

## **DRAFT**

The Ledgeview Town Board held a meeting on **Tuesday, May 19, 2020 at 4:00 PM** in the Community Room located at Ledgeview Community Center, 3700 Dickinson Road, De Pere, WI 54115.

It should be noted that in light of current public health concerns regarding COVID-19, this meeting was a telephone/video conference meeting for Board members. Members of the public were able to monitor the meeting through telephone access. Comments under the Public Input agenda item were accepted in written format until 12:00 PM noon and distributed to the Board members prior to the meeting for acknowledgement under the Public Input section of the meeting.

### **CALL TO ORDER**

The meeting was called to order by Chairman Philip J. Danen at 4:11 PM.

### **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was dispensed of.

### **ROLL CALL**

Members present were Chairman Phil Danen along with Supervisors Mark Danen, Renee Van Rossum, and Al Cheslock attended in-person, Supervisor Cullen Peltier via video conference.

Staff present in-person Administrator Sarah Burdette, Treasurer Renae Peters, and Clerk Charlotte Nagel. Present via video conferencing were Planner Dustin Wolff, Parks & Recreation Director Stephanie Schlag, Public Works Superintendent Andy Tenor, and Fire Chief Todd Hendricks. Present via phone was Engineer Scott Brosteau.

### **AGENDA APPROVAL**

Staff advised there were no changes to the agenda.

MOTION by Van Rossum/Cheslock 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. May 4, 2020 Town Board Minutes.
2. Routine Reports: None
3. Committee/Commission Reports:
4. Operator's Licenses:
5. Other Committee Minutes:
  - a. April 19, 2020 Zoning & Planning Meeting Minutes
  - b. October 23, 2019 Redevelopment Authority Meeting Minutes.
  - c. April 5, 2020 Redevelopment Authority Meeting Minutes.
6. Pay Requests:
  - a. Application #8 for H&H Civil Construction in the amount of \$271,686.61 for 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.

There was discussion on the status of the electrical construction at De Pere Baseball Mulva Fields at Scray Hill Park. Construction is not going as planned and staff will keep the Board updated as the project moves forward.

Approved at the June 1<sup>st</sup>, 2020 Town Board Meeting.

**DRAFT**

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

**PUBLIC COMMENT:**

Per COVID-19 Open Meeting Procedures provided by the Wisconsin Legislature, the Wisconsin Department of Justice, and the Wisconsin Town Associations, public comments were accepted in written format submitted to the Clerk prior to the meeting and distributed to the Board Members for recognition at the meeting.

Sue Grohusky, 1775 Hawthorne Heights – Wanted answers to her questions regarding the Scray Hill Road Urbanization Project, particularly the removal of dump truck traffic on Scary Hill Road.

The Board replied that the quarries and their drivers are aware that when the urbanization project starts, they are permanently removed from Scray Hill Road to the west. The start of the project is undetermined at this time but should be announced soon. The permanent truck route is Scray Hill Road to the east to Morrison Road, Morrison Road to the north to CTH X.

It was acknowledged that there is opposition to the urbanization project, but that the Board determined that there is more support for the urbanization project than opposition. Scray Hill Road has become a collector road in which collector roads are move developed to provide safety for all those who use the road. The project is in line with the Park & Recreation Committee’s desire to provide safe pedestrian connectivity to Scray Hill Park. The Board also noted that if the sidewalks aren’t included with the road reconstruction it would cost more to have the contractor come back and install the sidewalks at a later date.

**PUBLIC HEARING: None.**

**ZONING & PLANNING:**

**1. Recommendation by Zoning & Planning and Park & Recreation Committee on the request by Jonathan Webb of De Pere Baseball, Inc. for a Sign Application at Mulva Baseball Fields located at Scray Hill Park 1865 Scray Hill Road.**

Ledgeview and De Pere Baseball (a 501c3 non-profit organization) have been working together to develop sponsorship opportunities to support the baseball fields and related facilities in Scray Hill Park. 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.

In July 2019, both the Park Committee, the Zoning & Planning, and the Town Board reviewed and approved the proposed signage with conditions to remove the big script “D” and provide additional details including sign size, materials, quantity and donors, if known. What is presented now is substantially similar to what was previously reviewed and approved but includes details requested by the Town. This includes signage for the dugouts, scoreboard and outfield fence as well as potential ad hoc signage. Previously, outfield fence signage was not included. Both Park & Recreation and Zoning & Planning recommend approval of the proposed signs.

MOTION by Peltier/Van Rossum to approve the proposed signs per the Parks & Recreation Committee and the Zoning & Planning Commission recommendation. No further discussion. Motion carried in a voice vote, 5-0.

**2. Recommendation by Zoning & Planning on the request by Joel Ehrfurth of Mach IV Engineering & Surveying, LLC., agent for Greg DeCleene of Swan Club Inc., owner, for a Building, Site, and Operations Application for remodel of the front of the existing restaurant/pub to add an outdoor seating area located on parcel D-365-11, 1950 Dickinson Road.**

**DRAFT**

Petitioner is requesting to expand the current patio of the tavern/restaurant to accommodate outdoor dining/seating area at the front (north side) of the building. The extension will result in a patio that measures approximately 26-feet by 32-feet.

Alcohol will be consumed outside and fencing 6-feet in height is proposed to surround the patio. The fencing will be decorative metal and is in compliance with the Zoning Code. The expanded patio will impact five (5) existing parking stalls, including two (2) handicap accessible stalls. While there is ample parking available on the site to compensate for the loss of the stalls, the ADA (American Disability Act) stalls must be replaced. The site plan should clearly illustrate the new locations of the designated ADA stalls.

Zoning & Planning unanimously recommend approval with the following conditions:

1. Revise the site plan to clearly illustrate the location of the replacement ADA parking stalls.
2. Reuse/relocate the existing evergreen/arbor vitae plantings in the landscaping areas adjacent to the patio.

MOTION by M. Danen/Cheslock to approve the Building, Site, and Operations Plan with the recommended Zoning & Planning conditions. No further discussion. Motion carried in a voice vote, 5-0.

**3. Recommendation by Zoning & Planning on the request by Troy Hewitt of Robert E. Lee Associates, Inc., agent for Jeff Marlow of Ledgeview Property Investments, LLC for a Final Subdivision Plat on parcels D-425, D-425-5, and D427-6 known as Private Claim 41, vacant land on the east side of Monroe Rd at the Town line, for a 35 lot, 5 outlet subdivision known as Feldspar Place.**

The Town Board approved the rezoning to R-3, Multi-Family Residential District with PDD (Planned Development District) Overlay, R-1, Residential District with PDD Overlay, and B-2, Business District with PDD Overlay in April 2019 to allow for the development of a mixed residential subdivision. A portion of the property was rezoned B-2/PDD for future commercial development. The preliminary plat was reviewed and approved with conditions by both Zoning & Planning and Town board in March of 2020.

The proposed plat illustrates 35 lots and 5 outlots. Lots 1 – 34 will be for single-family development. Lot 35 and Outlots 3 and 4 will be for multi-family development. Outlots 1 and 2 will be for commercial development. The Final Plat is consistent with the Preliminary Plat. Single-family lots are not platted into the wetlands ESAs (Environmental Sensitive Area) to ensure they are protected per Section 96-8(C) of the Subdivision Code. A modification to Lot 6 (now Lot 19) was needed to ensure access to Outlot 1 (now Outlot 5) for maintenance of the stormwater pond.

Minor modifications the Final Plat may be necessary to address development issues associated with the flood study.

Zoning & Planning recommend approval of the Final Plat to the Board conditioned upon:

1. Add a notation to the plat specifying “Future on-street bicycle route signage will be installed in the Brayden Lane right-of-way. Sidewalks will be installed along all public roads.”
2. Stormwater management facilities pursuant to Chapters 90 and 96 of the Town Code shall be reviewed and approved by the Town Engineer.
3. Technical corrections as required by the Town Engineer and Brown County.

MOTION by Van Rossum/M. Danen to approve the Final Plat with the recommended Zoning & Planning conditions. No further discussion. Motion carried in a voice vote, 4-0-1 with P. Danen abstaining.

## DRAFT

**4. Recommendation by Zoning & Planning 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.**

In December 2019 the Zoning & Planning Commission and the Town Board approved a BSO (Building, Site and Operations) Plan for Dedicated Systems to replace the existing non-conforming lighting (angled lamps at 26-foot) by installing new light poles and LED lighting fixtures on the property to improve safety and security.

The approval has the following conditions:

1. Use of the existing 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 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.

The property owner has expressed that 18-feet is not high enough for the lighting and is requesting to increase the lights from 26-feet to 36-feet. A series of supporting information has been provided to support their argument for increased fixture heights.

At 4:49 PM, MOTION by P. Danen/Van Rossum to open the meeting up for discussion with the applicant who is attending by phone. No further discussion. Motion carried in a voice vote, 5-0. At this time the applicant was unmuted to address the Board.

There was much discussion regarding the request to raise the light poles to 36 feet. Included in the discussion was:

- Land topography
- Land use at this location
- Light dispersion
- Photometric design
- Safety and security of the employees and the trailers themselves

At 4:56 PM, the applicant was muted for board discussion.

The Board felt that there were good arguments for both sides of the issue and ultimately would like to find a happy medium but needed more information. Specifically, there was concern the illumination would impair or distract drivers on both I-43 and CTH MM. The Board would like the applicant to submit the following information:

- Photometrics design plan including light dispersion
- Design of the lamp unit; what it looks like underneath
- An image of what the lights at the proposed 36 feet would look like from I-43 and CTY MM when illuminated.

MOTION by M. Danen/Cheslock to table pending further information. No further discussion. Motion carried in a voice vote, 5-0.

**OLD BUSINESS: None.**

## DRAFT

### NEW BUSINESS:

- 1. Review and approve Resolution 2020-08 Authorizing the Dedication of Land for the construction of a roundabout at the intersection of County Highway G and Scary Hill Road/Bower Creek Road.**

Right-of-way is needed to be dedicated to Brown County for the installation of roundabout at CTH G (Dickinson Road) and Scray Hill Road/Bower Road due to CTH G is a county highway.

MOTION by Peltier/M. Danen to approve the dedication of land for the construction of a roundabout at the intersection of CTH G and Scray Hill Road/Bower Creek Road. No further discussion. Motion carried in a voice vote, 5-0.

- 2. Approve granting utility easements on Bower Creek Road to Wisconsin Public Service for installation, maintenance, and repair of underground electric utilities.**

Utility easements are needed for installation, maintenance and repair of underground electric utilizes along Bower Creek Road in reference to the urbanization project.

MOTION by Cheslock/Van Rossum to approve the utility easement agreement with Wisconsin Public Service. No further discussion. Motion carried in a voice vote, 5-0.

- 3. Award Contract D-2020, 2020 Resurfacing of Broken Covey, Hickory Valley Court, and a small portion of Old Valley Road to MCC Inc. for \$85,461.00.**

Two bids were received in response to the bid invitation for resurfacing Broken Covey, Hickory Valley Court, and a small portion of Old Valley Road. MCC Inc. was the lowest bidder.

MOTION by Van Rossum/M. Danen to award the bid to MCC in the amount of \$85,461.00. No further discussion. Motion carried in a voice vote, 5-0.

- 4. Act on bids received for 2020 pavement chip sealing services.**

Annual chip sealing bid to keep road surfaces up to standards. Two bids were received in response to the bid invitation. The bids came in a bit over budget, but some adjustments were able to be made to accommodate the work. Scott Construction, Inc. came in the lowest bidder.

MOTION by Van Rossum/Peltier to award the chip sealing contract to Scott Constriction, Inc. in the amount of \$85,302. No further discussion. Motion carried in a voice vote, 5-0.

- 5. Act on bids received for 2020 pavement crack sealing services.**

Annual crack sealing bid to keep road surfaces up to standards. Three bids were received in response to the bid invitation. The bids came in a bit over budget, but some adjustments were able to be made to accommodate the work. Asphalt Seal & Repair, Inc. came in the lowest bidder.

MOTION by Van Rossum/Peltier to award the chip sealing contract to Asphalt Seal & Repair, Inc. in the amount of \$64,689. No further discussion. Motion carried in a voice vote, 5-0.

- 6. Review and approval Red Hawk Landing Developer's Agreement Second Amendment.**

The developer requested payment modifications to the Developer's Agreement of Red Hawk Landing that require Board approval. The changes are primarily in response to economic conditions of COVID-19. However, the Board does not want amending developer agreements to become routine.

MOTION by M. Danen/Cheslock to approve the Red Hawk Landing Developer's Agreement Second Amendment. No further discussion. Motion carried in a voice vote, 5-0.

**DRAFT****7. Discuss and act on the request by Brown County Tavern League to reduce Annual Class B Combination Liquor License fees for the 2020-2021 licensing year due to COVID-19.**

Brown County Tavern League requested a reduction in Class B Combination Liquor License Fee in lieu of COVID-19. They are seeking relieve due to being shut down during the pandemic. Both cities of De Pere and Green Bay as well as the Village of Howard have reduced the annual liquor license fees to the statutory minimums for Class B Combination Licenses to \$0 for beer and \$50 for intoxicating liquor. Several reduction options were offered for Board consideration. The Board understands that the bars were hit hard with COVID-19 and the Safer at Home Order and realize it's going take time for them to recover from the impact. However, the Board did not want to create a town expense by cutting or reducing the publication fee. The publication fee literally only covers the cost of the statutory publication, therefore, the publication fee remained the same.

MOTION by Peltier/M. Danen to reduce the annual Class B Combination Liquor License Fees to \$0 for Beer, \$50 for Intoxicating Liquor, and to keep the publication fee the same, for a total of \$125 for 2020-2021 licensing year only. 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. Chairman P. Danen recommends appointing:

- Tina Peltier, Citizen Member
- Recruit for vacant membership

MOTION by Van Rossum/M. Danen to approve the Town Chair appointments. No further discussion. Motion carried in a voice vote, 4-0-1 with P. Danen abstaining.

**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. Chairman P. Danen recommends appointing:

- Steve Corrigan, Citizen Member
- Steve Rohr, Citizen Member
- Recruit for vacant membership

MOTION by Peltier/M. Danen to approve the Town Chair appointments. No further discussion. Motion carried in a voice vote, 4-0-1 with P. Danen abstaining.

**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. Chairman P. Danen recommends appointing:

- Cullen Peltier, Town Board Member
- Jason Shanda, Citizen Member

MOTION by Van Rossum/Cheslock to approve the Town Chair appointments. No further discussion. Motion carried in a voice vote, 3-0-2 with P. Danen and Peltier abstaining.

**11. Confirm Town Chair's appointments to the Zoning & Planning Commission.**

Ordinance dictates that the Town Chair makes the board appointments, subject to Town Board confirmation. Chairman P. Danen recommends appointing:

**DRAFT**

- Renee Van Rossum, Town Board Member
- Chet Lamers, Citizen Member
- Taurino Garcia, Citizen Member
- Kris Baran, Citizen Member
- Recruit for vacant alternate memberships

MOTION by Peltier/Cheslock to approve the Town Chair appointments. No further discussion. Motion carried in a voice vote, 3-0-2 with P. Danen and Van Rossum abstaining.

**12. Confirm Town Chair's appointments to the Length of Service Award Committee.**

Ordinance dictates that the Town Chair makes the board appointments, subject to Town Board confirmation. Chairman P. Danen recommends appointing:

- Mark M. Danen, Town Board Member
- Denise Pansier, Citizen Member

MOTION by Cheslock/Van Rossum to approve the Town Chair appointments. No further discussion. Motion carried in a voice vote, 3-0-2 with P. Danen and M. Danen abstaining.

**COMMUNICATIONS:**

**1. National Public Works Appreciation Week May 17<sup>th</sup> – 23<sup>rd</sup>, 2020.**

The Board recognized Any Tenor, JR Lacy, Keven Tadeyeske, Cole Hendricks, and Clayton Cohen for their commitment to excellent service to the community.

**COMMUNICATIONS:** None.

**ORDINANCES:** None.

**REPORTS:**

**Administrator:**

- Re-Opening of Town Offices scheduled for June 1<sup>st</sup>. This will also correspond with hosting meetings for public attendance.
- Discussion was had on the Garbage and Recycling Request for Proposal.

**Clerk:**

- Working on printed version of the Town Newsletter.
- Working on refreshing the website.

**Planner:**

- Nothing to add.

**Treasurer:**

- Starting the 2021 Budget process.
- April 2020 Cash Flow Report.

**Engineer:**

- Project Updates were given.
- Scray Hill Road Preconstruction Meeting Thursday, May 21<sup>st</sup> at 1:30 PM.
- SH 29 at Tressle Road issue.

Approved at the June 1<sup>st</sup>, 2020 Town Board Meeting.

## DRAFT

### Parks & Recreations:

- Working on Scray Hill Park – De Pere Baseball Fields Project.
- Crafting a plan to safely re-open Ledgeview Facilities.

### Public Works:

- Working on sewer repairs.
- Localized flooding remediation.
- Hydro repairs.
- Leak detection.

**Board Comments:** None.

### APPROVAL OF THE VOUCHERS:

MOTION by Cheslock/M. Danen 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)(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 reviewing Cocoon Brewing Tax Increment District Financing Application.**
2. **The Town Board may reconvene into open session to take action of matters discussed in closed session.**

MOTION by P. Danen/Van Rossum for the Town Board to 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 reviewing Cocoon Brewing Tax Increment District Financing Application. No further discussion. Roll call vote: P. Danen – Aye, Cheslock – Aye, Van Rossum – Aye, M. Danen – Aye, Peltier – Aye. Motion carried in a roll call vote, 5-0.

At 5:42 PM, the Town Board convened into closed session.

At 6:02 PM, MOTION by P. Danen/Van Rossum to reconvene into open session. No further discussion. Motion carried in a voice vote, 5-0.

No action was taken by the Board.

### ADJOURNMENT:

MOTION by P. Danen/Peltier to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:03 PM.

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