

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF December 8, 2009 TOWN BOARD MEETING

1. Call To Order: The December 8, 2009 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, December 8, 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, Town Eng. Scott Brosteau, Town Constable Leland Baenen.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on Dec. 4, 2009 and revised agenda was posted on Dec. 7, 2009 was presented by the Clerk.

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

3. Approval of Minutes of Prior Meetings:

A. Town Board 11/10/09 Regular meeting; 11/12/09 Budget Public Hearing; 11/12/09 Special Electorate Meeting 11/12/09; 11/12/09 Town Board Meeting: The above 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 November 10, 2009 as presented. Vote: Aye-5, No-0. Carried.

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to approve the minutes from the Budget Public Hearing dated November 12, 2009 as presented. Vote: Aye-5, No-0. Carried.

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to approve the minutes from the Special Meeting of the Electorate (to approve the Levy) dated November 12, 2009 as presented. Vote: Aye-5, No-0. Carried.

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to approve the minutes from the Town Board Meeting dated November 12, 2009 as presented. Vote: Aye-5, No-0. Carried.

B. Plan Commission meeting minutes November 19, 2009:

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to approve the minutes from the Plan Commission Meeting dated November 19, 2009. Vote: Aye-5, No-0. Carried. DePas asked why the Plan Commission did not discuss the Comprehensive Plan. Cerny stated that the Board did not feel that they did not have enough time to have a productive discussion. DePas also commented that it is good that an additional Plan Commission representative is not attending the Town Board meetings, thereby saving a "per diem".

C. Storm Water Management Advisory Committee meeting minutes – November 3, 2009

MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN to approve the minutes from the Storm Water Management Advisory Committee meetings dated November 3, 2009 as presented. Vote: Aye-5, No-0. Carried.

4. Public Input:

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

- Harlan Basten, 2435 New Franken Road. Questioned the proposed storm water management special charge. He is in the New Franken Drainage District and they will need to be establishing a fee in order to manage their district. Doing so would mean that each person in the New Franken District would have to pay a special charge twice. He stated that he didn't feel this would be fair. He also stated that none of the water from New Franken drains through the Town of Scott, it drains through the Town of Green Bay. He asked that if the Town is going to be managing the rest of the Town why wouldn't the Town take over his district and absorb the work and the costs.

Chairman Mike Van Lanen stated that the Town can't take over the district that Harlan is in because it is in three Towns. Chairman Van Lanen stated that there is a difference between a drainage district and storm water management district. Chairman Van Lanen explained the process and procedures that are required by the State as part of the requirements for an urbanized community and the Storm Water Management Regulations. Van Lanen also explained about the appeal process. Brosteau also explained about the Storm Water DNR requirements. Brosteau also suggested that we look at maps and research this district.

- Jeff Tilkens, Llyod Street: Comments regarding the ditch and drainage problems in front of their houses on Lloyd Street (and with people's sump pumps adding to the drainage problem). He realizes that they had worked in the ditch without Town permission. He is asking for leniency from the Board in regards to fixing the ditches. He would like to do it next summer so that it will not be such a mess. He also offered to do whatever is necessary to help out to make sure that the ditch keeps flowing. He also explained that someone tried to sabotage their ditch work/drainage by plugging one of the neighbor's culvers with a barrel. He filed a police report. The neighbors and I are willing to fix and repair the ditch, we will slope the ground from the roadway shoulder down to the ditch bottom so water is not trapped on the roadway. I will break up the ice dams.

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

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

- A. Approval of the 2010-2011 election workers: Discussion:** Clerk/Treasurer Roth stated that this is required by State Statutes to approve this list in December of the "odd" year. The Town has great election workers. Chairman Mike Van Lanen read the Resolution.

MOTION KEN JACOBS/CY VAN LAANEN to approve and sign Resolution 2009-12-02 Appointment of Election Officials 2010-2011. Vote: Aye-5, No-0. Carried.

- B. Resolution Changing the name of Hickory Nut to Wery Road: Discussion:** This official procedure & document needs to be approved and signed according to Brown County and Town Engineer Scott Brosteau.

MOTION JEFF ZLATOHLAVEK/TOM DEPAS to approve and sign Resolution 2009-12-01 Resolution Changing The Name of Hickory Nut Road To Wery Road. Vote: Aye-5, No-0. Carried.

- C. Resolution approving the use of a 55 foot right-of-way for Hickory Nut/Wery Road. Discussion:** According to the Town Engineer Scott Brosteau, this official action needs to be done to accept and allow a fifty-five foot roadway right-of-way.

MOTION MIKE VAN LANEN/KEN JACOBS to approve and sign Resolution 2009-12-03 Resolution Approving the Use of Fifty-five Foot Right-Of-Way on Hickory Nut Street (Being Renamed Wery Road). Vote: Aye-5, No-0. Carried.

- D. Recognition/Resolution recognizing the achievement of Eagle Scout Alex Bricco: Discussion:** This is a good thing to recognize this kind of accomplishment. The Eagle Scout Master is supposed to provide a list of other scouts that have earned and achieved the rank of Eagle Scout so the Town Board can do Resolutions for the other Eagle Scouts.

MOTION TOM DEPAS/MIKE VAN LANEN to approve and sign Resolution 2009-12-04 Honoring Eagle Scout Alex Bricco. Vote: Aye-5, No-0. Carried.

- E. Kennel License application: Discussion:** Clerk/Treasurer Roth stated that the Town received two contacts from two residents in regard to this. One applicant faxed a Letter of Interest: Daniel Knedle, 3383 Bay Heights Drive (see letter of interest). They are not present at the meeting

MOTION KEN JACOBS/CY VAN LAANEN to **TABLE** the kennel license application from Daniel Knedle, 3383 Bay Heights Drive until the December 29, 2009 meeting. Vote: Aye-5, No-0. Carried.

- F. Approval of Steve Kaster for the City of Bellevue and Town of Scott representative on the Brown County Plan Commission. Discussion:** The Town received a letter of interest from Steve Kaster in regard to this position. He lives in the city of Bellevue. No one from the Town Board or the Plan Commission was interested in filling this vacancy. Chairman Van Lanen talked to him, he will inform the Town Board of what is going on at their meetings.

MOTION MIKE VAN LANEN/TOM DEPAS to approve Steve Kaster for the Village of Bellevue and Town of Scott representative on the Brown County Plan Commission. Vote: Aye-5, No-0. Carried.

- G. Policy of garbage/recycling curb-side special charge and recycling cart charge: Discussion:** Clerk/Treasurer Roth stated that the Town Office periodically receives calls from property owners asking for these two special charges to be removed from their property tax bill. The Town should have a written policy in regard to this. Roth met with former Clerk/Treasurer Don Gibson to discuss the history of the special charges. Gibson agreed with the policy statement. The Town Board agreed with the written statement. This policy will be updated each year. No action was taken.

H. Road and right-of-way issues:

- 1. Scotland Meadows Road issues:** Town Engineer Scott Brosteau gave an update of this situation. This can be taken off the agenda.
- 2. Wequiock Creek Estates paving:** Town Engineer Scott Brosteau gave an update of this situation. Attorney Duffy has not been able to look into this. This will be discussed in Jan. 2010.
- 3. Lloyd St ROW/ditches:** The Town received a \$300 check and application from the three property owners: Jeff Tilkens - 3919 Lloyd, Dave Johnson - 3923 Lloyd, and Gerald Muelle - 3927 Lloyd. Town Chairman explained the meeting from last week. Brosteau, Chairman Mike Van Lanen and Supervisor Cy Van Laanen met with Jeff Tilkens. Town Eng. Scott Brosteau gave an update of this situation. Brosteau feels that if they slope the area from the roadway to the ditch bottom as soon as possible he thinks that would be sufficient for the winter but a long range solution needs to be found

next spring/summer. The property owners are taking care of the maintenance. Brosteau stated that if the Town has to hire the County to clear up the snow/ice/water, the property owners can be assessed for the cost.

A long range solution needs to be implemented. Chairman explained the multiple drainage issues that were discovered and that the County will begin work to fix the culverts already this winter. The property owner stated that the pipe has been in there for two years. There is only one high spot. The consensus of the Town Board is that the work can wait until spring, but that a plan needs to be worked out and the property owners should come back to the Town Board by April. The Town is requiring a final plan for the April 2010 meeting be presented and must be approved by the Town Engineer prior to the meeting. Brosteau will contact Dave Johnson to tell them what the Town is requiring. Supervisor Ken Jacobs did receive an apology from the property owner who called him after midnight.

MOTION MIKE VAN LANEN/TOM DEPAS that the Town Board allow the three property owners on Lloyd Street to keep the pipe in through the winter, provided that they lower and grade the shoulder so that the road drains to the ditch, and that they come with a plan approved by the Town Engineer by the April 2010 meeting, and if the County needs to be called for culvert/ditch cleaning, the landowners will be assessed for the cost. Vote: Aye-5, No-0. Carried.

I. Letter or Resolution in support of delaying Implementation of the Working Lands Initiative

Conversion Fee: Discussion: Clerk/Treasurer Roth stated that yesterday he received an e-mail in regard to this. The "Advance" Municipal Issues Committee met last week to discuss this issue: When the State approved their budget, they created a provision implementing the Wisconsin Working Land Initiative. Beginning on January 1, 2010 conversion fee will be required, so when the property owners of "working lands" want to rezone their land out of a certified agricultural district they will have to pay a conversion fee of approximately \$600 per acre. Brown County Towns Association passed a Resolution asking the State to delay the implementation of this Working Lands Initiative Conversion Fee to January 1, 2011. The Municipal Issues Committee is asking local governments to either write their own Resolution or at least pass a motion supporting the Brown County Towns Association's effort to request the delaying of the Implementation of the Working Lands Initiative Conversion Fee:

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to sign the Resolution 2009-12-5 in support the effort of the Brown County Towns Association and the Advance Municipal Issues Committee to request the delaying of the Implementation of the Working Lands Initiative Conversion Fee. 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 2009 Tax Bill Special Charges/Special Assessments/Delinquent Utilities (Storm Water Special Charges, Recycling Cart Special Charges, Garbage/Recycling Special Charges, Hickory Nut Special Assessments as well as the four sanitary district Special Assessments and Delinquent Utilities).
- Have received approximately 35 telephone calls and personal visits in regard to the newsletter stating the three special charges on the upcoming tax bill.
- Completed the mill rate calculations for the 2009 tax bill payable in 2010. I gave you a handout comparing the past three years of mill rates.
- Completed the re-certification of the six hours of required election training for the three chief election inspectors. This training was able to be done "in-house". One more person is interested in attending the Election Board "base-line" special training to become a chief election inspector.
- New copier has been ordered for delivery and set-up in February. It will be a color copier with stapling and collating capabilities.
- Letters have been sent to the three quarries and the three blasting companies about their 2010 renewal. They have been directed to attend the Dec. 29, 2009 Town Board meeting at 3pm.
- Met with former Clerk/Treasurer Don Gibson in regard to a number of current issues (Quarry & blasting applications, Garbage/Recycling policy, Census maps, Scott Water and Scott Sanitary District Deferred Assessments, training of election inspectors the past two years, and other minor issues. It is very helpful to have him available. He did not charge the Town for his time.
- 2010 New mileage rate is \$.50 per mile
- Letter was sent to Frank Haase in regard to completion of the voting booth project.
- Meeting in regard to County-wide Assessments tomorrow.
- Still need to do some Journal Entries for the financial reports.
- Overall mill rate is a little less than 3% increase. With the three special charges, the impact on a

\$1000000 assessment will increase \$201.85, 150000 is \$221.99, \$200000 is \$242.32

B. Cerny (Economic Development Administrator):

- Plan Commission meets next week, will be focusing on the Comprehensive Plan & Village Plan
- Land Initiative Workshop on Dec. 16 at 6pm. Tom DePas will be attending. This land initiative will affect at least three of the farmers in the Town.
- Builder/landowners calls primarily from Edgewater Beach Road, Nicolet second.

C. Brosteau (Engineer):

- Letters have been sent to 50 property owners that have the most financial impact in regard to the Storm Water Utility Special Charges. The Quarry owners also have been contacted. One quarry wants to apply for credits.
- The PASER and Highway Certification reports are being completed this week. The certified road maps for the Town now include Hickory Nut/Wery Road and Debra Ann/Deprey. The Town's mileage is now at 42.45.

7. Reports from Town Officers/Committees/Commissions:

- A. Tom DePas: Brown County Sheriff Department is now accepting and collecting unused medications Mon-Fri 8-4:30pm. This statement will be included in the Town's next newsletter.
- B. Jeff Zlatohlavek: a school bus was stuck on Champeau Road from today's snow storm.
- C. Ken: Stone Pillar road needed salt already. Snow fences are being installed. County is trying to install the culverts on Point and Lloyd.
- D. Chairman Mike Van Lanen: declared a snow emergency today through Thursday noon. Chairman Mike Van Lanen will contact former Clerk/Treasurer Don Gibson in regard to the deferred assessments that the City of Green Bay owes the New Franken Sanitary District. No map was ever created in regard to this future development.
- E. Cy: nothing to report.

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

Baylake Checking:	10,018.61
Baylake Money Market:	269,446.68
LGIP Investments:	0.00
LGIP Holding Tanks	7,800.00
LGIP Property Taxes:	0.00
LGIP Contingency Fund	50,144.51
LGIP Undesignated Fund	22,063.58
Total:	359,473.38

Vouchers #1448-1483 totaled \$29,641.25 and receipts ((including Hickory Nut Construction Loan \$114,050, Kaster Hickory Nut Assessment payoff \$22,808.99 and Shared Revenue \$46,449.53 but not including interest and not including Previous Year Tax Roll Delinquent Utilities) in the amount of **\$187,134.07** (for all accounts).

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 #1448-1483) totaling \$29,641.25. Vote: Aye-5, No-0. Carried.

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

- **Dec. 16 – at 6pm Storm Water Utility Management Committee**
- **Dec. 17– 6:00pm Plan Commission**
- **Dec. 29 – 3pm: Year-end Town Board**
- **Jan. 12 Town Board Meeting**

10. Meetings/Adjournment:

MOTION KEN JACOBS/CY VAN LAANEN to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 7:40 P.M.

John Roth, Clerk/Treasurer