

The Ledgeview Town Board held a meeting on **Tuesday, December 2019 at 5:00 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 4:30 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, Planner Dustin Wolffe, Engineer Scott Brosteau, Treasurer Renae Peters, Public Works Director Dave Strelcheck, Public Works Superintendent Andy Tenor, Parks & Recreation Director Stephanie Schlag, and Clerk Charlotte Nagel.

AGENDA APPROVAL

Chairman P. Danen advised there are 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. November 19, 2019 Town Board Meeting.
2. Routine Reports:
3. Committee/Commission Reports: None.
4. Operator's Licenses: November 19, 2019 – December 16, 2019
5. Other Committee Minutes. Accept and place on file:
 - a. October 23, 2019 Sanitary District Commission Minutes.
 - b. November 13, 2019 Zoning & Planning Commission Minutes.
 - c. October 21, 2019 Park & Recreation Committee Minutes.
 - d. June 12, 2019 Beautification Sub-Committee Minutes.
 - e. July 13, 2019 Beautification Sub-Committee Minutes.
6. Pay Requests:
 - a. Pay Request #7 Final for TID #1 Filling, Advance Construction Inc, for \$44,033.33
 - b. Pay Request #3 for Brayden Lane Connection, Advance Construction Inc, for \$295,962.37
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.

PUBLIC COMMENT:

Steve Jauquet, 1874 Ledgeview Road – Spoke on proposed condo development on Ledgeview Road. Mr. Jauquet is the owner of the property and is upset with the town's handling of the proposed development. He doesn't understand how a project can be handled in such a fashion if it meets code requirements. Mr. Jauquet understands that it's not a popular decision to make and referenced the unpopularity of the sewer system

Approved at the January 6, 2020 Town Board Meeting.

installation years ago. Mr. Jaquet advised he would be contacting the City of De Pere regarding annexation options.

After two addition calls, for public comment, none was heard.

PUBLIC HEARING: The Board will hear comments and may take action on any of the following items:

- 1. Original Alcohol Beverage License Application for Dickinson Gas, Inc., Sarbjit Singh President/Agent (4052 Cattail Court, Appleton, WI) and Kalwinder Kaur Vice-President (4052 Cattail Court, Appleton, WI) for a Class A Liquor and Class A Beer Combination License doing business as Dickinson BP, 1850 Dickinson Road, De Pere, WI, 54115.**

Staff advised that Red Bird BP was sold to Dickinson Gas, Inc. therefore the liquor license was asked to be transferred. All the appropriate paperwork is submitted to the town as well as criminal background checks completed. Staff saw no issues with the transferring of the liquor and recommends approval.

Chairman P. Danen opened the public hearing at 4:37 PM. After three calls for comments, none were heard. Chairman P. Danen closed the public hearing at 4:37 PM.

MOTION by Peltier/Van Rossum to approve the liquor license to be issued to Dickinson Gas, Inc. as presented. No further discussion. Motion carried in a voice vote, 5-0.

- 2. Recommendation from Zoning & Planning Commission on request by Richard Huxford, agent for Glen Van De Hei, owner, for a Rezone Request Application on parcel D-278, 3027 Dutchman Road, from A-2, Agriculture, to R-R, Rural Residential to accommodate a Certified Survey Map creating two parcels.**
The petitioner is requesting to rezoning the parent parcel (D-278) from A-2, Agriculture to R-R, Rural Residential in order complete a two (2) lots Certified Survey Map. The existing parcel is legal non-conforming under the current zoning classification due to lot size, which has a minimum of 10-acres. The parcels will meet the lot size requirements of a minimum of 60,000 SF in the proposed R-R zoning district. The Comprehensive Plan Future Land Use Map depicts the area for future rural residential development. The proposed rezone is consistent with the goals and Future Land Use Map of the adopted Plan.

The Zoning & Planning Commission recommended to approve the rezoning to R-R, Rural Residential District, to the Town Board for the following reasons:

1. The proposed rezoning to the R-R District is consistent with the current zoning and development trends in the area.
2. The property is suitable for low-density single-family residential development and continued agricultural uses.
3. The proposed zoning district conforms to the goals and recommendations of the adopted Comprehensive Plan.

Chairman P. Danen opened the public hearing at 4:39 PM. After three calls for comments, none were heard. Chairman P. Danen closed the public hearing at 4:40 PM.

MOTION by Van Rossum/Mad to approve the rezone on parcel D-278 based on Zoning & Planning Commission recommendation. Motion carried in a voice vote, 5-0.

- 3. Recommendation from Zoning & Planning Commission on the Request by Steve Bieda of Mau & Associates, agent for Daniel and Carol Wellens, owner, for a Zoning Change Application on parcel D-154-4 located at**

3826 Hidden Valley Road from AG Agriculture to R-R Rural Residential on the newly created lot only in reference two lot Certified Survey Map.

The petitioner is requesting to rezoning the parent parcel (D-154-4) from A-2, Agriculture to R-R, Rural Residential in order complete a two (2) lots Certified Survey Map.

The existing parcel is legal non-conforming under the current zoning classification due to lot size, which has a minimum of 10-acres. The proposed parcels will meet the lot size requirements of a minimum of 60,000 SF in the proposed R-R zoning district. The Comprehensive Plan Future Land Use Map depicts the area for future rural residential development. The proposed rezone is consistent with the goals and Future Land Use Map of the adopted Plan.

The ZPC recommended to approve the rezoning to R-R, Rural Residential District, to the Town Board for the following reasons:

1. The proposed rezoning to the R-R District is consistent with the current zoning and development trends in the area.
2. The property is suitable for low-density single-family residential development and continued agricultural uses.
3. The proposed zoning district conforms to the goals and recommendations of the adopted Comprehensive Plan.

Chairman P. Danen opened the public hearing at 4:41 PM. After three calls for comments, none were heard. Chairman P. Danen closed the public hearing at 4:41 PM.

There was discussion regarding the number of phone calls Board Members have been receiving regarding the rezone and certified survey map for this parcel. Specifically, the concern is with the division of the land; potentially a house could be built in front of the neighbor's existing home.

MOTION by P. Danen/Van Rossum to re-open the public hearing. No further discussion. Motion carried in a voice vote, 5-0.

Chairman P. Danen opened the public hearing at 4:44 PM.

Julie Fonnsee, 3482 Hidden Valley Court – Weighted in on the proposed rezone and certified survey map as this could affect her property. There was discussion between the board, staff, and Ms. Fonnsee regarding potential options for subdividing the parcel.

After two additional calls for comments, none were heard. Chairman P. Danen closed the public hearing at 4:47 PM.

MOTION by Peltier/Cheslock to approve the rezone of parcel D-154-4 to Rural Residential (RR) as recommended by Zoning & Planning. No further discussion. Motion carried in a voice vote, 5-0.

4. Recommendation from Zoning & Planning Commission on the Proposed changes to Chapter 135: Zoning relating to Agriculture-Farmland Preservation for Department of Agriculture, Trade and Consumer Protection Ordinance Certification.

The goals of the Farmland Preservation Credit Program are: 1) To preserve Wisconsin farmland by means of local land use planning and soil conservation practices, and 2) To provide property tax relief to farmland owners.

In December 2017 Brown County adopted the 2017 – 2027 Brown County, WI Farmland Preservation Plan Update that establishes a vision for the future of agriculture in Brown County, and that identifies the state of agriculture in the county, anticipates future trends, and maps land that the County projects will stay in agricultural use for the next 15 years. The Town has a Farmland Preservation local ordinance that is certified by (DATCP) as a Farmland Preservation Zoning ordinance that meet standards set forward in Chapter 91, Wis. Stats.

With the update to the County Plan, and some changes at the State level, revisions/updates to the Town Ordinance are required. Most notable is the addition of new definitions that align with the statutes. Also, we must resolve the lands we show on the official zoning map that have been rezoned to AG-FP that do not appear on the County Plan. We will be working with the County to resolve this in 2020.

Zoning & Planning unanimously recommended the proposed changes to Chapter 135 to the Town Board for Approval.

Chairman P. Danen opened the public hearing at 4:53 PM. After three calls for comments, none were heard. Chairman P. Danen closed the public hearing at 4:54 PM.

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

5. Recommendation from Zoning & Planning Commission on Proposed changes to Chapter 96 and Chapter 135 relating to bicycle and pedestrian facilities, trails, walkways, and sidewalks.

With the adoption of the Town of Ledgeview Bicycle and Pedestrian Master Plan, a number of modifications to current ordinances that relate to bicycle and pedestrian issues were recommended for implementation. The Code changes focus on addressing the hazards that impact bicycle and pedestrian (non-motorized transportation) mobility.

The changes were reviewed by the Park and Recreation Committee at their 11/25/19 for input and recommendations to the Zoning and Planning Commission for further review and/or action. The Zoning & Planning unanimously recommended the proposed changes to the Town Board.

Chairman P. Danen opened the public hearing at 4:55 PM. After three calls for comments, none were heard. Chairman P. Danen closed the public hearing at 4:56 PM.

MOTION by Peltier/M. Danen to approve per the recommendation of Zoning & Planning and Park & Recreation Committee. No further discussion. Motion carried in a voice vote, , 5-0.

ZONING & PLANNING:

1. Recommendation from Zoning & Planning Commission on the request by Richard Huxford, agent for Glen Van De Hei, owner, for a Certified Survey Map Application on parcel D-278, 3027 Dutchman Road, creating two parcels.

The petitioner is requesting approval of a two (2) lot Certified Survey Map (CSM) to subdivide the residence and accessory building from the remaining vacant lands. Proposed Lot 1 will be reduced from 3.62 acres to 2.28 acres, with ~342-feet of frontage. Lot 2 will measure 1.34 acres with 200-feet of frontage.

The parcels will meet the lot size requirements of a minimum of 60,000 SF in the proposed R-R zoning district. The Comprehensive Plan Future Land Use Map depicts the area for future rural residential

development. The proposed CSM is consistent with the goals and Future Land Use Map of the adopted Plan.

The accessory structure on Lot 1 measures approximately 3,700 SF. The Zoning Board of Appeals approved a variance to allow the accessory structure to remain. If it is destroyed it would be required to comply with the current code requirements.

The ZPC recommend approval of the CSM to the Board with the following conditions:

1. Dedication of 40-feet from centerline for CTH MM to be illustrated on the CSM.
2. Add the following notations to the CSM:
 - *Future bicycle and pedestrian facilities will be provided in the right-of-way of CTH MM (Dutchman Road).*
 - *Connection of the residences of Lot 1 and Lot 2 to public utilities – water and sanitary sewer- within one year of their availability is required.*
3. Any technical corrections required by the Town Engineer or Brown County must be addressed prior to Town signature of the CSM.

There was discussion with the newly created parcel to meet the required 60,000 square foot minimum requirement for R-R zoning. Due to the parceling coming out of A-2 zoning, the owner is allowed some latitude to not comply with that requirement. However, the Board felt the 60,000 square foot minimum was easy to meet, not a hardship, and should be met.

MOTION by Peltier/Cheslock to approve the CSM per Zoning & Planning conditions along with meeting 60,000 square foot minimum lot size requirement of R-R zoning. No further discussion. Motion carried in a voice vote, 5-0.

At 5:00 PM Supervisor M. Danen excused himself from the remainder of the meeting.

2. **Recommendation from Zoning & Planning Commission the request by Steve Bieda of Mau & Associates, agent for Daniel and Carol Wellens, owner, for a Certified Survey Map Application on parcel D-154-4 located at 3826 Hidden Valley Road creating two lots.**

The petitioner is requesting approval of a two (2) lot Certified Survey Map (CSM) to subdivide the existing residence from the remaining vacant lands. Proposed Lot 1 will be reduced from 5.0 acres to 3.5-acres, with ~285-feet of frontage. Lot 2 will measure 1.5 acres with ~179-feet of frontage.

The proposed parcels will meet the lot size requirements of a minimum of 60,000 SF in the proposed R-R zoning district. The Comprehensive Plan Future Land Use Map depicts the area for future rural residential development. The proposed CSM is consistent with the goals and Future Land Use Map of the adopted Plan.

Zoning & Planning recommend approval of the CSM to the Board at this time, subject to the following conditions:

1. Percent Parcel D-154-4 is required to rezoned from A-2, Agriculture District, to the R-R Rural Residence District.
2. Add the following notations to the CSM:
 - *Future sidewalks will be installed along Hidden Valley Road when curb and gutter are constructed in the future.*
 - *Connection of the residences on Lot 1 and Lot 2 to public utilities—water and sanitary sewer—are required within one year of their availability.*

3. Any technical corrections required by the Town Engineer or Brown County must be addressed prior to Town signature of the CSM.

There was discussion amongst the Board members regarding this CSM. Members agree with the rezone but not with the CSM due to the potential of a house being building in front of the existing house.

MOTION by Peltier/Van Rossum to approve the CSM with Zoning & Planning conditions. No further discussion. Motion carried in a voice vote, 3-1, with P. Danen dissenting.

3. **Recommendation from Zoning & Planning Commission on the request by Ron Stahl of Stahl Electric, agent for Dedicated Real Estate Family, LLC, owner, for a Building, Site, and Operations Plan Application on parcels D-127-1 and D-130-3 located at 3700 and 3720 Elm View Road regarding a lighting plan for the truck company.**

The petitioner recently (October 2019) received approval of Certified Survey Map (CSM) to combine parcels D-127-1 and D-130-3, totaling 20.72 acres. The CSM was necessary to allow the property owner to make improvements to their property due to the removal of the diner that was damaged in a fire a few years ago.

At this time, the property owner is requesting approval to install three (3) new light poles and LED lighting fixtures on the property to improve safety and security. The improvements came to the attention of the Town when the building inspector received notification from the State of Wisconsin that new commercial electrical service was applied for site. Upon inspection, it was determined that the electrical panel had been installed, along with new 3-foot tall concrete bases for new lighting poles.

The submitted photometric plans indicate that the lighting levels were modeled using 24-feet as the fixture height. Follow-up with the electrical contractor indicated that the total fixture heights—poles on the previously poured 3-foot concrete bases—will be 31-feet. The ZPC determined that the proposed lighting poles and bases would be too tall. The Town only allowed the new Kwik Trip on Broadway to have an 18-foot total height—a 7-foot pole on a 1-foot base. For comparison, the minimum DOT interstate highway bridge clearance is 16'9”.

The ZPC recommend approval of the BSO Plan to the Board at this time with the following conditions:

1. Use of the three (3) poured concrete bases is permitted with a 15-foot pole height, and the overall lighting height will not exceed 18-feet above grade.
2. Lighting detail is provided that clearly illustrates the height of the base, the height of the pole, and the lighting fixtures will be 90-degree downcast.
3. A 15-foot by 30-foot grass or landscape area is installed at the entry of the site to protect the lighting fixture and new electric service.
 - a. A landscape plan is submitted for review and approval by the Town Board.

MOTION by Van Rossum/Peltier to approve with Zoning & Planning recommendations. No further discussion. Motion carried in a voice vote, 4-0.

OLD BUSINESS:

1. Discuss and act on the proposed urbanization of Dallas Lane and Bower Creek Road.

With the subdivision development along Bower Creek Road and Dallas Lane and the roundabout to be installed at CTH G and Bower Creek Road the Town Board needs to look at the urbanization of these roadways.

As part of the Red Hawk development we were going to urbanize the west side of the roadway with curb and gutter as part of the project. However, looking at the overall roadway it would be better to urbanize both sides of the roadway as we usually cut the road down 1-2 feet in order to match into the adjacent properties along the roadway. Also, the roadway is not in the center of the right of way so we cannot just urbanize the west side of the roadway. Urbanizing the east side would require the residents to incur an assessment of about \$40/LF on top of their \$112 assessment for sanitary sewer and water.

The sanitary district will be installing facilities along Dallas Lane which will destroy the roadway. The Mystery Ridge subdivision is also proposed for 2020 which will have curb and gutter along Dallas Lane as part of the construction. It would make sense to urbanize Dallas Lane up to the east boundary of the development at a minimum. Again, urbanizing would require the residents to incur an assessment of about \$40/LF on top of their \$112 assessment for sanitary sewer and water.

The section of Bower Creek south of the Red Hawk development will require sanitary sewer and water to be installed at some time prior to the town redoing the roadway. We have applied for grants for a portion of this section. Also, a large culvert needs to be replaced in 2020. If other sections of Bower Creek are updated with curb and gutter and sidewalk it would make sense for the Town to upgrade this section to make the sidewalk connection to Scray Hill and ultimately getting to Oak Ridge Circle. Again, those on this roadway will incur assessments for both sewer, water and street upgrades.

At this time staff is looking to the Town Board to consider what they would like to do in this area as projects are moving forward and residents are asking about assessments from the Town.

Discussion was had and feedback was given to the staff. The Board felt the direction the staff was taking was the correct one.

MOTION by Peltier/Cheslock for the staff to continue on the same path. No further discussion. Motion carried in a voice vote, 4-0.

At 5:35 PM, Supervisor Peltier excused himself to the remainder of the meeting.

NEW BUSINESS:

1. Discuss and act on Grand Ridge Estates Developer's Agreement Amendment #3.

This is will be the third amendment to the original Developer's Agreement for Grande Ridge Estates off Oak Ridge Road. The amendment pertains to financing.

MOTION by Van Rossum/Cheslock to approve Amendment #3 of the Developer's Agreement. No further discussion. Motion carried in a voice vote, 3-0.

2. Discuss and act on Northern Exposure Developer's Agreement Amendment #2.

This will be the second amendment to the original Developer's Agreement for Northern Exposure. The amendment pertains to financing.

MOTION by Van Rossum/Cheslock to approve Amendment #2 to Northern Exposure Developer's Agreement. No further discussion. Motion carried in a voice vote, 3-0.

3. **Discuss and act on Final Resolution 2019-11 Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703, Wisconsin Statutes, for Road Reconstruction and Installation of Curb, Gutter, Sidewalk and Storm Sewer, Including Engineering and Administration, on Dollar Road beginning approximately 720 feet west of the intersection of Dollar Lane and Dollar Road and proceeding west along Dollar Road for 800 feet in the Town of Ledgeview, Brown County, Wisconsin.**

This is the final resolution that allows the town to put the special assessments onto the tax roll. The work is completed.

Motion by Van Rossum/Cheslock to approve the final resolution. No further discussion. Motion carried in a voice vote, 3-0.

4. **Recommendation from Ledgeview Volunteer Fire Department to confirm the 2020 Election results.**

Per the Fire Department By-Laws, the board must confirm the annual election results.

The following are the results of the 2020 Fire Department Elections:

- Assistant Chief Randy Edinger (Incumbent)
- Captain Jake Guns (New)
- Lieutenant Jason Benzschawel (New)

MOTION by Cheslock/Van Rossum to confirm the Fire Department Election Results. No further discussion. Motion carried in a voice vote, 3-0.

5. **Consideration of donation to Northeast Wisconsin Technical College Fabrication and Welding Class of a secure donation box for the winter trails program at Ledgeview Golf Course.**

Staff reached out to instructors of the NWTC Welding program to see if there was interest in fabricating a secure donation box for the winter trails at the golf course. Staff heard from two instructors who indicated their students would be willing to make a box for the Town based on a design provided to the students and instructors. The students priced out materials and provided a quote of \$60 for the fee box. The instructor asked if the Town would consider a donation to the metal fabrication and welding students to help fund their participation in the SkillsUSA competition.

From the SkillsUSA Wisconsin website: "The SkillsUSA is a program through the Wisconsin Department of Public Instruction and is partnership of students, teachers, and industry working together to ensure American has a skilled workforce. We provide educational programs, events and competitions that support career and technical education (CTE) in Wisconsin and the nation's classrooms."

From the NWTC instructor: "We will have 3 to 4 students involved in this project. We will have 4 welding students and 1 team of 3 students for Metal Fab going to state this year. The conference is the 14th and 15th of April".

Since the Park & Recreation Committee hasn't seen the information, the Town Board would like the committee to weigh in on the proposal.

COMMUNICATIONS: None.

Approved at the January 6, 2020 Town Board Meeting.

ORDINANCES:

1. Act on ordinance 2019-21 Town of Ledgeview Livestock Operations Ordinance.

The draft ordinance is being asked to be considered by the Town Board in response to a previous board discussion and multiple requests from the Ledgeview public regarding the Town's ability to investigate and enforce alleged violations of water contamination, which can threaten public health and safety. The draft ordinance that is before the board provides for such authority.

MOTION by Cheslock/Van Rossum to approve and to have the approved ordinance be reviewed by the Department of Natural Resources and the Department of Agriculture, Trade, and Consumer Protection. No further discussion. Motion carried in a voice vote, 3-0.

REPORTS:

Administrator:

- Status update on the filings related to Ledgeview Farms and the Livestock Siting Review Board. The Town has not received any further update from the Department of Natural Resources regional office for additional follow up.

Clerk:

- Nomination papers can be circulated starting December 1st. Supervisors M. Danen and Van Rossum are up for re-election. Papers deadline is 5:00 PM on January 7, 2020.
- Badge Books, electronic poll books will be shipped January 2nd.
- E-Newsletter will be sent on Friday.
- Volunteer Appreciation Event – thinking of a Green Bay Booyah! Game in early June.

Treasurer:

- 2019 Town Budget wrap-up.
- Building 2020 Budget for January 1 start date.
- Audit will be January 28 and 29.
- 2020 Budget to GFOA.
- There will be an audit of The Crossing at Dollar Creek.
- State tax reporting has been submitted.

Engineer:

- Work has started in Red Hawk Landing subdivision.
- Dallas Lane work will start after the New Year.
- Brayden Lane connection is done.

Planner:

- Tax Increment District #2 has been certified by Department of Revenue.

Public Works:

- Attended MS-4 Training in Oshkosh.
- Timesheet analysis.
- Toured both Howard and Ashwaubenon's Public Works Department for education on how their department function.
- Attended the Cross Connection Control Meeting.
- Pond inspections are complete.

- Gate at Scray Hill Park is completed.
- Addressing some icing issues on Bower Creek Road.

Parks & Recreation:

- Park and Recreation Committee Meeting was held on November 18th.
- Beautification Sub-Committee Meeting held on November 25th.
- Worked with Public Works on signage installation at Ledgeview Golf Course.
- Worked with Administrator on 2020 goals and projects for Parks & Recreation Department.

Fire Department

- 122 Calls in 2018
- 18 Auto Aid Calls in 2018
- 11 Mutual Aid Calls in 2018
- 7 Auto/Mutual Aid calls in 2018
- Average 13 members per call
- Response is from both stations

Board Comments:

- Received lots of comments on the Ledgeview Road Condo Project
- The Department of Justice is involved in Ledgeview Farms.

APPROVAL OF THE VOUCHERS:

MOTION by Van Rossum/Cheslock to approve the vouchers. No further discussion. Motion carried in a voice vote, 3-0.

ADJOURNMENT:

MOTION by P. Danen/Cheslock to adjourn. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 6:19 PM.

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