

The Ledgeview Town Board held a meeting on **Monday, February 4, 2019 at 6:00 p.m.** in the Community Room located at Ledgeview Community Center, 3700 Dickinson Road, De Pere, WI 54115.

#### **CALL TO ORDER**

The meeting was called to order by Supervisor Cullen Peltier at 6:00 p.m.

#### **ROLL CALL**

Members present were Supervisors Cullen Peltier, Renee Van Rossum, and Mark Danen. Chairman P. Danen and Supervisor Ken Guerts were excused.

Staff present were Administrator Sarah Burdette, Planner Dustin Wolff, Engineer Scott Brosteau, Treasurer Renae Peters, and Public Works Director Dave Strelcheck.

#### **AGENDA APPROVAL**

Staff advised there were not changes to the agenda.

MOTION by M. Danen/ Van Rossum to approve the agenda as written. No further discussion. Motion carried in a voice vote, 3-0.

#### **CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. January 7, 2019 Town Board Meeting.
2. Routine Reports: None
3. Committee/Commission Reports: None
4. Operator's Licenses: January 7, 2019 – January 21, 2019
5. Other Committee Minutes:
  - a. December 12, 2018 Zoning & Planning Meeting Minutes.
  - b. September 10, 2018 Beautification Committee Meeting Minutes.
  - c. September 18, 2018 Beautification Committee Meeting Minutes.
  - d. December 17, 2018 Beautification Committee Meeting Minutes.
  - e. September 18, 2018 Redevelopment Authority Meeting Minutes.
  - f. December 19, 2018 Central Brown County Water Authority Meeting Minutes.
6. Pay Requests:
  - a. Pay Request #3 for contract C-2017, Northern Exposure & Crossing 1<sup>st</sup> Addition to Carl Bowers and Sons for \$16,076.83.
  - b. Pay Request #10 for contract D-2017 Grande Ridge Subdivision to PTS Contractors for \$22,824.43.
  - c. Pay Request #12 for contract D-2015, Heritage Heights, to Dorner Inc. for \$15,000.
  - d. Change order #5 for Contract D-2015, Heritage Heights, to extend warranty on section of sanitary pipe.
7. Special Event & Street Closure 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 Rossum/M. Danen/ to approve the Consent Agenda as written. No further discussion. Motion carried in a voice vote, 3-0.

#### **PUBLIC COMMENT:**

Approved at the February 19, 2019 Town Board Meeting.

After three calls for public comment, none were heard.

**PUBLIC HEARING: The Town Board will hear comments on and may take action on the following:**

- 1. Recommendation from Zoning & Planning pursuant to the requirements of §66.1001 of the Wisconsin Statutes regarding proposed amendments to the Town of Ledgeview Comprehensive Plan which include amendments to maps and objectives based on Town growth and development.**

The public hearing was opened by Supervisor Peltier at 6:04 PM.

Jean Bonacci, 3800 Dickinson Road – Comprehensive Plan talks about conflicts that arise between residential and farmland. It says to assure compatibility the Town would work with both parties. The Future Land Use Map rezoned a significant portion of the Pansier Farm to residential and now the Future Land Use Map is being changed to coincide with that action. Ms. Bonacci feels that the Town government bears responsibility for this situation because of past actions to allow residential development to abut farmland. The Pansier's shouldn't have to pay for the consequences of that action. The farm has been there a long time and it wasn't a little farm when the town allowed developers to develop residential abutting the farmland. Now the Town wants to stifle the Pansier's livelihood; it's not fair and is disappointing.

Joan Pansier, Dickinson Road – Read a statement out loud to the Board on reasons to not allow the Ledgeview Farms to be rezoned. That statement is made part of the record.

The proposed changes were highlighted in the staff memo which is made part of the record and was available to the public. There was an open house held January 9<sup>th</sup> and an open period for anyone to submit written comments either for or against the proposed changes. There were a number of written comments, both for and against, that were provided to the Board. It should be noted that some of the written comment sheets received are from non-town residents. The proposed amendments were made available for public viewing at the Community Center, Kress Family Library, and on the Town's website. The amendments were recommended by Zoning & Planning for approval.

Ron Van Straten, 3551 Wayne Lane – Questions what the Town is doing. From Mr. Van Straten's view, it seems like the Town trying to take the business of the farm away and because of that, put's itself in a legal position.

Staff rebutted to use caution with the word "taking". The Town is not taking the business nor altering the business as it operated when the zoning change went into effect. The farm can continue to operate as it is, legally, under both local ordinance and state administrative codes. There is nothing saying the business cannot operate; it would be legal, non-confirming under the new zoning.

Mr. Van Straten thanked the Board for their volunteered time.

Jean Bonacci, 3800 Dickinson Road – Wanted to clarify the meaning of legal, non-conforming. The farm won't be able to make any changes to grow their farm therefore stifling the business. Ms. Bonacci doesn't feel that right and felt the need to voice her opinion.

After three calls for public comment, none were heard. The Public Hearing was closed at 6:24 pm by Supervisor Peltier.

MOTION by Peltier/Van Rossum to approve the proposed changes to the Comprehensive Plan as presented. No further discussion. Motion carried in a vote, 3-0.

**2. Recommendation from Zoning & Planning on the request by Dennis and Joseph Lotto, agent/owner for Joseph P. and Theresa R. Lotto for a Rezone Application on parcel D-97-1, 3501 Caboose Lane from R-R Rural Residential to AG-2 Agriculture for farming purposes.**

The petitioner is requesting to rezone Parcel D-97-1 from R-R, Rural Residential to A-2, Agriculture. The configuration is an important issue to understand. Apparently back in about 2017, the owner of parcels D-96 and D-96-1 had submitted a metes and bounds description to the Brown County Register of Deeds to sell land the current petitioner and adjust the lot line for D-97-1. In essence, two separate parcels with different zoning combined creating a split zoned; Parcel D97-1 of RR, Rural Residential, and Parcel D-96 was zoned A- 2 Agricultural. The petition before the Town is to correct the split zoning on the property. Zoning & Planning recommend approval of the rezone based on the key findings of fact:

- The proposed rezoning to the A-2 District is consistent with the current zoning and development trends in the area.
- The property is suitable for low-density single-family residential development and continued agricultural uses.
- The proposed zoning district conforms to the goals of the adopted Comprehensive Plan to preserve lands for farming activity.
- A Future Land Use amendment to Agricultural will be required for the area.

Supervisor Peltier opened the Public Comment at 6:25 PM.

Dennis Lotto, 4176 Elmview Road – Agreed with what staff in that A-2 – Agriculture zoning allows the Lotto’s to continue to farm as they need to.

After three calls for public comment, none were heard. The public comment was closed by Supervisor Peltier at 6:28 PM.

MOTION by Van Rossum/Peltier to approve the rezone. No further discussion. Motion carried in a vote, 3-0

**3. Recommendation from Zoning & Planning on the request by Steve Bieda of Mau & Associates, agent for owners Kenneth and Dolores Matzke for a Rezone Application on parcel D-174, located at 2579 Dollar Road from A-2, Agriculture to R-R, Rural Residential.**

The petitioner is proposing to subdivide a new lot from the parent parcel (D-174) for a family member. The request is to rezone the proposed 2.24-acre Lot 1 from A-2, Agriculture to R-R, Rural Residential. The Zoning & Planning Commission is to evaluate key “findings of fact,” as listed in Section 135-250 of the Town’s Zoning Ordinance and make a written report to the Town Board stating its findings and its recommendation regarding the request as a whole. This is to be completed prior to the Public Hearing held before the Town Board who will take final action of the proposed rezoning.

Based on an evaluation of the key “findings of fact”, The Commission recommends approval of this rezoning petition to the Town Board for the following reasons:

- The proposed rezoning to the R-R Districts is consistent with the current zoning and development trends in the area.
- The property is suitable for low-density single-family residential development and continued agricultural uses.

- The proposed zoning district conforms to the goals and recommendations of the adopted Comprehensive Plan.
- A Future Land Use Map amendment to the Rural Residential land use category should be required.

Supervisor Peltier opened the public hearing at 6:29 PM.

Donna Trousil, 2695 Dollar Road, daughter of Parcel Owner Kenneth Matzke. Ms. Trousil questioned why the entire parcel was being rezoned. Staff advised it's because the Certified Survey Map (CSM) to create the parcel is conditioned upon the rezone. Therefore, once the CSM has met the condition of its approval, the lot will be created and the rural residential zoning will be in effect for the newly created lot. The CSM is handled in a separate action; they are not handled together. The public hearing is only on the rezoning.

There's some negotiations taking place between family members that would need to be resolved prior to approval of the CSM or the rezone relating to this parcel. Due to this concern, the Board will not be taking any action on any items regarding this parcel. The Board will continue the public hearing and take no action.

After three calls for comment, none were heard. The public hearing was closed by Supervisor Peltier at 6:31 PM.

MOTION by Peltier/M. Danen to table this item. No further discussion. Motion carried in a vote, 3-0.

#### **ZONING & PLANNING:**

1. **Recommendation from Zoning & Planning on the request by Steve Bieda of Mau & Associates, agent for owners Kenneth and Dolores Matzke for a Certified Survey Map on parcel D-174, located at 2579 Dollar Road creating two (2) lots**  
See above for explanation.

MOTION by Peltier/M. Danen to table. No further discussion. Motion carried in a vote, 3-0.

**OLD BUSINESS:** None.

#### **NEW BUSINESS:**

1. **Discuss and act on recommendation to approve Budget Resolution B-2018-01.**  
This is an annual resolution used to move funds in order to balance the 2018 Budget. This item requires two-thirds entire Board whether present or not in order for staff to transfer funds to balance the previous year's budget. Since this is a budget item requiring three-fourths vote, P. Danen entered the meeting by phone for this item.

MOTION by Van Rossum/M. Danen to approve the Budget resolution B-2018-01. No further discussion. Motion carried in a vote, 4-0.

P. Danen was dismissed from his phone appearance.

2. **Request by Kwik Trip Store #594 to amend 2018-2019 Liquor License naming Tammy Steele as agent.**  
Board approval is required for a change of agent on liquor licenses. Ms. Steele meets all the state requirements.

Approved at the February 19, 2019 Town Board Meeting.

MOTION M. Danen/Van Rossum to approve the requested agent change. No further discussion. Motion carried in a vote, 3-0.

**COMMUNICATIONS:** None.

**ORDINANCES:** None.

**REPORTS:**

**Administrator:**

- Working on the Ledgeview Golf Course LLC Operations Lease.
- Working on the lease for the home on the Golf Course as well. Rent payments have been made to the Town which guarantees the rent of the house.
- Redevelopment Authority is meeting next week on a few applications for Tax Increment Financing along with Developer's Agreements.

**Engineer:**

- Status update on the culvert replacements in Reginald Hills.

**Treasurer:**

- Auditors are here for the yearly audit.

**Public Works:**

- Update on weather and snow removal.

**Board Comments:** None.

**APPROVAL OF THE VOUCHERS:**

**MOTION** by M. Danen/ Van Rossum to approve the vouchers. No further discussion. Motion carried in a voice vote, 3-0.

**ADJOURNMENT:**

**MOTION** by Van Rossum/M. Danen to adjourn. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 6:39 p.m.

Charlotte Nagel, Clerk  
Town of Ledgeview, Brown County, WI