



**TOWN BOARD MINUTES**  
**Tuesday, September 6, 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 6:00 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, and Sachin Shivaram. Supervisors Mark Danen, and Alan Matzke were excused.

Staff present was Administrator Sarah Burdette, Clerk Jennifer Broich, Planner Mark Sauer, Planner Dustin Wolff (virtually), Zoning 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 of a few changes to the agenda:

- Under **CONSENT AGENDA**:
  - Town Board Minutes from August 1, 2022 were not complete;
  - The correct date for the Redevelopment Authority Committee Minutes should be June 15, 2022. (not June 10<sup>th</sup>)

Chairman P. Danen wanted to add an *OLD BUSINESS* item

- Discussion and possible action on the previously approved Preliminary Developer’s Agreement for Grande Ridge Estates First Addition. Wanted that item to be discussed after Closed Session.

**Motion by** Chairman P. Danen to approve agenda as written **seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried in a voice vote.

**CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. ~~August 1, 2022 Town Board Minutes~~
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator’s Licenses: July 31, 2022 thru September 3, 2022
5. Other Committee Minutes. Accept and place on file:
  - a. CORRECTION – June 15, 2022 ~~June 10, 2022~~ – Redevelopment Authority Committee Minutes
  - b. July 19, 2022 - Park, Recreation and Forestry Committee Minutes
  - c. June 16, 2022 – Beautification Sub-Committee Minutes
  - d. June 27, 2022 – Beautification Sub-Committee Minutes
  - e. July 27, 2022 CBCWA Board Minutes
6. Pay Requests:
  - a. Pay Request #6 for Contract E-2020, Mystery Ridge Subdivision and Dallas Lane for \$23,509.77.
  - b. Change Order #1 for Mystery Ridge Subdivision and Dallas Lane for \$3,802.50.
7. Special Event & Street Closure Permits: None.

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

**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 6:03 p.m.

**PUBLIC HEARING:**

1. Public Hearing for approval of the on the Conditional Use Permit on the request by Suann Dombrowicki to operate and allow a dog kennel on parcel D-37-1-2 located at 2263 Greenleaf Road.

In June/July 2021, the petitioner, who breeds Cavalier King Charles Spaniels, requested approval of a CUP for a kennel to keep up to twenty-five (25) permanent dogs on the property, and five (5) temporary dogs for breeding. The request was denied by the Town Board after considerable input from the surrounding neighbors. Comments at the hearing focused on the noise of the dogs and issues related to their time outdoors. The Board was not supportive of the number of dogs, especially in light of the comments made by neighbors, and denied the previous application.

At this time, the petitioner is requesting a CUP for a kennel to keep up to fifteen (15) 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 sq.ft. garage. The petitioner also owns the adjacent 1.6-acre property to the north.

A list of dogs to be kept on site has been provided, with spaniels the predominant breed. 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.

*Licensure.* The petitioner has an existing State Kennel License from DATCP (No. 492625) regulation by ATCP 16 of the Wisconsin Administrative Code. DATCP provides on-site inspection of the facilities.

*Employees.* There will be no employees, only family, that consists of the owner, her spouse, and their four children.

*Kennels.* There will be a total of eight (8) kennels that will be 3' x 4' or 3'x 8 with the rest of the open room available. All kennels have direct access to the outdoor leading to the outdoor runs that are 4' by 20'. Dogs will have access outside from 6 a.m. to 10 p.m. from their indoor/outdoor kennel areas.

Outdoor space will have nine (9) kennel runs, with a concrete base on the first 10-feet with either pea gravel or artificial turf on the remaining 10-feet. A cover is planned for the first 10' of the outdoor kennels to give them an outdoor area out of the elements.

Indoor spaces are set up to have lighting on for the dogs for at least 17 hours a day. Indoor areas will be kept above 65 in the winter and below 80 to avoid extreme outdoor weather. Kennel area will have exhaust fans to keep out moisture and smells that occur mainly from cleaning.

*Details on outside exercise areas.* Two fenced areas—a 60'x93' area and a 37'x71' area—are provided for exercise. The fencing is 5-feet high, black vinyl chain link, and the owner has installed screening on the fencing to limit the dogs reacting to movement outside the area. The dogs will be kept inside after 10 p.m. for safety and to minimize noise issues.

The ZPC recommended approval of the CUP for a hobby kennel with several conditions.

1. The kennel shall not be used for commercial boarding purposes with an amendment to the conditional use permit.

2. No more than fifteen (15) 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.
3. 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.
4. That all dogs will be locked or housed indoors from 6 a.m. to 10 p.m. unless accompanied by the property owners.
5. 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.
6. Future building additions and alterations to the site shall be required to reviewed and approved by the Zoning and Planning Commission to ensure compliance with the residential kennel conditional use permit.
7. Annual review by the Zoning and Planning Commission to ensure compliance with the residential kennel conditional use permit.

Chairman P. Danen pointed out they received two letters before the meeting and a third just before the start of the meeting. Made sure it was on record. Chairman P. Danen made a **motion to open the public hearing, seconded by** Supervisor S. Shivaram. Public hearing opened at 6:10 p.m.

**Petitioner – Suann Dombrowicki – 2263 Greenleaf Road:**

Wanted to make the Board aware that she wasn't able to make the previous meeting as she was given the incorrect time, and when she showed up, the meeting had already taken place.

Petitioner went over the minutes from the previous meeting and wanted to address some of the concerns.

- One concern being that there were eighteen dogs listed on the website which seemed like a lot. Suann clarified that when one looks at the website, it's not just her litters, but also litters of other partners that she works with. At times she works with up to seven to ten breeders, most of which are out of state.
- Another concern the petitioner had was a report that was put out from Supervisor S. Shivaram, citing the reasons why he would deny the permit.
  - Sachin stated the community voiced their opinions and concerns of not wanting the kennel at this location. The petitioner stated that was last year and since then she's aware of two complaints that were made within that time period.
  - The other being that the petitioner knowingly started the kennel without going through the town. The petitioner stated that was not true because in April of 2020 she was granted a kennel license. Only until the petitioner came to the Town of Ledgeview and applied for a building permit, was she made aware of what was needed. It was at that point the petitioner went to the State of WI and applied for a license. The State has also conducted several inspections of her property to which no issues were seen.
  - Another reason being that the property is zoned Residential, which is to create an environment for people to enjoy their homes. The petitioner stated she could purchase the property that is in her backyard which is zoned Commercial, and be able to put a kennel there.
  - The image that was put out on the website is misleading. The petitioner clarified that the images were the exact same kennels that are on her property.
  - The last concern being the lack of trust with the applicant, to which the article stated there were twenty-five (25) dogs, possibly up to fifty (50) dogs. The petitioner stated she has never had over forty dogs at her house, which included puppies.

The petitioner then asked if the Board had further questions that she would be able to clarify.

Chairman P. Danen asked how many dogs were currently at the house now. Currently has fifteen (15) dogs in total, twelve (12) dogs, but three (3) of which are to be bred. Chairman went over the list that was provided to staff which only had thirteen (13)

dogs listed. Some of the dogs listed are considered Guardian Dogs, to which those dogs live in a foster home and only come to the Petitioner's home to breed. That can change regularly... the most being twenty-one (21) dogs at one time.

The petitioner has a kennel license for eleven (11) dogs from 2020, and was not aware that the code required a Conditional Use Permit for more than three dogs. The Board wanted clarification as to how this has been allowed.

Staff clarified that the kennel license from 2020 is actually for the dog licensing which is from the County and is only good for one year. Has to be renewed annually just as anyone that had one dog would need to do. Would never be allowed to have more than three dogs unless granted by a conditional use permit.

Supervisor S. Shivaram, stated that for the past year she has not been able to have more than three dogs and asked if she was made aware of it, and if so, why is she still having the kennel and dogs.

Staff advised of the level of effort that has been made on the Town's behalf and that they have tried to work with owner to become compliant and going through the permitting process to which many excuses had been made.

Chairman P. Danen asked if anyone else wanted to be heard on this matter at 6:31 p.m.

**Charlotte Everard - 2248 Greenleaf Road:**

Concern is once you open it up to a kennel, it will always be a kennel and is concerned about the type of dogs that could be coming later. Can you trust that they will follow the rules as they haven't in the past. Also believes there is a lot of noise currently and is concerned for shift workers.

**William Everard – 2248 Greenleaf Road:**

Who will be policing this situation and doesn't believe the Town is equipped to do so. Also agreed with his wife's comments.

**Theresa Gage – 496 Ravine Road:**

Not in favor of kennel. Made a comment about you can't actually sit outside and enjoy the neighbor because of the noise of the dogs at the petitioner's property. Believes it could also be a health concern having this many dogs living in the home and have it be a safe healthy environment. Has many trust issues with the petitioner and concerned that if this is denied, what will be the process to make sure it's back to three. Is also concerned about the waste disposal and didn't know if the Town had a policy or not as that is a lot of waste.

**Larry Sur – 247 Beau Rivage:**

The CUP was turned down last year and it didn't make a difference. Spoke of the R-1 Residential and states that this breeding is a lot more than just a hobby and should not be allowed in R-1 Residential zoning.

**Tom Wood - 1502 Turtle Dove Trail:**

Does not live in the area but works with and is friends with the petitioner. Knows what goes on and what it takes to run a facility. He owns Sit and Stay Pet Resort and can vouch for their responsibility as well as how they run their business and take care of their dogs and puppies.

Chairman P. Danen asked for a second time if anyone wanted to be heard on this matter.

**Art Gage – 496 Ravine Road:**

Stated that he hears the dogs, hears the kids, and hears the four wheelers. Where his property he has the pond as a noise buffer and still hears things. He is willing to overlook some of the family noises but this is excessive. Wanted to point out that he heard

Chairman P. Danen asked for a third and final time if anyone wanted to be heard on this matter. No one did. Public hearing closed at 6:42 p.m.

Supervisor S. Shivaram pointed out that he's sympathetic to Suann, but there is clearly a neighborhood in that area and that the residents have voiced their concern against it. Stated that it seems disrespectful to the Town to which the petitioner didn't follow up or work with the town to become compliant in the past year. Also believes that there is a neighborly way of going about things and trying to work together to which was not approached that way.

**Motion by** Supervisor S. Shivaram to deny the application for Conditional Use Permit to operate a dog kennel 2263 Greenleaf Road. **Motion seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried in a voice vote, 3-0 at 6:45 p.m.

## **NEW BUSINESS:**

### 1. **Request for approval** of proposed draft for the Capital Improvement Plan.

Staff presented the Capital Improvement Plan and how it correlated with some of the outcomes already set forth from the Strategic Plan. Went over the items for 2023 and believed that those items are truly needed by each department that requested it. Examples are the replacing of a Public Works truck, the Town's I.T. equipment and a new replacement schedule for our I.T. equipment, as well as the Scray Hill Park Restroom TrailHead project.

This draft won't become final until the Budget is approved. Only difference with the draft and the final CIP would be once the Town knows what direction they are going with regards to the Fire Department. Once that is decided, those numbers can be put into the plan to be approved.

Town Board thanked Staff for their work.

### 2. **Request for approval** of a Second Amendment to Intergovernmental Agreement between the City of De Pere and Town of Ledgeview Regarding Crossing Guard Service.

In June of this year, the City of De Pere reached out to Town Staff to discuss the current agreement between the two communities related to crossing guard services. The issue at hand is the difficulty of recruitment and retention of crossing guard staff. The City of De Pere requested that the Town consider, along with them, a possible reduction in the intersections in Ledgeview whereby crossing guards would be staffed.

The agreement currently calls for crossing guards at the following intersections:

- Swan Road / Swanstone Circle
- Swan Road / Swan Pointe Terrace
- Jordan Road / O'Keefe Road
- Swan Road / Ledgeview Road

The City is proposing (with this 2nd Amendment document) that for the 2022-2023 school year, they staff Swan Road / Ledgeview, Swan / Swanstone and Jordan / O'Keefe. They would not staff Swan Road / Swan Pointe (by Middle School).

The Administration from the Middle School supports the removal of that location. Additionally, the City would propose an increase to the administrative fee to 7.5% to account for the significant amount of staff time it takes to staff and manage the program. The City would bill Ledgeview for 2.5 positions instead of the 3.5 positions they are currently billing for. Similar to what is in the current agreement, the City would bill crossing guard wages for this school year, but then track the three intersections to determine when officers are actually covering those shifts. The hope would be that with removal of one intersection, there would be less of a need to cover with any officers. The goal would then be for the City to review the coverage and wage issues again next year when there is updated data including the changes noted above.

Ledgeview staff supports the location of the three intersections as well as to continue to bill under the current model along with the increase of the Administrative fee to 7.5%. Staff would still request that while the issue is reviewed

during this next school year that further consideration should be given to cost-share the crossing guard costs equally between the two communities, as they service both Ledgeview and De Pere residents. Staff is supportive of working with De Pere once the data has been updated over the course of the 2022-2023 school year. It is likely that a new agreement would be drafted and reviewed by both communities during the summer of 2023.

**Motion made by** Supervisor R. Van Rossum to approve a Second Amendment to Intergovernmental Agreement between the City of De Pere and Town of Ledgeview Regarding Crossing Guard Service. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried a voice vote, 3-0.

3. **Request for approval** of Intergovernmental Agreement between the City of De Pere and Town of Ledgeview for Cost Sharing of Curb Repair and Street Resurfacing.

De Pere Public works contacted Town Staff and requested a joint cost share on the resurfacing of Ledgeview Road and Lone Oak. Work on this has since been completed.

**Motion made by** Chairman P. Danen to approve Intergovernmental Agreement between the City of De Pere and Town of Ledgeview for Cost Sharing of Curb Repair and Street Resurfacing. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a voice vote, 3-0.

4. **Request for approval** of an Intergovernmental Agreement between Brown County Municipal Responsible Units for Eligibility for the Recycling Grant in 2023.

Each year (since 2011) all Brown County municipalities renew an agreement between themselves and Brown County Port & Resource Recovery for a joint program promoting recycling services such as education, collection and appropriate program planning. There is a small change in the requested agreement for 2023. Since Brown County is not a Responsible Unit (RU), the annual agreement must be between the RU's of each municipality with Brown County acting as a facilitator. Otherwise, the agreement is still a cooperative effort that each municipality can rely on to provide continuing excellent service. The agreement also ensures that Ledgeview will be eligible for the 2023 Wisconsin Recycling Consolidation Grant.

There is no financial impact to the budget for this item other than the eligibility of the Town to apply for the annual Recycling Grant.

**Motion made by** Supervisor R. Van Rossum to approve an Intergovernmental Agreement between Brown County Municipal Responsible Units for Eligibility for the Recycling Grant in 2023. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a voice vote, 3-0.

## **PRESENTATION:**

1. Presentation by Mark Sauer, Planner, Mead & Hunt of Updated Town Park and Recreation Facilities Story Map.

A digital version of the recommendations of the existing conditions that are found in the Corp. Was implemented after the original Corp was done in 2015, then again in 2019. Shows photos of existing facilities, parcel info, photo what is at that facility and a description of what can be found there or expected via future Master Plan. It also shows the Bike Loops, new greenways, paths, possible future neighborhood park lands, and possible future community park lands. It's a place to showcase some photos the above public spaces to show the public what is all there before hiking on a trail, park etc.

**COMMUNICATIONS:** None.

## ORDINANCES:

1. First Reading: [Town Board may also Approve]
  - a. Discussion on Street Urbanization Special Assessment Policy and Ordinance. {O-2022-020}

Town Board Members requested staff to provide options that would allow the Town to act on a uniform bases to request for the urbanization of current rural streets.

The Town of Ledgeview follows Wisconsin state statues when the Town Board exercises their right to special assess properties when improvements, such as urbanization of a rural street, are performed. Ordinance 2022-020 is outlining those state statues so they are presented in the town's codes to give residents the access to know and understand the procedures followed.

The special assessment policy will allow staff the information needed to create a more accurate capital improvement plan; the town board a standard approach to amount assessed and how it will be assessed; and residents the information of when and where assessments will be made and how amounts will be paid. This policy is detailed for new roads constructed and current rural roads urbanized and is separate from maintenance of existing town roads. The policy will be reviewed and adopted each year to account for any needed updates.

Chairman P. Danen commented on the verbiage within the ordinance stating that in Section 1 and Section 2, where it states '...may be revised...', that wording it as such is open for discretion and that saying 'shall' would fit the intent better. Would like the two specific sections to read as '... shall typically assessed....' Amend the policy in 1 and 2 so it states '...shall typically assessed at 30%....'

**Motion made by** Chairman P. Danen to approve the Street Urbanization Special Assessment Policy with the Policy being Amended in Sections 1 and 2 so that it states ' shall typically assessed at 30%' and by approving Ordinance O-2022-020.

**Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a voice vote, 3-0.

## REPORTS:

### Administrator:

- Forwarded an email from Brown County with regards to Bug Tussel services.
- Had the monthly Brown County Traffic Report in DropBox.
- Van Dreel claim update – it's almost closed.
- Reminded Board of the upcoming Special Town Board meeting on September 12<sup>th</sup>, at 6:00 related to coverage for Fire Service.
- Recognize Steph for receiving another grant for pollinator.
- Staff updates – Jen = 1 yr workaversary; Steph = 3 yr workaversary; Lisa = 4 yr workaversary

**Planner:** None

**Zoning Administrator:** None

**Treasurer:** None

**Clerk:** None

**Engineer:** None

**Public Works Director:** None

### Park & Recreation Director:

- Advised Board of we may be awarded a larger grant in the removal of trees, but would have to budget for it.

**Fire Department:** None

**Board Comments:** None

## APPROVAL OF THE VOUCHERS:

**Motion made by** Supervisor R. Van Rossum 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 R. Van Rossum to go into closed session at 7:18 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) to confer 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 of the closed session is to discuss the Petition for Certiorari Review from Petitioner J&A Lakeside Properties, LLC.

**Motion made by** Supervisor R. Van Rossum, **motion seconded by** Supervisor R. Van Rossum to go out of closed session at 7:40 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, to reconsider the action from the previous Board Meeting where the Town Board approved the Preliminary Developers Agreement from J&A Lakeside to create . The motion is to reconsider it and instead deny the Preliminary Developers Agreement for Grande Ridge Estates. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in unanimous voice vote, 3-0.

**OLD BUSINESS:**

2. Discussion and possible Action pertaining to the Preliminary Developers Agreement for Grande Ridge Estates from J&A Lakeside, LLC.

**Motion made by** Chairman P. Danen to table any further action on the Preliminary Developers Agreement until future date.

**Motion seconded by** Supervisor S. Shivaram. Motion carried in a unanimous voice vote, 3-0 at 7:43 p.m.

**ADJOURNMENT:**

**Motion made by** Chairman P. Danen to adjourn, **seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried in a voice vote, 3-0. Meeting adjourned at 7:43 p.m.

Respectfully submitted,

Jennifer L. Broich  
Clerk

Approved at the September 20, 2022 Town Board Meeting.