

The Ledgeview Town Board held a meeting on **Monday, August 3rd, 2020 at 6:00 PM** in the Community Room located at Ledgeview Community Center, 3700 Dickinson Road, De Pere, WI 54115.

This was an in-person meeting of the Ledgeview Town Board. The public was able to participate in-person following the CDC COVID-19 Guidelines for social distancing. Those who wish to monitor the meeting via telephone were given the appropriate call in meeting numbers.

#### **CALL TO ORDER**

The meeting was called to order by Chairman Philip J. Danen at 6:00 PM.

#### **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited by all those in attendance

#### **ROLL CALL**

Members present were Chairman Phil Danen along with Supervisors Mark Danen, Renee Van Rossum, Al Cheslock and Cullen Peltier all attending in-person.

Staff present in-person Administrator Sarah Burdette, Planner Dustin Wolff, Engineer Scott Brosteau, Parks & Recreation Director Stephanie Schlag, Public Works Superintendent Andy Tenor, Public Works Director Greg Potts, and Clerk Charlotte Nagel.

#### **AGENDA APPROVAL**

Staff advised there were no changes to the agenda.

MOTION by M. Danen/Van Rossum 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. July 21<sup>st</sup>, 2020 Town Board Meeting Minutes
2. Routine Reports: None.
3. Committee/Commission Reports:
4. Operator's Licenses: July 21<sup>st</sup> – July 30<sup>th</sup>, 2020
5. Other Committee Minutes:
  - a. April 20, 2020 Beautification Sub-Committee Meeting Minutes.
  - b. June 15, 2020 Beautification Sub-Committee Meeting Minutes.
  - c. June 16, 2020 Park & Recreation Committee Meeting Minutes.
6. Pay Requests:
  - a. Application #9 for H&H Civil Construction in the amount of \$144,267.43 for Scray Hill Park Baseball Fields.
  - b. Pay Request #1 for Pine Grove Road Bridge replacements, Contract A-2020, to Superior Sewer and Water for \$143,516.80
  - c. Pay Request #2 for Scray Hill Road, Contract B-2020, to Peters Concrete for \$371,145.49
  - d. Pay Request #8 for Red Hawk Landing, Contract D-2019, to Jossart Brothers Inc for \$585,874.64
  - e. Pay Request #2 FINAL for curb replacements, Contract C-2020, to Sommers Construction Co. Inc for \$24,137.48

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/M. Danen approve the Consent Agenda as written. No further discussion. Motion carried in a

Approved at the August 3<sup>rd</sup>, 2020 Town Board Meeting.

voice vote, 5-0.

**PUBLIC COMMENT:** None.

**PUBLIC HEARING:**

In compliance with COVID-19 Open Meeting procedures, public comments were accepted in written format via mail, email to the Town Clerk at [cnagel@ledgeviewwisconsin.com](mailto:cnagel@ledgeviewwisconsin.com), or may be placed in the drop box located on the left wall just inside the Community Center vestibule door by 12:00pm Noon on Monday, August 3<sup>rd</sup>, 2020 for distribution to Town Board Members prior to the meeting. The Board will acknowledge receipt of written comments submitted during the Public Hearing section of the meeting. Staff advised no public comments were received for tonight's meeting.

**1. Zoning & Planning recommendation on the request by Steve Bieda of Mau & Associates, agent for Keith Rukamp, owner, for a Zoning Change Application on parcel D-190-2 at 1825 Dallas Lane from R-R, Rural Residential to R-1, Single-Family Residential to accommodate a four (4) lot Certified Survey Map.**

The petitioner is requesting to rezone Parcel D190-2 from R-R, Rural Residential District to R-1, Residential District for a future land division. This rezone accompanies a 4 lot Certified Survey Map (CSM).

Parcel D-190-2 is a 12.41-acre property currently contains a single-family home, a wooded and native vegetative edge. The associated CSM proposes four (4) lots. An approximately 11.38 ac lot retaining the single-family home, and three (3) additional lots each approximately 0.3 acres in size on the southeast corner of the parent parcel.

Zoning & Planning recommends approval to the Town Board the rezoning from R-R to R-1 for the following reasons and with the specific conditions:

1. The proposed rezoning from R-R to R-1 is consistent with the current zoning and development trends in the area.
2. The lands are suitable for low density single-family residential development
3. The proposed zoning district conforms to the goals and the land use illustrated on the Future Land Use Map of the adopted Comprehensive Plan.

At 6:04 PM, Chairman P. Danen opened the public hearing for comments.

Ketih Rukamp 1825 Dallas – Stated that there were problems with the draining in the ditches where Dallas Lane curves. Staff advised that they are aware for of the issue and are working on a resolution.

After three calls for comments, none were heard. At 6:05 PM, the public hearing was closed for comments.

Motion by Van Rossum/Cheslock to approve the zoning change with no conditions. No further discussion. Motion carried in a voice vote, 5-0.

**2. Zoning & Planning recommendation on the request by Steve Bieda of Mau & Associates, agent for Leo and Marilyn Skaletski, owner, on a Zoning Change Application on parcels D-99 and D-101-1 located on Caboose Lane and 3551 Shadow Court from AG-FP, Agriculture-Farmland Preservation and R-R Rural Residential to A-2 Agriculture to accommodate a three (3) lot Certified Survey Map.**

The petitioner is requesting to rezone the properties from AG-FP (D-99), R-R (D-101-1); and AG-FP (D106) to A-2, Agricultural District for a future 3 lot Certified Survey Map (CSM) which accompanies this application.

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The CSM is a retracement of D-99, D-101, D-101-1, and D-106 from four (4) lots into three (3) lots with minor variation for the boundaries of D-99 and D-101 (Lot 1 & Lot 2). D-101-1 will be incorporated in its entirety to Lot 2. D-101 is currently and will remain zoned A-2.

The CSM proposes changes to the boundaries of parcels with differing zoning classifications. Due to the Town's ordinance preventing split parcel zoning, the rezone is necessary for the CSM approval. The AGFP district has a minimum lot area of 35 acres, which make parcel D-99 and D-106 non-conforming. Properties are required to be brought into conformance prior to CSM approval and so the A-2 District is more appropriate as a zoning classification.

Based on an evaluation of the key "findings of fact", the Plan Commission recommends approval of this rezoning petition to the Town Board for the following reasons:

1. The proposed rezoning to A-2 is consistent with the current zoning and development trends in the area to preserve the area for agricultural production.
2. The lands are suitable for agricultural production, residences, and accessory structures.
3. The proposed zoning district conforms to the goals and the land use illustrated on the Future Land Use Map of the adopted Comprehensive Plan.

At 6:06 PM, Chairman P. Danen opened the public hearing for comments.

After three calls for public comments, none were heard. At 6:07 PM, the public hearing was closed.

Motion by Peltier/M. Danen to approve the zoning change with no conditions. No further discussion. Motion carried in a voice vote, 5-0.

#### **ZONING & PLANNING:**

1. **Zoning & Planning recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Leo and Marilyn Skaletski, owner, for a Certified Survey Map on parcels D-99, D-101, D-101-1, and D-106 located on Caboose Lane and 3551 Shadow Court.**

The petitioner is requesting the approval of a retracement Certified Survey Map (CSM) of Parcels D-99, D-101, D-101-1, and D-106 from four (4) lots into three (3) lots.

Lot 1 (11.01 ac) will encompass the majority of parcel D-99 with the exception of the portions with existing agricultural residence and accessory structures. Those portions will be added to Lot 2 (41.58 ac) along with the entirety of parcel D-101-1. Lot 3 (24.89 ac) will encompass the existing boundaries of parcel D-106.

Zoning & Planning recommends approval of the proposed CSM to the Town Board with the following conditions:

1. Approval of the rezone petition for parcels D-99, D-101-1, and D-106 which was met in Public Hearing Item 2 above.
2. The parks board approves the CSM without land dedication for a future community park and multi-use trail.
3. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

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

**2. Zoning & Planning recommendation on the request by Steve Bieda of Mau & Associates, for an Area Development Plan for the area beginning on the north side of Dallas Lane extending westward to Bower Creek Road.**

With the proposed land division on the Rukamp lands, an area development plan was completed for this area on the north side of Dallas lane extending westward to Bower Creek Rd. The plan highlights existing and future roadway improvements and approximate parcel boundaries. The Town is in the process of making roadway and utility improvements to Dallas Lane including urbanizing sections with curb, gutter, and sidewalk.

The staff has requested the following changes/revisions to the proposed Area Development Plan:

1. Cul-de-sac off of Bower Creek Road should connect directly to the north/south road.
2. The odd-angled road should be revised to connect directly to the north/south road. a. Remove the stub connection.
3. Illustrate the location of the low areas for future stormwater management facilities.

The Area Development Plan was approved by Zoning & Planning with the Rukamp Certified Survey Map.

Discussion ensued with Mr. Bieda. The Board felt the conditions of the Area Development Plan should be made prior to approval.

Motion by Peltier/P. Danen to table the Area Development Plan. No further discussion. Motion carried in a voice vote, 5-0.

**3. Zoning & Planning recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Keith Rukamp, owner, for a four (4) lot Certified Survey Map on parcel D-190-2 at 1825 Dallas Lane.**

The petitioner is requesting the approval of a 4-lot Certified Survey Map (CSM) for Parcel D-190-2 on Dallas Lane. Lot 1 will be an approximately 11.38 ac lot retaining an existing single-family structure. Lot 2 (0.30 ac), Lot 3 (0.34 ac), and Lot 4 (0.33 ac) make up the remainder of the approximately 12.4 ac parent parcel. These lots currently serve as thinly wooded and native vegetative buffers for the property. Lot 1 will retain its existing access, and lots 2, 3, and 4 will have future access to Dallas Ln.

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

1. Approval of the rezone petition for parcel D-190-2
2. Revise CSM to illustrate the following:
  - a. ZPC decision on the proposed layout, specifically extending the depth of Lot 4 to the north lot line of Lot 2.
  - b. Illustrate the appropriate building setbacks on the CSM.
  - c. Illustrate the access controls on Lot 3 to indicate a 75-foot buffer from the intersection
3. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Motion by Peltier/M. Danen to approve the CSM with Zoning & Planning recommendations. No further discussion. Motion carried in a voice vote, 5-0.

**4. Zoning & Planning recommendation on the request by Troy Hewitt of Robert E. Lee Associates, Inc., agent for Mark Gigot of Gigot Properties, LLC, owner, for a Final Subdivision Plat on parcel D-164 located at on Lime Kiln Road near Copper Lane for a 76 lot, 10 outlot subdivision known as Stone Fence Preserve.**

This Preliminary Plat was reviewed and approved by the Zoning & Planning Commission and the Town Board in May 2020. The Stone Fence Preserve Final Plat contains 76 lots and 10 outlot. Preliminary Plat included 76 lots and 9 outlots, outlot numbers from Preliminary Plat review have changed.

The property was rezoned from A-2, Agriculture District to R-1 Single-Family Residential District. Rezoning of Outlot (OL) 8 to R-1 or R-1/PDD as applicable for the future development proposal of the site will be required at that time.

OL 8, measuring 7.6-acres is planned for a future single-family condominium development by others. A private road will serve the interior of the property, connecting from Claystone Circle to Summerhill Drive. Rezoning of the site (to R-1 or R-1/PDD as applicable for the proposal) will be required. The developer will be required to provide a detailed layout plan and architectural elevations for the proposed development.

After considerable discussions with the developer, the Parks Board, and the Zoning & Planning Commission, Outlots 1 and 2 will be dedicated to the Town for conservation and pedestrian access. The remaining Environmental Sensitive Area (ESA) areas will have a conservation easement to prohibit tree removal, land disturbance, or grading, or the construction of structures without the input/approval of the Town.

An issue that needs resolution at this time is language related to trail trails and trail improvement in Outlots 1 and 2. The developer is concerned about a trail being constructed in the Outlots. The developer has requested that a note of the Final Plat that states; "The Town of Ledgeview agrees that no improved trail/path will be constructed within Outlots 1 and 2". The Zoning & Planning Commission did not agree with that language and approved the Plat with the language stating, "No paved trail/path will be constructed within Outlots 1 and 2."

In response, the developer did provide alternative language that was reviewed by the Park Board at their July 28th meeting. The sample verbiage for the Trail in town outlot stated, "Any public access trail to be natural hardwood mulch only. No asphalt pavement, concrete, stone/crushed gravel, or other hard surface."

The Parks Board did not agree with the language proposed by the developer, and recommended the following:

1. Language for trails to state "No paved trail/path will be constructed within Outlots 1 and 2."
2. Add a notation to the Plat specifying "Future on-street bicycle facilities will be installed in the Lime Kiln Road and Copper Lane rights-of-way. Sidewalks will be installed on all public roads."
3. Language for the conservation easement must be added to the Plat.
4. Access to Outlot 1 should be provided from the public right-of-way with this development.
5. The Park Committee should pursue access to Outlot 1 in the future whether or not access is provided in the Final Platting.

The Board will need to make a specific recommendation regarding the Plat notes as part of their motion/approval. Further, the Board will need to determine if the Plat must be revised to include an access from the roadway to Outlot 1 as recommended by the Parks Board.

The Zoning & Planning Commission approved the proposed Final Plat, and recommend the same to the Town Board, with the following conditions:

1. Future development of Outlot 8 to be reviewed and approved by the Zoning & Planning Commission and the Town Board.

Discussion: This is standard language and practice for undeveloped parcels.

2. Outlot Restrictive Covenant of the Final Plat to states; "No paved trail/path will be constructed within Outlots 1 and 2."

Per the Town Board discussion, the language should read as follows:

"No paved trail/path will be constructed within Outlots 1 and 2. Unimproved trails are meant to be any combination of grass, dirt, gravel, woodchip, or other natural material which does not require engineering design or machinery installation."

3. Add a notation to the plat specifying “Future on-street bicycle facilities will be installed in the Lime Kiln Road and Copper Lane rights-of-way. Sidewalks will be installed on all public roads.”.

Discussion: This is standard language on all CSMs and plat notifying potential property owners of the future improvements.

4. The new road that accesses to Lime Kiln Road to be either ‘Stone Fence Drive’ or ‘Stone Fence Court’.

Discussion: Per Mr. Mark Gigot indicated that Stone Fence Drive.

5. The following language must be included in the conservation easement on the Plat:

Conservation Intent. The plat of 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 area allowed in the area and shall be removed and restored at the owner’s expense should such improvements be discovered. 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.

Discussion: This is the same language in Red Hawk Landing. The language gives the Town the ability to enforce the conversation easement rules and regulations verses relying on the County to enforce where there is a violation, a problem, or an issue.

Motion by Peltier/M. Danen to approve the final plat with the conditions set forth by Zoning & Planning along with the modified language in condition #2 per Town Board discussion. No further discussions. Motion carried in a voice vote, 4-1, with P. Danen dissenting.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**1. Discuss and act on Application for DNR Urban Forestry Start Up Grant.**

Provided for Town Board review is an overview of the WI DNR Urban Forestry Grant Program, specifically the Start Up Grant. As this would be the first time the Town of Ledgeview applies for a start-up urban forestry grant, a thorough overview of the grant, the appropriate projects, and the required commitment of the receiving organization are being provided. The grant is a total of \$10,000 which is reimbursed up to fifty percent. This grant will be included in the 2021 Town Budget.

The DNR Urban Forestry Start Up Grant is in line with the Town of Ledgeview Park and Recreation Plan 2019-2024 Goals, Objectives & Strategies (page 57) which calls for development of a Town-wide urban forestry program by developing an urban forestry ordinance and management plan that would regulate the planting, removal, and management of trees on public and private lands in the Town and make the Town eligible for state and federal urban forestry grant-in-aid programs.

Motion by Peltier/Cheslock to approve the DNR Urban Forestry Start Up Grant application. No further discussion. Motion carried in a voice vote, 5-0.

**2. Discuss and act on Resolution for Urban Forestry Grant & Urban Forestry Catastrophic Storm Grant Programs.**

Approved at the August 3<sup>rd</sup>, 2020 Town Board Meeting.

Attached is an Authorized Resolution provided by the Department of Natural Resources (DNR). The resolution allows the Authorized Representative to submit both Urban Forestry and/or Urban Forestry Catastrophic Storm grant applications. This is strongly recommended, so that if a catastrophic storm event occurs and the Governor declares a State of Emergency in the applicant's county, then the applicant's Authorized Representative already has the authority to apply for an Urban Forestry Catastrophic Storm grant.

Motion by M. Danen/Peltier to adopt the Resolution for Urban Forestry Grant & Urban Forestry Catastrophic Storm Grant Programs. No further discussion. Motion carried in a voice vote, 5-0.

**COMMUNICATIONS:**

**1. Introduce Greg Potts as Public Works Director.**

Greg Potts was welcomed as the new Public Works Director.

**ORDINANCES:** None.

**REPORTS:**

**Administrator:**

- Ledgeview Farms, LLC vs Livestock Siting Review Board Briefing Schedule update.
- Bellevue Annexation update.
- Harter's draft contract near ready for Board review. Cart swap out procedures.

**Clerk:**

- Election update.

**Planner:**

- Northern Management Multi-Family update.

**Engineer:**

- Update on Oak Ridge Circle punch list items.
- Update on Scray Hill Rd/Bower Creek Road Project.

**Parks & Recreations:**

- Tree fell at Two Dollar Park.
- Working on grants.

**Public Works:**

- Valve turning.
- Road shouldering.
- Stormwater Management Maintenance.

**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.

**ADJOURNMENT:**

MOTION by P. Danen/Peltier to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 7:07 PM.

Approved at the August 3<sup>rd</sup>, 2020 Town Board Meeting.

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