

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 Chairman Danen at 4:30 p.m.

#### **ROLL CALL**

Members present were Chairman Phil Danen, Supervisor Cullen Peltier, and Supervisor Ken Geurts appearing by phone. Supervisors Renee Van Rossum and Mark Danen were excused.

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

#### **AGENDA APPROVAL**

Staff advised there were no changes to the agenda.

MOTION by Peltier/P. Danen 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. February 4, 2019 Town Board Meeting.
  - b. February 4, 2019 Public Information Meeting.
2. Routine Reports: None
3. Committee/Commission Reports: None
4. Operator's Licenses: February 4, 2019 – February 15, 2019
5. Other Committee Minutes:
  - a. December 5, 2018 Sanitary District Commission Minutes.
  - b. January 7, 2019 Beautification Committee Minutes.
6. Pay Requests: None.
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 Peltier/P. Danen to approve the Consent Agenda as written. No further discussion. Motion carried in a voice vote, 3-0.

#### **PUBLIC COMMENT:**

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 on ordinance 2019-02 amending Chapter 135 Zoning, Sections 08 Definitions, 244.5 Zoning Appeal, 245 Building Permits, and 246 Site Plans relating to platting.**  
The public hearing was opened by Chairman P. Danen at 4:34PM.

Approved at the March 4, 2019 Town Board Meeting.

The Town is finding a series of issues with documents being recorded at the County Register of Deeds (ROD) that the Town is not being informed about. The Town is working with the County ROD to improve communications and notification of these document recordings.

Conversations with the County Planning Department indicated that the Registrar of Deeds will record any document in the appropriate format. The Planning Department does review the documentation until after a map update is made by the Land Information Office—in essence, no one is checking to ensure the “new” lots meet zoning regulations. Further, the County will only enforce its own codes, and not anything specific to Ledgeview. The town, as a result of the lot line adjustments that have occurred throughout the town creating undesired lot configurations, changed its subdivision code to require a Certified Survey Map for any lot line adjustments between adjoining properties. While the County is aware of this requirement, it does not enforce it.

Ledgeview will be communicating with other Brown County communities to proposed amendments the County codes to better address these issues. That is a time-consuming solution subject to the politics of the County Board. What may be good for Ledgeview, may not be desired by a different (especially rural) community.

To address this issue immediately, and within the Town’s own codes, the County directed us to solution utilized by the Village of Howard. Howard has experienced similar problems with unplatted lands, and requires all requests for zoning and/or development approvals to be accompanied by a recorded subdivision plat or certified survey map of the lot or parcel of land upon where the development is proposed. If there is not a recorded CSM or Subdivision Plat on file for the property, no approvals or building permits will be granted until there is one. The Zoning & Planning Commission unanimously recommended approval of the proposed changes to Chapter 135: Zoning to the Town Board.

After three calls for public comment, none were heard. The Public Hearing was closed at 4:36 pm by Chairman P. Danen.

MOTION by Geurts/Peltier to approve the proposed ordinance amendments as presented. No further discussion. Motion carried in a vote, 2-1 with P. Danen voting no.

**2. Recommendation from Zoning & Planning on ordinance 2019-03 amending Chapter 135 Zoning, Article XXVI Administration and Enforcement, Sections 250 Zoning Amendments and 251 Conditional Uses relating to resubmittals.**

The public hearing was opened by Chairman P. Danen at 4:37PM.

A secondary issue facing the Town the proliferation of conditional use and zoning submittals that have been acted on by the Town Board. This is of particular concern where a denial has been made by the Town and a very similar resubmittal is made in short order by a petitioner without satisfactorily addressing the reasons for denial. These submittals occupy valuable staff time for issues that have already been acted on by the Town. This proposed regulatory change will require a one (1) year period to pass before a similar petition can be made for zoning changes and conditional uses, unless new evidence or proof of change of conditions have occurred. The Zoning & Planning Commission unanimously recommended approval of the proposed changes to Chapter 135: Zoning to the Town Board.

After three calls for public comment, none were heard. The public comment was closed by Chairman P. Danen at 6:39 PM.

MOTION by Peltier/Geurts approve the proposed ordinance amendments as presented. No further discussion. No further discussion. Motion carried in a vote, 3-0

**ZONING & PLANNING:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

- 1. Discuss and act on Developer's Agreement between Town of Ledgeview and Eventyr Heights, LLC regarding private condominium development Eventyr Heights, located on parcel D-209-1-1, Dickinson Road.**  
The final plat has been approved and recorded. There bids have gone out and the work as been awarded for the infrastructure. This agreement spells this out that the developer accrue all the costs for the infrastructure.

MOTION by Peltier/Geurts to approve the Developer's Agreement as presented. No further discussion. Motion carried in a voice vote, 3-0.

- 2. Discuss and act on Developer's Agreement between Town of Ledgeview and Augusta Hills, LLC regarding private condominium development August Hills, located on parcel D-197-2, Dickinson Road & Scray Hill Road.**  
The final plat has been approved and recorded. There bids have gone out and the work as been awarded for the infrastructure. This agreement spells this out that the developer accrue all the costs for the infrastructure.

MOTION by Peltier/Geurts to approve the Developer's Agreement as presented. No further discussion. Motion carried in a voice vote, 3-0.

- 3. Discuss and act on culvert replacement on tributary at 4300 Oak Ridge Circle.**  
There was a Notice of a Potential Claim received by the Town regarding the tributary culvert at 4300 Oak Ridge Circle. A study was done of the culvert that revealed a potential solution to provide some relief from stormwater runoff by replacing the culvert with one of larger capacity. The work was put to bid and the property owners are willing to release the claim. The Town Attorney will draw up he legal documents to protect the town. The project is weather dependent.

MOTION by P. Danen/Peltier to direct staff to proceed with the project as discussed and to award the work contingent upon a receipt of a Release of Claims prior to the commencement of work. No further discussion. Motion carried in a voice vote, 3-0.

- 4. Discuss and award bid for 2019 Ditch Mowing & Brush Cutting Services to Bruce Bauknecht Landscaping in the amount of \$20,242.98.**  
The current contract for ditch mowing services ended with the 2018 calendar year. As a result, Public Works advertised bids for ditch mowing services for 2019, 2020, and 2021. Two bids were received and opened on February 6<sup>th</sup>, 2019 at 2:00 PM. The two bids were similar in costs. A reference check was done on both contractors. Recommendation is to award the bid to Bruce Bauknecht Landscaping in the amount of \$20,242.98.

MOTION by Geurts/Peltier to approve the recommendation to award the Ditch Mowing Contract to Bruce Bauknecht Landscaping in the amount of \$20, 242.98. No further discussion. Motion carried in a voice vote, 3-0.

**COMMUNICATIONS:**

Chairman P. Danen read aloud correspondence received from Joan Pansier at the beginning of the meeting indicating she is not in favor of the proposed ordinance changes regarding resubmittal. The correspondence is signed by Joan, Roy, and Jason Pansier, and will be made part of the record.

**ORDINANCES:** None.

**REPORTS:**

**Administrator:**

- Working on the Ledgeview Golf Course LLC lease along with the lease to the home located on the golf course.
- 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.

**Clerk:**

- No election today, one was not required. The next Election will be held April 2<sup>nd</sup>.
- Board of Review is scheduled for Tuesday, May 21<sup>st</sup> at 4:00 PM in conjunction with the regular Town Board Meeting to start at 4:30 PM.
- Volunteer Appreciation Event was being planned. The May 21<sup>st</sup>, 2019 date was recommended by The Board as a date to host the event.

**Engineer:**

- Gave an overview of the Public Information Meeting held on February 5<sup>th</sup> regarding the Scray Hill Road Urbanization Project.

**Treasurer:**

- Wrapping up the end of year as a result of the yearly audit.
- January 2019 Cash Flow Report was received.

**Public Works:**

- Update on Crack Sealing and Chip Sealing bids were given.
- Quotes are being gathered on the replacement of the half-ton truck and the acquisition of the three-quarter ton truck to add to the fleet.
- Update on snow removal efforts for the remainder of the season. A sand/salt mix is being used to stretch the remaining salt supply and to provide some traction.

**Board Comments:** None.

**APPROVAL OF THE VOUCHERS:**

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

**CLOSED SESSION:**

1. **The Town Board may enter into closed session pursuant to WI State Statute 19.85 (1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for the purpose of leasing Ledgeview Golf Course operations.**

MOTION by P. Danen/Peltier for the Town Board to enter in to closed session to pursuant to WI State Statute 19.85 (1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for the purpose of leasing Ledgeview Golf Course operations. No further discussion. Roll call vote: P. Danen – Aye, Peltier – Aye, Geurts – Aye. Motion carried in a roll call vote, 3-0.

At 5:13 PM, the Town Board convened into closed session.

At 5:16 PM, MOTION by P. Danen/Peltier to reconvene into open session. No further discussion. Motion carried in a voice vote, 3-0.

At 5:27 PM, MOTION by Peltier/Geurts to approve the Lease Agreement for the Ledgeview Golf Course Operations with the signature of the Town Administrator and Town Treasurer. No further discussion. Motion carried in a voice vote, 3-0.

2. **The Town Board may remain in closed session pursuant to WI State Statute 19.85 (1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for the purpose of reviewing Sash & Bow, Tax Increment District #1 Financing Application.**

MOTION by Peltier/Geurts for the Town Board to enter into closed session pursuant to WI State Statute 19.85 (1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for the purpose of reviewing Sash & Bow, Tax Increment District #1 Financing Application. No further discussion. Roll call vote: P. Danen – Aye, Peltier – Aye, Geurts – Aye. Motion carried in a roll call vote, 3-0.

At 5:16 PM, the Town Board convened into closed session.

At 5:19 PM, MOTION by Geurts/Peltier to reconvene into open session. No further discussion. Motion carried in a voice vote, 3-0.

At 5:28 PM, MOTION by Peltier/Geurts to approve the recommendation of the Redevelopment Authority relating to Tax Increment Financing subject to a mutually agreed upon Developer's Agreement drafted by the Town Attorney. No further discussion. Motion carried in a voice vote, 2-0-1 with P. Danen abstaining due to conflict of interest.

3. **The Town Board may remain in closed session pursuant to WI State Statute 19.85 (1)(g) 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.**

MOTION by P. Danen/Peltier for The Town Board to enter into closed session pursuant to WI State Statute 19.85 (1)(g) 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. No further discussion. Roll call vote: P. Danen – Aye, Peltier – Aye, Geurts – Aye. Motion carried in a roll call vote, 3-0.

At 5:19 PM, the Town Board convened into closed session.

At 5:26 PM, MOTION by P. Danen/Peltier to reconvene into open session to take action on matters discussed in closed session. No further discussion. Motion carried in a voice vote, 3-0.

At 5:29 PM, no action taken on this item.

**4. The Town Board may reconvene into open session to take action on the matters discussed in closed session.**

See above agenda items for action taken.

MOTION by Peltier/Geurts to move the start time of the March 4, 2019 Town Board Meeting to 5:30 PM. No further discussion. Motion carried in a voice vote, 3-0.

**ADJOURNMENT:**

**MOTION** by P. Danen/Peltier to adjourn. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 5:31 p.m.

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