

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF November 10, 2009 TOWN BOARD MEETING

1. Call To Order: The November 10, 2009 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, November 10, 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 Chairman Bill Roskams, Park Commission Chairperson Cheryl Lardinois, Town Eng. Scott Brosteau, Town Atty. Dennis Duffy.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on November 6, 2009 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. Town Board 10/15/09 & 10/20/09: The minutes were presented for approval by the Town Board.

MOTION KEN JACOBS/CY VAN LAANEN to approve the minutes from the Town Board Meeting dated October 15, 2009 as corrected: #1. vote should be "Aye-4, No-0; #9. vote should be "Aye-4, No-0" " (Chairman Van Lanen was not present for those two portions of the meeting). Vote: Aye-5, No-0. Carried.

MOTION JEFF ZLATOHLAVEK/TOM DEPAS to approve the minutes from the Town Board Meeting dated October 20, 2009 as corrected: #8 DePas – correction, he did not send the letters regarding Edmund, just commented that the letter had done their job. Vote: Aye-5, No-0. Carried.

B. Plan Commission meeting minutes October 22, 2009:

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the minutes from the Plan Commission Meeting dated October 22, 2009. Vote: Aye-5, No-0. Carried.

C. Storm Water Management Advisory Committee meeting minutes – October 2009

MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK to approve the minutes from the Storm Water Management Advisory Committee meetings dated October 14, 2009 as presented. 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 4790 Kiltie Court: provided information he had gathered from Village of Hobart Administrator regarding Federal Laws which could help limit Tribal Authorities from converting their land to non-tax, federal land. He will provide this information to the Chairman.
- Ken Hendrickson, 4790 Kiltie Court: concerns with safety for roller bladders, asked that parents warn their children to be more careful.

MOTION JEFF ZLATOHLAVEK/TOM DEPAS to return to the agenda. Vote: Aye-5, No-0. Carried.

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

- A. Discussion and action on an Ordinance Repealing and Recreating Chapter 24, Town of Scott Municipal Code, Establishing a Stormwater Utility.** Attorney Dennis Duffy was present and provided copies of the ordinance change before the meeting. He explained the need for adopting this ordinance. Duffy explained that the Town has already done a public hearing on this in Dec. 2008. This ordinance was also presented to the Storm Water Committee and the Town Board in September. Jeff Zlatohlavek: Under “(9)(b)” asked why would the Town Clerk have the authority to refund or give ERU credit, it should be the Town Board that would grant the refund. It was agreed that “Town Clerk” would be removed from this section. The last sentence of #9(b) will say, “If the Town Board determines that a refund is due the appellant, the refund will be applied as a credit on the customer’s next storm water bill, or will be refunded at the discretion of the Town Board.”

MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN to approve the Ordinance Repealing and Recreating Chapter 24, Town of Scott Municipal Code, Establishing a Stormwater Utility as amended above and presented to the Town Board. Roll call vote: Tom DePas: no; Jeff Zlatohlavek: yes; Ken Jacobs: yes; Mike Van Lanen: yes; Cy Van Laanen: yes. Vote: Aye-4, No-1. Carried.

- B. Resolution in support of the Green Bay Transit Commission’s request to create a Greater Green Bay Regional Transit Authority:** They were not in attendance.

MOTION KEN JACOBS/CY VAN LAANEN to table the Resolution in support of the Green Bay Transit Commission’s request to create a Greater Green Bay Regional Transit Authority and see if the Green Bay Transit Commission can come to the December meeting. Vote: Aye-5, No-0. Carried.

- C. Operator License applications:** Two applications were received: Terri Clark (Oakridge Bar & Food, Inc) and Kerri Tuschel (Bayland Shell).

MOTION CY VAN LAANEN/KEN JACOBS to approve the operator license applications for Terri Clark (Oakridge Bar & Food, Inc) and Kerri Tuschel (Bayland Shell). Vote: Aye-5, No-0. Carried.

- D. Audit Contract for the 2009 Audit:** Schenck has done the Audit for the Town the last three years. The contract is similar to the previous years. The cost will be no more than \$5500.

MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK to approve the 2009 Audit contract with Schenck not to exceed \$5500.00. Vote: Aye-5, No-0. Carried.

- E. Snow plowing and yard maintenance estimates - 2010 Yard Waste/Town Hall Outside Maintenance contract.** Only one proposal was received (Finnel). Rick Finnel was present at the meeting. The prices and the agreement are the same as last year. Chairman Mike Van Lanen read the estimate/proposal.

MOTION MIKE VAN LANEN/TOM DEPAS to accept Finnel Landscape’s proposal for 2010 Year Waste/Town Hall Outside Maintenance contract as presented to the Town Board. Discussion: Tom DePas recommended that Finnel provide the insurance certificate. Rick Finnel asked about cleaning the driveway for the Water Tower. Vote: Aye-5, No-0. Carried.

- F. Budget Transfer Resolution:** This is a requirement per the State of Wisconsin Department of Revenue. A budget amendment resolution needs to be done when major changes are done to the budget. The Town does adopt the budget at summary level, but due to the purchasing/borrowing of the funds for the Recycling Carts and due to the Hickory Nut Road Construction project/borrowing, this needs to be done. The Town borrowed \$70,100 from Bay Lake Bank for the cost of the Recycle Carts and the Town was billed \$70,095.90 from Veolia. The Town did receive a full payment from parcel #sc-588 for that special assessment (\$22,808.99). The Town will be borrowing \$114,050 to cover the remaining special assessments. Roth read the Resolution.

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to approve Resolution 2009-11-03 Budget Transfers. Vote: Aye-5, No-0. Carried.

G. Road and right-of-way issues:

- 1. Scotland Meadows Road issues:** The Town received a signed copy of the agreement with Kaster for the set-aside money in a guaranteed CD to cover the paving of their public roads in the Scotland Meadows Development, the paving to be done by October 2010. Brosteau has agreed to the language of the agreement.
- 2. Wequiock Creek Estates paving:** Brosteau explained that paperwork has been provided to Attorney Duffy for his review. The Developer still owns 19-20 lots Brosteau continues to work with the Attorney in regard to settling this issue. The Town may have to go to court to get this settled. If the roads are paved by the Town then all lots will be assessed for the improvements.
- 3. Lloyd St ROW/ditches:** Brosteau updated the Town Board concerning this. Brosteau distributed a photo of the project to the Town Board and explained the work that was done. Discussion pursued on the issue since no permit has been pulled for working in the Right-of-Way. Chairman Van Lanen reported that the property owner called Supervisor Ken Jacobs on a Friday night at midnight complaining that the power was off and that water was coming into their basement. Chairman Van Lanen also reported that the property owner contacted Assembly Representative Garey Bies in regard to this whole water/drainage situation (the right-of-way permit and fee, the Town requiring the ditch to be restored, etc.).

They need erosion control. Brosteau explained that the Town's concern could be provided in writing to the landowners and give them the time to correct by spring. The Board discussed their opinions on how to best handle this issue. Chairman read the letter which had been sent to the landowners, on September 17, 2009. The Clerk read the minutes from the October 6, 2009 meeting. Chairman directed Brosteau to send a letter to the land owners, requiring the ditch to be opened, permit to be pulled and approved by the Town Engineer, work to be done by Dec. 21, 2009 or a citation will be issued to each landowner. Brosteau will also include past minutes to the letter.

H. Memorandum of Agreement with the City of Green Bay for the maintenance of the election voting machines.

ES & S, the manufacturer of the County's and the Town's voting machines, will not be providing service for the Eagle voting machines, as these machines are not being manufactured anymore. Brown County and the City of Green Bay are pursuing purchasing used Eagle voting machines to use for replacement parts for Eagle maintenance. The City is charging \$32.00 per voting machine per election for maintenance of the voting machines. For the Town of Scott, this will mean a cost of \$384 for six elections for the 2010-2011 election cycle for our Eagle and our Automark machine.

MOTION KEN JACOBS/CY VAN LAANEN to sign the Memorandum of Agreement for Election Day Support for the Town's two voting machines for a cost of \$384 for six elections for the 2010-2011 election cycle. Vote: Aye-5, No-0.

- I. Resolution in support of Brown County Planning Department:** Chairman Van Lanen explained what is happening with this issue, and why it is beneficial to support Brown County Planning Department. This item is being tabled because the county Board voted to keep the Plan Department in place.

MOTION TOM DEPAS/CY VAN LAANEN to table the Resolution 2009-11-02 A Resolution of the Town of Scott in Support of Retention of Services of the Brown County Planning Dept. Vote: Aye-5, No-0.

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

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

- Worked on and finalized the 2010 Proposed Budget.
- 2009 Dog License reports to the County and set up of the 2010 Dog License program
- November 2009 Newsletter. This will only include the tax bill special charge information.
- Completion of the Levy Limit Worksheet
- Completion of the Worksheet to Establish 2009 Base Year and Report 2010 Budgeted Expenditures for Emergency Services
- Quarterly Payroll reports for the Feds and the Unemployment Compensation
- Began working on the Special Assessments/Special Charges/Delinquent Utilities worksheet
- Met with the head of the Cofrin Post Office in regard to the Hickory Nut/Wery Road mail boxes

B. Cerny (Economic Development Administrator):

- Stated he received 3 requests from Business’s which would fall under the new Zoning change which would allow Businesses in Agricultural Zones.
- Information will be presented to Scott Sanitary District 1 next month in order to discuss improvements to Scott Tower Drive and the potential of using deferred assessments or some other loan mechanism to lessen the impact of the improvement and to encourage development in the Town’s Industrial Park.

C. Brosteau (Engineer): No report.

7. Reports from Town Officers/Committees/Commissions:

- A. Chairman: TRIP funds are approved. Thursday Municipal Court but we have the budget meeting also. Dealing with the water complaint in the ditch on Edmund. The County fixed the ditch. A property owner still complained but the water is draining in the ditch, the drainage on Edmund is fine.
- B. Tom: Wisconsin Towns Convention was good.
- C. Jeff none:
- D. Cy: none.
- E. Ken: Snow fence will be installed. Street signs have been installed. Discussion on using blue street signs as opposed to green, to help differentiate from the City and surrounding communities.

MOTION MIKE VAN LANEN/KEN JACOBS to suspend the rules and open the meeting to public input.

Vote: Aye-5, No-0. Carried.

- Finnel: leaves thrown in the ditches on Edgewater Beach Road. Finnel will clean out. The Town will send a letter to the property owners on Edge Water Beach Road. Finnel asked if it’s OK to be plowing the end of Rosebud, since he plows the condos along the road, consensus was yes, that it was OK.
- Ken Hendrickson: explained his understanding of the drainage district, and asked about the effect of the Stormwater Utility and the Drainage District. Chairman Van Lanen stated that those people will have a charge from the drainage board and from the storm water utility.

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

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

Baylake Checking:	10,208.46
Baylake Money Market:	89,280.05
LGIP Investments:	21,359.23
LGIP Holding Tanks	7,800.00
LGIP Property Taxes:	4.98
LGIP Contingency Fund	50,135.64
LGIP Undesignated Fund	22,059.68
Total:	200,848.04

Vouchers #1411-1447 totaled \$93,041.59 and receipts (not including interest and not including Previous Tax Roll Delinquent Utilities) totaled \$4,270.50. Roth summarized the receipts and the expenses.

MOTION TOM DEPAS/KEN JACOBS to approve the Clerk’s and Treasurer’s reports and to pay the bills (vouchers #1411-1447) totaling \$93,041.59. Vote: Aye-5, No-0. Carried.

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

- **November 12, 2009 – Budget Public Hearing, Special Meeting and Town Board**
- **Nov. 19 – 6:00pm: Plan Commission**
- **Dec. 8 – 6:00pm: Regular Town Board**
- **Dec. 17 – 6:00pm: Plan Commission**
- **Dec. 29 – 3pm: Year-end Town Board**

10. Meetings/Adjournment:

MOTION CY VAN LAANEN/KEN JACOBS to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 7:30 P.M.

John Roth, Clerk/Treasurer