

The Ledgeview Town Board held a meeting on **Tuesday, June 16, 2020 at 4:30 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 an in-person meeting of Board members. Members of the public were able to monitor in the meeting through telephone access. Comments under the Public Input agenda item were accepted in written format prior to the meeting and distributed to the Board members for recognition at the meeting.

CALL TO ORDER

The meeting was called to order by Chairman P. Danen at 4:30 PM.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited by all in attendance.

ROLL CALL

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

Staff present in-person Administrator Sarah Burdette, Planner Dustin Wolff (virtually), Engineer Scott Brosteau, Clerk Charlotte Nagel, Treasurer Renae Peters, Park & Recreation Director Stephanie Schlag, and Public Works Operations Superintendent Andy Tenor.

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. June 1, 2020 Town Board Meeting Minutes
2. Routine Reports: None.
3. Committee/Commission Reports: None.
4. Operator's Licenses: June 1st – 15th, 2020
5. Other Committee Minutes:
 - a. November 5, 2018 Joint Review Board Minutes
 - b. June 18, 2019 Joint Review Board Minutes
 - c. April 1, 2020 Sanitary District Commission Minutes
 - d. May 13, 2020 Zoning & Planning Commission Minutes
6. Pay Requests:
 - a. Approval of Pay Request #6 for Red Hawk Landing, Contract D-2019, for \$284,070.78 to Jossart Brothers Inc.
7. Special Event & Street Closure Permits:
 - a. 21 Gun Roadhouse, Todd Welsing, 4344 Lime Kiln Rd, Truck & Track Pull, Saturday June 27, 2020, 5:00-10:00PM. Liquor License will be amended to cover this event.

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 approve the Consent Agenda as written. No further discussion. Motion carried

Approved at the June 30th, 2020 Special Town Board Meeting.

in a voice vote, 5-0.

PUBLIC COMMENT:

NOTE: Oral comments may be submitted to the Town Board in-person under the Public Comment section. Written comments were accepted until 12:00pm Noon, Tuesday, June 16th, 2020. Written comments received by 12:00pm Noon on Tuesday, June 16th, 2020 were distributed to the Town Board Members prior to the meeting. The Town Board acknowledged receipt of written comments during the Public Comment section of the meeting.

Sue Grohusky, 1775 Hawthorne Heights – Ms. Grohusky is concerned about the width of the Scray Hill Road sidewalk, stating that they're wider than allowed by the City of De Pere, and wanted to know why. Staff answered that the City of De Pere sidewalks are 5 feet wide and Scray Hill Road sidewalk will be 5 feet wide as well.

Ms. Grohusky is concerned that the sidewalks will not be used for pedestrian use only, that golf carts use the sidewalks as well. She does not believe that is the intent of the use of the sidewalks.

Ms. Grohusky wanted to know where the e-mails that Mary Janssen requested in support of the Scray Hill Road sidewalks on June 1st were not received yet. Staff answered that a letter to Ms. Janssen was mailed indicating that the records were ready to be released along with the fees. Once the fees were received the records would be released.

Ms. Grohusky would like clarification as to if the property owner owned to the middle of the road or not. Staff explained the term right-of-way.

Ms. Grohusky asked about the funding. The Board replied financing for the project could be absorbed through a combination of TID#2 funds and special revenue funds from the Ledgeview Golf Course.

PUBLIC HEARING:

Oral comments were submitted to the Town Board in-person under the Public Hearing section. Written comments were accepted until 12:00pm Noon, Tuesday, June 16th, 2020. Written comments received by 12:00pm Noon on Tuesday, June 16th, 2020 will be distributed to the Town Board Members prior to the meeting. The Town Board acknowledged receipt of written comments during the Public Hearing section of the meeting.

1. Annual Class A / Class B Liquor and Cigarette License Applications for the following:

Class "A" Beer, "Class A" Liquor, & Cigarette: Ledgeview Shell, Dickinson BP, I-43 Shell, Piggly Wiggly, Kwik Trip 594.

Class "B" Beer, "Class B" Liquor: Bleu Restaurant & Lounge, The Ledge Crest Reserve, Chicago Street Pub & Grill, Toast & Company, Graystone Ale House, Ledgeview Golf Course, Redwood Inn, Terry's Wall Street Pub, 21 Gun Roadhouse.

Staff advised these were the Annual Liquor Licenses. These are the same licenses that were issued last year, there were no changes in the number of licenses or the class of licenses. All required paper has been submitted and backgrounds checks were completed. Staff recommends approval.

The public hearing was opened for anyone wishing to make comments at 4:41 PM. After three calls for comments, none were heard. Chairman P. Danen closed the public hearing at 4:42 PM.

MOTION by Peltier/M. Danen to approve the Annual Liquor Licenses. No further discussion. Motion carried in a voice vote, 5-0.

2. Recommendation from Zoning & Planning Commission on the request by Steve Bieda of Mau & Associates, LLP, agent for Judi DeKeyser, owner, for a Zoning Change Application on parcel D-376-2 located at 3890

Approved at the June 30th, 2020 Special Town Board Meeting.

Creamery Road from R-R, Rural Residential District to NCD, Neighborhood Center District, to accommodate a physical therapy clinic.

The petitioner is requesting approval to rezone the reconfigures property from R-R/PDD, Rural Residential with Planned Development District to NCD, Neighborhood Center District, consistent with lands to the east.

With commercial and office development—dentist and health care—located across the street, the lands are suitable for a mix of non-residential uses allowed by the NCD.

At the June 1st meeting, the Town Board approved an amendment to the Future Land Use Map for Planned Mixed Use is necessary for this area to enable a mixture of development types, specifically for a health care and physical therapy clinic.

This rezone to NCD was accompanied by a Certified Survey Map (CSM) and Building, Site, and Operation (BSO) Plan for a new physical therapy facility and health studio space, Inspirit. The CSM was approved by the Zoning & Planning, conditioned on the wetland delineation being completed. We are still waiting for this item, and the CSM and BSO Plan will be on a future Board agenda.

Zoning & Planning recommend approval to the Town Board the rezoning of Parcel D-376-2 from R-R, Rural Residential to NCD, Neighborhood Center District for the following reasons and with the specific conditions:

1. The proposed rezoning from R-R to NCD is consistent with the current zoning and development trends in the area.
2. The land for the parcel is suitable for non-residential and mixed-use development consistent with the Neighborhood Center District.
3. The rezoning is conditioned on recording of the DeKeyser CSM reconfiguring Parcels D-376 and D-376-2.

At 4:46 PM, the public hearing was opened by Chairman P. Danen.

Eliza and Derek Andrews, the owner's of Inspirit Physical Therapy, addressed the Board by explained the overall project. They are excited to get established in Ledgeview.

After three calls for additional comments, none were heard. At 4:48 PM, Chairman P. Danen closed the public hearing.

Staff advised that the public hearing would be held today but asked the Board not to take any action on the rezone until the complete project, the rezone, CSM, and BSO Plan could be presented to the Board.

No action taken.

ZONING & PLANNING: None.

OLD BUSINESS:

1. Review and act on Town Park Re-Opening Plan.

Provided for Board review and action is a summary of Town-owned park and recreational facilities which have been affected due to the COVID-19 pandemic. As directed at the 6/1/2020 Town Board of Supervisor's meeting, staff has provided a re-opening plan for the listed facilities and is providing the revised plan for additional review and action. A motion was approved to closely follow the City of De Pere's opening plan as decided on at their 6/2/2020 City Council Meeting. Staff has been actively taking steps to follow those actions as directed, with an opening date of 6/15/2020 or sooner if staff and resources allow.

The provided plan updated on 6/8/2020, includes an introductory page that outlines general guidelines for the public for use of the Town facilities, and also includes a statement that the plan will remain fluid and can revert to more stringent mitigation measures as recommended by public health officials.

The revised plan calls for group use of 50 or less for ball fields. The Town Board was asked to determine whether that meant 50 or less per each ball field or 50 or less for all ball fields combined. The Board understood the meaning to be groups of 50 or less for each ball field. This is similar to what the City of De Pere is doing.

MOTION by P. Danen/Van Rossum to implement the plan as approved and recommended by staff. No further discussion. Motion carried in a voice vote, 5-0.

2. Discussion regarding motion to rescind the denial of the rezone application for 1874 Ledgeview Road, Hickory Creek Condominiums.

At the June 1st, 2020 Town Board Meeting, there was an item on the agenda for a Zoning Change Application for Parcel Application on parcel D-437-53 located at 1874 Ledgeview Road from R-1 Residential to R-1 PDD Single Family Planned Development District to accommodate a six-unit single family condominium plat. There was Protest Petition that was filed on behalf of the residents in that neighborhood forcing the Board to have a three-fourth vote in favor of the rezone in order for the rezone to take place. Subsequently, the Board held a public hearing and heard from many neighbors that they are not in favor of the rezone for various reasons. The developer also addressed the board with a statement of what his is willing to conceded to. Discussion were had by the Town Board and a vote was taken. The vote resulted in a 2-2 split with one member absent, therefore the zoning change did not go through.

During that same meeting, after the vote was taken, the resident who submitted the protest petition asked staff to have the Town Board reconsider the motion and vote as they were willing to agree with the terms the developer was conceding to. There was no further action at this Board Meeting because it was not clear how to reconsider a vote with a Protest Petition.

Research was done, and it was determined that the Board has full discretion as to how they would like to handle this situation since the statutes and the ordinances are silent on how to handle a withdrawal of a protest petition. The Board determined that a motion to reconsider was not the correct course of action. The Board could rescind the motion to another motion but that would have to be spelled out at the time of rescinding. Another option is a resubmittal of the zoning change if there were enough material changes to the original submittal in order to warrant a resubmittal.

Staff advised both the Petitioner of the Protest Petition and the developer's agent are in attendance of the meeting should they wish to hear directly from the parties involved.

MOTION by P. Danen/Peltier to open the floor for comments. No further discussion. Motion carried in a voice vote, 5-0. At 4:57 PM the floor was opened for comments.

Rob Bodart, 1862 Old Valley Road – Explained that there are 13 homeowners within 100 feet of the property being rezoned. All 13 owners signed the Protest Petition. There are currently 10 property owners who would like the Protest Petitioner rescinded and the Board to reconsider the motion. Two property owners want the Protest Petitioner to remain.

Mr. Bodart advised the Board that the property owners with 100ft of this development would be willing to retract the filed protest petition if the following 3 concerns were addressed as part of the PDD documentation:

1. No outbuildings or additional housing units were permitted on the parcel

2. Fence on existing plat and landscape diagram is removed, and physical fences or landscaping that acts as a continuous fence is not permitted around the parcel perimeter or in a location that impedes view of the pond for surrounding property owners.
3. The walking path around the pond is removed from the existing plat and landscape diagrams and walking paths around the pond are not permitted.

Mr. Bodart told the Board that the property owners filed the Protest Petition because they felt their hands were tied as they didn't know what the rezone all entailed with the PDD designation. Additionally, Mr. Bodart added that the property owners are comfortable with their actions up until this point, and it wasn't until the developer addressed the Board at the last meeting with what he is willing to concede to that the property owners changed their minds.

Jonathon Le Roy, Mau & Associates, Developer Agent – Mr. Le Roy reiterated that the developer was willing to concede to the three points of emphasis that was put forward by the residents. Additionally, Mr. Le Roy advised that there is the potential for the pond ownership to be divided between the four adjacent property owners and the developer so that all parties have a vested interest in the future of the pond. Meaning the pond would be co-owned by the four adjacent property owners as well as the developer.

The Board determined that if the applicant wants to make any changes to the property or PDD as proposed, that it should be a new application so that approval or denial could be done in full. It was understood that the PDD is specific to the rezone, so any changes to the PDD would spark a zoning change and initiate a public hearing.

Jenny Hendricks, 1866 Old Valley Road – Spoke on the landscape plan. Is concerned about the planting of the spruce trees would create a barrier around the pond. She was advised to talk with the developers.

Chad Hendricks, 1866 Old Valley Road – Spoke on the easement to the pond. Mr. Hendricks' issue with the easement on the west side is that there's a potential for an outbuilding or access to an outbuilding to be constructed there in the future. The Board advised that this is the reason for the PDD; the PDD will state in writing that there will be no outbuildings on the property.

There was talk of annexation to the City of De Pere. The Board advised that anyone at anytime can petition for annexation to the City of De Pere if they want to pay higher taxes. It is out of the Town's control.

The Board expressed their frustration with the situation; the Town Board should not be put in a position where they're negating between the residents and the developer. The Board advised all parties to continue to communicate with each other to get everyone to agree to the terms of the PDD prior to a resubmittal.

MOTION by P. Danen/Peltier to close the meeting to public comment. No further discussion. Motion carried in a voice vote, 5-0.

The Board reiterated that communication between the developer and the property owners should continue and that once a final agreement is secured a new application should be submitted for either approval or denial in full.

No action taken.

NEW BUSINESS:

1. Recommendation from Public Works regarding award of contract for Snowplowing & Salt/Sand Application.

There were two responses to the Snowplowing & Salt/Sand Application Request for Proposals (RFP).

Analysis of cost differences between the two vendors that responded to the RFP are based on a five-hour

snow ice event (3-4 inches of snow). Bagnet Custom Curbing LLC., came in the lowest cost to the Town of Ledgeview.

All References have been checked for both vendors. Both vendors are known for completing work on time and within the budget. Both are highly recommended by their references and all references would hire them again.

Based on the information provided in the responses received in the Town's request for proposals, staff recommends that the Town draft a three-year contract between the Town and Bagnet Custom Curbing for snow plowing and sand/salt application. If the Board concurs with this recommendation, a contract draft would be a future agenda item in which the board would be asked to act on.

The Board advised the staff to prepare a contract with Bagnet Custom Curbing to be reviewed at a future meeting.

No action taken.

2. Request for Financial Assistance from De Pere Baseball for Mulva Family Fields Electrical Work.

As per correspondence provided the Town Board of Supervisors at the 6/1/2020 Town Board meeting, De Pere Baseball, Inc. is requesting funding from the Town for at least 50% of the cost to fix electrical issues at Scray Hill Park regarding the baseball field construction. Staff provided estimate of said repair.

It was noted that at the time of this memo (6/12/2020) final costs have not been provided from Bodart Electric Service, Inc. to Town staff for a cost of utilities for the project that are the Town's financial responsibility. A cost has previously been requested, and when numbers are available to staff, this memo will be updated for the Town Board in advance of the 6/16/2020 board meeting.

Discussion ensued as to the Town's responsibility of the project and how much De Pere Baseball is asking for.

MOTION by P. Danen/M. Danen to table until further information from De Pere Baseball or Bodart Electric is received. No further discussion. Motion carried in a voice vote, 5-0.

3. Set date for 2020 Annual Town Meeting.

The Annual Town Meeting is statutorily held the third Tuesday in April. Due to COVID-19 the Town Board decided to postpone it to a date where residents are more available to attend. The timeline set by 2019 Wisconsin Act 185 is not during the period beginning on the first day of the public health emergency declared on March 12, 2020, by executive order 72, and ending 60 days after the termination of the order. The termination date of the order was May 12th, 60 days from May 12th is July 12th. Meaning the Annual Meeting would have to be held after July 12th. The Town Board sets the date and time.

MOTION by P. Danen/Cheslock to set the Annual Town Meeting as Tuesday, July 21st, 2020 at 6:00 PM. No further discussion. Motion carried in a voice vote, 5-0.

COMMUNICATIONS:

1. Receipt of Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award to Town of Ledgeview for Fiscal Year 2020.

This Distinguished Budget Presentation Award represents significant achievement by the entity and reflects the commitment to the governing body and staff who meet the highest principles of government budgeting. The Board recognized Treasurer Peters and Deputy Treasurer Reckelburg for their excellent work.

2. Receipt of email correspondence from residents requesting the Town Board to consider sidewalk improvements on Dollar Road.

Staff received e-mails from Dollar Road residents request for sidewalks concerned for pedestrian safety. This will be addressed in the fall as part of the Capital Improvement Plan.

ORDINANCES: None.

REPORTS:

Administrator:

- Declaration of Emergency by Central Brown County Water Authority on lakeshore erosion.

Clerk:

- Written Town Newsletter dropped in the mail on Friday. Should be in the mailboxes today.
- Gearing up for the August Elections. Receiving absentee ballot from the county on the 24th of June.

Treasurer:

- Starting to work on Sanitary District Budget.
- Town Budget will start soon.

Engineer:

- Gave a status update on current road project.

Parks & Recreations:

- Gave a status update on the remaining work at Scray Hill Park Mulva Family Fields.

Public Works:

- Amber Lane ditch work continues.

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.

ADJOURNMENT:

MOTION by P. Danen/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 5:54 PM.

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