

LEDGEVIEW TOWN BOARD MINUTES
Tuesday, July 20, 2021 at 4:30 PM
or as soon thereafter as possible
Ledgeview Community Center
Community Room
3700 Dickinson Road, De Pere, WI 54115

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all in attendance.

ROLL CALL

Present was Chairman Phil Danen, Supervisors Renee Van Rossum, Mark Danen, and Sachin Shivaram. Alan Matzke arrived at 5:21 pm.

Staff present was Administrator Sarah Burdette, Planner Dustin Wolff, Zoning Administrator Dan Teaters, Treasurer Renae Peters, Engineer Scott Brosteau, Public Works Director Greg Potts, Park & Recreation Director Stephanie Schlag, and Community Relations Specialist, Lisa Bartz.

AGENDA APPROVAL

Staff 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, 4-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. June 22, 2021 Town Board Meeting Minutes
2. Routine Reports: None.
3. Committee/Commission Reports:
4. Operator's Licenses: June 21-July 9, 2021
5. Other Committee Minutes:
 - a. June 16, 2021 Zoning & Planning Commission Minutes
6. Pay Requests:
 - a. Approve pay request #4 Final for Contract H-2020 TID #1 Filling for \$21,155.03 to River View Construction
 - b. Approve pay request #8 for Contract B-2020, Scray Hill Road, for \$53,479.13 to Peters Concrete Co.
 - c. Approve Change Order #3 for Contract B-2020, Scray Hill Road for \$386,223.98
7. Special Event & Street Closure Permits: None

Motion by M. Danen/Van Rossum to approve the Consent Agenda as written. No further discussion. Motion carried in a voice vote, 4-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment at 4:34PM.

Dan Kerkhoff, 3848 Dickinson Rd - inquired as to the plan for the nursing home at Dickinson Rd. Staff explained that the town is working with the owner of the building, multiple citations have been issued. They have until the end of the month to meet stipulations and continue with the demolition.

He also asked about the membership requirements for the Length of Service Award Committee.

PUBLIC HEARING:

1. To hear comment on the request by Paul and Suann Dombrowicki to consider a Conditional Use Permit on Parcel D-37-1-2, 2263 Greenleaf Rd. to allow a dog kennel.

Town staff stated, the petitioner breeds Cavalier King Charles Spaniels. The Town limits the number of dogs permitted on a residential property to no more than three without a kennel. Kennels are defined as a “facility serving as temporary or permanent housing for dogs and maintained for the purpose of breeding, selling, training or boarding dogs. A kennel can be maintained within a household premises or may occupy a different property and may be operated as a hobby or business.” Kennels are allowed by conditional use.

The petitioner is requesting a conditional use for a kennel to keep up to twenty-five (25) permanent dogs on the property, and five (5) temporary dogs for breeding. The property is 2.34 acres in size and contains a residence with attached ~2,500 SF garage. The petitioner also owns the adjacent 1.6-acre property to the north.

Spaniels are the predominant breed to be kept on site. Their average size is 13 to 20 pounds. Also, on the property are three (3) Toy Australian Shepherds that are 15 to 25 pounds, and one pet German Shorthair Pointer that weighs about 55 pounds. The petitioner has clearly stated that the kennel will be for personal or family dogs, and will not be used for commercial boarding of animals.

It is the opinion of the Town staff that this request—approval of a residential kennel—complies with the “findings of fact” for approval. It is recommended that the Zoning and Planning Committee approve this conditional use permit request, with the following conditions:

1. No more than twenty-five (25) permanent dogs and five (5) temporary dogs shall be permitted on the property. No more than five (5) permanent dogs shall be a breed other than Cavalier King Charles Spaniels.
2. Kennel must be licensed annually by the Department of Agriculture Trade and Consumer Protection. A copy of the license and related inspections shall be provided to the Town annually.
3. Following notice to the owner, the Town shall be permitted on the property to conduct periodic inspections of the property to ensure safe and sanitary conditions and compliance with the conditional use requirements.
4. Future building additions and alterations to the site shall be required to reviewed and approved by the Zoning & Planning Commission to ensure compliance with the residential kennel conditional use permit.

At 4:37 PM ,by Chairman P. Danen opened the public hearing for comments.

COMMENTS:

Joseph Smits, 2305 Greenleaf Rd – Lives in a home South of the kennel stated incessant barking and can hear the dogs whether in or out of the house for over a year and a half. Stated they have video footage of the dogs. Counted up to 13 dogs. Stating nuisance due to barking.

Jeff Reabe, 2160 Greenleaf Rd – Former breeder, former village trustee. Stated that compliance is important in this case. Due to past experience – conduct leading up to what you are trying to do is important. As a breeder, consider your neighbors.

Roxanne Williams – 2247 Greenleaf Rd. –Resident for 55 years, also stated she believes that the building is too close to the road. Suggested they look at Rose Garden Kennels webiste – stated they have heard that the owners had up top 51 dogs. Extremely noisy to live next to.

Arthur Gage 496 Ravine Rd – Stated he does not hear the dogs as much due to the trees as a buffer, but he does hear them, suggests the business should be in an industrial park, not in a residential area. Concerned that 25 dogs is too many.

Larry Sur – 245 Beau Rivage – far enough away not to hear the dogs. Feels that the property is an eye sore. Very much against the kennels.

Delores Kiley - 278 Beau Rivage – Lived at the address since 1966. Stated she is very much against having a dog kennel across the road. Does not want to hear the dogs barking.

Wayne Everard - 2248 Greenleaf Rd – Lives across the street from the property, feels this is bigger eye sore then before. Believed that the intention was that it was to be a garage. Not in favor of the kennel. Fears that it will not be enforceable.

Char Everard – 2248 Greenleaf Rd. – Concerned as to when you purchase a R1 property, you should stay R1 as a neighborhood. Stated he feels it hurts property value and way of life. Feels like they permitted for a garage not a kennel. Would like the exterior of the building completed. Concerned that it will be continued to be a kennel. Fears she cannot go out and enjoy their property. Doesn't think it is in the best interest of the neighborhood to have the kennel.

After three calls for comments, none was heard. The public hearing was closed at 5:16pm.

Board member discussion ensued. Board member Shivaram stated upon hearing testimonials and speaking with some of the surrounding homeowners, the property is zoned R1, he stated being a R1 property it is in a neighborhood, the neighborhood concept is having place to enjoy your property. Feels as though the application was a bit misleading which becomes an issue of trust, discrepancies of what they say versus what they are doing and what is being done brings concern. Chairman P. Danen also commented, realizing that Conditional Use Permits are allowed, 18 dogs is a business, does not believe that a dog kennel as a business should be allowed in an R1 neighborhood. M. Danen commented that they don't want to affect their livelihood, asked what happens from here. Dustin stated a Compliance letter would be sent and a process will be followed. It will take time to seek resolution. Asks for some level of compassion be used. Chairman Danen stated that during the discussion he was able to access the website and the website states there are 18 parents and stated further information about the number of litters that is expected yet in 2021. He believes this is much more of a puppy mill. Suggests the applicants come to the Town Board to work with the animal count and compliance.

Chairman P. Danen would like to see them work with compliance and have them talk to the staff and board to reapply.

Van Rossum stated that Zoning and Planning wasn't aware of the resident issues that were brought before the board at tonight's meeting.

Motion by Shivaram/M. Danen to deny application. No further discussion. Motion carried in a voice vote, 4-0 .

2. To hear comment on the request by Steve Bieda of Mau & Associates agent for owner Kenneth Matzke for consideration to rezone a portion of parcel D-173, 2579 Dollar Rd., from Agriculture- Farmland Preservation (AG-FP) to Agriculture (A-2). The rezone is accompanied by a CSM creating two lots.

Based on an evaluation of the key “findings of fact” addressed above, staff recommend that the Plan Commission recommend approval to the Town Board for the following reasons:

1. The proposed rezoning from AG-FP to A-2 is consistent with the current zoning and development trends in the area.
2. The lands are suitable for agricultural and limited rural residential.
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.
4. The rezone is conditioned on recording the two (2) lot Certified Survey Map.

Supervisor, Al Matzke arrived at 5:21

At 5:22 PM, Chairman P. Danen opened the public hearing for comments.

COMMENTS: No comments heard.

Motion by Van Rossum/M. Danen to approve. No further discussion. Motion carried in a voice vote, 4-0.

3. To hear comment on Ordinance 2021-08 to amend Chapter 135 Zoning, article XIII, Section 135-116 related to permitted uses.

Staff discussed the possibility of a yard waste site/station. In review of the various zoning district under consideration it was noted that this use was not listed as an allowed use in any district. It is the Towns intent to allow for this type of use on property zoned for Institutional uses. The town is proposing that the permitted accessory uses under the institutional overlay District is amended to include waste facilities that only accept "yard waste".

At 5:24, Chairman P. Danen opened the public hearing for comments.

The public hearing was closed after three calls at 5:26 PM.

Motion by Van Rossum/Shivaram to approve Ordinance 2021-08 to Amend Chapter 135 Zoning, Article XIII, Section 135-116 related to permitted uses. No further discussion. Motion carried in a voice vote, 5-0.

ZONING & PLANNING:

1. Discuss and act on recommendation from Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Kenneth Matzke (owner) for a proposed land division of parcel D-173, 2579 Dollar Road, to create 2 lots.

The petitioner is requesting the approval of a two (2) lot CSM to create a 10-acre parcel (Lot 2) from the 37.12 acre parent parcel (Lot 1). The parcel currently has frontage along both Silver Lane to the north and Dollar Road to the south. A navigable stream bisects the property and generally the farmland from the residence and outbuildings. The parent parcel is currently zoned AG-FP, Agriculture Farmland Preservation. The lands are currently used for crop farming and the buildings contain farm animals.

The property contains an existing lease agreement (which includes the farmlands immediately east on D-174-2 also owned by the petitioner) through 12/31/2021 which states the intended use of the property as a farm. According to the terms of the lease, it may be extended one (1) year from 12/31/2021. This lease will run with both properties once subdivided.

Zoning & Planning Commission recommend approval of the CSM to the Board at this time, conditioned on the following:

1. Rezoning of Lot 2 from AG-FP, Farmland Preservation District to A-2, Agriculture District.
2. Denote the square footages of the structures shown on the CSM.
3. Remove the fence and storage of materials from the public ROW following dedication.
4. The accessory buildings on Lot 2 must remain as contributing to farm operation. Any change to this use will be subject to code Section 135-11(G).
5. Owner of Lot 2 to provide a lease agreement to use additional acreage for agricultural purposes to comply with the number of animal units allowed on Lot 2 per Section 135-11(U).
6. Add a notation to the CSM stating, "All existing and future development on Lot 1 and Lot 2 must connect to public water and sanitary sewer within one year of availability."
7. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Board commented the need to retain farm operations and provide lease agreement to town.

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

2. Discuss and act on recommendation from the Zoning and Planning Commission on the request from Tiffany Samuels of Nsight (agent), on behalf of Kelly Donlon of US Cellular (owner) to add on to an existing cell tower located on parcel D-344, 4517 Olde School House Lane.

The petitioner is requesting approval to install a new antenna array on an existing guyed tower (180'). The antennae will be mounted at 127-feet. There will be a 12'x20' expansion of a fenced compound area at the base of the tower to accommodate the equipment cabinets.

The state legislature significantly altered local authority to regulate cell tower siting in 2013. As part of the biennial state budget bill, it created section 66.0404 of the Wisconsin Statutes. The statute clearly imposes new and significant limits on the

manner and extent to which a community may use its zoning authority to regulate the siting and modification of mobile service (cell phone) facilities. As you recall, we updated the Town zoning code (Article XXV) to comply with these regulations in February 2014.

New towers, and substantial modifications to existing towers, require a conditional use permit approval in the Town. A Class 1 or Class 2 Co-Location only require BSO approval by the ZPC and Board.

A Class 1 Co-Location is placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

A Class 2 Co-Location is the placement of antennae on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

Zoning & Planning Commission recommend the approval the Building Site and Operation Plan for a Class 2 Co-Location with the following conditions:

1. Site plan shall be revised to illustrate that equipment cabinets and the platform base are located a minimum of 25-feet from property lines.
2. Fence details shall be revised to clearly indicate the height of the proposed chain-link fence and barbed wire. Security fencing shall not exceed 8-feet in height

Motion by M. Danen/Matzke to Approve with the conditions from Zoning and Planning Commission. No further discussion. Motion carried in a voice vote, 5-0.

3. Discuss and act on recommendation from Zoning and Planning Commission on Project Plan and Territory Amendment No. 2 to Tax Incremental District No. 1.

Zoning and Planning Commission has adopted Amendment No. 2 to Tax Incremental District No. 1 by resolution on July 14, 2021 and subsequently recommend approval to the Town Board that it approve such territory and project plan amendment.

1. The boundaries of Tax Incremental District No. 1 Amendment No. 2 be as specified in the Project Plan.
2. Not less than 50-percent of the District by area is suitable for mixed-use development under Sec. 66.1105(2)(cm), Wis. Stats.
3. The District is declared to be a mixed-use district.
4. Newly-platted residential uses will not consist of more than 35-percent of the entire area of the real property within the TID, and residential development shall have a minimum density of three units per acre.
5. The equalized value of the taxable property of the District, plus the value increment of all existing districts does not exceed 12-percent of the total equalized value of taxable property within the Town.
6. The boundaries of TID No. 1 Amendment No. 2 will not include territory that was not within the boundary of the Town of Ledgeview on January 1, 2004, AND where less than 3 years have elapsed since the territory was annexed by the Town.
7. The percentage of territory within the District devoted to retail business at the end of the expenditure period will be approximately 40-percent.
8. The improvement of the area is likely to significantly enhance the real value of other properties in the area.
9. The project costs outlined in the Project Plan relate directly to promoting mixed-use development, and the economic benefits are sufficient to compensate for the cost.
10. The Project Plan of the District is feasible and promotes orderly development in the Town in conformity with the Comprehensive Plan

Motion by P. Danen/M. Danen to approve recommendation. No further discussion. Motion carried in a voice vote, 5-0.

OLD BUSINESS: None.

NEW BUSINESS:

Confirm Town Chair Committee Appointment: Length of Service Award Committee

In accordance with Chapter 2 of the Ledgeview Code, the Town Chair appoints members to the Service Award Program Committee, which are confirmed by the Board to serve a two-year term. The position currently held by Brady Piontek has been vacated and a former member of the SAP has asked to be re-appointed in Mr. Piontek’s place and to fill the remainder of the term. Therefore, the Town Chair appoints the following: Mark Nemetz, Citizen Member

Motion by M. Danen/Shivaram to approve recommendation. No further discussion. Motion carried in a voice vote, 5-0.

- 2. Recommendation from Public Works Department: Purchase of Vermeer BC1500 Chipper from the City of Green Bay. Staff is requesting to purchase a 2006 Vermeer Chipper BC1500 from the City of Green Bay. The purchase of a new chipper was placed in our CIP for year 2023 at a cost of \$45,000. Green Bay is offering Ledgeview an opportunity to purchase their used chipper for \$8,000. Staff is requesting an additional \$1500 from the sinking fund for minor repairs, paint and fixing rusting wheel wells.

Motion by Shivaram/M. Danen to Approve. No further discussion. Motion carried in a voice vote, 5-0.

- 3. Recommendation from Town Engineer to award contract to Turf Pros in the amount of \$120,600.00 for Beau Rivage and Fox River Court Pond Reconstruction, Contract A-2021.

Town Engineer explained that a Grant was obtained from the State for an amount of \$43,500.00. The balance of the project cost has been budgeted in the Fund 430 Stormwater Management Fund. Motion by Shivaram/M. Danen to Approve. No further discussion. Motion carried in a voice vote, 5-0.

COMMUNICATIONS:

Staff recognized the Park and Recreation Department as July is Park and Recreation Month.

ORDINANCES:

- 1. Third and Final Reading:
 - a. Ordinance 2021-07: Create Chapter 72 – Urban Forestry

Provided for the Town Board review and action is the complete proposed forestry ordinance as recommended by both the Park, Recreation, and Forestry Committee and Zoning and Planning Commission. Additionally, the Urban Forestry Specifications Manual (UFSM) was also provided. The manual will be approved with approval of the Urban Forestry Ordinance.

Staff recommends the approval of the ordinance.

Motion by Van Rossum/Shivaram to Approve Ordinance 2021-07 Creating Chapter 72- Urban Forrestry. No further discussion. Motion carried in a voice vote, 5-0

REPORTS:

Administrator:

- Written report as submitted
- Finalizing Clerk position.
- New Water sub-committee due date of Aug. 23
- Firework ordinance possibility

Planner:

- Written report as submitted

Zoning Administrator:

- Written report as submitted

Treasurer:

- Written report as submitted

Engineer:

- Written report as submitted

Public Works Director:

- Written report as submitted

Park & Recreation Director:

- Written report as submitted

Fire Department:

- Working with house for training – August date
- Chicago Street Pub/New Hope Church Fire – PIA analysis will be hosted here on July 29, to review fire call to assess what went well and what changes can be made on future fire calls.

Board Comments:

APPROVAL OF THE VOUCHERS:

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

ADJOURNMENT:

Motion by Matzke/ M. Danen to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:13 PM.

Respectfully submitted,

Lisa Bartz
Community Relations Specialist