

**TOWN OF SCOTT, BROWN COUNTY, WISCONSIN**  
**MINUTES OF PUBLIC HEARING**  
**SPECIAL ASSESSMENTS to levy special assessments for new street construction**  
**improvements to Hickory Nut Avenue**  
**February 24, 2009**

**1. Call To Order**

A Public Hearing was called to order at 5:00 P.M. on February 24, 2009 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Van Lanen, Supervisors Cyril Van Laanen, Kenneth Jacobs, Jeffrey Zlatohlavek, Tom DePas, Planner Dave Cerny, Engineer Scott Brosteau, Attorney Dennis Duffy. Excused: Clerk/Treasurer John Roth

**2 Affidavit of Posting.**

An Affidavit stating that the notice of the hearing had been mailed to the affected property owners, published in the Green Bay Press Gazette and posted as required in the Town was presented by the Chairman on behalf of the Clerk.

**MOTION CY VAN LAANEN / KEN JACOBS** to approve the affidavit of posting. Vote: Aye-5, No-0. Carried.

**3. Purpose of the Hearing**

The hearing is being held in regard to levying special assessments for new street construction improvements to Hickory Nut Avenue.

S. Brosteau summarized the project and itemized the bids as received for the construction of the road.

Attorney Duffy summarized his comments as it relates to the improvement of Hickory Nut.

Chairman Van Lanen read the public hearing notice.

Chairman Van Lanen opened the public hearing.

**4. Public Comments:**

Nancy A. Kaster, 2992 River Forest Drive, Pulaski (speaking on behalf of the estate of Nancy Kaster.) questioned if the road name is going to be changed? (Hickory to become Wery)

Consensus was that this had been discussed previously and that the name change would take place. Attorney Duffy explained that the new road will first need to be constructed before Wery can officially be removed from the map and the name change take place.

Jeff Mason, 4665 Wery Road – Asked that the Town absorb more than the 19.11% as proposed. He also asked; How the 19.11% was determined, If there was a way to save money by constructing at a more advantageous time, and, If there is a way to spread out the assessments so that the burden would be lessened.

Brosteau explained that the Town is paying for its percentage based on linear fee of proposed road,

construction would not take place until June with the property owners taking down their own trees in the interim, and that the construction project has a 5% contingency that if not spent will lessen the property owners assessments. The terms of the assessment have not yet been determined. He also explained that this project is considered a complete reconstruction.

Bill Ulmer – 5041 Placid Way. – Wondered if each property owner will see comparable property values increase proportionately. He also stated that this is a retreat from past policy since the Town has not in the past levied special assessment for the improvement of a road. He did agree with the Chairman that he believe only a small portion (158 feet) of the road was under Town jurisdiction.

Jamie Swienton - 4575 Wery Road– presented information from the DOT that the Town has received more aids for the road than mentioned by the Town (up to ½ a mile). She questioned why the property owners are being assessed and treated like a developer, the Town has also not used this money to improve the road. She asked that since the Town has not used this money for maintaining the road the Town should now absorb more of the cost of the new road

Attorney Duffy explained that the road improvement and assessments could be made without any financial support by the Town

Mason – asked what the total road length was.

Brosteau responded – 825 feet.

Mason read from the DOT report and mileage plat, dating back to 1935, 1951 (at .05) and 1962 (at .02) and asked about the records which indicate that at one time the road was recognized as .05 miles and not .03 (158 feet) He asked that the Town consider picking up additional fees due to this.

J. Swienton – Asks how much this improvement will actually improve the value of her house.

Attorney Duffy explained that State Statutes establish the Police Powers of the Town and establish that improvements do not have to directly affect the value of the homes ‘dollar-for-dollar’.

J. Swienton – reiterated that this bill should become a town-wide bill. She also stated that since this is now a wide extra at with a 60’ ROW.

Harriet Van Laanen – 4638 Nicolet Drive – Her understanding was that the road was going to have only a 40’ ROW.

Brosteau – explained that the original discussion was for a 40’ ROW but due to the paving and drainage needs this could not be accomplished.

Mason – It is his understanding that local residents have used the road beyond the 158’ and perhaps a different standard could be applied. He also stated that if this road does not go in, than 2 of the property owners do not currently have legal access to Wery Road.

Wayne Boucher – 4556 Edgewater Beach Road – Stated that due to the economy this is a very hard time to come up with the money. He asked if payments could be deferred for 5 years or until the economy recovered.

Mason – asked if the Town could set up payments of 10 years, either straight line payments or balloon payments.

Boucher – Asked if possible if interest only could be assessed for the next couple years.

J. Swienton – Reiterated that the Town should pick up an additional portion of the bill.

B. Ullmer – Felt that it would be more fair that the Town absorb more of the cost, possibly 50-60% of the assessment.

Kaster – Commented on the legal access issue surrounding the Kaster property, she feels that the property has some legal access.

Dawn Heilman 4695 Swan Road – Felt that something was missed when on the title search when the property was purchased.

Kaster – clarified her point that she felt the Town should bare more of the cost because the Town let the home be built without legal access.

Andy Swienton – Stated that he would not have built his house on this site if he would have known of this special assessment.

J. Swienton – Stated that throughout all of these meetings the Town had not clearly stated its position on how the road would be paid for.

H. Van Laanen – Stated that if payment methods were not yet established it is difficult for them to comment on how the assessment will affect them.

Brosteau – Explained the process of levying special assessment and how they could be made over time at different terms.

Mason – Requests that if the Town Board allows payments overtime then the rates be on a fixed rate and not variable.

## **5. Adjourn**

Motion to adjourn by **KEN JACOBS**, second by **CY VAN LAANEN**. Vote: Aye-5, No-0. Carried. Adjourned at 6:03 P.M.

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David P. Cerny  
Economic Development Coordinator