



TOWN BOARD MINUTES
Tuesday, September 20, 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 4:31 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 Alan Matzke. Supervisor Sachin Shivaram was excused.

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

AGENDA APPROVAL

Staff advised to remove the Park and Recreation minutes.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. August 1, 2022 Town Board Minutes
 - b. September 6, 2022 Town Board Minutes
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator's Licenses: September 4, 2022 thru September 17, 2022
5. Other Committee Minutes. Accept and place on file:
 - a. September 12, 2022 – Special Town Board - LVFD Minutes
 - b. August 10, 2022 – Redevelopment Authority Committee Minutes
 - ~~c. June 21, 2022 – Park, Recreation and Forestry Minutes~~
 - d. July 6, 2022 – Sanitary District #2 Minutes
 - e. August 3, 2022 – Sanitary District #2 Minutes
6. Pay Requests: None.
7. Special Event & Street Closure Permits: None.

Motion made by Supervisor R. Van Rossum to approve the Consent Agenda as suggested, **seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a voice vote, 4-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment at 4:32 p.m.

After three calls for comments, none were heard. Public Comment was closed at 4:33 p.m.

PUBLIC HEARING:

1. Public Hearing for Approval of a Conditional Use Permit request by Michael Hintz, Sr. (agent) on behalf of Dedicated Real Estate Family (owner), for Local and Long Distance Trucking Operations with and Diesel Engines Service, Equipment and Supplies (not manufacturing) located at 3700 Elmview Road, parcel D-130-3.

Staff explained the property is currently zoned PDD-BP, and that the petitioner is hoping to use the site as a motor freight company with diesel engine service and drive-thru facility, which are only permitted by conditions use in Light Industrial Districts. The only condition placed is that this be approved only if the rezone got approved as well.

The public hearing was opened at 4:34 p.m. by Chairman P. Danen. After three calls for comments, none was heard, this public hearing was closed at 4:35 p.m.

Motion by Supervisor M. Danen to Approve the Conditional Use Permit to for Local and Long Distance Trucking Operations with and Diesel Engines Service, Equipment and Supplies (not manufacturing) located at 3700 Elmview Road, parcel D-130-3 with the condition that the rezone was approved as suggested by the Zoning and Planning Commission. **Motion seconded by Supervisor R. Van Rossum. No further discussion. Motion passed unanimously, 4-0.**

2. Public Hearing for Approval of a Rezone request by Michael Hintz, Sr. (agent) on behalf of Dedicated Real Estate Family (owner), for a significant change to lands zoned PDD-BP, Planned Development District – Business Park, to construct a trucking operations facility with diesel engine service (not manufacturing), drive-through coffee shop, and offices for parcel D-130-3 located at 3700 Elmview Road, by approving Ordinance O-2022-023.

The petitioner is requesting the rezone the property from PDD-BP, to L-I Light Industrial District. This rezone accompanies the proposed significant improvements to the site and construction of a new industrial and office building. Several improvements include new pavement, additional landscaping and a new 29,100 sq.ft. building.

The public hearing was opened at 4:42 p.m. by Chairman P. Danen.

Sam Winterfield – Keller Construction – N216 STH 55, Kaukauna, WI;

Stated most items the Fire Chief had concerns about have been completed and have been resolved but yet to be formalized. The concern about the radio signals and communication working within the building, that is an unknown until the physical building is completed. They will be able and willing to work with all involved to make sure it works sufficiently.

Chairman P. Danen made a call for a second time asking if anyone wanted to speak at 4:44 p.m.

Sam Winterfield – Keller Construction – N216 STH 55, Kaukauna, WI;

Wanted to talk about the lighting on the site. Given the size and nature of the site, light poles would be a challenge. If you added more, it's more likely to get hit, but you need the light for a safety and security standpoint. Explained that raising the polls up would spread the light further, which is the only way the center of the site would be able to be lit. The ordinance as approved previously does not allow for that. Looking for consideration for standard sized light poles to be installed in the center.

Discussion was had between staff and Mr. Winterfield about the specifications of the lighting and what the Town typically requires with regards to the west end of the building.

Sam Winterfield – Keller Construction – N216 STH 55, Kaukauna, WI;

Spoke about the asphalt areas of the site and which portions contained aggregate asphalt, and which portions could possibly contain pulverized asphalt. Explained pulverized asphalt is completely compactable and wouldn't kick up dust when the trucks drove over it, and it would be a good compromise seeing as aggregate asphalt is quite pricey. Is asking the Town Board to consider approving the pulverized asphalt.

Colin Meisel – Ruekert & Mielke, Inc - 1400 Lombardi:

Is the civil engineer for this project and spoke of the pulverized asphalt for other sites and explained that it does hold up well once it's compacted. Stated it's dust free but not as durable as asphalt but is a much more cost effective solution for the owner.

Chairman made a third and final call for anyone to speak on this public hearing and closed it at 4:50 p.m. Discussion was brought back to the Board.

Staff clarified that the Town specifically requires a paved surface and does not allow for crushed aggregate anywhere and it's stated as such by ordinance. Brought up the concern that we were to allow this as an alternative that it would most likely end up all over the place. Continued discussion was had between staff and the Town Board.

Staff stated they were comfortable with what ZPC was requiring and does not recommend revising the ordinance. ZPC recommendation was asphalt, with the compromise of the rest of the site from the west and from the north can be the millings.

Motion by Chairman P. Danen to table the matter until further consideration can be given to the request for an alternative asphalt / ground cover, as well as the lighting issues, and also that we receive all documents that go along with the exhibit for the rezone ordinance which are needed before completion, with the final decision to be made on October 3rd. **Motion seconded by** Supervisor A. Matzke. No further discussion, motion passed by a vote of 4-0.

3. Public Hearing relating to text amendments to Chapter 135, Zoning, of the Municipal Code as it relates to two-family residential development review and approval requirements by approving Ordinance O-2022-024.

Zoning and Planning Commission has expressed that they were not happy with some of the architecture that had been coming forward with regards to guidelines as it relates to two-family development. Plan Commission would like it to be kept with design guidelines similar to multifamily developments. With that requires some code changes that then make it a requirement that two-family development get Planning Commission approval. This will insure everything from site design, building architecture and materials are contextual to the development around it. (the R-2 District)

Chairman P. Danen made three calls for anyone that wanted to speak, to which no one did. Public hearing closed at 5:05 p.m.

Motion by Supervisor M. Danen to approve Ordinance O-2022-024 to Amend Chapter 135, of the Municipal Code relating to Two-Family Residential Development. **Motion seconded by** Supervisor A. Matzke. No further discussion, motion passed by a vote of 4-0.

4. Public Hearing relating to text amendments to Chapter 135-15, Fences of the Municipal Code by approving Ordinance O-2022-025.

Staff presented the need to change and clear up the Municipal Code, particularly with help defining what a privacy fence versus a security fence is and required guideline; along with particulars regarding height and location requirements.

Chairman P. Danen made three calls for to the public asking if anyone needed to be heard on this matter, to which no one did. Public hearing closed at 5:07 p.m.

Motion by Supervisor A. Matzke to approve Ordinance O-2022-025 to Amend Chapter 135-15, Fences of the Municipal Code. **Motion seconded by** Supervisor R. Van Rossum. No further discussion, motion passed by a vote of 4-0.

5. Public Hearing for Approval of a Class “A” Beer, “Class A” Liquor License for 7E CO Minnesota, LLC dba Dino Stop #7850.

Staff explained that Diversified Management acquired the I-43 Dino Stop on August 29th stated, who is a managing company for 7E CO Minnesota, LLC, to which the Alcohol License will be under. All employees are managed by the Diversified Management Group as well. They will be getting the same type of license the previous owner had.

Chairman P. Danen made three calls for to the public asking if anyone needed to be heard on this matter, to which no one did. Public hearing closed at 5:09 p.m.

Motion by Supervisor R. Van Rossum to approve a Class “A” Beer, “Class A” Liquor License for 7E CO Minnesota, LLC dba Dino Stop #7850. **Motion seconded by** Supervisor M. Danen. No further discussion, motion passed by a vote of 4-0.

ZONING & PLANNING:

1. Request from the Zoning and Planning Commission on a Certified Survey Map request by Gregory Thom (owner) to adjust the property line between parcels at D-38-4 and D-38-8, located at 2150 and 2160 Greenleaf Road. [R-2022-042].

The petitioner is proposing to reconfigure parcel D-83-4 for code compliance regarding the setback for the new accessory building. The petitioner’s contractor built the accessory building too close to the lot line and the resulting setback is below the minimum requirement. The request is for approval of the lot line adjustment between D-83-8 and D-83-4.

Motion by Supervisor A. Matzke to approve the Certified Survey Map to adjust the property line between parcels D-38-4 and D-38-8 located at 2160 Greenleaf Road with the following conditions as recommended by ZPC:

1. The following notation be added to the CSM:
 - a. “All future development will be required to meet the required setbacks from Environmentally Sensitive Area, including floodplain, wetlands, and navigable waters.”
2. A shared access easement be recorded with the County Register of Deeds and a copy provided to the Town for property records.
3. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Motion seconded by Supervisor A. Matzke. No further discussion. Motion passed unanimously 4-0.

2. **Recommendation** from the Zoning and Planning Commission on a Building, Site, and Operations Plan (BSO) request by Ariel Stouder (agent for Fullerton Engineering), to co-locate additional equipment on a cellular tower at parcel D-344, located at 4525 Old School House Lane.

The petitioner is requesting approval to install a new AT&T antennae array on an existing U.S. Cellular owned guyed tower (180’) and fenced compound area. AT&T would lease a 435 SF area within the existing fenced compound area at the base of the tower to accommodate their equipment cabinet, a 20 KW diesel generator, and a rack and meter.

Motion by Supervisor R. Van Rossum to approve the BSO to co-locate additional equipment on a cellular tower at parcel D-377 located at 4525 Old School House Lane, with the following condition as recommended by ZPC:

1. The generator is programmed for testing to run after 7 a.m. or before 9 p.m. for noise concerns.

Motion seconded by Supervisor A. Matzke. No further discussion. Motion passed unanimously.

3. **Recommendation** from the Zoning and Planning Commission on an Area Development Plan including all of parcels D-2028, D-395-3 and D-395-4 located at 4546 Trellis Drive, 0 Heritage Road and 2362 Heritage Road. [R-2022-043]

The petitioner is requesting to revise the road connection for the development to project a direct connection to CTH X. The developer has acquired parcels D-395-3 and D-395-4 along CTH X and is able to include a public roadway that meets with Town standards. The proposal is to develop the now 14.3-acre site for 22 narrow residential lots, 8 lots for 2-, 3- and 4-unit buildings, a multi-family site and Outlots.

The ZPC and Town Board made it clear to the developers from 2016 onward that no plat for Outlot 4 would be approved until a secondary access of Trellis Drive to CTH X was provided. Direct access to CTH X will alleviate congestion issues on Cottonwood. The Director of Public Works and Town Engineer has expressed support for the proposed new connection, Additionally, Brown County Highways is also supportive.

The proposed layout and housing types are consistent with the Planned Neighborhood future land use category to provide a mix of residential types into a single development. A Planned Development District will be required to enable this development for the smaller single-family development and the mixture of housing. More detail will be necessary, but at this time the ZPC should provide feedback on the layout.

Motion by Chairman P. Danen to approve the Area Development Plan including all of parcels D-2028 at 4546 Trellis Drive, D-395-3 located at 0 Heritage Road, and D-395-4 located at 2362 Heritage Road, with the following condition as recommended by ZPC:

1. A Planned Development District will be required to enable the development as proposed for the smaller single-family development and the mixture of housing.
2. The proposed variety of residential development and densities could be consistent with the plan if the development can satisfy access, safety, and architectural requirements and expectations.
3. The multi-family site shall be uniformly shaped and provide sufficient street frontage to ensure a “square or rectangular parcel.
4. Building architecture for all units shall be reviewed and approved as part of a Planned Development District for parcels D-2028, D-395-3, and D-395-4.
5. The ZPC recommends that the Town Board request a speed study from Brown County for CTH X from west of Cottonwood to CTH GV and evaluate lowering the posted speed limit on CTH X.

Motion seconded by Supervisor A. Matzke. No further discussion. Motion passed unanimously, 4-0.

OLD BUSINESS: None.

NEW BUSINESS:

1. **Request for approval** of a Cigarette License for 7E CO Minnesota, LLC dba Dino Stop #7850.

Staff explained that Diversified Management acquired the I-43 Dino Stop on August 29th stated, who is a managing company for 7E CO Minnesota, LLC, to which the Alcohol License will be under. All employees are managed by the Diversified Management Group as well. They will be getting the same type of license the previous owner had.

Motion made by Supervisor R. Van Rossum to Approve the Cigarette License for 7E CO Minnesota, LLC dba Dino Stop #7850.

Motion seconded by Supervisor M. Danen. No further discussion. Motion carried a voice vote, 4-0.

2. **Request for approval** of an Agent Change for Indianhead Oil, LLC dba Holiday StationStore #510.

Staff received a phone call from the current agent, Loretta Ready, who advised she quit and moved back to Minnesota. After following up with Indianhead Oil, they hired and appointed a Successor Agent in the meantime. A Provisional Alcohol License was issued until formal approval by Town Board.

Motion made by M. Danen to approve the Agent Change for Indianhead Oil, LLC dba Holiday StationStore #510. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a voice vote, 4-0.

3. **Recommendation Approval** of an Amended Application for DNR Urban Forestry Regular Grant.

Originally presented to the Town Board at the August 1, 2022 meeting as a Request for Approval for the DNR Start-Up Grant Year 3. Through conversations with the Urban Forestry Coordinator for the DNR, staff was informed the Town would be eligible and a highly-probable candidate for a Regular Forestry Grant. Regular grants allow for a 50% reimbursement of projects up to \$50,000 (reimbursement amount is a maximum of \$25,000).

While we would be eligible and guaranteed a Start-up Year 3 grant, the DNR has indicated there are funds available in the 2023 regular grant process that would allow the Town to increase our impact on the EAB mitigation project in the Swan Ridge neighborhood.

Our 2023 grant application will include the following: Working with partners to develop professional workshops or educational events; Responding to Emerald Ash Borer; Tree planting; Maintenance of trees on public land and further staff training.

Motion made by Supervisor A. Matzke to Approve the Amended Application for DNR Urban Forestry Regular Grant. **Motion seconded by** Supervisor M. Danen. No further discussion. Motion carried in a voice vote, 4-0.

4. **Request for Approval** of an Agreement Related to Site Improvements for Cocoon Real Estate, LLC, Town of Ledgeview, Brown County, WI.

The agreement has been prepared in accordance with the recommendation from the Ledgeview Redevelopment Authority and subsequent discussions held in closed session by the Ledgeview Town Board. Construction of the project has commenced, with the terms of the agreement being understood prior to such commencement. Representatives of Cocoon Real Estate, LLC. have reviewed the agreement and concur with its approval.

Motion made by Supervisor R. Van Rossum to approve Agreement Related to Site Improvements for Cocoon Real Estate, LLC. **Motion seconded by** Supervisor M. Danen. No further discussion. Motion carried in a voice vote, 4-0.

COMMUNICATIONS:

- Responded accordingly to J&A Lakeside

ORDINANCES:

None.

REPORTS:

Administrator:

- CBCWA will be reviewing their budget and approving rates.
- Written report as submitted.

Planner:

- PH for TID #3 held last week – well attended, good questions, no negative comments were received – will be coming to Oct 3rd meeting for approval.

Zoning Administrator:

- Updated zoning permits as listed in written report.
- Highlighted the many code enforcement issues that are being worked on:
 - Old Chicago area
 - Working with property owner on old Nursing Home site
 - Mark Laack property on Heritage – bldg. over property line

Treasurer:

- Issue has come up with developers of Augusta Hills and Eventyr Heights
 - Incremental deficit from last year, and Augusta Hills has been invoiced to make up the difference.
 - Have not paid – and will be working on a payment plan.
- Written report as submitted

Clerk:

- Written report as submitted.

Engineer:

- Working behind the scenes with Public Works

Public Works Director:

- 2023 Brown County Construction Projects, CTH MM is on the list to get milled and paved from CTH G to Shallow Lane.
- Written report as submitted.

Park & Recreation Director: None

Fire Department:

- Working w/ Dedicated Systems.
- Working with several ongoing enforcement issues.

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:

Motion made by Chairman P. Danen, **motion seconded by** Supervisor R. Van Rossum to go into closed session at 5:32 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 recommendation from Personnel and Finance Committee regarding 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 the 2023 employee salary and wages. 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 A. Matzke to go out of closed session at 6:01 p.m. Roll call vote. Motion carried unanimously.

No action was taken.

Motion made by Supervisor R. Van Rossum, **seconded by** Supervisor M. Danen to go back into closed session at 6:02 p.m. Motion carried unanimously.

2. The Town Board may convene into closed session pursuant to WI State Statute 19.85(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. The purpose is to have discussion and possible action regarding the Ledgeview Fire Department Standards of Coverage and Recommendation on Model. 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 R. Van Rossum to go out of closed session at 6:35 p.m. Roll call vote. Motion carried unanimously.

No action was taken.

ADJOURNMENT:

Motion made by Chairman P. Danen to adjourn, **seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried in a unanimously 4-0. Meeting adjourned at 6:39 p.m.

Respectfully submitted,
Jennifer L. Broich
Clerk

Approved at the October 18, 2022 Town Board Meeting.