

The Ledgeview Town Board held a meeting on **Tuesday, October 22, 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 Philip J. Danen at 4:30 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, Treasurer Renae Peters, Public Works Director Dave Strelcheck, Public Works Superintendent Andy Tenor, Parks & Recreation Director Stephanie Schlag, Fire Chief Todd Hendricks, and Clerk Charlotte Nagel.

**AGENDA APPROVAL**

Chairman P. Danen advised that there was no need for the Closed Session or the Ordinance at this time and asked they be stricken from the agenda.

MOTION by P. Danen/Van Rossum to approve the agenda with those amendments. No further discussion. Motion carried in a voice vote, 5-0.

**CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. October 7, 2019 Town Board Meeting.
2. Routine Reports:
3. Committee/Commission Reports: None.
4. Operator's Licenses: October 7 – October 18, 2019
5. Other Committee Minutes. Accept and place on file:
  - a. September 11, 2019 Zoning & Planning Committee Meeting Minutes.
  - b. September 25, 2019 Central Brown County Water Authority Meeting Minutes.
6. Pay Requests:
  - a. Approve Change Order No. 4 for Scray Hill Park Baseball Fields in the amount of \$10,583.93 for the revisions to the two outfield scoreboards.
  - b. Pay Request No. 5 by H&H Civil Construction, LLC in the amount of \$151,947.14 for construction work on Scray Hill Park Baseball Fields.
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.

The Board asked about the pay requests. Staff advised they're billed back to De Pere Baseball.

MOTION by Peltier/M. Danen to approve the Consent Agenda as written. No further discussion. Motion carried in a voice vote, 5-0.

**PUBLIC COMMENT:**

Approved at the November 4, 2019 Town Board Meeting.

Kelly Devorak, 1404 Angels Path – Was looking for a status update on the storm water pond mentioned as part of flood mitigation. Staff advised the study of that storm water management in that area is continuing.

Dr. Michael Avery, 3585 Meadow Sound Drive – Expressed concerns with the leachate leak from Ledgeview Farms. Said he found leachate in his yard and is concerned for his children and others in the neighborhood as this is a real health concern. Asked if the Town was doing everything it could.

The Board advised the jurisdiction falls into the realm of Wisconsin Department of Natural Resources, the Environmental Protection Agency, and the Health Department. The Board advised residents in that area to continue to monitor the situation and to contact one of those agencies with any concerns.

Dustin Beauchamp, 1718 Limestone Trail – Wanted to know what the 75-foot easement was designed for and what is the impact of it along the rear of property lines on Limestone Trail. Staff replied the purpose of the easement is to protect the Niagara Escarpment. This item was also on the agenda for later discussion.

After three calls, none were heard. Public Comment was closed.

**PUBLIC HEARING:** None.

**ZONING & PLANNING:**

**1. Recommendation from Zoning & Planning on the request by Bryan Pfeffer of Robert E. Lee & Associates Inc., agent for property owner Elaine LeDuc, for a Certified Survey Map on parcel D-489-1, 2440 Oak Ridge Circle, creating two (2) lots.**

The petitioner is asking for approval conditioned upon the outcome of the Zoning Board of Appeals of a two lot Certified Survey Map (CSM) to create a new 12.27 acre parcel and leave the farmhouse and related structures on a 4.0 acre parcel. The parcels are currently zoned R-R, Rural Residential. The petitioner is requesting to keep three (3) existing farm structures totaling 5,904 SF on the site following the land division.

Accessory structures are limited on R-R, Rural Residential properties to two (2) in number and in aggregate area to 2.0% of the total parcel area to a maximum of 4,000 square feet. On a 4-acre parcel, the aggregate area is limited to 3,485 SF. A variance of 2,419 SF would be needed for the 4.00-acre parcel as proposed. An exception from the Code would also be needed to allow the three (3) accessory structures, one (1) more than allowed. The Zoning Board of Appeals will meet on Tuesday, October 29th to review and decide on these issues.

Zoning & Planning recommend approval of the CSM to the Board with the following conditions:

1. Lot line between Lot 1 and Lot 2 to be perpendicular to Oak Ridge Circle to ensure a more standard, rectangular lot shape in compliance with the Subdivision Regulations.
2. Dedication of 35-feet from centerline for Oak Ridge Circle to be illustrated on the CSM.
3. Add a notation to the CSM “Future bicycle and pedestrian facilities will be provided in the right-of-way of Oak Ridge Circle.”
4. Land division to comply with the regulations of Section 135-11(G)(2), specifying the aggregate amount (area) of accessory structures and number of accessory structures, unless a variance or exception to the Code is approved by the Board of Appeals.
5. Any technical corrections required by the Town Engineer or Brown County must be addressed prior to Town signature of the CSM.

Staff advised the reason for the conditional approval is to remain in schedule with closing dates.

The Board would rather wait for the Zoning Board of Appeals decision to act on the CSM.

MOTION by P. Danen/Cheslock to table this item until after the Zoning Board of Appeals. 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 Mark Gigot for a combination Certified Survey Map Application combining parcels D-1020 and D-1021 into one lot on Euro Lane to accommodate the existing single family home.**

The petitioner is requesting the approval of a Certified Survey Map (CSM) for the combination of 2 lots (both of which he owns) totaling 1.16 acres. Both parcels are currently zoned R-1, Residential. One structure exists on parcel D-1021 which is access from a driveway to Euro Lane.

The existing lot line separating the two parcels is platted across the existing residence. As such, multiple service lines (sewer, water) exist for each lot.

Zoning & Planning recommends approval of the CSM conditioned upon:

1. Revise the CSM Notes and Restrictive Covenants (page 3) to read “Notes from Plat” and “Restrictive Covenants from Plat”.
2. Revise CSM or provide documentation indicating the disconnection of one set of sewer and water utilities to Lot 1.
3. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

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

- 3. Recommendation from Zoning & Planning on the request by Steve Bieda of Mau & Associates, agent for owner Mike Hintz of Dedicated Real Estate Family, LLC for combination Certified Survey Map combining parcels D-130-3 and D-127-1 into one parcel on Elmview Road for truck storage and parking.**

The petitioner is requesting the approval of a Certified Survey Map (CSM) for the combination of two lots totaling 20.72 acres. Dedicated Systems, Inc. and Dedicated Repair (trucking and truck repair) is housed on parcel D-127- 1 which is also used for truck storage and parking. Parcel D-130-3 is also used for truck storage and parking. The lots are accessed off a shared driveway on CTH MM.

A restaurant previously existed on Parcel D-130-3 but fire damage resulted in its removal within the last several years. The CSM is being requested in part, so the petitioner can make improvements to his property. Since no principal use currently exists, lots are combined to establish this.

The ZPC recommends approval of the CSM conditioned upon:

1. Revision of the CSM to illustrate the following:
  - a. Note future on-street bicycle accommodations along CTH MM.
  - b. ESA areas that impact the property.
2. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

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

#### **OLD BUSINESS:**

- 1. Zoning & Planning recommendation on the request by Steve Bieda of Mau & Associates, agent for owner Janette McVey, for a 19-lot Preliminary Plat on parcel D-189 located on Dallas Lane to accommodate a subdivision known as Mystery Ridge.**

**This item was** tabled for further consideration at the October 7, 2019 Town Board Meeting. The Board indicated that their questions regarding the approval of the plat were answered by staff.

The petitioner is requesting the review of a 19 lot and 2 outlot preliminary plat on approximately 14.6 acres. The parcel is proposed to be rezoned from R-R to R-1. The ZPC recommended approval of the proposed Preliminary Plat with the following conditions:

1. Completed of a wetland delineation and flood study for the development.
2. Revise Plat to remove ESA areas from Lots 5 – 10 and adding to Outlot 2.
3. Add the following notations to the Plat:
  - a. Future sidewalks and/or recreation trail will be installed along Dallas Lane, Mystery Ridge, and Dollar Road in the public ROW.
  - b. Driveway access is prohibited 75-foot from the intersection for Lots 1, 5, 13 – 15, and 17. This prohibition will also be illustrated directly onto these lots.
4. Illustrate the required parcel setbacks on the plat.
5. Revise Dollar Lane name to Dollar Road.
6. Any technical corrections required by the Town Engineer and Brown County.

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

#### **NEW BUSINESS:**

**1. Resolution Confirming the Installation of Sidewalks Along Bower Creek Road.**

A resolution confirming the installation of sidewalks along Bower Creek Road is needed to the Transportation Grant and is in accordance with the Bike/Ped Agreement.

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

**2. Resolution requesting Wisconsin Department of Transportation to reduce speed limit on STH 32/57 between Heritage Road (CTH X) and Rockland Road from 55 mph to 50 mph.**

The Board along with Staff have received numerous requests each year to evaluate speed limits throughout the Town, specifically the portion of STH 32/57 from Heritage Road (CTH X) to Rockland Road. There have been numerous traffic studies done and the Town is committed to promoting non-motorized transportation means to connect to neighboring communities. The Town does have authority to request a reduction of speed by 5mph along a state highway via a resolution. Therefore, the Board is asked to make such a request.

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

**3. Discuss and act on repair to golf course pond.**

During the September 9 & 10 rain storms the golf course pond at the corner of Bower Creek and CTH G overflowed causing the bank along the creek to wash out (see attached pictures). The existing outlet pipe became partially blocked by a log and the pond overflowed washing out the bank.

It is recommended that the bank get fixed and the pond outlet pipe be replaced with a drop structure prior to the spring of 2020 because another overflow could take out the bank which would cause the pond to breach and the possible loss of the pump house. This will also assure that the pond will not be in the harms way with the next year's construction of the round-about.

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

**4. Discuss encroachments into conservation easement in Spring Hill Subdivision lots 8 & 10.**

Spring Hills subdivision located on the east side of Scray Hill Road and just south of the Augusta Hills development was platted in 2000 as a rural subdivision with 33 lots. Part of the subdivision backs up to the Niagara Escarpment. On the plat there is a 75-foot Conservation Easement which is defined on the plat as “There shall be no vegetation or terrain disturbing activities within the Conservation easement without written approval from the Town of Ledgeview”.

It appears from the aerials that all the lots built on prior to this year have not gone into the conservation easement with the exception of the lot on the corner of Scray Hill and Limestone Trail which has a retaining wall about 50 feet from the back property line. It also appears that lots 8, 10, & 11 curve away from the escarpment.

Homes are presently being constructed on lots 8 and 10 of the development and one has excavated into the easement. The building inspector has had conversations with the builders about the easement and the issues with work in the easement. We have notified the contractors that this will be discussed at the October 22 board meeting and if they or the owners would like to attend to discuss their plans they should.

A copy of the plat shows the easement. Plans received for lot 10 that does show landscaping into the easement and for lot 8 which shows a proposed pool in the easement. We will be looking for direction from the board to enforce or modify the 75-foot conservation easement for lots 8, 10, and 11.

There was discussion as to whether or not the Board could make a determination as to easements and whether or not the plat would need to be re-recorded. The plat itself states, “There shall be no vegetation or terrain disturbing activities within the Conservation easement without written approval from the Town of Ledgeview”. Therefore, it was determined that a simple Town Board motion would suffice.

It was also talked about how the easement could be less than 75-feet verses removal of the easement altogether. Staff’s opinion was to reduce the easement in lots 8, 10, and 11 would not affect the protection of the escarpment which is the intent of the easement.

MOTION by P. Danen/M. Danen to reduce the easement on lots 8, 10, and 11 to 25-feet. No further discussion. Motion carried in a voice vote, 5-0.

**COMMUNICATIONS:**

Chairman P. Danen gave an update on the status of the Southern Bridge Project and potential funding proposal on the Environmental Impact Study by indicating that De Pere and Ledgeview approved the funding, Lawrence has not acted on the proposal yet.

**ORDINANCES:**

- ~~1. Ordinance 2019-19 amending Chapter 135 Zoning, Article XXI Off Street Parking Requirements, Section 207 Off Street Parking Requirements for Commercial Vehicles, Recreational Vehicles, Boats, and Motor Homes in reference to temporary residential dumpsters and storage units.~~  
Stricken under Agenda Approval.

**REPORTS:**

**Administrator:**

Approved at the November 4, 2019 Town Board Meeting.

- Received the Summons & Complaint regarding the Appeal of the Ledgeview Farms, LLC decision.
- Recognized employee anniversaries for October.
- Working on the Golf Course House Lease.
- Working on 2020 Budget.

**Clerk:**

- Brown County Unit of Wisconsin Towns Association is meeting on Thursday if anyone would like to attend.
- There is an election security sub-grant that will be submitted.
- Election workers appoint will be coming up at a future meeting.
- Working on the next newsletter.
- Candidate papers for the 2020 local election can start to be circulated on December 1<sup>st</sup>. Supervisors Renee Van Rossum and Mark Danen terms are up.
- Working on a recruitment packet for various committees and commissions to fill vacant positions.

**Engineer:**

- Status update on:
  - Bower Creek/Dallas Lane Urbanization Project
  - Brayden Lane Extension Project
  - Oak Ridge Circle Urbanization Project

**Treasurer:**

- Sanitary District held the Public Information Meeting on the extension of Dallas Lane per policy.
- Sanitary District set their levy limit.

**Parks & Recreation:**

- Received Public Right of Way Program grant for the Town to match.
- Park Committee Meeting update:
  - Equipment for Winter Programming at Ledgeview Golf Course
  - Concession Stand, restrooms, and open aired shelter at Scray Hill Park
  - Bike Loops signage to remain in place, request lowering the speed limit on bike routes.

**Public Works:**

- Christmas Tree Pick-up is scheduled **for the first week in January.**
- Flooding culverts on Reginald Hill cleaned out. Pond is functional properly.
- Muskrat trapping update.
- Dave Kittel agreed to the snowplowing contract and can be signed.

**Fire Department:**

- 400 students were provided fire prevention education by firefighters for Fire Prevention Week.
- Training at the barn on Monroe Road.

**Board Comments:** None.

**APPROVAL OF THE VOUCHERS:**

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

Approved at the November 4, 2019 Town Board Meeting.

**CLOSED SESSION:**

1. ~~The Town Board may convene 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 Ledgeview Golf Course Lease Operations.~~
2. ~~The Town Board may reconvene into open session to take action on items discussed in closed session.~~  
Stricken under Agenda Approval.

**2020 PROPOSED BUDGET WORKSHOP SESSION:**

1. **The Town Board will be conducting a workshop session with staff to review the 2020 proposed budget and the final 2020 Capital Improvement Plan. Budget items reviewed are for discussion only.**  
Staff explained the proposed 20 budget to the Board. Discussion was had on the use of reserve funds, debt service, as well as anticipated capital improvement projects. Adjustments were made by the Board which staff will make, and subsequently prepare the budget for a public hearing on November 19, 2019 at 6:00 p.m. with a Special Meeting of the Electors and Special Town Board Meeting to follow for the purposes of adopting the 2020 tax levy.

**ADJOURNMENT:**

**MOTION** by P. Danen/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:20 PM.

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