

LEDGEVIEW TOWN BOARD MINUTES
Tuesday, September 7, 2021 at 6:00 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 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all in attendance.

ROLL CALL

Present was Chairman Phil Danen, Supervisors Sachin Shivaram and Alan Matzke. Mark Danen and Renee Van Rossum were excused.

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

AGENDA APPROVAL

Staff advised the need to remove item 1a of the Consent Agenda as there are no minutes from the 17th to approve.

Motion by P. Danen to approve the amended agenda as stated above, seconded by S. Shivaram. No further discussion. Motion carried in a voice vote, 3-0. 6:01 p.m.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. ~~August 17, 2021 Town Board Meeting Minutes~~
2. Routine Reports: None
3. Committee/Commission Reports:
4. 4. Operator's Licenses: August 17, 2021 – September 3, 2021
5. Other Committee Minutes:
 - a. July 20, 2021 Park, Recreation and Forestry Committee minutes
 - b. June 10, 2021 Joint Review Board minutes
 - c. June 29, 2021 Joint Review Board minutes
 - d. August 4, 2021 Sanitary District Commission minutes
6. Pay Requests: None
7. Special Event & Street Closure Permits: None

Motion by A. Matzke to approve Consent Agenda, S. Shivaram. No further discussion. Motion carried in a voice vote, 3-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment at 6:01 p.m.

Supervisor Shivaram received two questions from residents.

- One resident (Susan) asked if the lights in Town Hall can be dimmed at night
- Barbara Maus called asking if there was a Town Plan for flooding, and if it was available online

After three calls for additional comments, public comment was closed at 6:02 p.m.

PUBLIC HEARING:

1. Notice is hereby given the Ledgeview Town Board will be holding a public hearing on the request by Mike and Kathy Tordeur to consider rezoning Parcel D-97, 3495 Shadow Court, from A-2 Agriculture to R-R Rural Residential to allow for a new parcel to be created.

The public hearing was opened by P. Danen at 6:03 p.m. After three calls for comments, non were heard. Public Hearing closed at 6:04 p.m.

2. Notice is hereby given the Ledgeview Town Board will be holding a public hearing on the request by Kenneth Geurts to consider rezoning Parcel D-191, 3900 Bower Creek Road from R-R Rural Residential to R-1 Residential to allow for a new parcel to be created.

The public hearing was opened by P. Danen at 6:04 p.m. After three calls for comments, none were heard. Public Hearing closed at 6:05 p.m.

3. Notice is hereby given the Ledgeview Town Board will be holding a public hearing on the request by Matthew Matuszak (Northeast Asphalt) to consider a conditional permit for a quarry on parcel D-463, 5118 Video Lane.

The public hearing was opened by P. Danen at 6:05 p.m. Public Hearing closed at 6:08 p.m.

Staff stated Northeast Asphalt is looking to expand quarry for non-metallic mining operations utilizing 25.5 acres of the 42.9-acre site. Over time they will be taking out construction permits for additional noise barriers; the hours of operations won't change, staffing won't change; they have an explosive plan on file when applicable. Property is zoned appropriately but does need the conditional use per the zoning code. The Zoning and Planning Commission (ZPC) recommended approval of the Conditional Use Permit (CUP) with the following conditions:

1. Brown County approval of the reclamation plan
2. Annual review of the quarrying operations by the Town Board to ensure compliance with the approved plans and mitigation measures.
3. No vehicles will access Scray Hill Road, except for local deliveries, and any proposed change to use Scray Hill Road for access will require an approved amendment to the CUP following a public hearing.

Chairman called out for comments / concerns – none were heard. Public Hearing closed at 6:08 p.m. Chairman P. Danen requested a motion to approve Conditional Use Permit (CUP) #2 with conditions set forth.

Motion made by A. Matzke, seconded by S. Shivaram. Motion carried in a voice vote, 3-0.

ZONING & PLANNING:

1. **Discuss and act on** recommendation from the Zoning and Planning Commission on the request by Mike and Kathy Tordeur to consider rezoning Parcel D-97, 3495 Shadow Court, from A-2 Agriculture to R-R Rural Residential to allow for a new parcel to be created.

The petitioner is requesting to rezone Lot 1 and Outlot 1 as they plan on acquiring those properties. Staff explained the need to rezone from A-2 Agricultural District to R-R Rural Residential District. A-2 requires a minimum of 10 acres, they will fall below that minimum, which is why they need to be rezoned and a CSM need to occur. The agricultural operations used on Outlot 1 will be legal, non-conforming since the agricultural use is not permitted in the R-R District. Zoning and Planning Commission recommends to approve the CSM to the Board, conditioned on the following:

1. The proposed rezoning to the R-R District is consistent with the current zoning and development trends in the area.

2. The land is suitable for low-density, single family residential use, and for the continuation of agricultural operations.
3. The proposed Zoning District conforms to the goals expressed in Chapter 2 and the planned land use illustrated in the Future Land Use Map of the adopted Comprehensive Plan.

Supervisor Shivaram asked about restrictions of zoning R-R if they don't have access to public streets. Staff advised that is why the lot was labeled as an Outlot, because it didn't have road frontage, nor will a building permit be pulled for the Outlot.

Chairman P. Danen requested a motion to the rezoning.

Motion made by S. Shivaram, seconded by A. Matzke to approve the rezoning with conditions from Zoning and Planning Commission. Motion carried in a voice vote, 3-0. 6:10 p.m.

2. **Discuss and act on** Recommendation from the Zoning and Planning Commission on the request by Steve Zeitler, on behalf of the Tordeurs and Lottos (owners) for a proposed land division of parcel D-97-2, D-97, and D-97-1, 3495 Shadow Ct., 3494 Caboose Ln., and 3501 Caboose Ln, creating four lots.

Requesting a CSM to create a 331,591 sq. ft. outlot from the existing D-97 and approval of a right-of-way dedication which will impact Lots 2 and 3. Tordeur, (current owner of Lot 1) is selling northern portion of property with agricultural fields to the Lottos (current owner of Lot 3). Access to Lot 1 from Lot 3 will be provided via an ingress/egress easement. Outlot 1 is not accessible from the public right-of-way and is therefore non-buildable.

ZPC had some concerns/issues and recommended approval of the CSM with the following conditions:

1. The rezoning application for Outlot 1 and Lot 1 from A-2 to R-R zoning district is approved.
2. Adjust the lot line for Lot 1, Lot 2 and OL1 to keep Lot 1 at 3.7 acres and Lot 2 a minimum of 10 acres.
3. No primary, accessory or farm structures shall not be built on Outlot 1 without direct access to a public street or road, and a notation to this effect shall be added to the CSM.
4. The following language shall be added to the CSM:
 - a. Language acceptable to the Attorney and the property owner regarding the structures that will be located within the dedicated public right of that limits Town not liability to the property owner of their heirs, successors or assigns for any damage caused to any structure located in the ROW.
 - i. "In consideration of the Town accepting the dedication of the right of way property it is understood that in some instances there may be structures in said ROW which would be a nonconforming use of said property according to the Town zoning code. The Town will permit the nonconforming use based upon the situation and acceptance of the dedicated ROW property to the Town by the property owner. The Town is not liable to the property owner or their heirs, successors or assigns for any damage caused to any structure located in the ROW."
 - b. "No principal, accessory, or agricultural related structures shall be constructed on Outlot 1."
5. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Chairman Danen asked if it would be better to wait until the language was acceptable for all parties.

Steve Zeitler, the lane surveyor spoke about covenant and recommended CSM, at this time they don't have any issues with the language what will be put on the CSM.

Motion by P. Danen, seconded by A. Matzke to approve the CSM with the conditions from Zoning and Planning Commission. No further discussion. Motion carried in a voice vote, 3-0.

3. **Discuss and act on** Recommendation from the Zoning and Planning Commission on the request Kenneth Geurts to consider rezoning Parcel D-191, 3900 Bower Creek Road from R-R Rural Residential to R-1 Residential to allow for a new parcel to be created.

Staff presented and explained reasoning is because the owners want to keep the core property zoned the same as it is now as they have horses. There will still be ½ acre zoned at R-1 and 4 acres zoned as R-R. All consistent with neighboring lots and codes.

Chairman Danen makes motion to approve the recommendation from Zoning and Planning for the following reasons:

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.

Staff interjected and stated that the issue with the horses still needs to go the Zoning Board of Appeals, however the Town has not been able to have a quorum yet but hopes to have a meeting next week. Board could still approve the rezoning with the condition that the CSM is approved and filed.

Motion by P. Danen, seconded by S. Shivaram to approve with the condition of recording of the CSM. No further discussion. Motion carried in a voice vote, 3-0.

4. **Discuss and act on** Recommendation from the Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Kenneth Geurts (owner) for a proposed land division of parcel D-191, 3900 Bower Creek Road, creating two lots.

Staff explained that the existing parcel contains 4 structures including a residence and 3 outbuildings (at least one of which houses animals), septic, and a well. There is also a temporary structure on site which is not shown on CSM. Two unnamed navigable streams cross the parcel on the far west and east respectively. The existing parcel, Lot 1, is zoned R-R, Rural Residential. Lot 1 will be 192,791 sq. ft. (4.43 acres), contain all the existing structures and retain its R-R zoning. Lot 2 will be at the northeast corner, separated from Lot 1 by a navigable stream, and be 24,042 sq. ft. (0.55 acres).

ZPC to look at and recommended approval to the Town Board of the CSM with the following conditions:

1. Rezoning of Lot 2 to R-1, Residential District.
2. The land division must comply with the regulations of Chapter 135 as outlined above unless variances or exceptions to the Code are approved by the ZBA for the following:
 - a. Exception to the total number of horses (3) kept on the property exceeding the permitted number of horses (2) for Lot 1 at 4.43 acres. This exception should run with the property until the time of sale.
 - b. Variance for one (1) additional accessory structures on Lot 1, exceeding the maximum number of permitted accessory structures by 1 (3 total accessory structures).
 - c. Variance of 7.6 feet to the minimum setback requirement on Lot 1 of 10 feet to accommodate an existing accessory structure.
3. Denote the square footages of all the structures shown on the CSM.
4. Add a note on the CSM that Lot 1 shall connect to municipal services at the time of sale of the Lot.
5. Any technical corrections require by the Town Engineer or Brown County prior to Town signatures, including the change in Town Clerk.

Discussion was had between staff and Board clarifying if this CSM could be approved with the conditions, or if it was necessary to have it go before Zoning Board of Appeals first. Board felt there was a higher chance that we would be creating more problems by approving before the ZBA even has a change to look at it.

Motion by P. Danen to table until after Zoning Board of Appeals meeting, S. Shivaram seconded. Motion to table carried in a voice vote, 3-0.

5. **Discuss and act on** Recommendation from the Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Jeremy Dobbe (owner) for a proposed land division of parcel D-2294 to create two lots.

Staff explained the request to create a second lot as when Red Hawk Landing was platted, the Town was in the middle of a flood study for the larger area to the north and west. This flood study determined the buildable area for the subject lands and the stormwater needs – where and what size ponds would be constructed. Outlot 37 resulted with the completion of the flood study, indicating the lands were buildable. The result is some upland area adjacent to the subject property (D-2294) remaining buildable. Therefore, the petitioner is requesting to create a second lot to take advantage of a portion of this buildable area.

ZPC recommends approval of the CSM with the following conditions:

1. All setbacks shall be denoted on the CSM.
2. Any technical corrections are required by the Town Engineer or Brown County prior to Town signatures.

Motion to approve by S. Shivaram with the conditions from Zoning and Planning, seconded by A. Matzke. No further discussion. Motion carried in a voice vote, 3-0.

OLD BUSINESS: None

NEW BUSINESS:

- a. Appointment of Jennifer Broich as Ledgeview Town Clerk for a three-year appointment.

Pursuant to § 60.30(1e), Wis. Stats., the office of Town Clerk shall be filled by appointment of the majority of the members-elect of the Town Board. The Town Clerk shall serve a term of three years. The Town Clerk may be reappointed and may be dismissed only for cause pursuant to § 17.001, Wis. Stats.

Motion by A. Matzke, seconded by S. Shivaram to approve recommendation. No further discussion. Motion carried in a voice vote, 3-0.

- b. Request for Approval: Application for DNR Urban Forestry Start-Up Grant Year 2

The Town is currently working through the Year 1 project of a comprehensive street and park tree inventory. Year 2 contains the putting together a Master Forestry Plan, handling of emerald ash borer trees, completion of inventory to include golf course trees, and year two of chainsaw safety training. The estimated total cost of the project is \$10,000 funded through the general levy. The town would receive reimbursement of 50% project in 2023.

Motion by S. Shivaram, seconded by A. Matzke to approve. No further discussion. Motion carried in a voice vote, 3-0.

- c. Request for Approval: Brown County Municipal Recycling Agreement

Each year all Brown County municipalities renew an agreement between themselves and Brown County Port & Solid Waste for a joint program promoting recycling services such as education, collection and appropriate program planning. The agreement also ensures that Ledgeview will be eligible for the Annual Recycling Grant.

Motion by A. Matzke, seconded by S. Shivaram to approve. No further discussion. Motion carried in a voice vote, 3-0.

- d. Request for Approval for CliftonLarsenAllen 5-year Audit Services Contract

Staff explained that the Town entered into a 5-year contract extension with Schenck for annual audit services which would cover us through the end of 2020. The contract was honored by CLA when they bought Schenck in 2019. With our contract coming to an end our senior auditor provided a proposal from CLA for an additional 5 years of audits. CLA has a different structure in that their maintenance fee is not included whereas with Schenck it was. Reasons being the staff has a great working relationship with CLA staff and is allowed to

contact CLA for non-audit accounting questions with no additional charge, and CLA is familiar and has the working knowledge of the Town's and District's finances.

The new proposal's prices increase 2% each year and also include a technology and client support fee. The new contract's pricing totals are higher than expected when compared to the previous contract, however the cost can (and should) be shared between the general, storm water, TID #1 and TID #2 funds. First year is about \$16,000 with the increase of approx. \$3,000.

Supervisor Shivaram commented saying that it is good practice to rotate auditors as to not get complacent. Chairman Danen agreed and asked if we are able to do a 1-year contract with CLA, and then look at doing an RFP for a new auditor. Staff advised it was late in the year to create an RFP, but that can definitely be something that we can do. Board stated that \$16,000 a year is a considerable amount and asked to go back to CLA and request a 1-year proposal.

No action taken.

e. Review of proposed draft for the 2022-2026 Capital Improvement Plan

Staff explained what the Capital Improvement Plan is which is an annual, internal, informational document used to help aid in the decision making process for the annual budget that endures the adequate maintenance, acquisition and construction of capital projects. It's a tool that gives Town Board and staff the ability to determine the funding of operations, equipment replacement and improvements in a financially sound manner. (community investments in buildings, vehicles, roads, parks and equipment) It will be included as an appendix to the Budget.

The Town currently enjoys a Standard & Poor's long-term bond rating of "AA". However, they reevaluate the Town's creditworthiness on a regular basis. Investors and bond rating agencies stress the value of a CIP. The absence of a rational, long-term plan could weigh against the bond rating assigned to the Town resulting in higher interest rates on future debt issues. Having a CIP will help maintain the Town's credit rating and save tax dollars.

Supervisor Matzke thanked staff for putting this together.

Motion by A. Matzke, seconded by S. Shivaram to approve the draft for incorporation into the final 2022 Budget document. No further discussion. Motion carried in a voice vote, 3-0.

f. Recommendation from Town Chair to appoint Kurt Goehre to Zoning Board of Appeals (ZBA)

Ordinance permits that the Town Chair makes appointments to make appointments to Committees and Commissions which are confirmed by the Town Board. Would like to confirm Town Chair's appointment of Kurt Goehre to the Zoning Board of Appeals for a three-year term ending September 7, 2024.

Motion made by S. Shivaram, seconded by A. Matzke to approve. Motion carried in a voice vote, 3-0.

g. Continued discussion on bulky item pickup

Town Board requested that staff survey Ledgeview residents inquiring if a large bulky drop off site service was needed and other options. Staff put a survey on our website and newsletter and received 231 responses, these responses could possibly be from non-residents. 163 (70.6%) said yes, they would utilize this service, 32 (13.9%) said no, they would contact Harter's if bulk pickup was needed and 36 (15.6%) said no, they will bring their bulky items to Brown County Transfer Station themselves.

Staff recommends completing a one-day collection in Ledgeview at the Public Works site. This will allow staff to evaluate the future needs of this service and bring forward any new suggestions. Staff will put information

together for resident's current options with Harter's and Brown County and post it on our website, newsletter and Facebook.

Motion by P. Danen, seconded by A. Matzke to approve a one day drop off (along with electronic disposal) to be located at Public Works. Motion carried in a voice vote, 3-0.

COMMUNICATIONS: None

ORDINANCES: None

REPORTS:

Treasurer:

- Advised the Town received its equalized value – voiced concerns. We are allowed four consecutive years to be below a 90% before the State mandates a market adjustment. We are currently on year two of falling below 90% with this year coming in at 84.12%. (ideally we would like to be at 100%) Mainly due to the value of the houses going increasing. Chairman P. Danen would like to see this as a future agenda item.

APPROVAL OF THE VOUCHERS:

Motion by P. Danen, seconded by A. Matzke to approve. No further discussion. Motion carried in a voice vote, 3-0.

CLOSED SESSION:

Motion made by P. Danen, seconded by Matzke to go into closed session at 6:59 p.m. Roll call vote. Motion carried unanimously.

1. The Town Board may convene into closed session pursuant to WI State Statute 19.85(1)(g), Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The purpose is to review and discuss the Van Dreel matter. The Town Board may then reconvene into open session to take action on items discussed in closed session.

Motion made by P. Danen, seconded by A. Matzke to go out of closed session at 7:18 p.m. Roll call vote, motion carried unanimously.

Motion by P. Danen seconded by S. Shivaram to wait for the outcome of the dismissal action in the pending Van Dreel matter before any other action is taken by the Town. Motion carried by a roll call vote 3-0.

ADJOURNMENT:

Motion made by P Danen, seconded by Matzke to adjourn Town Board. Motion carried 3-0. Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Jennifer Broich
Town Clerk

Approved at the September 21, 2021 Town Board Meeting