



TOWN BOARD MINUTES
Monday, October 3, 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 Al Matzke were excused.

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

AGENDA APPROVAL

Staff advised the September 20, 2022, Town Board Minutes were not complete and to strike from the Consent Agenda Item 1a and to strike the second Ordinance O-2022-031 Agenda Item 1b under Ordinances.

Motion by Chairman P. Danen to approve agenda with the removal of the September 20, 2022, Town Board Minutes as well as the removal of Ordinance O-2022-031, Zoning Text Amendments, **seconded by** Supervisor S. Shivaram. No further discussion. Motion carried unanimously 3-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. ~~September 20, 2022, Town Board Minutes~~
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator's Licenses: September 18, 2022, thru October 1, 2022
5. Other Committee Minutes. Accept and place on file:
 - a. August 24, 2022 – CBCWA Committee Minutes
6. Pay Requests: None.
7. Special Event & Street Closure Permits: None.

Motion made by Supervisor R. Van Rossum to approve the Consent Agenda, striking the September 20 2022 Town Board minutes, **seconded by** Supervisor 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 6:03 p.m.

PUBLIC HEARING:

1. Public Hearing for Approval on the request by Mary Haas (owner) to Rezone 1926 Dallas Lane located on Parcel D-183-3 from A-2 Agriculture to R-1 Residential via O-2022-26.

The petitioner is requesting to rezone the parcel D-183-3 from A-2, Agriculture District to R-1, Residential District for a future land division. This rezone accompanies a 4 lot CSM and a proposed Area Development Plan (ADP). An approximately 3.4 acre lot retaining the single-family home, and three (3) additional lots each ranging from 0.33 to 0.5 acres in size on the north section of the parent parcel. The Comprehensive Plan and Future Land Use Map depicts the property for single-family development served by public utilities. The rezone is consistent with the development pattern for the neighborhood.

The ZPC recommended approval of the rezone to the Town Board for several reasons:

- a. The proposed rezoning from A-2 to R-1 is consistent with the current zoning and development trends in the area.
- b. The lands are suitable for low density single-family residential development.
- c. The proposed zoning district conforms to the goals and the land use illustrated on the Future Land Use Map of the adopted Comprehensive Plan.

The public hearing was opened at 6:05 p.m. by Chairman P. Danen. After three calls for comments, none was heard.

Motion by Supervisor R. Van Rossum to Approve the Rezone of 1926 Dallas Lane located on Parcel D-183-3 from A-2 Agriculture to R-1 Residential via O-2022-26, seconded by Supervisor S. Shivaram. No further discussion. Motion carried verbally 3-0.

2. Public Hearing for Approval on the request Jon Logan (representative for Brown County) to Rezone a portion of D-405-5 located at 3800 Heritage Road from C-1 Conservancy to I-O Institutional Overlay via O-2022-027.

The petitioner is requesting to rezone the property from C-1, Conservancy District, to I-O, Institutional Overlay District. This rezoning accompanies a proposed retracement CSM. The 3.1-acre property is being created by a retracement CSM and is currently vacant. Proposed site improvements include new pavement, a collection tank, and new security fence. The improvements are brought on by a WDNR requirement that Brown County locate the collection tank on a separate parcel from the existing landfill.

ZPC recommend approval of this rezoning petition to the Town Board for the following reasons:

- a. The lands are intended for conservation purposes per the adopted Comprehensive Plan, the Institutional Overlay and utility use does not interfere with that, as the Plan allows for institutional uses throughout the Town to provide the most effective outcome possible while maintaining the Town’s rural character.
- b. There has been no trend of development for that area, and the character of the area is large, minimally developed lots.
- c. The rezoning is conditioned on the approval and recording of the retracement CSM for parcel D-405-4.

The public hearing was opened at 6:07 p.m. by Chairman P. Danen.

Mark Garrigan – 3723 Heritage Road:

Lives across the road from this area and wanted to know which driveways they would be using, the amount of traffic, as well as what type of structure will be on that site. He also asked if there was any future consideration for the speed limit to decrease due to the increased in and out traffic.

Staff explained there are four driveways. The two in the middle will remain and are the primary access to this site and will remain gated. The eastern most driveway is being asked to be removed and the western most driveway is going to be retained in hopes of a future parking lot for access to mountain biking. As for the structure, staff advised it would be a tank on that site for overflow. Staff also advised they are estimating approximately two trucks per hour, could possibly be 24-hours especially in the spring.

Staff explained the speed limit was not discussed as apart of this rezone or approval and has to be done at the County level but is definitely something that can be brought up.

After two more calls for comments, none was heard, public hearing was closed at 6:11 p.m.

Motion by Supervisor R. Van Rossum to Approve the Rezone a portion of D-405-5 located at 3800 Heritage Road from C-1 Conservancy to I-O Institutional Overlay via O-2022-027, **seconded by** Supervisor S. Shivaram. No further discussion. Motion carried verbally 3-0.

3. Public Hearing for Approval on a Rezone request by Selner/TCD Home for a significant change to lands zoned PDD-BP, Planned Development District – Business Park to construct an office / warehouse facility on parcel D-122-7 located at 3310 Kewaunee Road via O-2022-028.

The petitioner is requesting to make significant changes to the parcels that is currently zoned BP-PDD, Business Park-Planned Development District. This rezoning accompanies the proposed improvements to the site and construction of a new retail and office building, and the approval of a BSO Plan. Improvements include new pavement, additional landscaping, and a new 6,200 SF building.

The Comprehensive Plan document and Future Land Use Map depicts the parcel as future Planned Industrial/Business Park. The Business Park Master Plan shows the site for a future trailhead. To enable the mixed-use light industrial building, Master Plan will be amended to the Light Industrial District.

Section 135-11 of the Code requires that 60% of a total building and 50% of the front building wall and building walls facing an adjacent street be built from masonry materials. Code also requires that a minimum of 80% of materials on a building exterior are made up of hard burned clay brick, concrete masonry, natural stone, glass curtain walls, metal siding in combination with other approved materials and with approval of the Zoning and Planning Committee.

The ZPC recommends approval to the Town Board with several conditions.

At 6:13 p.m., Chairman P. Danen opened the public hearing for comments.

Mike Selner – 2043 Explorers Trail:

Owner of TCD Homes and is trying to turn this space into a nice piece of land.

After two more calls for comments, none was heard, public hearing was closed at 6:15 p.m.

Motion by Supervisor R. Van Rossum to Approve the Rezone request by Selner/TCD Home for a significant change to lands zoned PDD-BP, Planned Development District – Business Park to construct an office / warehouse facility on parcel D-122-7 located at 3310 Kewaunee Road via O-2022-028, with the following conditions as recommended by ZPC:

- a. Board approval of the Business Park Master Plan to indicate the change of this site from Corporate Trailhead to Light Industrial District.
- b. Revise the site plan to show:
 1. Access to the second overhead door in the elevations.
 2. Curb usage throughout paved areas.
 3. Wheel stops for parking spaces adjacent to/perpendicular to pedestrian walkway at building entrance.
 4. Trash enclosure location and plan details/elevations.
 5. Location of mechanical equipment.
- c. Revise the landscape plan to show:
 1. Replace Autumn Blaze Maple with Hackberry, Tuliptree, White/Bur/Skymaster/Swamp White Oak, or Prospector Elm.

2. Replace Autumn Blaze Pear with Canada Red Chokecherry, American Hornbeam, Serviceberry (single stem), Japanese Tree Lilac, Newport Plum, or Ironwood.
3. Include additional trees along the southern edge of the parcel adjacent to the railroad per the Business Park Master Plan.
4. Add landscaping plantings on the east of the parcel to improve buffer to adjacent residential use.
5. Proper screening of ground mechanical equipment.
- d. Revise the Photometric Lighting Plan to show:
 1. A maximum light level of 15 footcandles throughout the site.
 2. Submit the manufacturer cut sheets for all proposed fixtures.
- e. Revise the elevations to show:
 1. Building materials.
 2. Building height.
 3. Label elevations.
 4. Location of mechanical equipment.
 5. Lighting locations and heights on building façades.
- f. All signage must comply with the regulations outlined in Chapter 79.

Motion seconded by Supervisor S. Shivaram. No further discussion. Motion carried verbally 3-0.

ZONING & PLANNING:

1. Recommendation from the Zoning and Planning Commission on Approval of a Certified Survey Map request by Mary Haas (owner) to create four parcels at D-183-3 located at 1926 Dallas Lane.

The petitioner is requesting the approval of a CSM for the subdivision of a 4.75-acre parent parcel into four (4) lots along Dallas Lane. Lot 1 (parent parcel) will be 3.23 acres, Lots 2, 3, and 4 will be 0.5 acres. The lands are currently zoned A-2 Agricultural District and a rezone to R-1 Residential is also being proposed. The rezone has been reviewed separately.

The parent parcel has an outstanding assessment of \$65,772.17. The assessment due is \$127.31/foot on 516.63 feet of frontage. The outstanding assessment must be paid in full before the CSM will be signed by the Town.

ZPC recommend approval of the CSM to the Town Board with conditions.

Motion by Supervisor R. Van Rossum to Approve a Certified Survey Map request by Mary Haas (owner) to create four parcels at D-183-3 located at 1926 Dallas Lane, with the following conditions as recommended by ZPC:

- a. Approval of the rezone petition for parcel D-183-3 from A-2 to R-1.
- b. Approval of the Area Development Plan (ADP) for parcel D-183-3.
- c. Revise CSM to illustrate the following:
 1. Required 12-foot ROW radius on the northwest corner of Lot 2.
 2. The appropriate building setbacks on the CSM.
 3. The square footage of the accessory building.
- d. Add notation to the CSM:
 1. *Future bicycle and pedestrian facilities will be provided in the right-of-way of Dallas Lane.*
- e. Payment of the outstanding assessment of \$65,772.17 and recorded by the Town Treasurer prior to Town signature of the CSM.
- f. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Motion seconded by Supervisor S. Shivaram. No further discussion. Motion carried verbally 3-0.

2. Recommendation from the Zoning and Planning Commission for Approval on a Certified Survey Map request by Ryan Duckart (representative for Brown County), to adjust the property lines of parcels D-405-4 and D-405-5 located at 3800 and 3750 Heritage Road.

The petitioners are proposing to reconfigure the existing 3.10-acre parcel D-405-4 to create a 1.65-acre property to install a new collection tank facility. The WDNR is requiring Brown County to locate the collection tank on a separate parcel from the existing landfill.

ZPC approve the CSM for the Town Board at this time, with conditions.

Motion by Supervisor S. Shivaram to Approve a Certified Survey Map request by Ryan Duckart (representative for Brown County), to adjust the property lines of parcels D-405-4 and D-405-5 located at 3800 and 3750 Heritage Road., with the following conditions as recommended by ZPC:

- a. Revise the CSM to illustrate require setbacks and improvements on the property.
- b. County to remove the unused eastern-most driveway access on parcel D-405-5 to CTH X.
- c. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Motion seconded by Supervisor R. Van Rossum. No further discussion. Motion carried verbally 3-0.

OLD BUSINESS:

1. Request 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 via Ordinance O-2022-023.

Discussion and follow up with Dedicated Real Estate to see that the Town has all of the information that was requested. Staff advised they have been provided updated plans as requested and that all significant issues with the Fire Department have been addressed, as well as clarification on the pavement. Staff advised that there would be concrete and asphalt 230 ft around the building as well as the loading docks and the remainder of the site will be pulverized as recommended by ZPC.

Motion made by Supervisor R. Van Rossum to approve 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 via Ordinance O-2022-023, with the following conditions as recommended by ZPC:

- a. Development shall be in accordance with the following special conditions, restrictions and regulations:
 - i. Board approval of the Business Park Master Plan to indicate the change of this site from Corporate Campus District to Light Industrial District.
- b. Revision of the elevation plans to clearly illustrate:
 - i. Proposed color of building materials and exterior finishes, specifically the insulated panels, architectural block, overhead doors, access doors, siding, and windows.
 - ii. Elevations details, materials, and colors for trash enclosures.
- c. Revision of the site plans to illustrate:
 - i. Location of trash enclosures.
 - ii. Location of all bollards proposed to be used on the site and specify height and color.
 - iii. Revisions to stormwater facilities per comments from Town Engineer
- d. Revision of the lighting and photometric plans to:
 - i. Illustrate base and pole details on the plans.
 1. The base of the light pole to be less than 1-foot in height on the commercial area (east) site of the site with the overall height of the lighting fixtures not to exceed 18-feet.

2. The base of the light pole to be less than 3-foot in height on the trucking area (west) of the site of the site with the overall height of the lighting fixtures not to exceed 35-feet.
- e. Revision of the landscape plans to:
 - i. Add required 5- and 10-foot landscaping area around signage.
 1. Perennials and/or shrubs at the base of the ground sign.
 - ii. Add perennials and/or shrubs at the base of any ground mechanical equipment.
 - iii. Replace Autumn Blaze Maple and Autumn Blaze Pear species on the planting plan.
 - f. Revision of the signage plans to comply with the Town regulations outlined in Chapter 79: Signs.

All signs will be a separate approval with the Zoning Administrator.
 - g. Satisfactorily address requirements of the Town of Ledgeview Fire Chief related to NFPA standards:
 - i. Portable waste oil containers must comply with IBC and IFC regulations.
 - ii. Exterior waste oil tank is not allowed without DATCP, Fire Code and Ledgeview site plan review.
 - iii. Planned Development District plan approval will be automatically rescinded if DSPS fails to approve revised plans.
 - iv. Upon connection of sanitary sewer, an oil water separator is to be installed.
 - v. Radio signal testing will be conducted once the building is complete and if required, a system will be installed at the owner's expense.
 - vi. Flammable liquid storage – an IBC S-1 classified building will only be allowed 360 gallons of flammable liquid and gases, this includes all flammable liquids and gases in tanks and storage.
 - vii. Ledgeview Fire Department will require approval of bulk tank storage plan prior to installation.
 - viii. Due to S-1 building classification and no sprinklers in racking, combustible and flammable material storage have limited quantities and locations allowed, the conditional use permit will be granted on owner continuously complying with IBC and IFC regulations.
 - ix. No propane will be stored on the interior of the building and a small rack for 30# LP tanks will be placed outside the building.
 - x. A SPCC Plan will be in place prior to filling of the storage tanks located on the mezzanine.
 - xi. Per IBC, all Classes of Hazardous Materials have limitations on quantities allowed and locations allowed inside the building, (Table 307.1(1) of IBC and IFC). The Building is an S-1 Classification without any designed "control areas", therefore limitations of the following other hazardous materials must be observed and are a condition of approval. These limitations will be required throughout the occupancy as Maximums:
 1. Combustible Fibers = Loose - 100lbs, Baled - 1000lbs
 2. Inert Gases = none (examples Argon, Nitrogen)
 3. Flammable Gas non- Cryogenic= 300 lbs (Examples - Acetylene)
 4. Cryogenic Flammable Gas = 90 lbs. (Propane) (One 33.5lb tow motor tank weighs 33.5lbs)
 5. Oxidizers 250 lbs (Example - Oxygen Tanks for welding and cutting)
 6. Water Reactive, Unstable Reactive, Highly Toxic, Toxic, Corrosive (pH less than 2 or greater than 12.5) (Examples Caustic Cleaners, Acids, etc.) = All Categories are Zero Lbs

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

NEW BUSINESS:

1. **Request for approval** of Resolution R-2022-051, Approving Boundary and Project Plan for TID No. 3.

Staff presented stating the TID No. 3 was around the CTH MM interchange that runs along CTH R, down part of CTH MM and parallels the Interstate. This area has been a part of the Business Park Master Plan for some time and has been included in the plan of installation of public utilities so that it can meet the demands for non-residential development in that area. This is a twenty-seven (27) year TIF District, and is redevelopment focused.

This TID is one that will develop as project occur. Down the road there will be areas of expansion and the need for Sanitary and Sewer, Fire and Rescue as well as road improvements. The Town has been in contact with some of the larger property owners and they are ready to sell land for development.

If approved by Town Board, it would then go to Joint Review Board (taxing jurisdictions) for approval. This area has two (2) school districts - Denmark and Green Bay, Town of Ledgeview and Technical College.

Any project expenses do have to be approved by the Board and reported to the State. The majority of development would be focused on non-residential development, commercial, light industrial and corporate as is laid out in the Business Park Master Plan.

Motion made by Chairman P. Danen to Approve Resolution R-2022-051, 'Approving Boundary and Project Plan for TID No. 3'.

Member of the audience requested the Board suspend the rules, so he was able to comment.

Motion made by Supervisor S. Shivaram to open the floor for comment, **seconded by** Supervisor R. Van Rossum. Floor open at 6:30 p.m.

Ben Krumenauer – 2828 Allouez Ave:

Is the Village of Bellevue Administrator, stated he was concerned because they were not notified about the public hearing, and found out about it through a blog. As a neighboring community and having possible partnerships, that was a concern for things that may come forward.

Stated the Village of Bellevue has vested interest in this area, as they have utilities within this proposed area. Through different growth mechanisms in the past, the Village is also growing in this direction. Not being notified didn't give the Village of Bellevue adequate time to review this information and how it could affect and impact their own services in this area. Without proper notification, they cannot clearly understand this proposal and the bigger scheme in how it impacts the Village and the Town's growth.

States the Village wants to support the efforts as they cross boundary lines and coordinate it together. Is making a formal request to pause this until the Village can work with the Town on this as a precedent has been set with the notifications between the two municipalities, as a way to see how the Village of Bellevue plays a role in the grander scheme of this development area.

Chairman P. Danen asked if anyone else wanted to speak on this matter, to which no one did. The floor was closed at 6:33 p.m.

Staff clarified for the Board that statutorily there is no requirement for the Town to send a letter to an adjacent community and the Town did follow the letter of the law with regards to notifications. Staff stated the Town was focused on the redevelopment of this area and has been since 2006 when the Business Park Master Plan was created, is because business opportunities have been lost in this area.

Staff made mention that a response was made via email on September 19, 2022 to Andrew Vissers with the Village of Bellevue, which also included Ben Krumenauer, containing the notice of public hearing information.

Discussion continued between the Board and regarding what would happen if this didn't go through and how it would affect potential development.

Motion made by Chairman P. Danen to Approve Resolution R-2022-051, 'Approving Boundary and Project Plan for TID No. 3', **motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a roll-call vote, three 'ayes', no one opposed. Motion passed 3-0.

2. **Discussion and Approval** of for updating Urban Development Line.

Staff presented a map to showing the new Development Line to include the newer subdivisions and utilities, as well as part of TID No. 3.

Motion made by Supervisor R. Van Rossum to approve the Urban Development Line. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried unanimously, 3-0.

3. Appointment of Election Inspectors for the 2022-02024 Election Cycle.

Staff explained there have been a handful of new inspectors since being approved last December 2021. They have received their basic three-hour training and are eager to work the November Election. Their term will be through December 31, 2023.

Motion made by Chairman P. Danen to approve the new Election Inspectors for the 2022-2024 Election Cycle. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried unanimously, 3-0.

COMMUNICATIONS:

1. Notice of Public Hearing from Village of Bellevue – To Consider/Act/Discuss Creation of a PDD to Allow Business Condos and Self-Storage Buildings at Kewaunee Road (STH 29) and Delmar Lane.

ORDINANCES:

1. First Reading: [Town Board may also Approve]
 - a. **O-2022-030:** An Ordinance Prohibiting Tobacco Use in Town Parks.
 - b. ~~O-2022-031: An Ordinance on Zoning Text Amendment to Chapter 135-11 and 135-16.~~

Staff stated Ordinance O-2022-030 is a recommendation from Parks, Recreation and Forestry Committee to prohibit tobacco use in the Towns’ Parks. Recognized that smoking and tobacco use is hazardous to our health both smokers and non-smokers and parks are to be a place that improves health and wellness.

The Board asked staff if this was something that was truly necessary seeing as we don’t have a way to enforce it.

Motion made by Supervisor S. Shivaram to approve Ordinance O-2022-030 Prohibiting Tobacco Use in Town Parks on the first reading. **Motion seconded by** Supervisor R. Van Rossum. No further discussion. Motion passed by a vote of 2-1.

REPORTS:

Administrator: None
Planner: None
Zoning Administrator: None
Treasurer:

- Received the Nature Conservancy Grant of \$10,000
- Next meeting will be the Budget Workshop

Clerk:

- Heavily training the inspectors and prepping for the election

Engineer: None

Public Works Director:

- Speed study info in Drop Box

Park & Recreation Director:

- Trick or Treat hours to be on Monday October 31, 2022, from 4p-7p

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 unanimously, 3-0.

CLOSED SESSION:

Motion made by Chairman P. Danen, **motion seconded by** Supervisor R. Van Rossum to go into closed session at 6:48 p.m. Motion passed by a 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 Supervisor R. Van Rossum, **motion seconded by** Supervisor S. Shivaram to go out of closed session at 7:10 p.m. by a roll call vote. Motion carried unanimously.

The Town Board may then reconvene into open session to take action on items discussed in closed session.

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 7:11 p.m.

Respectfully submitted,

Jennifer L. Broich
Clerk

Approved at the November 7, 2022, Town Board Meeting.