

The Ledgeview Town Board held a meeting on **Tuesday, September 17, 2019 at 4:00 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 Philip J. Danen at 4:00 PM.

ROLL CALL

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

Staff present were Administrator Sarah Burdette, Engineer Scott Brosteau, Planner Dustin Wolff, Treasurer Renae Peters, Public Works Director Dave Strelcheck, Public Works Crew Superintendent Andy Tenor, Parks & Recreation Director Stephanie Schlag, and Clerk Charlotte Nagel.

AGENDA APPROVAL

Staff advised there were no changes to the agenda.

MOTION by Van Rossum/M. Danen 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. August 20, 2019 Town Board Meeting.
2. Routine Reports: None.
3. Committee/Commission Reports: None.
4. Operator's Licenses: August 20 – September 13, 2019
5. Other Committee Minutes. Accept and place on file:
 - a. July 24, 2019 Central Brown County Water Authority Meeting Minutes.
 - b. August 14, 2019 Zoning & Planning Commission Meeting Minutes.
 - c. August 7, 2019 Sanitary District Commission Meeting Minutes.
6. Pay Requests:
 - a. Pay Request #3 for baseball facilities at Scray Hill Park for \$257,579.96 to H&H Civil Construction.
 - b. Pay Request #4 for Contract B-2019, Oak Ridge Circle, for \$174,825.66 to RC Excavating Inc.
 - c. Pay Request #9 for Contract G-2018., Crossing 2nd Addition, for \$187,382.77 to Jossart Brothers Inc.
 - d. Pay Request #6 FINAL for Contract B-2018, Zelten and Two Dollar Park, for \$23,784.56 to Duame Sand and Gravel.
 - e. Pay Request #6 FINAL for Contract C-2018, Hawthorne Hts and Olde School Sq, for \$8,627.85 to Duame Sand and Gravel.
7. Special Event & Street Closure Permits:
 - a. De Pere Football Booster Club to host Community Gathering/Bonfire on Saturday, October 5, 2019 from 5-11 PM at Chicago Street Pub located at 1950 Dickinson Road.

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 October 7, 2019 Town Board Meeting.

PUBLIC COMMENT:

Kim Drage, 620 Broken Covey Court – Wanted to let The Board know that the cul-de-sac flooded with the recent rain events causing damage to the asphalt. Staff advised that asphalt repair on Broken Covey Court is included in the Annual Road Report.

Kim Dietz, 3994 N. Parker Way – Indicated that there's a drainage pipe in his back yard that doesn't drain in road events. He tried landscaping around it to allow for better drainage, but to no avail. This is the first time since he's lived there at his condo flooded. Staff is aware of the problem.

Steve Abts, 4250 Oak Ridge Circle – Agreed that the rain events are unusual, but claims the drainage ponds in Grande Ridge Estates are too small. He is concerned that as the subdivision begins to develop that draining is going to be come worsen because of the less impervious surface and lack of drainage ponds which will ultimately cause greater damage residents downstream. Mr. Abts did recognize The Town's responsiveness and appreciated all the effect The Town put did in the recent rain events.

The Board recognized there a variety of flood damage occurred on both sides of Dickinson Road.

After three calls, none were heard. Public Comment was closed at 4:13 PM.

COMMUNICATIONS:

1. Introduce Ledgeview Park & Recreation Director Stephanie Schlag.

Chairman P. Danen introduced Stephanie Schlag as the Town's first Parks & Recreation Director. Welcome aboard Stephanie.

2. Central Brown County Water proposed 2020 Budget.

The Central Brown County Water proposed 2020 Budget was received by The Board. Staff advised there is a Public Hearing on the proposed budget on September 25 ,2019 at 3:00 PM if anyone had any questions.

PUBLIC HEARING: None.

ZONING & PLANNING:

1. Recommendation from Zoning & Planning on the request by Steve Bieda of Mau & Associates, agent for owner Gigot Properties, LLC, for a two lot Certified Survey Map on parcel D-450-1, located on Wayne Lane and Royal Vista Trail.

Staff advised this is a retracement Certified Survey Map (CSM) for the reconfiguration of a 4 parent parcels (D-448-1, D-449, D-449-2, D-450-1, D-451) was approved in January 2019. The parent parcels were previously rezoned to R-1, Single-Family Residential. At this time the petitioner is requesting a two (2) lot CSM to enable the sale of proposed Lot 1 for future subdivision development. Recommended for approval by Zoning & Planning Commission with the following conditions:

1. Illustrating the Environmentally Sensitive Areas (steep slopes) on Lot 2.
2. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

MOTION by Van Rossum/Cheslock to approve the CSM with the conditions set forth by Zoning & Planning. No further discussion. Motion carried in a voice vote, 5-0.

2. **Recommendation from Zoning & Planning on the request by Steve Bieda of Mau & Associates, agent for owner BASGIG Investors, LLC, for an 73-lot Final Plat on parcel D-425-2 known as Red Hawk Landing.** Staff advised this Preliminary Plat was reviewed and approved by the Zoning & Planning Commission and Town Board in May 2019. The Plat contains 73 lots and 11 Outlots. Five (5) lot swill be for two-family residences. The Zoning & Planning Commission recommended approval of the proposed Final Plat with the following conditions:

1. Add a conservation easement to protect the southern ESA and the language outlined in this memo.
2. Final Plat approval is contingent on flood study approval/findings.
3. Illustrate the required setbacks on the plat.
4. Add a notation from §94-3(C) and §135-204(B) to the plat stating the ordinance requirements for driveway locations.
5. Any technical corrections required by the Town Engineer and Brown County.

MOTION by Peltier/M. Danen to approve with conditions set forth by Zoning & Planning. No further discussion. Motion carried in a voice vote, 5-0.

3. **Recommendation by Zoning & Planning on the request by Steve Bieda of Mau & Associate LLP, agent for owner Ted Murray, for a Certified Survey Map on parcel D-230-2 located at 2075 Hawthorne Heights Drive to create a two (2) parcels.**

The petitioner is requesting the approval of a Certified Survey Map (CSM) to create a two (2) new parcels from the existing 11.02-acre parent parcel. The plan document and Future Land Use Map depicts the property for single-family development which is served by public utilities. This area has previously developed with large lot, estate homes, that are currently served by public utilities. The lot sizes illustrated would be consistent with the development pattern for the neighborhood and the expressed goal to “Ensure the compatibility of adjoining land uses for both existing and future development.” A 35’ right of way dedication is required for both Hawthorne Heights Drive and Whisper Lane. This dedication is illustrated correctly for Hawthorne Heights Drive, but not Whisper Lane.

The CSM should illustrate the topography and location of the escarpment on the subject property. The following conservation easement language has been required for the Escarpment areas and should be added to the notes for the CSM:

This Certified Survey Map contains areas designated with a “Conservation Easement”. The Landowner and the Town of Ledgeview share the common purpose of preserving the Conservation Values of the Property in perpetuity. The Landowner has placed restrictions on the use of the Property to protect those Conservation Values. The Town and the Landowner agree to accept, the right to monitor and enforce these restrictions in order to preserve, enhance and protect the Property for the benefit of this generation and generations to come. No trees shall be removed from the Conservation Easement Area unless those trees have been certified by the Town of Ledgeview that they are dead, diseased, or dying. No grading, landscaping, or structures (including fences) are allowed in the area and shall be removed and restored at the owner’s expense should such improvements be discovered. No storage (including firewood) shall be allowed in the area. Landowners that wish to remove any vegetation must contact the Town of Ledgeview prior to removal or will be subject to a fine, restoration of the area, or both.

The Zoning & Planning Commission recommend approval of the CSM to the Town Board, conditioned upon:

1. Illustrate the following on the CSM:
 - a. Required 35’ ROW dedication for Whisper Lane.

- b. Niagara Escarpment and steep slope topography of the properties.
 - c. Conservation easement for the escarpment area.
 - d. Utility easement on Lot 1 for the existing lateral to the residence on Lot 2.
 - e. Required setbacks for the parcels, including ESA setback.
 - f. Town Clerk is Charlotte Nagel.
2. Add the following notations:
 - a. Future on-street bicycle facilities will be installed along Hawthorne Heights Drive, Dickinson Road, and Whisper Lane.
 - b. Conservation easement language.
 3. Any technical corrections required by the Town Engineer or Brown County.

MOTION by Van Rossum/Cheslock to approve with the conditions set forth by Zoning & Planning. No further discussion. Motion carried in a voice vote, 5-0.

4. Recommendation from Zoning & Planning regarding sidewalk construction in Augusta Hills Condominium plat located near the intersection of Dickinson Road and Scray Hill Road.

At the time of platting for Augusta Hills and Eventyr, the Zoning & Planning Commission and Park Board made a recommendation that the “sliver” of land that extends to Hawthorne Heights Drive be preserved in an outlot and possibly dedicated to the Town to enable a pedestrian connection from Dickinson Road. With the platting of the development, an off-street trail will be installed along the south side of Dickinson Road that runs the length of the Augusta Hills Development to the Scray Hill Road intersection. Additionally, a sidewalk was required to connect Dickinson Road to the Outlot.

Since the time of the platting, the Town Board has committed to the urbanization of Scray Hill Road. The reconstruction will include sidewalks (and/or and off-street trail) that will extend from Dickinson Road to Scray Hill Park. The Scray Hill/Dickinson intersection will likely include the construction of a new roundabout with pedestrian facilities.

Also, since the time of platting, the Town Engineer inspected the outlot to determine if/how access or a trail could be provided on the lands. The slope of the escarpment in this area is 25- to 30-percent in grade. The site is heavily wooded. A paved trail cannot be constructed due to the topography. Stairs would be a possibility, but would need to be engineered to be safe, and would result in the removal of a significant number of trees.

Based upon this information, the Parks Board has chosen to wait until the reconstruction of Scray Hill Road is complete to make a final determination on the need for the Outlot to provide a possible trail connection.

In a divided “straw poll,” the Zoning & Planning Commission recommend that the installation of the sidewalk not be required. As this would be the only sidewalk in the development, and the need for the outlot in question, it was felt that the existing paved surfaces can serve to provide access. The Zoning & Planning Commission did reiterate the desire for the Outlot to be dedicated to the Town regardless, to be preserved for possible future use or need.

MOTION by P. Danen/Cheslock to approve the Zoning & Planning Commission recommendation to not install the sidewalk but to keep the land for future preservation. No further discussion. Motion carried in a voice vote, 5-0.

OLD BUSINESS: None.

NEW BUSINESS:

1. Flooding issues response.

There was lengthy discussion regarding the flood issues the Town had experienced with the recent rain events. Staff has been keeping abreast of the issues and potential immediate as well as long term solutions.

In Dickinson Heights, a drainage pond is needed. A map was shown as to an area where a potential pond could be located. There were discussions with land owners in attendance; this was a preliminary sketch, not final plans. More research is needed.

In Mystery Valley, there are several at issues points:

- Drainage ways have not been maintained over the years causing the debris to raise allowing for less water capacity for the drainage system.
- Most of the drainage way is located on private lands which the Town does not have access to and is not responsible for.
- The drainage pipe is undersized for the capacity of water.

Everyone needs to work cooperatively together to obtain a sustainable solution. Direction was given to staff in this direction. No action taken.

2. Discuss and act on Amendment #2 to Grande Ridge Developer's Agreement located off Oak Ridge Circle.

This is will be the second amendment to the original Developer's Agreement for Grande Ridge Estates. This is modifying payment of public improvements by the developer and the assessments levied by such improvements.

MOTION by Peltier/Van Rossum to approve Amendment #2. No further discussion. Motion carried in a voice vote, 4-0-1, with P. Danen abstaining.

3. Act on Resolution Authorizing the Issuance and Sale of Approximately \$3,075,000 General Obligation Promissory Notes, Series 2019A.

Jeff Belongia from the Town's Bonding Agency was in attendance to address any concerns of the Board. Mr. Belongia informed the Board that this is not new money, this is simply refinancing an earlier bond. The bond is a seven-year bond, payable at 2.45% interest. The Town is close to a AAA Bond Rating which is the highest rating that can be obtained. The Town is in excellent financial health, and has positioned itself for future bonding if deemed necessary.

4. MOTION by Van Rossum/M. Danen to approve the Resolution Authorizing the Issuance and Sale of Approximately \$3,075,000 General Obligation Promissory Notes, Series 2019A. No further discussion. Motion carried in a voice vote, 5-0.

5. Review and take action on Amendment X to Brown County Municipal Recycling Agreement.

Annual recycling agreement with Brown County.

MOTION by M. Danen/Peltier to approve Amendment X to the Brown County Municipal Recycling Agreement. No further discussion. Motion carried in a voice vote, 5-0.

ORDINANCES: None.

REPORTS:

Approved at the October 7, 2019 Town Board Meeting.

Administrator: (Treasurer on behalf of Administrator)

- Gave a status update on Parks Committee action.
- Gave a status update on the Ledgeview Farms, LLC vs. Town of Ledgeview Livestock Siting Review Case.
- Status update on construction of the baseball fields at Scray Hill Park
- The house at Ledgeview Gold Course will be getting a new tenant.
- Brown County Planning will be at the October 7th meeting to give an update on the Southern Bridge Project.
- Update on the Personnel & Finance Committee activity.
- Employee work anniversaries that have been celebrated since the last board meeting include: Keven Tadeyeske (3 years) – August; Lisa Bartz (1 year) and Mark Roberts (11 years) – September.

Clerk:

- Informed the Board of a fireworks display scheduled for Saturday, September 21, 2019 off Scray Hill Road.

Engineer:

- Oak Ridge Circle Construction Update
- Arcadian Lane Project Update
- The Crossing at Dollar Creek 2nd Addition Update
- Brayden Lane Extension
- Dallas Lane sewer and water extension
- Urbanization of Bower Creek awareness

Treasurer:

- August 2019 Cash Flow Report received

Public Works:

- Valve exercising has started
- Scray Hill gate system will be installed tomorrow
- Working on Standard Operating Procedures for Sanitary District

Board Comments: None.

APPROVAL OF THE VOUCHERS:

MOTION by M. Danen/Cheslock to approve the vouchers. 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)(c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. Recommendation from the Personnel & Finance Committee on 2020 employee salary and wages.**

MOTION by M. Danen/Peltier for the Town Board to reconvene 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. Recommendation from the Personnel & Finance Committee on 2020 employee salary and wages. No further

discussion. Roll call vote: M. Danen – Aye, Peltier – Aye, P. Danen – Aye, Van Rossum – Aye, Cheslock Aye. Motion carried in a roll call vote, 5-0.

At 5:40 PM, the Town Board convened into closed session.

At 5:50 PM, MOTION by P. Danen/Van Rossum to reconvene into open session.

No action taken on this item.

2. **The Town Board may remain in 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 the Creamery Road Bridge accident.**

MOTION by Cheslock/Peltier for the Town Board to 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 the Creamery Road Bridge accident. No further discussion. Roll call vote: M. Danen – Aye, Peltier – Aye, P. Danen – Aye, Van Rossum – Aye, Cheslock Aye. Motion carried in a roll call vote, 5-0.

At 5:51 PM, the Town Board convened into closed session.

At 6:04 PM, MOTION by P. Danen/M. Danen to reconvene into open session.

MOTION by Peltier/M. Danen to direct staff to conclude litigation per the recommendation of the Town Attorney. No further discussion. Motion carried in a voice vote, 5-0.

3. **The Town Board may then reconvene into open session to take action on items discussed in closed session.**

See above agenda items for Town Board action.

ADJOURNMENT:

MOTION by P. Danen/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:05PM.

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