

TOWN BOARD MINUTES
Tuesday, March 22, 2022 at 4:30 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 4:30 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, Alan Matzke and Sachin Shivaram.

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

AGENDA APPROVAL

Staff advised the need to strike the approval of March 7th Town Board minutes in the Consent Agenda.

Motion by Supervisor R. Van Rossum to approve agenda with striking March 7, 2022 Town Board minutes **seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a voice vote, 5-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. ~~March 7, 2022 Town Board Minutes~~
2. Routine Reports:
3. Committee/Commission Reports:
 - a. 2022 Arbor Day Proclamation
4. Operator's Licenses: March 6, 2022 thru March 19, 2022
5. Other Committee Minutes. Accept and place on file:
 - a. February 16, 2022 Zoning and Planning Commission Minutes
6. Pay Requests: None.
7. Special Event & Street Closure Permits: None.

Motion made by Supervisor A. Matzke to approve the Consent Agenda with the removal of March 7, 2022's Town Board minutes, **seconded by** Supervisor M. Danen. No further discussion. Motion carried in a voice vote, 5-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment at 4:31 p.m.

After three calls for comments, none was heard. Public comment was closed at 4:32 p.m.

PUBLIC HEARING: None.

ZONING & PLANNING:

1. **Discuss and act on** recommendation from the Zoning and Planning Commission on to approve a **Building Site and Operations Plan** request by Joe Goldshlack (agent) on behalf of Dish Wireless, to co-locate equipment on an existing cell tower located on parcel D-462-2, 5108 Video Lane.

Staff presented the petitioner is requesting approval to install a new Dish Wireless antennae array on an existing guyed tower (419') and fenced compound area. Dish Wireless will lease a space sufficient for a 35 SF equipment platform within the existing fenced compound area and a 4'8" ice bridge to be located north of the existing tower. Antennas and other equipment would be mounted on the existing tower. 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

ZPC recommend approval to Town Board without conditions.

Motion made by Supervisor R. Van Rossum, **seconded by** Supervisor M. Danen, to approve the Building Site and Operations Plan for a co-locate of an existing cell tower on 5108 Video Lane. No further discussion. Motion carried in a voice vote, 5-0.

2. **Discuss and act on** recommendation from the Zoning and Planning Commission on to approve a **Preliminary Plat** request by Steve Bieda of Mau & Associates (agent) for a proposed residential subdivision on parcels D-449-2-1, D-449-2, D-450-1 and D-450-2 located on Wayne Lane.

Staff presented stating the petitioner received approval of a preliminary plat for the 2nd Addition of this development by the ZPC at the September 2021 ZPC meeting and the Town Board at the October 4, 2021 meeting. In the review by Brown County and the WI Department of Administration, it was noted that there was a plat boundary discrepancy that need to be addressed. It was determined that a re-approval of the Preliminary Plat was needed.

The Preliminary Plat now illustrates 72 lots and four (4) outlots on approximately 55.3 acres. This Preliminary Plat (Grande Ridge Estates 1st Addition) is proposed as a combination of the approved Preliminary Plats for Grande Ridge Estates 1st and 2nd Additions. Additionally, OL 5 and Lot 98 were proposed to be platted as individual lots. Based upon feedback from the residents on Heritage Heights Drive, the Town Board required a revision to the Plat to remove the roadway connection of Blue Sky Pass to Heritage Heights Drive and replace it with a pedestrian connection in public ROW for the sewer and water utilities

Lots 108 – 110 are of sufficient size to enable further subdividing in the future, with access onto Heritage Heights Drive. Staff is concerned about the potential if two properties to want to subdivide in the future and one does not. Staff also recognizes the neighborhood's concern about increased traffic from additional driveways. However, if the Town prohibits these lots to have access onto Heritage Heights Road and/or prohibits the ability of the lots to subdivide in the future, the Town will not be able to special assess these lots for any future improvements made on Heritage Heights Road.

ZPC recommend approval to Town Board with recommendations.

Chairman P. Danen asked for clarification on behalf of the neighborhood pertaining to the four lots on Heritage Heights. Staff explained that the lots meet the requirements as code states and the new lots will have frontage on that roadway, and is able to accommodate utilities should they be needed down the road. The developer will urbanize that area and supply storm water. Details pertaining to traffic / construction patterns will be detailed on the final plat and spelled out in the development agreement.

Developer, Mr. Ryan Radue spoke and clarified why they agreed urbanize and add storm water to those specific lots in question. It all stemmed from a neighborhood meeting that was hosted by the developer in which the concerned neighbors spoke out against every wanting to become urbanized and receive utilities in their area. Instead of holding out and waiting, the developer thought the best would be to compromise and would take and develop those specific lots in question and be done with that project.

Further discussion and clarification was had between staff. Specifically one note of interest is the current owner of a property across the street from the Radue property has already requested sanitary, sewer and water from the

Sanitary District and is currently waiting to build and construct his home until those services become available on Heritage Heights.

Revised plans have been submitted that address all of the conditions.

Motion made by Supervisor R. Van Rossum to approve the Preliminary Plat for a proposed residential subdivision on Wayne Lane with the following conditions:

Site Plan Revision showing:

- 1) A revision of the Plat to show:
 - a) A detail of the building envelope of Lot 56
 - b) The existing detail next to Outlot 5 relabeled to “56” instead of “57”
 - c) That the Restrictive Covenants pertaining to the ESA-encumbered lots/outlot have been revised to include the correct lot/outlot references.
 - d) A note on the Plat stating that Lots 100-103 will be developed within 3 years of plat recording
 - e) A 10-foot setback line from the utility right-of-way for lots 97, 99, 103, and 104.
 - f) Dedication of the ROW stub for the future east/west street between OL 7 and Lot 92
- 2) The partial vacation of Wayne Lane.
- 3) Technical corrections addressed as required by the Town Engineer and Brown County.

Motion seconded by Supervisor S. Shivaram. No further discussion. Motion carried in a voice vote, 5-0.

3. **Discuss and act on** recommendation from the Zoning and Planning Commission on to approve a **Certified Survey Map** request by Steve Bieda of Mau & Associates (agent) to create four (4) lots from parcel D-2027, located at 4609 Cottonwood Lane.

Staff presented stating the petitioner is requesting approval of a four (4) lot CSM on Outlot 3 (+/- 1.14 acres) of the Heritage Heights final plat, which was approved in 2016. This CSM was applied for and denied in 2019 due to it not having utility connections. The Sanitary District has since approved an extension of the Sanitary Service Area (SSA) to connect to this area and Lot 4 has been modified to meet the required area. Each lot will have driveway access to Cottonwood Lane. The proper ROW was previously dedicated.

Further clarification and discussion was had addressing the drainage issues pertaining of storm water.

ZPC recommend approval to Town Board with recommendations.

Motion made by Chairman P. Danen to approve the **Certified Survey Map** creating four (4) lots from parcel D-2027, located at 4609 Cottonwood Lane with the following conditions:

Site Plan Revision showing:

- 1) Revise the CSM to include:
 - a. The 10-foot required side setback on each proposed lot.
 - b. A 15-foot drainage easement on the south property line of Lot 1 that extends north along all the rear lot lines of the four lots.
 - c. A 10-foot drainage access easement along the north property line of Lot 4.
 - d. All notes and restrictive covenants from the approved Heritage Heights subdivision plat
 - e. A diagram showing the building envelope area of Lot 1 to ensure it has the required 2,000 SF of buildable area per the R-1 Zone District Regulations.
- 2) The CSM shall not be filed with Brown County until the Sanitary District has made a determination on how utilities will be extended, and an assessment agreement is signed between the property owner/s and the Town.
- 3) Future development of all lots shall comply with code and plat requirements for building size and floor area and with the number of structures and other requirements.

Motion seconded by Supervisor S. Shivaram. No further discussion. Motion carried in a voice vote, 5-0.

OLD BUSINESS: None.

NEW BUSINESS:

1. **Request for approval** of the Brown County Intergovernmental 2022 Property Tax Bill Agreement.

Staff presented stating the agreement states that Brown County will prepare print and sort tax bills, but gives options for mailing. The agreements also states that the Town will collect the first installment of taxes as we did this past season. The Town will be required to use LandNav collection software at a cost of \$1,500 (same as last year)

Motion made by Supervisor S. Shivaram to approve the 2022 Brown County Intergovernmental Property Tax Bill Agreement. **Motion seconded by Supervisor M. Danen.** No further discussion. Motion carried a voice vote, 5-0.

2. **Request for approval** to install rear lot drainage for parcel D-1933 at 3941 N Secret Garden Court and parcel D-1949 N Secret Garden Court.

Staff presented stating the above named parcels are requesting to install a storm water pipe onto parcel D-757 owned by Dale and Jennifer Kratz and parcel D-814 owned by the Town of Ledgeview to convey storm water from their rear yards and ultimately discharge into a tributary of Bower Creek. Prior to this being taken to the Board the request was presented to the Parks and Rec Committee on January 24th, 2022 as parcel D-814 is dedicated green space for the Town of Ledgeview. The Parks and Rec Committee did approve the installation of the pipe but not all were in favor. Suggestions were made to have the residents install rain gardens or possibly plant trees as to offset the pipe installation with green infrastructure. Due to the layout of the residents' lots, the only areas to put rain gardens would be directly adjacent to their homes, which would defeat the purpose of trying to get the water away.

Staff was contacted by Robert E. Lee (REL) Engineering, REL was hired by parcel D-1933 to complete a drainage study and design plans to alleviate the issue. REL is recommending the installation of a 15" and 18' stormwater pipe along the rear property lines and then run across Town owned property and daylight by Bower Creek. Mead and Hunt also reviewed the plans and approved the design and noted that it will have no effect on the Town's MS4 permit as the water is sheeting off grassy areas.

It was discussed further amongst Staff and REL that the cost for construction and inspection of the pipe by the Town's engineering firm would be paid for by the requesting parcels. The Town would then take ownership of the mainline pipe through parcels D-757 and D-814 and the pipes and inlets going into the parcel D-1932 and D-1933 would still be owned and maintained by each parcel. If a request came from another parcel to hook onto the main storm pipe, parcels D-1932 and D-1933 would need to be notified and approve.

Motion made by Supervisor M. Danen to approve the install of rear lot drainage for parcel D-1933 at 3941 N Secret Garden Court and parcel D-1949 N Secret Garden Court. **Motion seconded by Supervisor S. Shivaram.** No further discussion. Motion carried in a voice vote, 5-0.

3. **Request for approval** of the MS4 Annual Report.

Staff presented the annual report and other compliance documents for the Municipal Separate Storm sewer System.

Motion made by Supervisor R. Van Rossum to approve the MS4 Annual Report. **Motion seconded by Supervisor A. Matzke.** No further discussion. Motion carried in a voice vote, 5-0.

4. **Request for approval** to change the start of the next Town Board meeting to 5:00 p.m.

Motion made by Supervisor A. Matzke to approve changing the start time for the next Town Board meeting to commence at 5 p.m. **Motion seconded by Supervisor M. Danen.** No further discussion. Motion carried in a voice vote, 5-0.

COMMUNICATIONS: None.

ORDINANCES:

1. First Reading of O-2022-008
 - a. Amendment to Chapter 19, Outdoor Burning Ordinance

Motion made by Supervisor A. Matzke to switch this to the **final reading** and to approve Ordinance O-2022-008 pertaining to an amendment to Chapter 19, Outdoor Burning. **Motion seconded by** Supervisor M. Danen. No further discussion. Motion carried in a voice vote, 5-0.

REPORTS:

Administrator:

- Written report as submitted.
- Submitted a few dates for a future Special Town Board to discuss the Fire Dept issues.
- Received five (5) responders for the RFP proposal for the Town's Strategic Plan.

Planner: None

Zoning Administrator:

- Lots of building permits coming in for the spring building season.

Treasurer:

- Written report as submitted.

Clerk:

- Written report as submitted.
- SVD voting has been completed at one of the local nursing homes and is scheduled for the second one.

Engineer: None

Public Works Director:

- Written report as submitted.
- There is also a speed study report included in the packet that was completed for CTH X.

Park & Recreation Director:

- Written report as submitted.

Fire Department: None

Board Comments: None

APPROVAL OF THE VOUCHERS:

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

CLOSED SESSION: None.

ADJOURNMENT:

Motion made by Chairman P. Danen to adjourn, **seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 5:32 p.m.

Respectfully submitted,
Jennifer L. Broich
Clerk

Approved at the April 19, 2022 Town Board Meeting.