chapter 71, Park and Recreation Facilities, Activities, Programs and Personnel Regulations allowing leashed domesticated dogs in parks and on recreational trails.**

Recommendation from the Park & Recreation Committee to allow for domesticated dogs in parks and on trails as long as they are on a leash that does not exceed 8 feet in length. Discussion ensued regarding the enforceability of the leash requirement. The board decided to remove the leash requirement at the second reading. Discussion ensued regarding allowing dogs to run freely on athletic fields and the subsequent problems that could arise. There was a recommended language change to not allow dogs to freely roam on fenced athletic fields and/or playground areas, and clarification of animal control. Changes were made for the third reading. The board received the changes in time for review. MOTION by Schlag/Geurts to approve. No further discussion. Motion carried in a voice vote, 4-0.

**REPORTS:**

**Clerk/Administrator:**

- Park & Rec Committee will continue to meet on the 1<sup>st</sup> Thursday of the month. They continue to work on future park needs, creating sub-committees, and annual work plan.
- Beautification Committee will meet on April 26<sup>th</sup> and will continue working on monumental signage, park directional signage, and projects.

- Staff is continuing to work on Public Works Study priorities.
- Ledgeview to host the Wisconsin Towns Association quarterly meeting on April 28<sup>th</sup>.
- Personnel & Finance Committee is continuing to work on succession planning as well as job descriptions, committee work plan, and draft of developer's agreement.
- Redevelopment Authority will meet in May to review the GV Corridor Marketing Study RFPs.
- An update on attended training was given.

**Engineer:**

- Infrastructure work is continuing in The Crossing at Dollar Creek development.
- Financial information was received for Heritage Heights Subdivision. Work continues on the draft Developer's Agreement.
- Culvert and Bridge inventory was completed. Forty-four culverts are in need of repair or replacement. Pine Grove Road Bridge is in poor condition, will be making a recommendation at the Annual Meeting for Bridge Funds Contributions.

**Treasurer:**

- Cash report was received.
- Data report was disturbed to the board regarding costs of living in Brown County Communities.

**Public Works:**

- Annual Road Report was received.
- There are 15-20 catch basins that need work this year.
- Request for a "No Jake Breaking" sign near Hwy 57; town does not have an ordinance.
- Request for a "Deaf Child in Area" sign on Wright Circle; Public Works is working on.
- Town will be receiving Packer Trees again this year.

**Fire Department:** None.

**Board Comments:** None.

**APPROVAL OF THE VOUCHERS:**

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

**ADJOURNMENT:**

**MOTION** by Schlag/Danen to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 6:09 p.m.

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