



TOWN BOARD MINUTES
Tuesday, January 17, 2023 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 4:29 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, Sachin Shivaram, and Alan Matzke. Supervisor Mark Danen was excused.

Staff present was Administrator Sarah Burdette, 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 there were no changes to the agenda.

Motion by Supervisor S. Shivaram to approve agenda as written **seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried unanimously 4-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. December 20, 2022 - Town Board Minutes
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator's Licenses: January 1, 2023 thru January 14, 2023
5. Other Committee Minutes.
 - a. April 25, 2022 – SAP Minutes
 - b. October 24, 2022 – SAP Minutes
 - c. November 28, 2022 – SAP Minutes
 - d. December 7, 2022 – Sanitary District No. 2 Minutes
 - e. June 9, 2022 – Personnel & Finance Committee Min
 - f. August 15, 2022 – Beautification Sub-Committee Minutes
 - g. October 18, 2022 – Parks, Recreation and Forestry Committee Minutes
 - h. November 16, 2022 – Zoning and Planning Commission Minutes
 - i. December 14, 2022 – Zoning and Planning Commission Minutes
6. Pay Requests:
 - a. Approve Pay Request #7 – Final – for Mystery Ridge, Contract E-2020, to Jossart Brothers Inc. for \$55,013.55.
 - b. Approve Pay Request #9 – Final – for Stone Fence Preserve, Contract G-2020, to Feaker & Sons Co. for \$210,759.34.

- c. Approve Pay Request #1 for Dedicated System Water Extension, Contract A-2022, to Kruczek Construction Inc. for \$170,363.57.
7. Special Event & Street Closure Permits: None.

Motion made by Supervisor R. Van Rossum to approve the Consent Agenda as written, **seconded by** Supervisor A. Matzke. No further discussion. Motion carried unanimously 4-0.

PUBLIC COMMENT:

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

Karie Kellam - 1602 Trinity Ridge Circle:

Had a few clarifying questions from the last Town Board meeting. Wanted to know the reason we are starting to take on plowing and having it done internally as well as the reasoning for starting a composting site. Karie also inquired if the Town had a five-year financial plan and if there is a cost analyses being done.

It was explained that we were at the mercy of vendors with regards to plowing, and needed to gain some self-sufficiency in those areas. The current shared composting site is being moved which is why the Town looked at creating their own.

David Wheeler - 3663 Half Crown Run:

Wanted an update on the seal coating for 2023, especially pertaining to Half Crown Run, and wanted to know if the holes will be filled, and if it would interfere with Dollar Rd production.

Staff explained that the bid were posted today (1/17) and would be published at the end of the week and Half Crown Run was included for 2023.

After two more calls for comments, none were heard. Public comment was closed at 4:36 p.m.

PUBLIC HEARING:

1. Public Hearing Approve the Discontinuance of Cal Lane Right-of-Way via Resolution **R-2023-001** as Recommended by the Zoning and Planning Commission.

Cal Lane is a small ROW that has serves as the driveway for the current home. The owner petitioned and the Town approved this vacation in 1994. However, the Town never completed the vacation process. At this time the owner is requesting the Town complete the vacation of the ~10,500 SF “stub” of Cal Lane. The Cal Lane vacation will not impact any other properties. Big Creek Road will continue to provide access the homes in the area. There are no utilities located within the Cal Lane ROW and the is no need to retain the ROW for future utility placement

The public hearing was opened at 4:37 p.m. by Chairman P. Danen. After three calls for comments, none were heard.

Motion by Supervisor A. Matzke to the Approve the Discontinuance of Cal Lane Right-of-Way via Resolution **R-2023-001**, **seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried unanimously 4-0.

2. Public Hearing Approve the Rezone Request by Mike Andraschko (agent) on behalf of Michael Calewarts (owner) to Rezone Parcel D-138 located at 2996 Big Creek Road from (R-R) Rural Residential to (R-1) Residential by approving **O-2023-001**, as Recommended by the Zoning and Planning Commission.

The petitioner is requesting to rezone Parcel D-138 at 2996 Big Creek Road from R-R, Rural Residence District to R-1, Residential District for a land division. This rezone accompanies a 4 lot CSM.

This area of Town has experienced some recent land divisions and lot retracements along Big Creek Road as they are served by sanitary sewer. The property is suitable for low-density residential uses as permitted under the existing zoning classification. ESAs are found on the southern end of the property limiting development potential.

ZPC recommended approve of this rezoning for several reasons:

1. The proposed rezoning from R-R to R-1 is consistent with the current zoning and development trends in the area.
2. The lands are suitable for low density single-family residential development.
3. 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 4:39 p.m. by Chairman P. Danen. After three calls for comments, none were heard.

Motion by Supervisor S. Shivaram to the Approve the Rezone Request by Mike Andraschko (agent) on behalf of Michael Calewarts (owner) to Rezone Parcel D-138 located at 2996 Big Creek Road from (R-R) Rural Residential to (R-1) Residential by approving **O-2023-001**, **seconded by** Supervisor A. Matzke. No further discussion. Motion carried unanimously 4-0.

ZONING & PLANNING:

1. Recommendation from the Zoning and Planning Commission on Consideration of Approval on a Building, Site and Operations Plan for a Cell Tower Co-Location at Parcel D-361-5 Located at 3677 Monroe Road.

The petitioner is requesting approval to install a new Verizon Wireless antennae array on an existing 125' steel monopole tower and fenced compound area owned by Tim Halbbrook. Verizon will lease a 720 SF area within the existing fenced compound area at the base of the tower to accommodate their equipment and a 112 SF area for a proposed LP tank.

New towers, and substantial modifications to existing towers, require a conditional use permit approval in the Town. A Class 1 or Class 2 Co-Location only require BSO approval by the ZPC and Board. 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 recommends approval of the BSO Plan for a Class 2 Co-Location with conditions.

Motion by Supervisor R. Van Rossum to Approve the Building, Site and Operations Plan for a Cell Tower Co-Location at Parcel D-361-5 Located at 3677 Monroe Road, with the following condition as recommended by ZPC:

- a) The generator is programmed for testing from 7 a.m. to 8 p.m. for noise concerns.

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

- 2. Recommendation from the Zoning and Planning Commission on Consideration of Approval of a Certified Survey Map (CSM) for 2996 Big Creek Road on Parcel D-138.

The owners are proposing to subdivide the 27.7-acre parcels - bisected by Interstate-43 - to create three new properties ranging in size from 1.14-acres to 20.8-acres. Lot 2 contains the existing residence and an accessory building.

The parcels are proposed to be rezoned from R-R, Rural Residential to R-1, Single-Family. Lots in the R-1 District are required to have a minimum width of 90-feet at the base setback line, and a minimum area of 12,000 square feet. All lots are required to have a contiguous buildable area of 2,000 SF that is not impacted/bisected by environmental features. Lots 4 appears to have very small buildable area, and the CSM should illustrate the buildable area.

The parent parcel includes about 2.75-acres located south of Interstate-43 fronting Mayline Road. This acreage has not been included in the CSM as the Wisconsin Department of Administration has determined that it is eligible to be a separate property due to being bisected by public right-of-way. Brown County has indicated that a new parcel number will be issued for the property.

The ZPC recommended approval of this CSM with conditions.

Motion by Supervisor S. Shivaram to Approval of a Certified Survey Map (CSM) for 2996 Big Creek Road on Parcel D-138, with the following conditions as recommended by ZPC:

- a) Revise the CSM to address the following issues:
 - i) Illustrate the side setback requirements for all lots on the CSM.
 - ii) Illustrate the buildable area of Lot 4 on the CSM.
 - iii) Illustrate the size of the accessory building located on Lot 2.
- b) The following notations added to the CSM:
 - i) “Future bicycle and pedestrian facilities will be installed within the public ROW when the roadway is reconstructed”
 - ii) “All future development will be required to meet the required setbacks from Environmentally Sensitive Areas, including floodplain, wetlands, and navigable waters.”
 - iii) “All development is required to connect to public utilities.”
- 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 unanimously 4-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Request for approval to reschedule the Town Board Meeting from Tuesday, February 21, 2023 to Monday, February 20, 2023 due to the Spring Primary.

Staff explained that the Spring Primary Election was on February 21st and looked to hold Town Board the day before.

Motion made by Chairman P. Danen to Reschedule the Town Board Meeting from Tuesday, February 21, 2023 to Monday, February 20, 2023 at 4:30 p.m. due to the Spring Primary. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a unanimous voice vote, 4-0.

2. Request for Approval of the Preliminary Resolution **R-2023-002** Declaring Intent to Exercise Special Assessment Powers for Dollar Road Reconstruction and Installation of Curb, Gutter, Sidewalk and Storm Sewer Beginning at Dollar Road and Dollar Lane, to Half Crown Run.

Staff explained the road reconstruction is included in the 2023 CIP (Capital Budget), Dollar Road from Dollar Lane to Half Crown Run from a rural section to an urban section with sidewalks on both sides. The Town policy is to assess the residents a portion of the cost along the project as a cost per foot which is why a preliminary resolution is needed.

Motion made by Supervisor R. Van Rossum to Approve the Preliminary Resolution **R-2023-002** Declaring Intent to Exercise Special Assessment Powers for Dollar Road Reconstruction and Installation of Curb, Gutter, Sidewalk and Storm Sewer Beginning at Dollar Road and Dollar Lane, to Half Crown Run. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a unanimous voice vote, 4-0.

3. Request to Approve the Purchase of a Mini Excavator Attachment.

Currently Public Works has a walk behind compactor to complete all projects. The compactor is designed to connect to the mini excavator and staff can then compact the soil the recommended every one to two feet without putting staff into a trench or operating the compactor by hand. This attachment was budgeted for and is part of the 2023 CIP.

As part of the 2025 CIP, Public Works is to purchase a ripper tooth attachment for the mini excavator. This attachment is used to pull up concrete curbing, asphalt and frost in the ground. Ledgerview had budgeted \$9,000 for the compactor and \$2,000 for the ripper tooth. If we purchase both attachments we will receive a bobcat plus discount and can get both attachments in 2023 for \$9,039.00.

Motion made by Supervisor A. Matzke to Approve the Purchase of a Mini Excavator Attachment. **Motion seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried in a unanimous voice vote, 4-0.

4. Request to Approve the Purchase of a Used Plow Truck from City of De Pere.

Staff have been requested by the Town Board to pursue snow-plowing operations in-house. Public Works has developed a plan to purchase a combination of used and new equipment over the course of the next five years to allow Ledgerview to assume the role in snow removal within the Town without bonding for equipment. In 2023, staff had allocated \$100,000 to purchase one single axle plow truck with tailgate spreader. A new single axle truck is estimated at \$240,000. The City of De Pere is trading in two single axle plow trucks that are in very good condition. They are being traded in simply because it's a part of their equipment replacement schedule.

Staff is looking for authorization to spend up to \$110,000 to purchase the two trucks.

Motion made by Supervisor A. Matzke to Approve the Purchase of a Used Plow Truck from City of De Pere via a bid to go no higher than \$110,000. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a unanimous voice vote, 4-0.

5. Request to Approve the Final Developers Agreement Between Northern Exposure and the Town of Ledgeview.

In 2016, the Town and Lou & Sue LeCalsey entered into an agreement where the Town agreed to issue debt for the construction of public infrastructure for Northern Exposure, which is a 12-lot development off Dollar Lane. The LeCalsey's chose a five-year debt payment schedule mirroring the Town's five-year debt schedule. Their final payment was due prior to December 1, 2022 and was made on time.

As part of the developer agreement process, it is beneficial to both the Town and the Developer to have a closing developer's agreement stating final, actual project costs and assessments paid which is a part of the final amendment to the Northern Exposure subdivision for your review.

Motion made by Supervisor R. Van Rossum to Approve the Final Developers Agreement between Northern Exposure and the Town of Ledgeview. **Motion seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a unanimous voice vote, 4-0.

6. Request to Approve the Maintenance Agreement with Brown County Emergency Management for Siren Maintenance.

Staff explained the Town owns two emergency sirens. One located at the Community Center and the other located on Oak Ridge Circle by Unity Hospice. There was an unwritten agreement between Brown County and the municipalities that the municipality would purchase and install the siren and then Brown County would complete the maintenance on the sirens. With the increasing age of these sirens, Brown County is now looking to have an agreement that the County will inspect each siren every three years, continue to test the sirens and replace batteries and fuses only. The municipalities are then responsible for any major replacement after batteries.

Brown County is saying that their hands are tied with this and it is more or less a take it or leave it situation. We don't have anything documented to even say that Brown County is required to complete the maintenance other than they have in the past.

In July of 2022, the siren on Oak Ridge Circle was struck by lightning. Brown County paid to have the siren inspected and then the cost of repairs was the responsibility of Ledgeview, which was covered under insurance minus the \$1,000 deductible. While the repairs to the siren were being made, the contractor noted that the siren head was worn but had nothing to do with the recent lightning strike. Ledgeview was quoted \$8,500 to replace the head and \$2,200 to repair with no guarantees. Brown County is not willing to pay for this repair so we are basically operating on the agreement that they would like us to sign anyway.

Staff did request information on our two sirens so we can get an understanding of future cost and Brown County doesn't have or can't find any documentation.

Chairman P. Danen asked if there was a way to terminate the current agreement to which staff didn't think there was an issue as we were maintaining it as it was.

Supervisor A. Matzke stated he cannot support this agreement. Over the years there has been an over-arching issue with Brown County and other projects that they have the municipalities take on, only later to have Brown County abandon it. Doesn't see any value to this as essentially they are asking the Town to take responsibility for it when it's already implied that the Town take it over, so there is zero value to this agreement, also knowing that there are other issues tied to the City of Green Bay and the City of De Pere as to why they are not signing it. Originally the siren system was tied into the radio program to which the County funded and had control over, and flipped the cost to each municipality.

Chairman P. Danen states there is no benefit as they are terminating a word of mouth agreement.

Motion made by Supervisor A. Matzke to DENY the Maintenance Agreement with Brown County Emergency Management for Siren Maintenance. **Motion to DENY seconded by** Supervisor R. Van Rossum. No further discussion. Motion to DENY carried in a unanimous voice vote, 4-0.

7. Request to Approve Mead & Hunt's 2023 Rates.

Staff explained it was approximately a 5% increase to cover the cost of living.

Motion made by Supervisor S. Shivaram to Approve Mead & Hunt's 2023 Rates. **Motion seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried in a unanimous voice vote, 4-0

COMMUNICATIONS: None.

ORDINANCES:

None.

REPORTS:

Administrator:

- Met with Superintendent of Unified School District and discussed a concern for the SRO's (community resource officer). Also met w/ Sheriff Department and got a better understanding of their process and how they work with school districts.
- Written Report as Submitted.

Planner:

- None

Zoning Administrator:

- Written Report as Submitted.

Treasurer:

- Jan settlement was due – 4.4 million went out to jurisdiction and approx. 2 million stayed here to the Town and Sanitary District.
- Preparing for the 2022 audit which will occur the first week in February.
- Written Report as Submitted.

Clerk:

- Written Report as Submitted.

Engineer:

- None

Public Works Director:

- Hiring a seasonal worker.
- Written Report as Submitted.

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 R. Van Rossum. No further discussion. Motion carried in a unanimous voice vote, 4-0.

CLOSED SESSION:

Motion made by Chairman P. Danen, **seconded by** Supervisor R. Van Rossum to go into closed session at 5:11 p.m. Roll call vote, Supervisors Van Rossum, Danen, Matzke and Shivaram all 'ayes'. 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 J&A Lakeside, LLC litigation, LLC.

Motion made by Chairman P. Danen, **seconded by** Supervisor R. Van Rossum to go out of closed session at 5:57 p.m. Roll call vote, Supervisors Van Rossum, Danen, Matzke and Shivaram all 'ayes'. Motion carried unanimously.

No action taken on Closed Session Item No. 1.

Motion made by Chairman P. Danen, **seconded by** Supervisor R. Van Rossum to go back into closed session at 5:58 p.m. Roll call vote, Supervisors Van Rossum, Matzke and Shivaram all 'ayes'. Motion carried unanimously.

2. The Town Board may convene into closed session pursuant to WI State Statute 19.85(1) (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 will be to review and discuss concepts related to economic development in TID #3.

Motion made by Chairman P. Danen, **seconded by** Supervisor A. Matzke to go out of closed session at 6:39 p.m. Roll call vote, Supervisors Van Rossum, Danen, Matzke and Shivaram all 'ayes'. Motion carried unanimously.

No action taken on Closed Session Item No. 2.

ADJOURNMENT:

Motion made by Chairman P. Danen to adjourn, **seconded by** Supervisor S. Shivaram. No further discussion. Motion carried in a unanimous voice vote, 4-0. Meeting adjourned at 6:40 p.m.

Respectfully submitted,
Jennifer L. Broich
Clerk

Approved at the February 20, 2023 Town Board Meeting.