

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF August 11, 2009 TOWN BOARD MEETING

1. Call To Order: The August 11, 2009 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, August 11, 2009 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, Plan Commission member Bill Roskams, Engineer Scott Brosteau, Constable Leland Baenen.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on August 7, 2009 was presented by the Clerk.

MOTION TOM DEPAS/CY VAN LAANEN to accept and file the Affidavit of Postings. Vote: Aye-5, No-0. Carried.

3. Approval of Minutes of Prior Meetings:

A. Town Board 7/07/09; 07/08/09; 08/05/09: The meeting minutes were presented for approval by the Town Board.

MOTION KEN JACOBS/JEFF ZLATOHLAVEK to approve the minutes from the Town Board Meeting dated July 07, 2009 as presented. Vote: Aye-5, No-0. Carried.

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the minutes from the Town Board Meeting dated July 08, 2009 as presented. Vote: Aye-5, No-0. Carried. DePas wanted to know when future meetings concerning sanitary district consolidation will be scheduled. DePas also stated that sanitary district consolidation needs to be done, there is no argument to delay this.

MOTION KEN JACOBS/JEFF ZLATOHLAVEK to approve the minutes from the Town Board Meeting dated August 05, 2009 as presented. Vote: Aye-5, No-0. Carried.

B. Plan Commission meeting minutes July 23, 2009:

MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN to approve the minutes from the Plan Commission Meeting dated July 23, 2009. Vote: Aye-5, No-0. Carried.

C. Zoning Board of Appeals meeting minutes of July 15, 2009:

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the minutes from the Zoning Board of Appeals Meeting dated July 15, 2009. Vote: Aye-5, No-0. Carried.

MOTION TOM DEPAS/MIKE VAN LANEN to move agenda items #J, # K and #L to “after Public Comment”. Vote: Aye-5, No-0. Carried.

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.

- Ken Hendrickson, Kiltie Court: Commended the Town Board and gave credit for their hard work in regard to the relocation of the Jean Nicolet statue to Wequicock Park.
- Ann Kohlbeck 4720 Nicolet Drive: lowering the speed limit on Nicolet Drive, submitted a letter in regard to this. Wants the support of the Town in regard to getting this done. Chairman Mike Van Lanen forwarded the letter to County Board Representative Norbert Dantine. He is taking the letter to the County Public Safety Committee meeting. Van Lanen will ask the Town Board to compose a letter to the County. VanLanen also suggested for Ann Kohlbeck to circulate a petition.
- Sandy Boucher, Edgewater Beach Road: speeding issue on Edgewater Beach Road. Tom DePas: Due to liability issues the Town can't place signs that say “Children At Play”. Boucher asked what can be done. Van Lanen stated that Brown County has one officer for monitoring speeding. They need to monitor at Edgewater Beach Road in the early morning and when work gets out.
- Robert Deleaux Edgewater Beach Rd – also supports the lower speed limit and would like the County enforce the speed limit.
- Leland Baenen: dogs at Wequicock Park. Can signs be placed at the park? Who has authority? Van Lanen says the County owns the park and has authority to sign and regulate dogs in their park.

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

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

- J. Review/take action on a three lot Combination Certified Survey Map (CSM) located approximately at the southeast corner of St. Killians Road and Verone Ct., parcel number SC-556-2, SC-2172, SC-2173.** The Plan Commission moved to approve this. Cerny explained this request. No new lots are being created.

MOTION KEN JACOBS/CY VAN LAANEN to approve the a three lot Combination Certified Survey Map (CSM) located approximately at the southeast corner of St. Killians Road and Verone Ct., parcel number SC-556-2, SC-2172, SC-2173. Vote: Aye-5, No-0. Carried.

- K. Review/take action on a proposed single lot Certified Survey Map (CSM) located on the north side of Champeau Road, parent parcel number SC-231.** The Plan Commission moved to approve this. Cerny explained this request. It fits into the Zoning Ordinance and Road planning.

MOTION CY VAN LAANEN/TOM DEPAS to approve the single lot Certified Survey Map (CSM) located on the north side of Champeau Road, parent parcel number SC-231. Vote: Aye-5, No-0. Carried.

- L. Review/take action on a proposed Certified Survey Map (CSM) located on the northeast corner of STH 57 and Gibson Lane, parcel number SC-713.** The Plan Commission moved to approve this request. Cerny explained this request. Brief discussion on the details of the plan.

MOTION KEN JACOBS/ TOM DEPAS to approve the Certified Survey Map (CSM) located on the northeast corner of STH 57 and Gibson Lane, parcel number SC-713. Vote: Aye-5, No-0. Carried.

- A. Purchase of new 95 gallon recycling bin containers.** A newsletter was sent to property owners and renters in regard to this. Containers will be delivered this Wednesday and Thursday. The Town needs to decide how to pay for these. The cost of these new bins are approximately \$46.30 for a total of approximately \$70,000. Zlatohlavek stated that it would have cost the Town and the tax payers over \$100,000 if the Town had not purchased the new bins (joint purchase with other Brown County municipalities) this summer. DePas stated that the Town needs to promote recycling to reduce the tipping fees. Roth commented that some of the Brown County communities recycle every other week to help save money. Some Board members disagreed that this would save money.

Chairman detailed the issues that need to be dealt with. Specifically the Board needs to decide on how the bins will be paid for (with a total cost of approximately \$70,000).

Interest Rate for Loan: \$70,000-75,000 to be paid off by no later than August 2010.

BayLake Bank \$75,000 at 4.25% for one year

Associated Bank \$75,000 at 3.60% for one year

MOTION MIKE VAN LANEN/KEN JACOBS to borrow approximately \$70,000-\$75,000 from Associated Bank at 3.6% for one year with no prepayment penalty for the initial purchase of the new 95 gallon recycling bins. Vote: Aye-5, No-0. Carried.

- B. Operator License applications.**

MOTION KEN JACOBS/CY VAN LAANEN to approve the Operator License Applications for Samuel Graham (57BP). Vote: Aye-5, No-0. Carried.

MOTION TOM DEPAS/ MIKE VAN LANEN to approve the Operator License Applications for Allison Helgeson (The Bluff). Vote: Aye-5, No-0. Carried.

- C. Holy Cross Church/School Temporary Class B Beer License application.**

MOTION CY VAN LAANEN/KEN JACOBS to approve the Temporary Class B Beer "Picnic" License for Holy Cross Church/School for September 12, 2009. Vote: Aye-5, No-0. Carried.

- D. Park Commission appointments.** Mandi Wilkie (Bay Settlement Rd), works for Gerber Co.

MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK to appoint Mandi Wilkie to the Town of Scott Park Commission. Vote: Aye-5, No-0. Carried.

- E. Jean Nicolet statue update and unveiling ceremony.** Chairman Van Lanen updated the Town Board and audience in regard to this. Project should be completed by next week. The County wants to hold an unveiling ceremony. The ceremony will be Aug. 28 at 3pm. There will be a few guest speakers. Invitations will be sent out.

F. Speeding and speed limits on Edgewater Beach Rd and Nicolet Drive: Chairman updated the Board that he has received several complaints on speeding in these areas. The Town Board will send a letter to the County in regard to both of these road issues. Chairman Van Lanen stated that there have been numerous complaints in regard to Edgewater Beach Road speeding. It is supposed to be 25 mph. The speed limit signs need to be seen and emphasized. Discussion on tall grass, enhancing visibility, and enforcement. A sheriff deputy needs to monitor. Chairman Van Lanen will call the County requesting enforcement. In regard to Nicolet Drive, Van Lanen will write a letter to the County Sheriff and County Board.

G. Road and right-of-way issues:

1. **Signs.** All stop signs have been checked and are acceptable. Street signs need to be replaced. Scott Brosteau will order a new sign for Wery Road.
2. **Right-of-way improvements for the end of Point Lane.** Cerny stated that there is no update.
3. **Scotland Meadows Rd issues:** Town Engineer Brosteau is putting together a Letter of Understanding for the Developer to sign. A CD (no letter of credit) will be held by the Bank for the paving of the roads, the roads will be done by the fall of 2010. The Town can still assess the properties if the CD is not enough to cover the paving costs.
4. **Update on Hickory Nut Road Construction and Order and vacating of Wery Road.** Brosteau e-mailed Attorney Duffy concerning the vacating. Addresses: Roth talked to County Dispatch and they are OK with Swienten's address staying the same because they are at the end of the cul de sac. The only address change that needs to be done is Collier. The road will be "accepted" this fall when the new highway maps are done. Cerny: updated the Town Board about the road name. It should be a "court" and not a road. The County needs to be notified that it is "Wery Court". Brosteau will contact the County and take care of this.

Final pay request is \$51,835.43. The original construction project was \$101,285.68. The actual final cost of the construction project is \$95,495.78. Both coats of asphalt are done. Bayshore will owe the Town some funds for the change orders in regard to manhole and sewer issues.

Brosteau explained the change orders: Change order #1 for \$2488.60 which included raising of a sanitary manhole, adjusting 2 sanitary clean outs, abandoning Wery Road, and credits for paving lower and upper layers of asphalt this year. August 3 is considered to be substantial completion and will be the beginning date for the 2 year warranty.

Chairman Van Lanen read a letter from Mason/Nassiff in regard to the Wery Road/Hickory Nut, thanking the Town Board for the hard work in getting the project done (see letter).

5. Borrowing for the Hickory Nut Construction project.

Clerk explained borrowing concepts:

Borrow the six special assessments amount of	\$138,000.00
Borrow the total cost of the project since 2007	\$203,000.00
Borrow the total cost of the project since 2007	
Less the Town portion of \$67,708.55	\$135,291.45

Discussion on borrowing, funding, and question on where funds are to come from, specifically for the Town's portion. Roth and Brosteau recommended borrowing the full amount of the six special assessments (\$138,000.00). The Town can use the extra "cash on hand" at the end of the year and the end of the project for other road projects. The Town will be charging the property owners 1% over the Bank's interest rate, so the yearly "revenue" should be just a little more than the yearly loan cost.

MOTION TOM DEPAS/ MIKE VAN LANEN to borrow \$138,00.00 for 20 years from Associated Bank at 4.63% (for five years) for the Hickory Nut Rd Construction project. Vote: Aye-5, No-0. Carried.

6. Approve Pay Request for the Hickory Nut Road project.

MOTION MIKE VAN LANEN/KEN JACOBS to approve Jackie Foster's final pay request of \$51,835.13 (voucher #1318) for the Hickory Nut Road project. Vote: Aye-5, No-0. Carried. There is a two year warranty on the road. No money is being held back from the Contractor.

MOTION TOM DEPAS/ MIKE VAN LANEN to approve change order #1 for \$2488.60 (see change order: which included raising of a sanitary manhole, adjusting 2 sanitary clean outs, abandoning Wery Road, and credits for paving lower and upper layers of asphalt this year). Vote: Aye-5, No-0. Carried.

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to approve the Hickory Nut Road Construction Substantial Completion of August 3, 2009, with 2 year warranty. Vote: Aye-5, No-0. Carried.

- 7. Wequiock Creek Estates paving.** The Town had requested the paving to be completed this fall. Roth explained his phone conversations with Tine Bunker and his research of the Town Board minutes and Town Board Resolution from 2005. John Bunker represented the request. Chairman Van Lanen asked John Bunker what the Developer's intent is. Bunker explained the problem his is having with their LLC, they are having two members who are not cooperating (refusing to make payments). They are in court. Due to this, the corporation cannot borrow money. Because to this, the corporation is having financial difficulties. Bunker understands that the Town can assess the properties to have the paving done. Bunker stated that they can pay if the lots are assessed on the tax roll for the paving. Brosteau stated that the assessing could be done. Bunker stated that if they sell two more lots they could pay off their existing loan. Van Lanen stated that they will not be issued a building permit if the roads are not done. The Town could hire someone to have this done and not go out for bids if the cost is under \$45,000.

MOTION TOM DEPAS/ MIKE VAN LANEN to have Brosteau get two estimates on the cost of paving the Wequiock Creek Estates subdivision roads; if the Town does not have to bid it out (under \$45,000), then have the paving done this fall and assess the properties. Vote: Aye-5, No-0. Carried

- 8. Lloyd St ROW/ditches.** Chairman Van Lanen explained the situation. No permits were taken out by three property owners who filled in the ditch. Letters were sent to the property owners. They have been in contact with the Town Engineer. No fines have been issued yet. Van Lanen stated that "grades" need to be shot to find out how /where the drainage is in this area. This needs to be done soon. The three property owners may have to clean out the ditches. The culverts that were installed are too small.

MOTION MIKE VAN LANEN/TOM DEPAS to have Mead & Hunt shoot grades on both sides of Lloyd Street across Grove to the Bay, to determine if there is proper drainage, this to be done as soon as possible, then the Town board at the September meeting to decide what to do with the three property violations. Vote: Aye-5, No-0. Carried.

- 9. Other road project issues:** Brush needs to be trimmed so signs can be seen. Edgewater Beach Road: cracking along the edges, Brosteau will look at this. Ayers and Associates has been retained by the County to do 1.2 miles of County I from County A to Bay Settlement Road in 2010 (see letter). Poles are being replaced on Bay Settlement Road. Champeau Road (going down the hill) is washing out again. Tom will investigate.

H. Resolution for increasing variance application fee. Chairman read the resolution.

MOTION MIKE VAN LANEN/TOM DEPAS to approve/adopt Resolution 09-08-01 Variance Appl. & Review/Hearing Fees, raising the Variance Review fee from \$300 to \$740. Vote: Aye-5, No-0. Carried.

- I. Emerald Ash Borer issue.** Update by Chairman on issues related to this, provided a handout in regard to this issue. Discussion on how to handle the issue. Next meeting it will be further discussed. Van Lanen will continue to attend the Brown County meetings. Van Lanen stated that the Town may need an ordinance to not allow the ash bore trees at the Town of Scott yard waste facility. The trees will need to go somewhere. There is a meeting on August 26 with some of the neighboring municipalities in regard to purchasing property for the disposal of these trees. The trees can be chipped or buried.

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

A. Clerk/Treasurer Roth: In addition to the regular day-to-day activities:

- Research and correspondence to Wequiock Creek Estates in regard to road paving.
- Creation of database addresses for the new recycling bins
- Creation of database addresses for the August Newsletter to include renters
- Composition of the August 2009 Newsletter
- Creation of database of addresses (3000) consisting of the Town of Humboldt, Town of Green Bay and Town of Scott for the County Rescue post-card mailing advertizing "First Responders". They want to hold an informational meeting on Tuesday, August 25 at 6:30 pm.
- Attended the Advance Municipal Issues Committee meeting August 6 (great presentation from Brown County in regard to joint purchases).
- Survived Deputy's vacation.
- Attended the UWGB Clerk/Treasurer's Institute. Most but not all of the classes were good: classes on Basic Employment Law for Municipal Officials, Time Management/Coping Skills, Economic Development and Multi-Jurisdictional Agreements, Will You Be ready For A Recount?, Fraud, E-government Incentives, Your Liability as A Public Official, Ethics and Conflicts of Interest, Website Development, Working With Board, Commissions and Councils, Rural Town USA Disaster)
- BayLake Bank increased our Money Market Interest rate to 2.25% for August, it will vary monthly depending on the market.
- Census estimate for January 1, 2009 has the Town of Scott at 3552, one less than last year.

B. Cerny (Economic Development Administrator):

- Drainage issue of drainage course crossing Nicolet toward Renier Road, Brosteau is investigating.
- Plan for Victorias parking lot (Shepherd's lot). It has been forwarded to the Plan Commission and Brosteau. A question was asked about the parking lot across the street. A question was asked about the bank easement. The Town will let them alone concerning the other parking lot.
- Plan Commission is considering a zoning ordinance change: Timberline landscaping, zoned AG, does wholesale business, but the Town does not allow retail sales in AG. If the Town rezones to Commercial, any kind of business can go in. The Plan Commission does not want to rezone this to Commercial because of what could go in there (like a gas station). The Plan Commission would prefer to do a Conditional Use. Chairman Van Lanen: we do want to promote business in the Town. Does the Town Board like the concept? Should the Plan Commission proceed? The Board thinks it is a good idea and suggested the Plan Commission move forward.
- Plan Commission for August will be Wednesday August 26.

C. Brosteau (Engineer): no report

7. Reports from Town Officers/Committees/Commissions:

- A. Mike Van Lanen: upcoming seminar on budgeting in DePere Thursday Sept 24, cost is \$55.00; the next meeting for the Fire Department (RITTER Group) is Sept. 14 from 7:30 am to 11:45pm; Storm Water Grant has been approved; received a letter today from Dan Bertrand resigning from Brown County Plan Commission; the County will be doing new aerial photography in 2010; received a parking complaint on Sandpiper, the vehicle will be towed if the owner does not move it.
- B. Ken Jacobs: when do you want to cut the grass in the ditches? We will wait until closer to the fall.
- C. Tom DePas: received a compliment on the ditch mowing; asked for an update on the Edgewater Beach shed violation issue (Cerny is working with them concerning a site plan).

8. Treasurer's and Clerk's Financial reports: Ending balances are as follows:

Baylake Checking:	5,899.63
Baylake Money Market:	150,508.52
LGIP Investments:	5.69
LGIP Holding Tanks	7,800.00
LGIP Property Taxes:	.00
LGIP Contingency Fund	50,099.20
LGIP Undesignated Fund	22,043.65
Total:	236,356.69

Vouchers #1279-1317 totaled \$91,952.65 and receipts (not including interest) totaled \$21,343.34. Roth summarized the receipts and the expenses.

MOTION KEN JACOBS /CY VAN LAANEN to approve the Clerk's and Treasurer's reports and to pay the bills (vouchers #1279-1317) totaling \$91,952.65). Question on Storm Water Utility Vote: Aye-5, No-0. Carried.

Need to approve vouchers #1319-1321 Lottery Credit Settlement.

MOTION MIKE VAN LANEN/TOM DEPAS to approve the vouchers #1319-1321. Vote: Aye-5, No-0. Carried.

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

- **Sept. 8 next Town Board meeting. Aug 25, Aug 26, August 28**

10. Meetings/Adjournment:

MOTION CY VAN LAANEN/KEN JACOBS to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 8:15 P.M.

John Roth, Clerk/Treasurer