

The Ledgeview Town Board held a meeting on **Monday, March 4, 2019 at 4:30 PM** 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 PM.

ROLL CALL

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

Staff present were Administrator Sarah Burdette, Town Attorney Vanessa Wishart, 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 Van Rossum/C. Peltier to approve the agenda as written. No further discussion. Motion carried in a voice vote, 5-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. February 19, 2019 Town Board Meeting.
2. Routine Reports: None
3. Committee/Commission Reports: None
4. Operator's Licenses: February 18, 2019 – March 1, 2019
5. Other Committee Minutes:
 - a. March 1, 2018 Park & Recreation Committee Meeting Minutes.
 - b. April 10, 2018 Park & Recreation Committee Meeting Minutes.
 - c. May 23, 2018 Park & Recreation Committee Meeting Minutes.
 - d. June 18, 2018 Park & Recreation Committee Meeting Minutes.
 - e. July 16, 2018 Park & Recreation Committee Meeting Minutes.
 - f. August 20, 2018 Park & Recreation Committee Meeting Minutes.
 - g. September 20, 2018 Park & Recreation Committee Meeting Minutes.
 - h. October 16, 2018 Park & Recreation Committee Meeting Minutes.
 - i. November 28, 2018 Park & Recreation Committee Meeting Minutes.
 - j. April 18, 2018 Redevelopment Authority Minutes.
 - k. September 18, 2018 Redevelopment Authority Minutes.
 - l. October 18, 2018 Redevelopment Authority Minutes.
 - m. January 7, 2019 Redevelopment Authority 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/Van Rossum to approve the Consent Agenda as written. No further discussion. Motion carried in a voice vote, 5-0.

Approved at the April 1, 2019 Town Board Meeting.

PUBLIC COMMENT: None.

ZONING & PLANNING: None.

OLD BUSINESS: None.

NEW BUSINESS:

1. **Central Brown County Water Authority Manager Nic Sparacio will give an overview of the SPLASH Study (Sustainable Partnership Linking Area Services and H₂O) being conducted in conjunction with Green Bay Water Utility.**

Mr. Sparacio was present at the meeting and introduced himself as the new Central Brown County Water Authority Manager replacing the retiring Dave Vaclavik. Mr. Sparacio provided an overview of the SPLASH Study being conducted in conjunction with Green Bay Water Utility. Wrapping up in 2019, the SPLASH Study will identify mutually beneficial opportunities for shared services that create savings while allowing each entity to continue to provide high quality water and services its customers expect.

No action taken, information only.

2. **Resolution 2019-02 Town of Ledgeview in Support of State Legislation LRB-1665 “Dark Store and Walgreens Loophole Bill” Addressing Tax Avoidance Strategies Used By Large Retailers that Disproportionately Burden Homeowners, Manufacturers, and Small Business Owners.**

The dark store loophole allows active stores generating income to be assessed similarly to vacant, dark, stores even while benefitting from public services and infrastructure such as roads, public transportation, utilities, emergency response systems, and police protection. Closing the dark store and ‘Walgreens’ loopholes will avoid shifting the property tax burden from commercial and manufacturing property to homeowners and small businesses. This resolution urges elected state officials to close the dark store and Walgreens loophole, a bill that was introduced in February 2019.

MOTION by M. Danen/Van Rossum to approve as written. No further discussion. Motion carried in a voice vote, 5-0.

COMMUNICATIONS: None.

ORDINANCES:

1. **2019-04 Amend Chapter 135: Zoning Relating to Parking for Recreational Vehicles (RVs), Trailers, Boats and related equipment.**

A public hearing was held in October 2018 regarding this ordinance. The code enforcement officer drafted this amendment based on numerous complaints about parking recreational vehicles on residential parcels. Photos were shown as examples. The Commission recommends approval of the ordinance with parameters.

The Board discussed this ordinance as it relates to different zoning. It was explained that the ordinance is written so that it only affects residential zoning, not for zoning in the rural areas. There were some typos and such that would need correction.

MOTION by Geurts/Peltier to approve the ordinance with the noted changes. No further discussion. Motion carried in a voice vote, 5-0.

2. **2019-05 Amend Chapter 19, Section 7, Open burning of leaves, brush, clean wood and other vegetation.**

Staff is trying to comply with the ordinance relating to placement of fire pits. Currently the regulations don't make any sense for single family residential housing. The current ordinance doesn't make sense with

portable fire pits either. This ordinance would clean-up those requirements making them enforceable. Staff is also receiving a lot of complaints for smoke going into neighbors houses from entertaining fire pits. The thought of a fire pit permits was broached with this ordinance to assure the placement of the pits is accurate according to the ordinance. The Board wanted to get community feedback prior to acting on the ordinance.

This was the first of three readings, so no action was taken. The Board would like to get community feedback prior to a second reading. No action taken.

REPORTS:

Administrator:

- Parks Committee is working on a variety of items:
 - Land demarcation project
 - Sponsorship program
 - Bicycle Loops Project
 - Viewshed Analysis Project
 - Development of Van Straten Park
 - De Pere Baseball Scray Hill Diamonds Development
 - Comprehensive Outdoor Recreation Plan (CORP)
 - 2019 Work Plan
- Redevelopment Authority working on two Tax Increment District Project Requests.
- Central Brown County Water Authority working on a series of stakeholders meetings.
- Working on finishing up Golf Course lease and related items.
- Ledgeview Farms LLC Conditional Use Permit.
- Finishing up baseball bid with Rettler.
- Second set of Creamery Bridge interrogatories were submitted.
- Boldt submitted the Community Center/Fire Station as an entry for the top 2018 projects to the Daily Reporter.
- Staff is meeting with trucking companies and Brown County Highway Department regarding Scray Hill Road truck traffic.
- Working on staff development planning for the year.
- Next steps with the Park Director Position.
- Working with De Pere School District Superintendent on adjusting school boundaries.
- Working with the developer on the CTH GV project.
- Attending training.

Clerk:

- Asked for consideration to move the start date for the April 1st, 2019 Town Board Meeting to 5:30PM to accommodate election step-up. The Board agreed.

Engineer:

- Working with trucking companies regarding Scray Hill Road truck traffic.

Treasurer:

- Working on 2018 Annual Report.

Public Works:

- Will have a full report at the next meeting.

Approved at the April 1, 2019 Town Board Meeting.

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, 5-0.

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

1. **The Town Board will consider and receive public comments on an application by Ledgeview Farms for a conditional use permit/livestock facility siting approval relating to property located at 3499 Lime Kiln Road and 3875 Dickinson Road in the Town of Ledgeview.**

Staff gave an overview of the requested Conditional Use Permit by Ledgeview Farms, LLC.

At 6:12 PM, the public hearing was opened for public comment.

Joan Pansier, 3870 Dickinson Road, owner of Ledgeview Farms – Ms. Pansier read a statement which is included in the record. Ms. Pansier also turned over to the Clerk signatures of those in favor of approving the Conditional Use Permit as well as letters of support for Ledgeview Farms. All documents are also made part of the record.

At 6:15 PM a second call for public comment was made.

Jason Pansier, 4888 Dickinson Road, owner of Ledgeview Farms – Made accusations of the Town doing something illegal and threatening to sue the Town.

Roy Pansier, 3870 Dickinson Road, owner of Ledgeview Farms – Stating his disagreement with the Town rezoning 238 acres from Farmland Preservation into Rural Residential. Indicated that the Town isn't abiding by the law and the decision made by the Livestock Siting Board.

Ray Schneider, 3606 Beachmont Road – Stated that Ledgeview Farms is not a registered CAFO (Concentrated Animal Feed Operation), and to act like one has legal ramifications. The neighborhood has rights too. The neighborhood has a right to know the truth of what they were moving next to.

Judy Trembl, 1415 Bingham Drive – Is concerned with water contamination because the herd size is over the permitted limit now. A manure lagoon located 1,000-2,000 feet from neighborhood homes is hazardous to the water supply to those homes. Clay buffers don't help the keep the leachate contained. Ms. Trembl is not in favor of approval of the Conditional Use Permit stating that the farms is non-compliant with the current permits and there's no guarantees they will be in the future.

Steve Corrigan, 4602 Dickinson Road – Urged the Board to come up with some type of compromise to satisfy both the Town and Ledgeview Farms.

At 6:24 PM was the third call for public comments.

Julie Enright, 2277 Dollar Road – Ms. Enright has no problems with the farm; their well water is not contaminated.

At 6:26 PM, a final call for public comments was made by Chairman Danen with no comments heard. The public hearing was closed at 6:26 PM.

Approved at the April 1, 2019 Town Board Meeting.

Board comments and discussion was had. There were many points brought up for in favor of denial of the conditional use permits; all referencing the draft Findings of Facts written by Town Attorneys. Minor changes to the Findings of Fact were made by Board members. The final copy of said Findings of Fact and the Determination is made part of the record.

MOTION by P. Danen/Van Rossum to deny the Conditional Use Permit submitted by Ledgeview Farms, LLC based on the draft Findings of Fact with corrections as noted. No further discussion. Motion carried in a voice vote, 5-0.

CLOSED SESSION:

1. **The Town Board may convene into closed session pursuant to WI State Statute §19.85 (1)(g), for conferring with legal counsel who is rendering oral or written advice concerning strategy with respect to potential litigation regarding Ledgeview Farms' livestock siting application.**
2. **The Town Board may then reconvene into open session to take action on items discussed in closed session.**

The Board determined that there was no reason to go into closed session, therefore, they did not enter into closed.

ADJOURNMENT:

MOTION by P. Danen/M. Danen to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:58 p.m.

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