

TOWN BOARD MINUTES
Monday, February 7, 2022 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 6:16 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all in attendance.

ROLL CALL

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

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

AGENDA APPROVAL

Staff advised there were no changes to the agenda.

Motion by Chairman P. Danen to approve agenda as written **seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a voice vote, 3-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. January 18, 2022 Town Board Minutes
2. Routine Reports:
 - a. Progress report on the Town of Ledgeview Strategic 5-Year Department Plan Update, adopted June 19, 2018.
3. Committee/Commission Reports:
 - a. Approval of 2022 Beautification Sub-Committee Work Plan
4. Operator's Licenses: January 16, 2022 thru February 5, 2022
5. Other Committee Minutes. Accept and place on file:
 - a. December 15, 2021 CBCWA Board Minutes
 - b. November 10, 2021 Zoning and Planning Minutes
 - c. December 15, 2021 Zoning and Planning Minutes
 - d. October 25, 2021 Park, Recreation and Forestry Committee Minutes
 - e. October 18, 2021 Beautification Sub-Committee Minutes
 - f. November 15, 2021 Beautification Sub-Committee Minutes
 - g. December 20, 2021 Beautification Sub-Committee Minutes
 - h. December 1, 2021 Sanitary District Meeting Minutes
 - i. September 9, 2021 Personnel & Finance Committee Minutes
 - j. January 27, 2022 Wisconsin Town's Association - Brown County Branch Meeting Minutes
6. Pay Requests: None.
7. Special Event & Street Closure Permits: None.

Motion made by Supervisor S. Shivaram to approve the Consent Agenda as written, **seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a voice vote, 3-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment at 6:18 p.m.

After three calls for comments, none were heard. Public comment was closed at 6:19 p.m.

PUBLIC HEARING:

1. Request by Nathan Van Pay, JV Recycling Resources for a Conditional Use Permit to allow recycling of concrete, blacktop, brush, and fill materials at parcels D-246, D-247, 2551 Dutchman Road.

Staff presented the request for a CUP as this parcel has a current conditional use permit for non-metallic mining operation (quarry). The quarry use under the existing operations was winding down and they were implementing the reclamation plan. The petitioners are requesting approval of a new conditional use permit provide a place for concrete, black top, brush, and fill to be reused. They will also be accepting fill. Agricultural activities will continue on in-active areas. The petitioners are not proposing to continue the quarrying (non-metallic mining) operations at this time.

The A-2 District allows “Gravel pits, sand pits and stone quarries” by conditional uses. The code does not specifically address recycled concrete, asphalt, and fill operations but the operations can be approved by conditional use permit. Chapter 131 – Mining of the Municipal Code regulate new and existing mining operations in compliance with Ch. NR 135, Wis. Adm. Code, and Subchapter I of Chapter 295, Wis. Stats.

The ZPC approved this conditional use permit request for asphalt and concrete recycling and topsoil operations with the following conditions:

1. Non-metallic mining operations to cease with the new conditional use permit for asphalt and concrete recycling and topsoil operations.
2. Proposed expansion of the non-metallic mining operations will require a new conditional use permit in accordance with Chapter 131 – Mining of the Municipal Code regulate new and existing mining operations in compliance with Ch. NR 135, Wis. Adm. Code, and Subchapter I of Chapter 295, Wis. Stats.
3. Hours of operation:
 - a. Crush/Wash/Drill: 6AM – 6PM Mon thru Fri; 6AM – 12PM Sat
 - b. Trucking/Loading: 6AM – 8PM Mon thru Fri; 6AM – 12PM Sat
 - c. No operations on Sundays or Holidays. Some maintenance may occur outside of these hours.
4. Submittal of the landscape plan for the berming that includes the planting of deciduous and evergreen plantings; A minimum of one tree every 50 lineal feet shall be provided and the deciduous plantings must be 1.5-inch caliper and the evergreens must have a minimum planting height of 5-feet.
5. Annual review of the operations by the Town Board to ensure compliance with the approved plans and mitigation measures.
6. No blasting on the site unless new non-metallic mining operations are approved by Conditional Use by the Town with a required Explosives Use Plan as required by ATF, MSHA, Wisconsin Department of Safety, for the site/operations.
7. Any Town Board requirements to address issues raised by concerned parties during the public hearing.

Chairman P. Danen opened the Public Hearing 6:18 p.m.

Erika Charais - 2584 Dollar Road

Wanted to know if this was going to be happening long term or just up until the completion of reclamation plan. Was concerned that it was going to become a gravel pit or landfill vs. a lake.

Staff advised that since quarry operations were no longer happening the reclamation plan was ‘suspended’. Staff reiterated that it’s just a change in use as there will no longer be quarrying but recycling of materials.

Staff also went over the reclamation plan according to Brown County in that it is incomplete as it does not have the seven feet of water. Everything else including the berming and stones are all in place and the current applicant will be operating under the current reclamation plan. The Town will not issue another quarry permit.

Joe Charais - 1584 Dollar Road

Resident stated they bought their property under the assumption that this would be an open space, and eventually a lake. Was concerned that everything that is brought through and washed at this property drains through to his property. Stated that he would shut the valve off at his pond, and not allow it to drain as he doesn't want anything hazardous coming into his pond.

Kevin Kane - 4151 Dickinson Road

Wanted to point out the fact that the reclamation plan does not play into the Town of Ledgerview's Vision Statement. Resident was concerned about the possible foul smells that could come from this pit, the increased truck traffic, and the change in land values which were reasons to not entertain this conditional use permit.

Shanna Allen – 2534 Quarry View Court

Questioned the operations specifically the crushing of asphalt and the hours of operation that could occur. Also asked if Brown County would have the potential to utilize this area for recycling as well. To which staff explained that this is a business running its operation, and is not tied in with Brown County.

Ryan Joski & Nathan Van Pay – applicant

Gave a brief explanation as to the plans that they have for this property. Stated the crushing wouldn't be nonstop. They primarily want to provide a place to recycle and reuse the clay fill to line the quarry.

Staff asked the applicant if they thought there would be an increase in truck traffic to which they didn't know and it was too hard to say. Staff also asked the applicant if they could address the concern about hazardous runoff. The applicant explained there has to have a containment plan before anything that can start.

Russ Nowak - 2677 Dutchman

Asked about the reclamation plan and wanted clarification if it was suspended as stated earlier. Voiced concern over the decrease in land value and his wish to have that area as a conservation / wildlife area. Wanted more detailed answers as to how the runoff issues would be monitored, as well as what decibel limit is allowed in the Town with regards to any possible noise issues.

Staff explained that it would be a continuation of the already existing reclamation plan and nothing was changing.

Brad Kiley - 2546 Quarry View Court

Wanted to know how a new permit for the land can be issued if the requirements of the first permit hasn't been satisfied. Resident is under the impression that after the quarry is completed, the reclamation plan has to also be completed. Staff explained it's two different things as the quarrying is complete, and a new use would be occurring, and the already existing reclamation plan is still in place.

Chairman P. Danen called three times for any more public input to which none were heard. Public hearing closed at 7:04 p.m.

Discussion ensued.

Motion made by Supervisor S. Shivaram to **deny** the Conditional Use Permit for JV Recycling Resources. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried a voice vote, 3-0.

ZONING & PLANNING: None.

OLD BUSINESS: None.

NEW BUSINESS:

- 1. **Request** from Sanitary District on the use of American Rescue Plan Act (ARPA) funds.

Staff presented that the Town has received funds from the federal government's American Rescue Plan Act which may be used only in the ways described in the Interim and Final Rules. ARPA funds must be allocated by 12/31/2024 and used by 12/31/2026.

Stated that this item is intended to be an introductory conversation with the board regarding the ARPA funds, how they can be allocated and to review the initial ideas on use of the funds as prepared by Staff. Upon such discussion, staff can further continue the review, prioritization, and use of the funds.

Motion made by Supervisor A. Matzke to approve the request from Sanitary District to transfer the ARPA funds with conditions. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried a voice vote, 3-0.

2. **Request** for approval of Resolution R-2022-06 – purchase of park property.

Since the Meeting of the Electors approved the purchase of Lot 2 of the Certified Survey Map Part of Tax Parcel No. D-191, this is the accompanying resolution.

Motion made by Supervisor S. Shivaram to approve R-2022-06, a Resolution to Purchase Parcel D-191 for Park Property. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried a voice vote, 3-0.

3. **Recommendation** from Park, Recreation and Forestry Committee for Donation of Flag Pole at Scray Hill Park.

Staff presented there is a consideration to receive a donation from De Pere Baseball for installation of a flag pole, flag, and solar lights at Scray Hill Park. The PRF Committee is receptive of the donation but wants De Pere Baseball to coordinate with Town Staff before installation of the pole occurs to ensure no conflicts with future location of the restroom facility. Generally, the committee is receptive to solar lights, but would prefer De Pere Baseball to install electrical lights.

Motion made by Chairman P. Danen to move to table this discussion and to have staff go back to De Pere Baseball with specific requirements and bring it back to the Town Board. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried a voice vote, 3-0.

4. **Request** for the approval of the 2022, 2023 and 2024 Muskrat Control Agreement.

Staff presented that Town has contracted with Suburban Wildlife Solutions (SWS) for muskrat control for the past three years. On average, there are 92 muskrats removed each year from 12 ponds. The Town currently has 58 ponds and 18 ponds currently have muskrat issues. Each year SWS will complete trapping on 6 ponds in spring and 6 different ponds in fall to increase the amount of ponds treated each year. SWS has submitted a proposal for years 2022,2023 and 2024 at \$4776.00 each year with no price increase.

Motion made by Supervisor A. Matzke to approve the 2022, 2023 and 2024 Muskrat Control Agreement. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried a voice vote, 3-0.

5. **Request** for approval of Mead & Hunt's 2022 rates.

Staff presented the contract renewal with Mead & Hunt which included the list of people who usually work on the Town's projects with a 3.9% increase in rates.

Motion made by Supervisor S. Shivaram to approve the Mead & Hunt's 2022 rates. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried a voice vote, 3-0.

6. **Recommendation** from Personnel and Finance to approve a proposal for Employee Assistance Program (EAP) services from Employee Resource Center (ERC).

Staff stated the Town, as an employer, is required to provide a counseling services for employees who may have exposure to traumatic incidents. As part of the organizational review of the Ledgeview Fire Department, the interim Fire Chief has brought to my attention that the Town is required –per Wis. Admin Code SPS330 - to have counseling services for post-traumatic stress disorders (PTSD) issues and for substance abuse for public safety staff. The Ledgeview Fire Department staff are classified as public safety

staff. The rules become more stringent for DOT certified drivers, which in the future will likely affect Public Works Department staff. Currently, the Town has limited EAP services through United Healthcare (UHC); however, what is provided by UHC is very basic and is not compliant with the SPS330 standard.

Motion made by Supervisor A. Matzke to approve the proposal for an Employee Assistance Program from Employee Resource Center. **Motion seconded by** Supervisor S. Shivaram. Chairman P. Danen abstained due to conflict of interest. No further discussion. Motion carried a voice vote, 2-0.

7. **Authorization to release** RFP for services to conduct an update to the Town of Ledgeview Strategic Plan.

Staff stated we would be seeking consultant services for the development of a ten-year strategic plan. Staff presented the list of consultants and consultant groups along with our \$10,000 budget.

Motion made by Supervisor S. Shivaram to approve the authorization to start an RFP for services to conduct an update to the Town of Ledgeview's Strategic Plan. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried a voice vote, 3-0.

COMMUNICATIONS: None.

ORDINANCES: None.

REPORTS:

Administrator:	None.	Planner:	None.
Zoning Administrator:	None.	Treasurer:	None.
Clerk:	None.	Engineer:	None.
Public Works Director:	None.	Fire Department:	None.
Park & Recreation Director:	None.	Board Comments:	None.

APPROVAL OF THE VOUCHERS:

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

CLOSED SESSION:

Motion made by Chairman P. Danen, **motion seconded by** Supervisor A. Matzke to go into closed session at 7:33 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)(c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. The purpose is to make recommendation on employment offer for the Administrative Assistant position. The Town Board may then reconvene into open session to take action on items discussed in closed session.

Motion made by Chairman P. Danen, **motion seconded by** Supervisor S. Shivaram to go out of closed session at 7:39 p.m. Roll call vote. Motion carried unanimously.

Motion made by Chairman P. Danen, **motion seconded by** Supervisor A. Matzke to go into closed session for item No.2 at 7:40 p.m. Roll call vote. Motion carried unanimously.

2. The Town Board may convene into closed session pursuant to WI State Statute §19.85(1)(e) for 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 discussing Fund 200-The Fire Department Fundraising Account Funds. The Town Board will then reconvene into open session to take action on items discussed in

closed session, specifically **Resolution R-2022-01** related to the transfer of town funds from the Fire Department Fundraising Account to the Ledgeview Fire Fighters Association.

Motion made by Chairman P. Danen, **seconded by** Supervisor S. Shivaram to go out of closed session at 8:04 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 Chairman P. Danen, **seconded by** Supervisor S. Shivaram to approve the recommendation from Personnel and Finance on employment offer for the Administrative Assistant position as presented and discussed in closed session.

No action taken on Closed Session item number 2.

ADJOURNMENT:

Motion made by Chairman P. Danen to adjourn, **seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Jennifer L. Broich
Town Clerk

Approved at the March 7, 2022 Town Board Meeting.