



TOWN BOARD MINUTES
Monday, August 07, 2023, 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, Mark Danen, Alan Matzke and Karie Kellam.

Staff present was Administrator Sarah Burdette, Clerk Jennifer Broich, Planner Dustin Wolff, Engineer Scott Brosteau, Public Works Director Greg Potts, and Parks & Recreation Director Stephanie Schlag.

AGENDA APPROVAL

Staff advised there were no changes to the agenda.

Motion by Supervisor K. Kellam to approve agenda as written, **seconded by** Supervisor A. Matzke. No further discussion. Motion carried unanimously 5-0.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. ~~June 20, 2023~~, July 18, 2023 – Town Board Minutes
2. Routine Reports:
3. Committee/Commission Reports:
4. Operator’s Licenses: July 16, 2023, thru August 05, 2023
5. Other Committee Minutes.
 - a. ~~July~~ June 14, 2023 – RDA Minutes
 - b. April 17, 2023 – Beautification Sub-Committee
 - c. April 24, 2023 – Beautification Sub-Committee
 - d. June 12, 2023 – Parks Recreation & Forestry
 - e. June 07, 2023 – Sanitary District #2
6. Pay Requests:
 - a. Pay Request #1, Contract B-2023 - Dollar Road, for \$420,131.77 to Peters Concrete Inc.
7. Special Event & Street Closure Permits: None.

Motion made by Supervisor R. Van Rossum to approve the Consent Agenda as written, **seconded by** Supervisor M. Danen. No further discussion. Motion carried unanimously 5-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment at 6:01 p.m.

Linda Wenninger - 4020 Dollar:

Concerned with the amount of traffic that consistently is speeding and disregards the stop signs along Dollar Road. Stated it's a huge traffic and safety concern because it's a main road that goes into many different subdivisions that all have a lot of kids crossing the streets as well as individuals running/walking in the area. Would like to see something done about this as there is a longer responding time for an officer when Public Safety is called and the community is continuing to grow.

Chairman P. Danen appreciated all the work Ms. Wenninger was doing with regards to working with Brown County Traffic Division and stated that enforcement thru BRSO is all that can be done at this time. Advised that staff will reach out as we are contracted monthly for traffic enforcement and have them work in that area.

Tony Wenninger - 4020 Dollar:

Echo's everything Ms. Wenninger stated above and added that he would like to see more officer presence as well as possible signage and/or a crosswalk.

Matt Walters – 600 Marble Rock Circle:

Wanted to ask the Board what more was needed in order for them to allow Cocoon Brewing to expand their already approved platform area/stage that was on their original BSO. As of now, a small concrete platform is approved, however Cocoon wants to make it larger and to include a pergola structure. Mr. Walters does not think the stipulation of adding 40-50 parking spots that would cost as much as \$150,000 is fair.

Mr. Walters stated he met with Supervisor A. Matzke as well as several staff members to go over different scenarios but wanted a discussion with the entire board.

Chairman P. Danen stated the reasons the extra parking spaces are needed and advised that Mr. Walters work with his contractor in putting a plan together to move ahead with the 40-50 parking spaces.

As discussed with staff, if they want to change the platform, the parking spots have to come along with it as parking and safety issues continue to be an issue because there are currently not enough stalls for the crowds that they have. Staff have already painted each side of the driveway prohibiting parking and will also be putting no parking signs up from CTH GV to the driveway as there is not enough space for emergency vehicles due to the influx of cars.

Supervisor A. Matzke reiterated the fact that the additional parking would alleviate any issues the board has, but until that is addressed, nothing further will get approved.

Chairman P. Danen summarized the fact that the initial plan and numbers were less than what was actually occurring, but that parking expansion was always going to be needed at some point. Unfortunately, that time is already occurring, and they are needed now. The Town has already granted at least three variances during construction that were not on the original plan as things continued to change during the construction process.

After two more calls for comments, none were heard. Public comment was closed at 6:26 p.m.

PUBLIC HEARING:

1. Public Hearing regarding a recommendation from the Zoning and Planning Commission to review and adopt various amendments to the Town Code of Ordinances specifically in Chapter 135 -247 relating to Zoning and Occupancy Permits; and Chapter 135-251 relating to Conditional Uses; via Ordinance O-2023-005.

Staff states the zoning code does not have any requirement for Zoning Permits purpose evaluate land use and operations to ensure to compliance with the Codes and Ordinance regulations. The Code change is intended to require to the use of land or buildings to be reviewed and approved by the Zoning Administrator, Building Inspector, Fire Chief, and Director of Public Works indicating that the proposed use, activities, building or site complies with provisions of the respective Codes.

Specifically, the Town staff is requesting a zoning permit be required for the following:

- a. Occupancy and use of a building or site hereafter changed, erected, or enlarged.
- b. Change in use or operations of an existing building or site.
- c. Occupancy and use of vacant land.
- d. Change in the use of land to a use of a different classification.
- e. Any change in the use of a nonconforming use.

Further amendments include the change from Zoning Administrator to Building Inspector as being the one that is able to grant and deny occupancy as the Zoning Administrator does not have the authority to evaluate occupancy.

Final amendments pertaining to Conditional Uses accommodate the recent changes made to State Statutes that reduce the flexibility local governments have as decision makers. The proposed code changes specifically address the following:

- a. Consistent with Codes, Ordinances, and Adopted Plans.
- b. No Adverse Impact.
- c. Not Interfere with Surrounding Development.
- d. Adequate Public Facilities.
- e. Traffic Congestion and Parking.
- f. Destruction of Significant Features.
- g. Alternative Locations.
- h. Mitigation of Adverse Impacts.
- i. Public Benefit.

The public hearing was opened at 6:31 p.m. by Chairman P. Danen. After three calls for comments, none were heard, public hearing was closed at 6:32 p.m.

Motion by Supervisor A. Matzke to adopt various amendments to the Town Code of Ordinances specifically in Chapter 135 -247 relating to Zoning and Occupancy Permits; and Chapter 135-251 relating to Conditional Uses; via Ordinance O-2023-005; seconded by Supervisor M. Danen. No further discussion. Motion carried unanimously 5-0.

2. Public Hearing regarding a recommendation from the Zoning and Planning Commission on a Rezone Request by Aaron Schroeder (agent) for Judith Westphal (owner) to Rezone 2478 Silver Lane, Parcel D-170-1 from A-2 to R-R and Parcel D-170 from AG-FP to A-2 via O-2023-008.

The petitioner applied to retrace parcels D-170 and D-170-1 to correct the current lot line which runs directly through the residence. Parcel D-170 (33.7 acres) is zoned AG-FP, and Parcel D-170-1 is zoned A-2. The rezoning request is to rezone the properties consistent with the two (2) lot retracement CSM. The proposed rezoning will enable the lands to be farmed consistent with the uses permitted under the A-2 zoning classification and continued rural residence.

The ZPC recommended approval of rezoning parcel D-170 from AG-FP to A-2 and D-170-1 from A-2 to R-R to the Town Board as the proposal satisfies the “findings of fact” for a rezoning, specifically as follows:

- A. The lands are intended continued cropland consistent with the adopted Comprehensive Plan.
 - i. An amendment to correct the Comprehensive Plan Future Land Use map for the rural residence will be required for consistency.
- B. There has been no trend of development trend for that area, and the character of the area is large, lot rural residences and farmland.
- C. An amendment to correct the Viewshed Analysis Community Preference Inventory map will be required for consistency.
- D. The rezoning is conditioned on the approval and recording of the two (2) lot CSM as proposed.

The public hearing was opened at 6:36 p.m. by Chairman P. Danen. After three calls for comments, none were heard, and public hearing was closed at 6:37 p.m.

Motion by Supervisor R. Van Rossum to approve the Rezone Request by Aaron Schroeder (agent) for Judith Westphal (owner) to Rezone 2478 Silver Lane, Parcel D-170-1 from A-2 to R-R and Parcel D-170 from AG-FP to A-2 via O-2023-008. **Motion seconded by** Supervisor K. Kellam. No further discussion. Motion carried unanimously 5-0.

ZONING & PLANNING:

1. Recommendation from the Zoning and Planning Commission for Approval of a Certified Survey Map request by Aaron Schroeder (agent) for Judith Westphal (owner) a two lot CSM for parcels D-170 and D-170-1, 2478 Silver Lane.

The petitioner has applied to retrace lots D-170-1 and D-170 to correct the current lot line which runs directly through the home. In addition to the residence on D-170-1, there are two outbuildings.

Parcel D-170 is currently zoned AG-FP Agriculture-Farmland Preservation District. Parcel D-170 does not meet the acreage requirements for AG-FP and will need to be rezoned to A-2 Agricultural District.

Parcel D-170-1 is currently zoned A-2, Agricultural District. The newly retraced parcel is proposed to be rezoned to RR, Rural Residential.

The ZPC recommended approval of the proposed CSM to the Board with the following conditions

Motion by Supervisor R. Van Rossum to approve the (CSM) Certified Survey Map request by Aaron Schroeder (agent) for Judith Westphal (owner) a two lot CSM for parcels D-170 and D-170-1, 2478 Silver Lane, with the following conditions as recommended by ZPC:

- a. Rezoning of Lot 1 (D-170) from AG-FP, Agriculture-farmland Preservation to A-2, Agriculture and rezoning of Lot 2 (D-170-1) from A-2, Agriculture to R-R, Rural Residential.
- b. Add ESA notations required by Brown County to the CSM.
- c. Revise the Town signature to Jennifer Broich, Town Clerk.
- d. Any technical corrections required by the Town Engineer and Brown County.
- e. Any technical corrections required by the Town Engineer and Brown County.

Motion seconded by Supervisor M. Danen. No further discussion. Motion carried unanimously 5-0.

2. Recommendation from the Zoning and Planning Commission Zoning and Planning Commission to approve a (BSO) Building Site and Operations Plan request by Amy Beland (agent) on behalf of BelGioioso Cheese, to construct a building addition and site improvements located on parcel D-328, 4200 Main Street.

The applicant is requesting approval of a 180' x 326' (120,000 SF) cold storage facility expansion to the north.

No new lighting in the parking or drive areas is proposed with this project. Seven (7) LED wall pack fixtures will be used on the building addition, with three (3) additional fixtures over each exterior door. These fixtures are dark-sky compliant and cut-sheet details have been submitted

A new sanitary line had been discussed by the application to be run from the addition to the service in Main Street. This is not illustrated on the site or civil plans and should be included.

The water main in Shadow Lane is proposed to be increased from 8-inch to 12-inch to provide increased flows for fire service and internal sprinkler system. The applicant is working with the Town Engineer and the Public Works Director on this issue

A signed maintenance agreement for water leak detection and hydrant operation is needed. BelGioioso currently allows the Town access for this, but there is not a signed agreement

The proposed facility addition is consistent with the intent of the LI District and the existing facilities. The ZPC approve the development, and recommend the same to the Town Board, with the following conditions

Motion by Supervisor M. Danen to Approve the (BSO) Building Site and Operations Pla for BelGioioso Cheese, to construct a building addition and site improvements located on parcel D-328, 4200 Main Street, with the following conditions as recommended by ZPC:

- a. Submittal of a revised landscape plan: Add ESA notations required by Brown County to the CSM.
 - i. Illustrates a variety of coniferous and deciduous plantings in groupings—along with a berm, for the site perimeter along the Main Street frontage to the north of the access drive.
 - ii. Illustrates interior plantings, specifically along the north side of the addition to comply with Code requirements and to screen any ground mechanicals.
 - iii. Lists in a table the proposed species, quantities, and size at time of planting.
- b. Illustrate the proposed sanitary connection on the site and civil plans.
- c. Compliance with fire code requirements as provided by the Town Fire Chief.
- d. Approval of all stormwater management by the Town Engineer, and revisions to the site as recommended. The petitioner is working with the Town Engineer and the Public Works Director to redesign the pond for use in fire protection. A dry hydrant and access road will be constructed for regional use. Detail civil plans will be submitted by BelGioioso and reviewed by Engineering, Public Works, and Fire Department for final approval

- e. Execute a signed maintenance agreement with the Town for water leak detection and hydrant operation.

Motion seconded by Supervisor A. Matzke. No further discussion. Motion carried unanimously 5-0.

OLD BUSINESS:

1. Discussion and Approval for a Conditional Use Permit (CUP) 22-CUP04, on the request by Suann Dombrowicki to Operate and Allow a Dog Kennel on Parcel D-37-1-2 located at 2263 Greenleaf Road.

Staff discussed the steps needed to go forward with the CUP for the dog kennel. There are several site improvements and inspections needed before the dogs can be licensed and a kennel permit taken out.

Staff will reach out to Ms. Dombrowicki to clearly define the conditions which the petitioner outlined in their application submittal which are as follows:

- a. 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.
- b. 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.
- c. The Town shall be permitted on the property to have quarterly inspections of the property to ensure safe and sanitary conditions and noise compliance with the conditional use requirements.
- d. Annual review by the Zoning and Planning Commission to ensure compliance with the residential kennel conditional use permit.

Chairman P. Danen states there is an issue now as there have been dogs on the property this entire time, none of which are licensed. There has not been a dog licensed for this property since 2020 and that needs to be their first step. The Board needs to give a specific timeline in which these conditions need to be met before the Conditional Use Permit will be considered further.

Motion made by Chairperson P. Danen to table the Conditional Use Permit (CUP) for a Dog Kennel on Parcel D-37-1-2 located at 2263 Greenleaf Road, by giving more direction to staff requiring staff to work with applicant in getting the detailed landscaping plans, privacy fence, DATCAP license, a list of all of the dogs that will be licensed and specific timeline and deadlines for construction. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried unanimously 5-0.

NEW BUSINESS:

1. Discussion and updates on the Southern Bridge Connector Project and the Brown County 2024-2029 CIP.

Public Works Director presented an overview of the upcoming projects as contained in the 2024-2029 CIP. Brown County has received 50 million in state funding to complete the bridge over the Fox River for the South Bridge Connector. Brown County Highway Department is requesting each municipality cost share in their estimated portions of the connector which is 50% percent of the cost.

The Town of Ledgeview will be responsible for section GV-18 and a portion of GV-17. GV-17, which is from STH 57 to CTH PP will be constructed in 2028 with design starting in 2024. GV-18, which is from CTH PP to CTH X will be constructed in 2027 with design starting in 2024.

Brown County is currently looking for approval of their capital improvement plan (CIP) and would like verbal commitment from each municipality. Brown County has not provided Ledgeview with any municipal agreement to date.

Brown County is also proposing to urbanize CTH X from Swan Road to CTH PP. A roundabout would be installed at Swan Road and X and a multi-use trail from Swan to CTH PP. Ledgeview would need to share in the cost due to the urbanization and the installation of the multi-use trail. The installation of the multi-use trail, along with the sidewalk installed on Silverstone Trail, gets Ledgeview to our municipal border for pedestrian access to the Fox River Trail. Design for this project would begin in 2025 with construction planned for 2028.

Brown County also has planned several resurfacing projects to start in 2028 that would coincide with the urbanization project. These resurfacing projects would not require any cost share from Ledgeview.

A summary of the estimated costs, along with the estimated debt percent projections were presented to the Board.

Continued discussion and clarification were had between the Board and staff with regards to the details of the agreement. Chairman P. Danen asks that extra verbiage is added into the agreement specifying that the Town would not be paying anything more than what is listed.

No action taken or needed at this time.

2. Recommendation from Parks, Recreation and Forestry Committee for Approval of a Recreation Program Refund Fee Policy.

Staff presented the need for the Town to have a standard policy that will provide guidance to staff as to when we will or will not offer refunds for class registration.

Staff is recommending allowing refunds up to a week before a class begins, unless otherwise noted, with a \$5 administration fee being withheld per person, per class.

The Parks, Recreation and Forestry Committee approved the policy at the July 17, 2023, meeting and recommended approval by the Town Board of Supervisors.

Motion made by Supervisor K. Kellam to approve the Recreation Program Refund Fee Policy to reflect the following:

- Full refund or program credit will be offered for any program cancelled by the Town.
- Requests to cancel registration and refunds may occur up to one week before an activity has started, unless otherwise stated. If a participant cancels a registration, a \$5.00 per class, per participant administration fee will be withheld, with the balance of the class being refunded. No refunds will be issued one week prior to an activity starting or after an activity has started.
- Refunds will not be given for trips.
- The Town reserves the right to cancel a program or make schedule changes when enrollment does not reach the minimum registration number. Classes not reaching minimum enrollment will

be cancelled by the indicated registration deadline or one week prior to program start if a registration deadline is not specified.

Motion seconded by Supervisor A. Matzke. No further discussion. Motion carried unanimously 5-0.

3. Recommendation from Parks, Recreation and Forestry Committee for Consideration of Recreation Program Offerings.

The Town of Ledgeview Parks and Recreation Plan 2019-2024 identifies the following as a Recommended Implementation Program and Action:

Revisit the development of a recreation program, either independently or jointly with De Pere or Bellevue, which further enhances the community's diverse needs. Due to COVID this was not broached in 2020 or 2021. This item was listed as an item on the 2022 and 2023 Work Plan for the Parks, Recreation and Forestry (PRF) Committee.

Staff has initiated conversations with the City of De Pere Parks, Recreation and Forestry Director.

Motion made by Chair P. Danen to direct staff to continue to research and consider a reciprocity agreement regarding Recreation Program Offerings with the City of De Pere. **Motion seconded by** Supervisor A. Matzke. No further discussion. Motion carried in a unanimous voice vote, 5-0.

4. Consideration of Appraisal for Possible Park Land.

Staff is seeking approval from the Town Board of Supervisors to pursue land appraisals from two separate appraisers for a potential park land acquisition.

An estimate from Vogels Buckman Appraisal Group provided a quote of \$2,500 for a Yellow Book appraisal for the intended park area and \$1,750 for a standard narrative appraisal for the complete parcel with analysis of commercial use.

Park Impact Fees collected for park land are an applicable funding source for this request.

Motion made by Supervisor M. Danen to obtain appraisals from two vendors as needed for possible grant applications. **Motion seconded by** Supervisor R. Van Rossum. No further discussion. Motion carried unanimously 5-0.

5. Consideration and Approval to purchase Jaws equipment.

Staff explained the need for the Jaws equipment for the Ledgeview Fire Department and explained it was presented within the Capital Improvement Plan (CIP) budget. Purchase price was actually under budget.

Motion made by Supervisor R. Van Rossum to approve the purchase of Jaws equipment from Jefferson Fire & Safety Inc. **Motion seconded by** Supervisor K. Kellam. No further discussion. Motion carried unanimously 5-0.

COMMUNICATIONS: None.

1. Minutes from June 28, 2023, CBCWA Meeting. [FYI]

ORDINANCES: None.

REPORTS:

Administrator:

- July Brown County Sheriff's Reports.

Planner:

- None

Zoning Administrator:

- None

Treasurer:

- None

Clerk:

- None

Engineer:

- Dollar Road construction update.

Public Works Director:

- Has been receiving requests from residents to ask the board members to readdress the use of ATVs, golf carts, and UTVs within the Town of Ledgeview as a future agenda item.
 - The Town currently receives a lot of complaints from residents.
 - Making sure staff and Board realize that it's the DNR who ultimately would be enforcing any violations.
 - That they cannot be allowed on county highways at all.

Supervisors A. Matzke, R. Van Rossum and K. Kellam all stated they support having this item on the future agenda and bringing it back for discussion.

Park & Recreation Director:

- None

Fire Department:

- Fox River Fire District approached Ledgeview regarding a small parcel to be used for future fire training center. Parcel is owned by Glenmore and Morrison as well. NE Asphalt thinking of donating it, 'free access agreement' in the possible future.
- Written report as submitted

Board Comments:

- Chairman P. Danen advised staff he received a complaint regarding the charging station. (as well as Supervisors R. Van Rossum and K. Kellam)
 - Chairman stated he contacted the resident regarding charging station.

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 unanimously 5-0.

CLOSED SESSION: None.

ADJOURNMENT:

Motion made by Chairman P. Danen to adjourn, **seconded by** Supervisor A. Matzke. No further discussion. Motion carried in Motion carried unanimously 5-0. Meeting adjourned at 7:50 p.m.

Respectfully submitted,
Jennifer L. Broich
Clerk

Approved at the August 22, 2023, Town Board Meeting.