

The Ledgeview Town Board held a meeting on **Tuesday, July 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 Andy 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 Danen was excused

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

D. AGENDA APPROVAL

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

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. June 21, 2016 Meeting Minutes.
 - b. July 5, 2016 Meeting Minutes.
2. Routine Reports: None
3. Committee/Commission Reports: None
4. Operator's Licenses:
 - a. July 5, 2016 through July 15, 2016.
5. Other Committee minutes. Accept and place on file:
 - a. June 15, 2016 Zoning & Planning Commission Minutes.
 - b. June 2, 2016 Park & Recreation Committee Minutes.
6. Pay Requests: None
7. Special Event Permits: 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 Rossom/Peltier to approve the consent agenda. No further discussion. Motion carried in a voice vote, 4-0.

PUBLIC COMMENT:

Don Van Straten, 4073 Heritage Road – Spoke on the Jake braking ordinance. Mr. Van Straten owns property on Scary Hill Road on the curve. There are many types of vehicles using Scray Hill Road, not just dump trucks, that go to the pallet factory, Northeast Asphalt, manure trucks, as well as church traffic on Sundays. In order to keep the road safe for everyone, let the dump trucks use engine brakes. It's hard to keep the trucks at 30 mph without the use of engine brakes. Without using the engine brake, the brakes get hot causing a

Approved at the August 22, 2016 Town Board Meeting.

dangerous situation because they may fail. When Mr. Van Straten is in his home with the windows and doors closed, the engine brakes cannot be heard. Avoiding an accident is not the time to be turning on the engine brake, it's before there is an accident that the brake needs to be used. There are too many switches in the truck to turn it on in time to be effective. Other municipalities have a no Jaking Braking ordinance, but they don't have the steep ledge that Ledgeveiw does. Don't give into a few for the sake of the majority.

Mark Osen, 4425 Rockledge Court – Mr. Osen has been told for years that there is a state law that prohibits the restricting of braking system on trucks, and on heavy trucks, the Jake brake is part of the braking system. It's too late to find the Jake brake switch when an accident is occurring; there's 24 switches on the truck making it impossible to find the Jake brake to prevent an accident. Jake brakes are used for safety, to slow the truck down.

Jeff Van Straten, 335 N. Washington Street, Green Bay – The board needs to think of what is best for the entire town, not just the new residents who don't realize these mining operations have been in existence for over a 100 years. It is impossible to stop on some of these hills with a full load. If Jake braking is prohibited on these hills, someone will die; it's not a matter of if, it's a matter of when. Mr. Van Straten agrees there is some beautiful homes on the hill, but the owners should have done their research before buying there.

Larry Carter, 3401 Carter Lane – Jake brakes are a safety factor for a trucker. Coming down Scray Hill is a hazard, and if Jake braking is prohibited on Scray Hill, the onus will be on the Town Board.

Frank Calaway, Best Enterprises, 3230 Eller Road, De Pere – Hauls out of the quarries at the top of Scray Hill. Due to the steep grade, most drivers only hit the hill at 15-20 mph because they know they will have all they can do to make the stop at CTH G, because gravity will speed the truck up. The Jake brake slows the truck down in order to make the stop at CTH G. Mr. Calaway invites anyone on the Town Board to take a ride with a driver to see what it's like. When truckers are in the mountains they have to use Jake brakes because they could lose air pressure quickly. Look at the safety issue, not just the homes in the area, there is an expectation to use the Jake brake with the steepness of the grade of the ledge.

Joan Pansier, 3870 Dickinson Road – The farm uses the Jake brake too because the brakes get to hot and then it becomes a safety issue. Ms. Pansier also questioned the board on an invoice they received from damage done to Dallas Road.

Scott Janssen, Daanen & Janssen Quarry - There is a safety aspect with the steepness of the grade of Scray Hill Road, and the design of the truck is to use the Jake brake in those instances. Mr. Janssen spoke with residents of the neighborhood in 2015, and they haven't called us since. It wasn't until Mr. Janssen came before the Board for his Blasting permit in May that he was made aware there was even an issue. The process of passing an ordinance to prohibit Jake braking is moving fast, it was only talked about in June, and now in July the Board is contemplating passing an ordinance. Neighbors have told Mr. Janssen specifically that they want the trucks off Scray Hill Road, and no Jake braking is just another step to accomplish that. Pushing the issue of trucking into another neighborhood is not the answer. The quarries have been there a long time, and those who moved in around the quarries are using this to stop quarry operations. The issue for the quarries to get their product to the market, and without the use of Scray Hill Road, it's tough to accomplish that. If the trucks are stopped because of a safety factor, then there is going to be some liability the Town will have to deal with. No one wants to see anyone get hurt, so if we could all work together to try to come up with a solution that everyone could co-exist on Scray Hill Road, it would be beneficial to everyone.

Wayne Carter, 3413 CTH PP – The town had a traffic study done the first week in June which showed the 3 axle vehicles were speeding less than one percent because they know they won't be able to make the stop sign at the bottom of the hill if they speed. The two axle vehicles speeding were up to thirty-two percent. The trucks are running safe, but it's still going to be a safety issue if these Jake brakes are taken off. However, it's proven that the trucks aren't speeding.

Mark Osen, 4425 Rockledge Court – Asked what the decibel rating is on the Jake brakes? Reason being is that there are motorcycles that are louder than the Jake brake on a truck with a load. How is a Jake brake going to be restricted when it's not about the decibels?

Ken Grosskopf, 3151 Heritage Road – Lived on Heritage Road a very long time, and can't remember the last time he heard a Jake brake. The road's become a raceway for motorcycles or farm equipment that make a lot of noise. Would rather see a truck down shift than hit the brakes and not have enough pressure to use them fully.

Scott Janssen, Daanen & Janssen Quarry - Wisconsin Department of Transportation has guidelines which speak on steepness issues. The guidelines do not recommend the prohibition of Jake brakes on grades of five percent with less than 1,000 feet. The Board would be better informed on making a decision by looking at these guidelines.

Jeff Van Straten, 335 N. Washington Street, Green Bay – Spoke about the corner house having rummage sales, and not allowing people to park in the driveway. When this occurs, the driver's a terrified. Scray Hill Road and Heritage Road are a playground for a lot of people. Please don't taking away a stopping device that could take a life. The Jake brake is part of the trucks braking system, and they wouldn't be on the trucks if they weren't meant to be used.

Rick Loppna, 3163 Cooperstown Road, De Pere (Town of Glenmore Chair) – On issues like this where the affect is on towns, it should be discussed between the two affected towns. Placement of the sign would either have to be right at the crest of the curve or on the town line on Scray Hill Road. If Jake brakes weren't a safety issue on a truck, the manufactures wouldn't spend the money to install them. The people who moved in there, other than two days out of the year, saw trucks using the Scray Hill Road when they looked at the lot.

Larry Carter, 3401 Carter Lane – There is a few trucks with loud pipes, but it's not just the trucks. Hopefully it's just the noise that creating a problem and not the trucks.

The public comment section was closed at 4:58 PM.

PUBLIC HEARING: None.

ZONING AND PLANNING COMMISSION ITEMS:

1. Recommendation from Zoning & Planning Commission on the request by Larry Nifong, applicant, for Patricia Kozloski, owner, for a security fence on parcel D-209-8, 1749 Hawthorne Heights.

Staff advised the applicant is requesting a 4 foot tall rod iron fence in the front yard of the home on Hawthorne Heights. The zoning code, passed at the last meeting, only allows for a three foot fences in the front yard with the exception of security fences. Security fences must be reviewed by the Zoning and Planning Commission and approved by the Town Board. The Town Board is charged with making sure the material and the context of the fence matches the character of the surrounding area. In this case, the way the house is situated on the parcel, the front yard actually functions as the backyard, because the backyard overlooks the ledge. There are woods located between the front of the house and Hawthorne Heights. The

fence would run along the inside of the woods, making the fence unnoticeable from the roadway. Zoning and Planning had discussion on what the recourse would be should the woods be removed. Should the woods be removed, the zoning code would kick in which states that fences can't be closer than 35 feet to the right-of-way. Zoning and Planning unanimously recommends approval of the fence with the condition that the fence cannot be located any closer than 35 feet from Hawthorne Heights right of way.

There was discussion on why this fence was categorized as a security fence. It's because of the location, in the front yard, and because the applicant is asking for a four foot high fence when code only allows a three foot high fence. Again, the fence would run along the woods and would not be seen from the road way. MOTION by Geurts/Peltier to approve with the conditions set forth by Zoning and Planning. No further discussion. Motion carried in a voice vote, 3-1 with Schlag voting no.

COMMUNICATIONS:

1. Letter from Brown County Public Works Director regarding proposed County ordinance 6.14 "County Truck Highway Maintenance and Improvements".

Staff advised the letter is regarding an ordinance amendment regarding county trunk highway maintenance and improvements that would shift the costs of highway improvement projects in urban areas to the municipalities by using state statutes as a basis for setting Brown County Policy. This policy would negate the current 50/50 cost share program. This proposed ordinance will be in front of the County Planning, Development, & Transportation Committee next week. Chairman Danen asked that the Town Board consider any slowing down of the process to pass this ordinance. There are meeting scheduled with administrators and public works directors from county municipalities to unity on this issue. This would be a substantial increase to the municipalities, as well as the taxpayers. The proposal is for a per linear foot cost. At this time, this is only advisory, staff will keep the board posted with any future updates as they occur.

OLD BUSINESS: None.

NEW BUSINESS:

1. Act on recommendation to award bid to Scott Construction for pavement chip sealing services on various roads in the Town of Ledgeview.

Staff advised the recommendation to award the contract to Scott Construction was mainly because they were the only bidders on the project. One amendment to the contract would be reducing the Glenmore Road from 4,450 feet to 2,000 feet with the 1 ¼" cold mix pave before chip seal starting at the south side of the I-43 overpass going to Big Creek. This is done because of the tracking and the condition of the pavement at this time which will make it last 7-10 years. At that time the road would be chip sealed again.

Included in this bid is the Dallas Lane \$2,500 repair due to the damage caused by the farm equipment. Including the Dallas Lane damage in this bid makes it costs of repair cheaper than having Scott Construction come out and repair just this damage alone.

MOTION by Peltier/Schlag to award the bid to Scott Construction with the recommendation by the Public Works Director to amend the Glenmore Road section from 4,450 to 2,000 feet with the cost not to exceed the budgeted amount. No further discussion. Motion carried in a voice vote, 4-0.

2. Award contract B-2016, CTH G Pedestrian Trail from CTHGV to Angels Path to Wagner Construction for \$35,540.92

Staff explained this was for an 8-foot walking trail from the sidewalk at the Shell Station to Angel's Path. There were five bidders, \$35,540.92 was the lowest bid received. MOTION by Van Rossum/Geurts to approve. No further discussion. Motion carried in a voice vote, 4-0

3. Award contract C-2016 for Heritage Heights Subdivision.

Bid opening was at 9:00 a.m. this morning. There were five bidders on the project. Dorner was the lowest at \$2,289,529.11. The recommendation is to award to Dorner. Discussion was had with the developers of Heritage Heights; the bid is slightly over budget, but the developers would like to continue with the project. There was minor schedule change that being curb and gutter will not be complete this year, and the developer has agreed to maintain the subdivision this winter. Construction could be allowed this winter. Building permits will be issued but no occupancy should be given until all utilities are complete, which is anticipated to be May or June of 2017. The Board does not want occupancy until the snow is clear due to the concern over emergency vehicles having access. The early start date for construction would be August 15th. MOTION by Geurts/ Peltier to approve. No further discussion. Motion carried in a voice vote, 4-0.

4. Act on recommendation to award proposal for architectural/engineering consulting services for Budget Report to Town of Ledgeview for Evaluation of Options for Town Hall and Fire Station No. 1 Building and New Public Works Building.

Staff explained that in June the Board authorized a RFP for a budget report for an evaluation of options for a Town Hall/Fire Station building and for a new Public Works building. The RFP responses were due last week. There were four responses received. Mead & Hunt analyzed the responses. Three of the four firms responses answered the RFP, the fourth didn't. Based on the overall analysis, the recommendation is to award to Performa will be teaming up with a firm who does municipal services. There is a very aggressive schedule to meet the deadline to have a referendum question for the November ballot. There was discussion on the number of meetings and the charge for extra meetings if required. There was also discussion on Suamico's experience with Dimension IV which was very positive. The top three firms are all capable of doing the work, they had to be rated based on an analysis, which Performa was on top. MOTION by Peltier/Schlag to accept staff recommendation and award to Performa with the condition that any extra meetings be subject to Town Board approval. No further discussion. Motion carried in a voice vote, 4-0.

ORDINANCES:

1. First Reading

a. Ordinance 2016-014-An Ordinance to Amend Chapter 118 Vehicles and Traffic, Section 5- Engine Braking.

After reading the proposed ordinance, thinking about it, numerous phone calls, and hearing the comments received this evening, the Board has great concerns about acting on this proposed ordinance. Ledgeview got its name because of the huge ledge in the community. There is a safety issue on both the truck side and the resident side. There is a noise ordinance that is pretty vague and hard to enforce. Alternative routes were suggested. The best bet is to have everyone come together and work together to narrow down what the issues are and find a way to co-exist on the road. Both sides need to be heard and their concerns need to be addressed; not everyone is going to be happy, but there needs to be some kind of common ground that can be reached. Staff can look at options to urbanize Scray Hill Road, look at the statistics, look at community comparables, and research a compromise.

MOTION by Schlag/Van Rossum to table this ordinance indefinitely. No further discussion. Motion carried in a voice vote, 4-0.

REPORTS:

Clerk/Administrator:

- Park & Recreation Committee met last night. Work continues on the future Heritage Heights park with a presentation by the Rettler Company on their services. Euro Lane Trail had a public informational meeting which had a positive outcome. Bid documents will be prepared.

- Beautification Committee will meet later this week. They continue to review all town owned property to see how those public lands could be demarcated. They also continue to work on directional signage.
- Work continues with Brown County Corporation Counsel on a jurisdictional transfer of Memory Lane regarding Fonferok Park access.
- Review of the newly passed Fair Labor Standards Act regarding wage/salary changes for some employees.
- There have been inquiries on two potential preliminary plats being submitted in the near future. Finance options are being researched and staff will keep the Board updated on the progress.
- Requests have been made with SAFEBuilt for additional building inspector office hours.
- There have been a couple inquiries on possible TID District projects. Staff will keep the Board informed as progress is made.
- JB5 Developers met with Zoning & Planning to get feedback on the progress of their multi-family development.
- The new Public Works employee has begun work, and the new Deputy Treasurer will begin next week.

Deputy Clerk:

- Preparing the Community Survey to launch next week. It will launch via website, e-newsletter, FaceBook, Twitter, and paper newsletter.
- The Ledgeview Flash will hit mailboxes next week.
- Preparation is underway for the Fall Partisan Primary Election.
- Will be attending the Master's Academy next week for training on Social Media, Active Shooter Response and RISE Leadership Program.

Engineer:

- The Crossing at Dollar Creek will be paved on Thursday. Then the project should be near completion.

Treasurer:

- There have been nine Letters of Specials received on lots in The Crossing at Dollar Creek.
- Review of the bonding documents has begun.
- Deputy Treasurer will start work next week.

Public Works:

- With the start of the new Public Works Crew Member, the department is starting to catch up on work.

APPROVAL OF THE VOUCHERS:

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

CLOSED SESSION:

1. **The Town Board may then convene into closed session pursuant to WI State Statute 19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. The purpose is make recommendation on new employee hire for Public Works Crew/Department.**
 - a. **The Town Board may reconvene into open session to discuss and act upon matters considered in closed session.**

MOTION by Van Rossum/Schlag for the Board to convene into closed session pursuant to WI State Statute 19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. The purpose is make recommendation on new employee hire for Public Works Crew/Department. The Town Board may reconvene into open session to discuss and act upon matters considered in closed session. No further discussion. Roll call vote: Van Rossum – Aye, Schlag – Aye, Peltier – Aye, Geurts – Aye. MOTION carried in a roll call vote, 4-0.

At 5:54 p.m. the Town Board convened into closed session.

At 6:10 Van Rossum/Schlag for the Town Board to reconvene into open session. No further discussion. Motion carried in a voice vote, 4-0.

At 6:11 p.m., the Town Board reconvened into open session.

MOTION by Van Rossum/Schlag to revise the offer of employment as discussed. No further discussion. Motion carried in a voice vote, 4-0.

ADJOURNMENT:

MOTION by Schlag/Geurts to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 6:12 p.m.

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