

LEDGEVIEW TOWN BOARD MINUTES
Monday, December 6, 2021 at 6:00 p.m.
or as soon thereafter as possible
Ledgeview Community Center
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 were Chairman Phil Danen, Supervisors Renee Van Rossum, Mark Danen, and Sachin Shivaram. Supervisor Alan Matzke was excused.

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

AGENDA APPROVAL

Staff advised there were no changes to the agenda.

Motion by Supervisor M. Danen to approve agenda as written **seconded by** R. Van Rossum. No further discussion. Motion carried in a voice vote, 4-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. November 1, 2021 Town Board Minutes
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator's Licenses: November 14, 2021 thru December 4, 2021
5. Other Committee Minutes. Accept and place on file:
 - a. October 27, 2021 Sanitary District Committee Minutes
 - b. October 13, 2021 Zoning & Planning Committee Minutes
6. Pay Requests: None.
7. Special Event & Street Closure Permits: None.

Motion made by R. Van Rossum to approve the Consent Agenda as written, **seconded by** S. Shivaram. No further discussion. Motion carried in a voice vote, 4-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment at 6:02 p.m.
After three calls for comments, none were heard. Public comment was closed at 6:02 p.m.

PUBLIC HEARING: None

FIRE DEPARTMENT NEW BUSINESS:

1. **Accept** Resignation from Fire Chief Guns.

Clarification was made by Chairman P. Danen stating the Tom Guns will still remain a member of the fire department, but will no longer be chief.

Motion made by P. Danen to accept resignation from Chief Guns as appointed Fire Chief, **seconded by** S. Shivaram. No further discussion. Motion carried in a voice vote 4-0.

2. **Recommendation to approve** Agreement for Services between Fire & Industrial Response Enterprises, LLC (Fire, LLC) and the Town of Ledgeview for interim fire chief services.

Motion made by R. Van Rossum to accept the agreement between the Town of Ledgeview and Fire, LLC for interim fire chief services. **Motion seconded by** M. Danen. No further discussion, carried in a voice vote 4-0.

3. **Appointment of** Chris Hohol as Acting Fire Chief.

Staff advised that the Oath was administered and made effective on November 24, 2021.

Motion made by P. Danen to appoint Chris Hohol as Acting Fire Chief, **seconded by** M Danen. No further discussion, carried in a voice vote 4-0.

4. **Recommendation to approve** Agreement between the Town of Ledgeview and Morrison Fire Department, creating and proving the Automatic Aid Agreement for Fire Protection and Other Emergency Services.

Motion made by S. Shivaram to approve the Agreement with Morrison Fire Department for Automatic Aid, **seconded by** M Danen. No further discussion, carried in a voice vote 4-0.

5. **Recommendation to amend** various sections of the Bylaws, Rules, and Regulations of the Ledgeview Fire Department.
Staff explained that this action stems from the related fire study conducted by McGrath Consulting that listed a series of priorities that the Town Board had to undertake. Many of the priorities identified relate to governance, human resources, staffing and training. Rescinding the current Fire Department By-laws will address many of these concerns as items in the Bylaws are also addressed in the Ledgeview Employee Handbook. This would also authorize the Interim Fire Chief and the Town Administrator to implement the priorities listed from the McGrath Fire Study.

Motion made by M. Danen to rescind the Bylaws, Rules, and Regulations of the Ledgeview Fire Department. **Motion seconded by** R. Van Rossum. No further discussion. Motion carried in a voice vote 4-0.

ZONING & PLANNING:

1. **Discuss and act on** a Building, Site, and Operations Plan request by Terry Smits (owner) to install a garage door, fence in the outdoor alcohol area, and make parking lot improvements at parcel D-121, located at 3361 Main Street on the NW corner of Main Street/CTH R and Wall Street/Elmview Road.

Staff presented stating the owner of Terry's Wall Street Pub is requesting to add an overhead door to the existing building and to establish a fenced-in outdoor patio for alcohol sales, revise the existing parking lot, and add landscaping on and adjacent to the property.

WisDOT is requiring the closure of the driveway access to this site from Wall Street for safety reasons and in preparation for a planned highway re-route and roundabout installation at the intersection. WisDOT is also requiring that they remove their paved areas from the right-of-way.

ZPC recommend approval to Town Board with recommendations. Revised plans have been submitted that address all of the conditions.

Motion made by P. Danen to approve the Building, Site and Operations Plan for 3361 Main Street on the NW corner of parcel D-121 to install a garage door, fence in the outdoor alcohol area and parking lot improvements with the following conditions:

1. Site Plan Revision showing:
 - a. A 4-foot open fence to be noted on the plan with a fence elevation.
 - b. A 5-foot wide vegetative strip between the parking lot pavement and the right-of-way (as an extension of the restoration areas).
 - c. Closure of the driveway access to Wall Street, and related restoration, as specified by WisDOT.
2. Determination by the Town if a removable fence for the patio is permitted but that removable fence **MUST** be anchored.

Motion seconded by R. Van Rossum. No further discussion. Motion carried in a voice vote, 4-0.

2. **Discussion and act on** a request by Garritt Bader (owner) for a Building, Site, and Operations Plan Application for Olde School Square, parcel D-1601 through D-1622. Specifically located at 2200 Dickinson Road Unit 18 for an 1,879 sq. ft. building for a studio and salon.

Staff presented stating Zoning and Planning Commission approved the petitioner's mixed-use request back in April for building units 18 through 20 of Olde School Square. Due to construction costs petitioner is applying for a single unit commercial development. The Olde School Square Condominium Plat needs to be updated as a condition of this Building, Site and Operations Plan.

Parking is a shared, common element within Olde School Square and the Condominium Association is responsible for the pavement and curb and gutter of the parking lot. Historically, the Association has been doing this piecemeal by paving areas adjacent to each additional building.

It is now required that the Condominium Association meet its agreed-to-terms and pave the entire area adjacent to the unit, extending west to the existing north/south parking lot, to ensure parking is available for all existing and future developments.

Mr. Bader voiced concern that the stipulation was being put on him and this development by saying his occupancy couldn't be granted without the paving of the lot and asked for consideration and flexibility in this matter. Mr. Bader advised the Town Board that he has already reached out to Mr. Smet and the Condo Association asking for help with this and reassured the Board that he will do everything he can do to accommodate this request.

The Board advised that the Condominium Association has to follow through with the original agreement in getting the lot paved; ergo the occupancy for Unit 18 is going to be tied to getting this portion of the agreement fulfilled and the lot paved.

Motion made by Chairman P. Danen to approve the Building, Site, and Operations Plan for 2200 Dickinson Road Unit 18 with the following conditions set forth by Zoning and Planning Commission, along with a minor change to **condition number 6**:

1. Site Plan revision showing the A/C unit located on the top of the building screened by a roof parapet.
2. Site Plan revision providing sidewalk width dimensions and all other applicable dimensions.
3. Revised landscape plan showing foundation plantings and identifying the specific plant and tree types and dimensions.
4. Updated lighting details and photometric plan showing 0.5 foot-candles maximum at the north property line.
5. Signage to be submitted separately for permit approval by staff.
6. The first lift of asphalt and curb and gutter for the common element parking areas adjacent to this unit extending west to the existing north/south parking lot to be installed by the **PRIOR** to the issuance of occupancy of Unit 18.
7. Brown County approval of an updated Condominium Plat and Declarations.

Motion seconded by S. Shivaram. No further discussion. Motion carried in a voice vote, 4-0.

OLD BUSINESS:

1. **Continued discussion** for Cocoon Brewing, on the request for approval on a Building, Site, and Operations Plan request by Todd Hietpas, Performa Inc. on behalf of Mike Walters (owner) to construct a brewery and taproom at parcel D-375-5, located on the NW corner of CTH GV/ Monroe Road and Kaftan Road.

Staff presented the revised elevations for the east and southern portion of this development which included the addition of floor-to-ceiling windows in the north end by the bar / taproom. It also included spandrel windows that were added to the panel on the south end. These windows are not transparent, and in the opinion of the staff, seemed incompatible with the rest of the design.

Discussion was had between the Board and the Developer asking if the spandrel windows offered any function, to which the owner responded that they did not serve a purpose as there were in the warehouse space of the Brewery. The Board asked what kind of a difference it would be if more transient windows were added towards the top portion of the panels vs. having the darken out spandrel windows.

The Board suggested that they would like to see the logo placed in the middle of the building. The owner advised that they would be willing to add their logo on one of the middle panels and display an illuminating light on that logo throughout the night.

Staff reminded the Board that the site plan was already approved at the previous meeting with the exception of this east elevation.

Supervisory S. Shivaram started to make a motion to approve east elevation as presented with the option to remove two square windows if they want. As Supervisor R. Van Rossum was about to second that motion, Supervisor M. Danen spoke simultaneously stating he wanted to amend the motion that was on the table. Supervisor M. Danen thinks the two square windows add value to the property and would like to see them stay as long as they were functional.

Chairman P. Danen clarified what the motion actually will be.

Motion made by S. Shivaram to approve the east elevation as presented and specified that the two square windows needed to be functional in some way. **Motion seconded by Supervisor R. Van Rossum.** No further discussion. Motion carried in unanimous voice vote, 4-0.

NEW BUSINESS:

1. **Request from** Ryan Radue, Developer on behalf of J&A Lakeside Properties, LLC consideration by the Town to finance the construction of right-of-way and related utilities for Grand Ridge Estates First & Second Addition plats.

Staff presented stating the preliminary plat for the first addition of Grand Ridge Estates was approved in early 2020. The first addition does not include a second access to CTH X, something the Board was calling for. The second addition preliminary plat includes a second access to CTH X and was approved by the Town Board at the May 18, 2021 meeting.

In anticipation of constructing both additions at once, the Developer has made a request to the Town Board to finance public improvements in the (estimated) amount of \$2,930,000. The proposal would call for the Town to issue general obligation debt and payment would be received from the Developer through special assessments due at the time of each lot sale.

The proposed subdivisions will supply the much needed connection to CTH X allowing residents to exit via Wayne Ln instead of Oak Ridge Cr. The subdivisions will also provide connectivity for both vehicular and pedestrian traffic as well as increase the Town's tax base.

The Grand Ridge first and second additions will create approximately 54 lots. The Town currently has 257 available subdivision lots, of which 62 belong to Stone Fence Preserve, the only other subdivision under obligation to the Town.

The Town's debt limit is 5% of its annual equalized value. The Town's 2021 equalized value is \$1,227,519,300 allowing for a debt limit of \$61,375,965. The Town has outstanding debt of \$37,648,354 or 61% of its allowable limit. The Town will retire about \$1.7 million in principal in 2022. Per the 2022 CIP, it is not the Town's intention to issue new debt until 2023.

Staff contacted Jeff Belongia, the Town's financial advisor, to discuss the impact of new debt to the Town's debt rating. During the recent refunding process, the Town was again rated at "AA" by Standard & Poors. However, the rating report included cautions regarding the Town's recent trend toward fund balances lower than policy, high frequency of debt issues, and the high carrying costs of those issues (due to our aggressive payment schedules). Staff discussed the Standard & Poors findings with Mr. Belongia and, in light of how the Board is addressing the fund balance, aggressively retiring debt, and the increase in the Town's assessed value, Mr. Belongia assured us that the Town has "good credit" and wouldn't be downgraded for issuing this debt.

The Board would like staff to gather more information and projections, as well as gathering other municipalities' debt ratio. They would also like staff to find out what the threshold is for doing some platting vs. the entire project.

Motion made by Chairman P. Danen to table this discussion and wait for more information from staff. Item is to be placed on the next agenda. **Motion seconded by** M. Danen. No further discussion. Motion carried a voice vote, 4-0.

2. **Review and take action on** the annual Quarry and Blasting Permits Renewals.
 - a. Scott Construction: Annual Quarry Permit & Annual Blasting Permit
 - b. Kocken Stone Products: Annual Quarry Permit & Annual Blasting Permit
 - c. Northeast Asphalt: Annual Quarry Permit & Annual Blasting Permit

Staff presented the permits making note that there are changes in ownership of the Bulanger quarry and the future change in ownership of the Scott Construction quarry on CTH MM. The Bulanger quarry was purchased by NEA Asphalt and the Scott Construction quarry is in the process of being sold. The future owners of the Scott Construction quarry are working on a Conditional Use Permit (CUP) that will be reviewed by the ZPC later this month. Many of the quarrying details will be reviewed during the CUP approval process. The other sites will be operating as they did the year prior.

Motion made by Chairman P. Danen to approve with the exception of Scott Construction, pending confirmation from Zoning Administration as to if the sale of the business goes through. **Motion seconded by** R. Van Rossum. No further discussion. Motion carried in a voice vote, 4-0.

3. **Request for approval** to purchase the iamGIS Asset Management Software.

Staff presented stating the purchase of iamGIS Asset Management will increase record keeping and supply staff with the tools to not only track our assets but plan for the replacement and repair of our assets. Staff will also be able to generate needed reports for the WDNR and track the maintenance of our equipment across multiple departments which overall will make for better budgeting and work plan.

Motion made by S. Shivaram to approve purchase of the iamGIS Asset Management Software program. **Motion seconded by** M. Danen. No further discussion. Motion carried in a voice vote, 4-0.

4. **Request for approval** to purchase a 2022 Bobcat E50 Mini Excavator.

Staff presented and advised that the Town would need to order the Excavator now in this calendar year as if we order it in 2022, the price will increase as much as \$5,000 or more. Item is already in 2022's budget and was approved. This would alleviate the town from having to rent an excavator at a daily rate.

Motion made by M. Danen to approve purchase of Mini Excavator. **Motion seconded by** S. Shivaram to approve the purchase of a 2022 Bobcat. No further discussion. Motion carried in a voice vote, 4-0.

5. **Approve** Resolution 2021-045 – Approval for the Use of Sixty Foot Roadway Right-of-Ways in Stone Fence Preserve for Prairie Clover Court.

Motion made by R. Van Rossum to approve R-2021-045 of Sixty-Foot Right-of-Ways for Prairie Clover Court. **Motion seconded by** S. Shivaram, no further discussion. Motion carried in a voice vote, 4-0.

COMMUNICATIONS: None.

ORDINANCES:

1. Third & Final Reading
 - a. Ordinance 2021-021 – Repeal and Recreate Section 1-19, Chapter 1, General Provisions Article II, Fees and Penalties.

Motion made by S. Shivaram to approve Ordinance 2021-021. **Motion seconded by** M. Danen. No further discussion. Motion carried in a voice vote, 4-0.

REPORTS:

Administrator: None

Planner: None

Zoning Administrator: None

Treasurer:

- Tax bills should be going out soon, with residents being able to pay with cash, credit card or check if coming in person to the Community Center. If paying by credit card ONLINE, would have to go to the Brown County Treasurer.

Clerk: None

Engineer:

- Working on Beau Rivage retention pond.

Public Works Director:

- Received two requests from Heritage Heights for a street light at intersection. Board previously stated a light wasn't needed. Wanted to know if this needs to be discussed. The approximate cost would be \$1,400.

Park & Recreation Director:

- Volunteers are grooming winter trails on the golf course.

Fire Department:

- Finished the inspections for 2021

Board Comments: None

APPROVAL OF THE VOUCHERS:

Motion made by R. Van Rossum to approve the vouchers. **Motion seconded by** M. Danen. No further discussion. Motion carried in a voice vote, 4-0.

CLOSED SESSION:

Motion made by Chairman P. Danen, **motion seconded by** R. Van Rossum to go into closed session at 7:30 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)(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.

Motion made by P. Danen, **seconded by** M. Danen to go out of closed session at 7:30 p.m. Roll call vote. Motion carried unanimously.

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** M. Danen to approve the amended version of RDA's recommendation regarding Tax Increment District (TID) for Cocoon Brewing as discussed in closed session.

ADJOURNMENT:

Motion made by P. Danen to adjourn, **seconded by** S. Shivaram. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 7:33 p.m.

Respectfully submitted,

Jennifer Broich
Clerk

Approved at the December 21, 2021 Town Board Meeting.