

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN

MINUTES OF OCTOBER 14, 2008 TOWN BOARD MEETING

1. Call To Order: The October 14, 2008 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, October 14, 2008 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Mike Van Lanen, Supervisor Cyril Van Laanen, Supervisor Kenneth Jacobs, Supervisor Tom DePas, Supervisor Jeffrey Zlatohlavek, Clerk/Treasurer John Roth, Economic Development Coordinator Dave Cerny, Engineer Scott Brosteau (Mead & Hunt), Constable Lee Baenen.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on October 10, 2008 was presented by the Clerk.

MOTION KEN JACOBS/JEFF ZLATOHLAVEK to accept and file the Affidavit of Posting. Vote: Aye-5. No-0. Carried.

3. Approval of Minutes of Prior Meetings:

A. October 9, 2008 Town Board Meeting and October 13, 2008 Town Board Meeting: Minutes of the Town Board Meeting of October 9, 2008 and October 13, 2008 Town Board Meeting were given to the Town Board members prior to the meeting.

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to approve the minutes from the Town Board Meetings dated October 9, 2008 and October 13, 2008 as presented. Vote: Aye-5, No-0. Carried.

B. September 2008 Plan Commission: The Plan Commission did not meet in September.

4. Public Input

MOTION MIKE VAN LANEN/KEN JACOBS to suspend the rules and open the meeting to public input. Vote: Aye-5, No-0. Carried.

A. Lee Baenen: Attended the Wisconsin Towns Association Convention session concerning election law, interpretation and procedure concerning campaigning within 100 feet of the polling place.

B. Jamie Swinton, Wery Road/Hickory Nut. Asked what the status is with Hickory Nut/Wery Road. Brosteau stated that the update from Randy Moss is that offers have been made to all land owners and everyone has agreed to sign the offers. Purchase agreements have been signed by Chairman Mike Van Lanen. Brosteau also updated the Board on the status of construction, there would not be time to pave this year but gravel could be put down. A public hearing will also need to be held in order to authorize the expenditures and approve the Final Resolution. Brosteau also stated that the contractor will need to be met with for contract questions. Utility poles need to be removed, trees need to be removed. The

Board wants to see the gravel done this year. Property owners will be able to access their properties. There probably will be a small increase in the contract price as it is 90 days past the contract acceptance deadline.

MOTION CY VAN LAANEN/JEFF ZLATOHLAVEK to return to the agenda. Vote: Aye-5, No-0. Carried.

5. Communications by Clerk, Engineer and Economic Development Coordinator (no action):

A. Clerk/Treasurer Roth:

1. Working on the 2009 budget.
2. Meeting with four banks.
3. The November General Election is November 4, 2008. There have been numerous absentee ballot requests.
4. Quarterly payroll reports are completed and mailed in.

B. Engineer (Brosteau):

1. Scotland Meadows subdivision has a large topsoil pile and the Developer would like to keep it there. Consensus is that pile could stay there and an amendment to the Developer's Agreement could be drawn up as to when the pile would be removed. Brosteau will check for erosion control. Tom DePas asked about having the pond tested for contamination before the Town accepts the pond.

C. Cerny (Economic Development Administrator): Comments are covered under agenda items.

6. Specific matters for discussion and possible action by Town Board:

MOTION KEN JACOBS/TOM DEPAS to move agenda item "J" between agenda item "B" and "C". Vote: Aye-5, No-0. Carried.

A. Operator License applications:

MOTION KEN JACOBS/TOM DEPAS to approve the Operator License Applications for Leeann Perez and Corey King. Vote: Aye-5, No-0. Carried.

B. Victoria Parking Lot issue: Chris Victoria represented Victoria Restaurant.

MOTION MIKE VAN LANEN/KEN JACOBS to suspend the rules and open the meeting to public input. Vote: Aye-5, No-0. Carried.

Cerny updated the Board on the Conditional Use requirements. The Town needs to see the drainage plan, screening, lighting plan and paving plan. This needs to be done to be in compliance with the Conditional Use Permit. Chris Victoria stated that a plan had been started by VanLanen Architects but did not believe it was complete. Chairman Van Lanen stated that Victorias should have contacted the Town Board. Chairman VanLanen asked the Board their opinion on what to do. He stated that the Town did have the authority to prohibit parking if it was not completed. Victoria stated that funds are tight and it would be financially difficult to do this project at this time. He also stated that only employees park on that lot, and that they are OK to not use the parking lot through the winter. Tom DePas asked that the semi trailer be removed. Tom also mentioned the problem with snow plowing, as the gravel is being plowed into the grass.

MOTION CY VAN LAANEN/JEFF ZLATOHLAVEK to return to the agenda. Vote: Aye-5, No-0. Carried.

MOTION KEN JACOBS/ to give Victorias until July 4, 2009 to have the entire project done, truck trailer be removed immediately. Motion fails due to a lack of a "second".

MOTION TOM DEPAS/MIKE VAN LANEN to require Victoria Restaurant to have a plan submitted to the Town Board by the first meeting in January of 2009; to have the project completed by July 4 of 2009; the semi-trailer removed (and not stored anywhere in the Town) before the end of October 2008. Vote: Aye-5, No-0. Carried.

C. Snow Mobile Route (see copy of letter):

Chairman VanLanen read the letter of request as submitted by the Midnight Trail Runners club for permission to extend their snow mobile route along a portion of the Town's ROW. The snow mobile organization installs the signs.

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the 2008-2009 Snow Mobile Route as submitted by the Midnite Trail Riders: a portion of Van Lanen Road (see proposal). Vote: Aye-5, No-0. Carried.

D. Update on Hickory Nut Road Resolution and Order and vacating of Wery Road

Brosteau updated the Board on this in his report. Chairman Van Lanen has also been in contact with attorney Duffy. A Public Hearing will be scheduled soon.

E. Update on Dave Defnet-Request to use ROW 4879 Caledonia

Engineer Scott Brosteau stated that it is completed as required.

F. Update on Bayshore Sanitary District issues

Chairman Van Lanen stated that the Town's lawsuit has been cancelled since all necessary material has been given to the Town. Jason Horkman was charged with contempt. His fine has been paid. The audits for 2005, 2006, 2007 can be completed. The Town is doing the billing. Things are going well. Van Lanen stated that Attorney Anderson refuses to release some of his information claiming client-attorney privilege.

G. Appointment to Bayshore Sanitary District to replace Ron Dauplaise:

Chairman Van Lanen stated that due to health concerns Ron Dauplaise resigned and recommends Danford C. Anderson. Van Lanen read Anderson's letter of interest/qualifications. The appointment would be for 5+ years.

MOTION MIKE VAN LANEN/KEN JACOBS to appoint Danford Anderson to the Bayshore Sanitary District to replace Bayshore Sanitary District Commissioner Ron Dauplaise as secretary. Vote: Aye-5, No-0. Carried.

H. Creation of Storm Water Utility District and Board:

Chairman Van Lanen stated that he would like to form a Storm Water Utility District and Board and to schedule a public hearing to do so. Cerny updated the Board and distributed a handout summarizing the procedures. The Town has the answers from the DOT. The Town needs to move forward. There was discussion concerning all of the procedures that the Town will need to comply with. Cerny described the boundaries as set by the DNR. The District needs to be defined before the Public Hearing can be scheduled. Most of the costs are incurred when and during start-up. The Town has incurred \$50,000 already. The Town received a grant for \$27,000. Brosteau said the costs can be rolled into the special assessments.

MOTION MIKE VAN LANEN/TOM DEPAS to move forward with creating the Town of Scott Water Utility District and Board and to schedule a public hearing, the district to include the entire Town in the boundary of the district. Vote: Aye-4, No-1. Carried.

I. Creation of Review Board for Sex Offender – naming the Town Board

Chairman Van Lanen updated the board on the need to do this as part of the existing ordinance. As of this point he has not had any un-biased residents volunteering to serve. Van Lanen is recommending using the Town Board as the

Review Board since none has been created. He has discussed this with Attorney Duffy.

Van Lanen read the resolution as proposed.

Tom DePas asked what is a quorum? It would be three members. The Chairman would not vote unless there is a tie needed to have a quorum.

MOTION MIKE VAN LANEN /TOM DEPAS to approve and sign Resolution 08-10-02 creating the Town of Scott Review Board for Sex Offenders. Vote: Aye-5, No-0. Carried.

J. Coastal Grant update.

Cerny updated the Board on the status and stated the he hopes to have the project closed out by next month.

K. Increasing the permit fees for Non-metallic mining and increasing blasting permit fees.

Roth stated that the fee increase must be done by an ordinance change. Attorney Duffy agreed. A Public Hearing will be held on Nov.6 at 6:00 pm. Roth stated that the last increase was done in 1999.

L. Town Board attendance at seminars and reimbursements.

Mike Van Lanen: Town officials should get \$40.00 for each day (per diem) in attendance at the Towns Association Convention. Tom DePas: The whole Board should approve seminars and per diems.

The Board needs a policy. Mike Van Lanen stated that he rarely submits for “per diems” for meetings that are not held in the Town Hall. The Board will discuss further at next month’s meeting.

M. Budget update and next budget workshop.

The Budget is virtually ready for the public hearing. The Clerk will need to adjust the budget once the Fire Department approves their budget. If additional funding was needed by the Fire Department he would adjust the budget using the contingency fund, leaving all other items the same. The Fire Department has a need for self contained breathing apparatus devices (SCBA) for \$125,000. The Public Hearing for the budget is set for Nov.18 at 6:00pm.

7. Reports from Town Officers/Committees/Commissions:

A. Ken: Halloween “Trick/Treating” will be on the same day as the City of Green Bay.

B. Tom: list of seminars he attended at WTA (energy, annexation issues, legislative update, etc.). Cy and Ken also attended the WTA.

C. Mike: the three Towns had a preliminary discussion with the City of Green Bay concerning rescue services.

8. Treasurer's and Clerk's Financial reports: Roth prepared the financial report. Ending balances are as follows:

LGIP Property Taxes: \$.01

LGIP Holding Tanks: \$ 7,800.00

LGIP Investments: \$185,469.34

Baylake Bank: \$ 13,753.84

Total: \$ 207,023.19

Vouchers #12993-13034 totaled \$104,428.28, receipts (including interest) totaled \$25,808.02 . Roth summarized the receipts and the expenses.

MOTION MIKE VAN LANEN /CY VAN LAANEN to approve the Clerk's and Treasurer's reports and to pay the bills (vouchers #12993-13034) totaling \$104,428.28. Vote: Aye-5, No-0. Carried.

9. Discussion and action on specific Town Board Notice and Agenda for next meeting:

- November 4 Election
- November 6 Blasting and Quarry Ordinance Revisions and Storm Water Utility Creation Public Hearing
- November 11 Regular Meeting
- November 18 Budget Hearing

10. Meetings/Adjournment:

MOTION KEN JACOBS/CY VAN LAANEN to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 7:50 P.M.

John Roth, Clerk/Treasurer

MIKE VAN LANEN

CYRIL VAN LAANEN

KENNETH JACOBS

THOMAS DEPAS

JEFF ZLATOHLAVEK