

The Ledgeview Town Board held a meeting on **Tuesday, July 16, 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 Phil Danen at 4:30 PM.

#### **ROLL CALL**

Members present were Chairman P. Danen, Supervisors Renee Van Rossum, Cullen Peltier, Mark Danen, and Al Cheslock.

Staff present were Administrator Sarah Burdette, Planner Dustin Wolff, Engineer Scott Brosteau, Treasurer Renae Peters, Public Works Crew Superintendent Andy Tenor, Fire Chief Todd Hendricks, and Clerk Charlotte Nagel.

#### **AGENDA APPROVAL**

Chairman P. Danen advised of changes to the agenda as being:

- Move closed session item #1 into open session
- Move the remaining closed session items to after Approval of Vouchers

MOTION by P. Danen/M. Danen to approve the agenda with the noted change. No further discussion. Motion carried in a voice vote, 5-0.

#### **CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. July 1, 2019 Town Board Meeting.
2. Routine Reports: None.
3. Committee/Commission Reports: None.
4. Operator's Licenses: July 1 – July 15, 2019
5. Other Committee Minutes. Accept and place on file:
  - a. Zoning & Planning Commission Meeting June 12, 2019
6. Pay Requests:
  - a. Rettler Change Order #3 for Scray Hill Park Ball Diamond Synthetic Turf Logo, \$8,970.00.
  - b. Pay request #4 for Contract H-2018, TID #1 Filling, for \$168,592.25 to Advance Construction.
7. Special Event & Street Closure Permits:
  - a. Cellcom Customer Appreciation Event, Chicago Street Pub & Grill Parking Lot, Wednesday, July 17, 2019 from 10:00 am – 7:00 pm.

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/Cheslock to approve the Consent Agenda as written. No further discussion. Motion carried in a voice vote, 5-0.

**PUBLIC COMMENT:** After three calls, 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 the request by Dennis Anderson, property owner, for a rezone application on parcels D-297-2 and D-297-3 located at 3394 Shadow Lane from A2 - Agriculture to RR - Rural Residential, in order to construct an accessory building.**

The petitioner is seeking to rezone the subject parcels in order build an accessory structure. The property currently exists as a legal non-conforming residence. The use is non-conforming because each parcel is below the 10-acre the minimum lot size for the A-2 district. The A-2 district only allows accessory structures that are integral to or associated with agricultural uses.

The parcels are legal non-conforming under the current zoning classification due to lot size, which has a minimum of 10-acres. The parcels also do not meet the lot size requirements of a minimum of 60,000 sf in the proposed R-R zoning district but would if combined through Certified Survey Map (CSM). This limits the ability to rezone the parcel to R-R unless a CSM is completed that joins the parcels. Therefore, Zoning & Planning recommended to approve the rezoning to R-R, Rural Residential District, conditioned upon the approval of a combination CSM to join parcels D-297-2 & D-297-3.

The public hearing was opened by Chairman P. Danen at 4:31 PM. After three calls, no comments were heard. Chairman P. Danen closed the public hearing at 4:32 PM.

MOTION by Peltier/Van Rossum to approve the rezone with the recommendation by Zoning & Planning. No further discussion. Motion carried in a voice vote, 5-0.

- 2. Recommendation from Zoning & Planning on the request by Steven Zeitler, agent for property owner Blaise Bildings, for a rezone application on part of parcels D-400 and D-417 located at 3395 Carter Lane from AG-FP – Agriculture Farmland Preservation to RR – Rural Residential in conjunction with a retracement Certified Survey Map.**

The petitioner received approval of a retracement Certified Survey Map (CSM) for the reconfiguration of a series of parcels. Parcel D-417-4 was increased from 10.2 acres to 18.4 acres These parcels have different zoning. The Town does not allow split zonings on properties. As such, the areas that are zoned AG-FP will need to be rezoned to R- R.

The property (D-417-4) is currently occupied by one single-family residence and one detached storage structure. A farm is located on the parcel to the west (D-417). Forested and agricultural lands are located to the north.

The Zoning & Planning Commission recommend approval of this rezoning petition to the Town Board for the following reasons:

1. The proposed rezoning to the R-R, Rural Residential District is consistent with the current zoning and development trends in the area.
2. The lands are suitable for low-density single-family residential development.
3. The proposed zoning district conforms to the goals of the adopted Comprehensive Plan and the land use illustrated on the Future Land Use Map.

At 4:33 PM, Chairman P. Danen opened the public hearing for comments.

Larry Carter, 3401 Carter Lane – Inquired what would built on the property. Staff replied there is nothing proposed at this time; more than likely the land is going to continue to be farmed.

Ray Bildings, 5020 Sportsmen Drive – Inquired if the farming was allowed in R-R zoning. Staff replied farming is allowed in R-R zoning.

Mark Bildings, 3200 Carter Lane – Inquired if municipal sewer and water were going to be installed. Staff replied there is no intention of installing municipal sewer and water at this time.

After three calls for additional public comments, none were heard. Chairman P. Danen closed the public hearing at 4:36 PM.

MOTION by Van Rossum/M. Danen to accept the recommendation from Zoning & Planning and approve the rezone. No further discussion. Motion carried in a vote, 5-0.

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

- 1. Recommendation from Zoning & Planning on the request by Steve Bieda of Mau & Associates, agent for Ryan Radue, owner, for a Final Subdivision Plat on parcel D-183 located on Dollar Road known as The Crossing at Dollar Creek Third Addition.**

The 40 lot preliminary plat with numerous outlots on approximately 38.8 acres was approved by the Zoning & Planning Commission in November 2017 and by the Town Board in February 2018. The property was also rezoned to R-1 Single-Family. The 2nd Addition Final Plat was approved in April 2018. At that time, Lots 72, 73, 76 – 78 (now Lots 98 – 102) could not be platted due to issues with a flood study that need to be completed. It will now be known as the 3rd Addition. The flood study has been submitted to the WDNR and is being finalized.

The Zoning & Planning Commission recommends approval of the proposed Final Plat with the following conditions:

1. Compliance with the WDNR approved flood study.
2. Illustrate the required setbacks on the plat.
3. Add a notation from §94-3(C) and §135-204(B) to the plat stating the ordinance requirements for driveway locations.
4. Any technical corrections required by the Town Engineer and Brown County.

MOTION by Peltier/Cheslock to approve The Crossing at Dollar Creek Third Addition Final Plan with the Zoning & Planning recommendations. No further discussion. Motion carried in a voice vote, 5-0.

#### **OPEN SESSION:**

- 1. Review and take action on the Developer's Agreement with Ledgeview Properties, LLC.**

This Developer's agreement is for Ledgeview Properties mixed use development on parcels D-427-6, D-427-5 and D-425 located on Monroe Road. This includes the extension of Brayden Lane. The agreement is for a three-year build out.

MOTION by M. Danen/Peltier to approve the Developer's Agreement for Ledgeview Properties. No further discussion. Motion carried in a voice vote, 4-0-1 with P. Danen abstaining for conflict of interest reasons.

**OLD BUSINESS:** None.

#### **NEW BUSINESS:**

- 1. Award Contract C-2019, Monroe Road – Brayden Lane Connection, to Advance Construction Inc. for \$1,545,930.90.**

This contract is for infrastructure for the connection from the end of existing Brayden Lane to Monroe Road in conjunction with Ledgeview Properties subdivision.

MOTION by Peltier/Van Rossum to approve the contract. No further discussion. Motion carried in a voice vote, 5-0.

**2. Approve Final Resolution Regarding the Vacation and Discontinuance of a Portion of Hawthorne Heights Drive.**

The petitioner is requesting that the Town vacate the “stub” portion of Hawthorne Heights Drive. A Certified Survey Map (CSM) to reconfigure the parcels was reviewed and approved by the Town in November 2018. A condition of the CSM approval was vacation of the right of way. This is the final resolution. Once recorded the street is vacated by the Town and is the owned by the adjacent property owners.

MOTION by Van Rossum/Cheslock to approve the final resolution vacating the “stub” of Hawthorne Heights. No further discussion. Motion carried in a voice vote, 5-0.

**3. Recommendation from Park & Recreation Committee and Zoning & Planning Commission on the request by De Pere Baseball for signage at the Scray Hill Park Baseball Complex.**

The Town has been working with the De Pere Baseball to develop sponsorship opportunities to support the development of baseball fields and related facilities in Scray Hill Park for the future home of De Pere Baseball. A number of sponsors have committed to De Pere Baseball in various ways, which means final design of items to be sponsored is under way. The designs are subject to review and recommendation by the Zoning and Planning Commission and the Parks and Recreation Committee.

There was discussion on the proposed gateway signage. The following is a synopsis of the recommends by both Zoning & Planning and Parks, Recreation, and Forestry Committees:

1. The removal of De Pere Baseball script “D” logos on the top of the gateway arch columns. Provide an alternative opportunity for the words “De Pere Baseball” to be placed within the baseball complex entry area.
2. Dugout naming rights signage be limited to side placement on the dugout as presented in the staff report.

MOTION by M. Danen/Cheslock to approve the Scray Hill Park Baseball Complex signage with the recommendations from both Zoning & Planning and the Parks, Recreation, & Forestry Committees. Motion carried in a voice vote, 5-0.

**4. Approve Colortech contract for monument signs at Two Dollar and Zelten Family Parks as recommended Park & Recreation Committee and Zoning & Planning Commission.**

Two-Dollar and Zelten Family Parks have been under construction over the last year and a half. As part of the master plans, monument signage was proposed to provide visibility to the public. The Landscape Plans for each parks indicate the proposed sign location, and final plans for each sign. The signs are proposed to be aluminum and stone veneer, non-illuminated. Similar to the sign at Scray Hill Park, but smaller as recommended in the Community Identity Guide. The signs will be installed early August and came in under budget.

A question was asked if the signs were going to be lit. It was noted that neighborhood park signs are not intended to be lit.

MOTION by Peltier/Cheslock to approve the signs with no illumination. No further discussion. Motion carried in a voice vote, 5-0.

**5. Accept the Termination of Professional Services Agreement effective July 23, 2019 and Release of Claims between Town of Ledgeview and Independent Inspections, Ltd., which was acquired through a stock acquisition by SAFEbuilt Wisconsin, LLC, a whole subsidiary of SAFEbuilt, LLC.**

In April of 2018, the Town terminated their contract with SafeBuilt, LLC. SafeBuilt agreed to finish inspecting all residential, commercial and multi-family structures with permits dated by the April termination date. Fast forward to April 2019. SafeBuilt informed the Town it would be terminating all inspection actions in Wisconsin as of June 11, 2019. They are offering a refund for any unfinished inspections based on the percent of completed work. SafeBuilt made an effort to close out all open permits, unfortunately, they were unable to. The current building inspector will close out any remaining inspection.

Staff advised there is a release of claims for SafeBuilt and that they would refund any monies owed to the Town. Basically the Town will break even with no money lost. Staff is comfortable with the termination language.

MOTION by Van Rossum/Cheslock to approve the Termination of Professional Services Agreement and Release of Claims effective July 23, 2019. No further discussion. Motion carried in a voice vote, 5-0.

**6. Accept Town of Glenmore's request to terminate the First Response Fire Protection Agreement.**

The Town of Glenmore would like to terminate the intergovernmental agreement for fire protection which auto renews annually. Glenmore submitted a prorated check for this year's coverage. The Board need to formally accept the partial payment and agree to terminate the contract.

MOTION by P. Danen/M. Danen to accept the partial payment and agree to terminate the contract. The Town is to notify Brown County Emergency Management of the change in service coverage. No further discussion. Motion carried in a voice vote, 5-0.

**7. Approve the purchase of a replacement beverage cart for Ledgeview Golf Course.**

The current beverage cart at Ledgeview Golf Course is very old and is broke beyond repair. The purchase is to replace this cart. The Board needs to ratify the purchase order for a replacement beverage cart.

MOTION by Van Rossum/Peltier to approve the ratification of the beverage cart purchase order. No further discussion. Motion carried in a voice vote, 5-0.

**8. Confirm Town Chair's appointments to the Personnel & Finance Committee.**

Ordinance dictates that the Town Chair makes the board appointments, subject to Town Board confirmation. All appointments to the Personnel & Finance Committee are for two year terms. The Chairman recommends the following:

- Al Cheslock as Town Board Member
- Tim Beno as Resident Member
- Joe Schlag as Resident Member

MOTION by M. Danen/Peltier to confirm the Town Chair's appointment. No further discussion. Motion carried in a voice vote, 5-0.

**9. Confirm Town Chair's appointments to the Zoning Board of Appeals.**

Ordinance dictates that the Town Chair makes the board appointments, subject to Town Board confirmation. All appointments on the Zoning Board of Appeals are for three-years. The Chairman recommends the following:

- Mark Danen as Town Board Representative
- Continued recruiting for the remaining two vacancies.

MOTION by M. Danen/Peltier to confirm the Town Chair's appointment. No further discussion. Motion carried in a voice vote, 5-0.

**10. Confirm Town Chair's appointments to the Park, Recreation and Forestry Committee.**

Ordinance dictates that the Town Chair makes the board appointments, subject to Town Board confirmation. All appointments to the Park, Recreation, & Forestry Committee are for a three-year term. The Chairman recommends the following:

- Cullen Peltier, Town Board Representative
- Nicole Van Helden, Member
- Rodney Kowalczyk, Member
- Joe Widi, Member

MOTION by M. Danen/Peltier to confirm the Town Chair's appointment. No further discussion. Motion carried in a voice vote, 5-0.

**11. Confirm Town Chair's appointments to the Redevelopment Authority.**

Ordinance dictates that the Town Chair makes the board appointments, subject to Town Board confirmation. All appointments for the Redevelopment Authority are for five-year terms. The Chairman recommends the following:

- Philip J. Danen, Town Board Representative

MOTION by M. Danen/Peltier to confirm the Town Chair's appointment. No further discussion. Motion carried in a voice vote, 5-0.

**12. Confirm Town Chair's appointment to the Brown County Planning Commission Board of Directors.**

Ordinance dictates that the Town Chair makes the board appointments, subject to Town Board confirmation. The Chairman recommends Mark Handeland continue to serve as the Ledgeview Representative to the Brown County Planning Commission Board of Directors.

MOTION by M. Danen/Peltier to confirm the Town Chair's appointment. No further discussion. Motion carried in a voice vote, 5-0.

**COMMUNICATIONS:**

Received correspondence from Representative John Macco regarding Town the Town's letter on the proposed "Dark Store" legislation.

**ORDINANCES:**

**1. Ordinance – First Reading:**

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

This amendment creates additional category for Recreational Outdoor Burning to allow for residential outdoor burning in both residential and rural residential zoning districts.

Move to second reading.

**REPORTS:**

**Administrator:**

- Working with developers regarding Red Hawk Landing and Augusta Hills Subdivisions.
- Attended meetings of the Redevelopment Authority, Personnel & Finance Committee, and Park, Recreation, & Forestry Committee.
- Status update on potential Eagle Bluff Park Land donation.
- Status update on Livestock Siting Board Final Decision.

**Clerk:**

- Wisconsin Towns Association, Ledgeview is the host on July 25, 2019 at 6:00 PM at the Swan Club.

**Planner:**

- Working with developers on some future developments.
- Finalizing Tax Increment Districts #2 with the Department of Revenue.

**Engineer:**

- Working with quarries regarding Scray Hill Road traffic. The next step would be to craft a Memorandum of Understanding.

**Treasurer:**

- 2020 Budget Calendar and policy will be on the next agenda.
- Restructure of bond repayment.
- Deputy Treasurer and Administrative Assistant at training this week.
- June 2019 Cash Flow Report.

**Fire Department:**

- Working on 2020 Budget.
- SCBA equipment has arrived.
- Five members retired, openings for five new recruits for 2020.
- Formed a committee for the 2020 purchase of a tenor to replace 1812.

**Public Works:**

- Storm inlets are marked out.
- All hydrants on Oak Ridge Circle are moved.
- Loops signage is up for two loops. The remaining two loops will be done next year.
- Sewer cleaning is complete.
- Culvert pipe replacement on Reginald Hill is complete.
- Soccer finished this week.
- Asphalt shouldering has begun.
- Valve exercising has begun.
- Demarcation has begun.
- Chipsealing has begun.
- Ditch cutting is complete and under budget.
- New truck was delivered.

**Board Comments:**

- Dead carp in Ledgeview Park detention pond. DNR is aware and advises to let nature take its course.

**CLOSED SESSION:**

1. **The Town Board may convene into closed session pursuant to WI State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. The purpose is to make recommendation on the Park & Recreation Director position.**
2. **The Town Board may reconvene into open session to take action on the matters discussed in closed session.**

MOTION by P. Danen/M. Danen for the Town Board to convene into closed session pursuant to WI State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. The purpose is to make recommendation on the Park & Recreation Director position. No further discussion. Roll call vote: M. Danen – Aye, Van Rossum – Aye, P. Danen – Aye, Peltier – Aye, Cheslock – Aye. Motion carried in a roll call vote, 5-0.

At 5:37 PM, the Town Board convened into closed session.

MOTION by Van Rossum/M. Danen for the Board to reconvene into open session. No further discussion. Motion carried in a vote, 5-0.

At 5:54 PM, the Town Board reconvened into open session.

MOTION by Peltier/M. Danen to authorize Town Administrator to negotiate with the presented candidates with the terms and conditions as discussed in closed session. No further discussion. Motion carried in a voice vote, 5-0.

**APPROVAL OF THE VOUCHERS:**

**MOTION** by Van Rossum/Cheslock to approve the vouchers. No further discussion. Motion carried in a voice vote, 5-0.

**ADJOURNMENT:**

MOTION by P. Danen/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 5:56 PM

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