

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN  
MINUTES OF March 9, 2010 TOWN BOARD MEETING

**1. Call To Order:** The March 9, 2010 Monthly Town Board Meeting was called to order at 5:30 P.M. on Tuesday, March 9, 2010 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Mike Van Lanen, Supervisor Cyril Van Laanen, Supervisor Ken Jacobs, Supervisor Tom DePas, Supervisor Jeffrey Zlatohlavek, Clerk/Treasurer John Roth, Economic Development Coordinator Dave Cerny, Town Engineer Scott Brosteau, Town Attorney Dennis Duffy, Town Constable Harvey Anderson. A Representative from Schenck, Virginia Hinz, who completed the Town's 2009 audit, was in attendance to present the 2009 audit. Three residents were present.

**2. Affidavit of Posting:**

An Affidavit stating that the notice of the Public Hearing in regard to the Special Assessments for the second coat of paving for the Wequiock Creek Estates roads 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 Clerk/Treasurer.

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

**3. Public Hearing on the Special Assessments to levy special assessments for final coat of hot mix asphalt paving on Shore Crest Trail, Scotchman Drive and Shore Crest Court for the properties owned by the Wequiock Creek Development:**

The hearing is being held in regard to levying special assessments for final coat of hot mix asphalt paving on Shore Crest Trail, Scotchman Drive and Shore Crest Court all in the Wequiock Creek Estates Subdivision. When the Developer installed the streets, the second coat of asphalt was not completed. The proposed special assessments are being imposed on the vacant lots presently owned by the Developer only. The following is the list of parcels to be assessed:

SC-2130	SC-2154
SC-2131	SC-2155
SC-2132	SC-2157
SC-2136	SC-2158
SC-2137	SC-2159
SC-2140	SC-2160
SC-2143	SC-2161
SC-2145	SC-2164
SC-2153	SC-2167
	SC-2170

Town Engineer Scott Brosteau summarized the project and itemized the bids as received for the paving of the roads. The bids also included two other Town road projects. Two bids were received. Northeast Asphalt was the low bid at \$105,867.10. The portion of the bid for the Wequiock Creek Estates paving projects came in higher than Brosteau's initial estimate (\$51.21 more per lot). The total assessment per lot is now \$3143.87.

**Public Input:**

- Jim Wadzinski, 3848 Shore Crest Trail: Asked about adjusting the sanitary sewer manhole rings as part of this project. Brosteau stated that the paving will be adjusted to the sewer manholes and that he would look into this to make sure the height of the sewer manholes are at the proper height. Wadzinski also asked about a "sunken curb", will this be adjusted? Brosteau will look into this.

Harlan Basten: asked for clarification on the assessments and who would be paying. The assessments are on the unsold lots. Brosteau explained and gave the history of the development, paving and that the second coat of asphalt was not completed. The existing houses paid for a fully developed road. Basten also asked about the assessment policy. Basten stated that the City of Green Bay withheld building permits to enforce Developers to complete road projects. Town Attorney Dennis Duffy stated that this was not legal

Jim Wadzinski: stated that the Developer had an escrow set aside for the paving of the second coat. Chairman Van Lanen stated that the Town did not receive the escrow money, the Developer must have kept it.

Chairman Van Lanen: The Town had something in writing that the Developer agreed to the second coat of asphalt (Resolution 2004-10-02) The Developer did not complete the project. The Town now has a policy in place that Developers have a Letter of Credit to guarantee to the Town that paving will be completed.

Attorney Duffy stated for the record that the Town Engineer filed a revised engineer's report on March 9, 2010 with the adjusted costs from the bid.

#### **4. Adjourn the Public Hearing:**

**MOTION JEFF ZLATOHLAVEK/KEN JACOBS** to close the Public Hearing on the Special Assessments to levy special assessments for final coat of hot mix asphalt paving on Shore Crest Trail, Scotchman Drive and Shore Crest Court for the properties owned by the Wequiock Creek Development. Vote: Aye-5, No-0. Carried.

**5. Affidavit of Posting:** The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on March 6, 2010 was presented by the Clerk.

**MOTION KEN JACOBS/CY VAN LAANEN** to accept/file the Affidavit of Posting. Vote: Aye-5. No-0. Carried.

**MOTION TOM DEPAS/KEN JACOBS** to move the Draft Storm Water Management Committee Ordinance to now. Vote: Aye-5. No-0. Carried.

**6. Draft Ordinance Storm Water Management Committee:** Attorney Duffy gave a brief history of the Storm Water Utility/Management and his intent when drafting the Ordinance regulating the Committee. He also explained the need for the creation/amendment of this section of Chapter 24 Storm Water. See draft.

His concerns are with the storm water management ordinances dealing with ponds, runoff, erosion control, etc. He stated that the person responsible for enforcement needs to have a level of expertise to carry out this job. He stated that the ordinance as written gives the Storm water utility the delegated authority to carry out this job. He feels that as of this point, with a slow economy this method should work fine until the work level grows sufficiently to require that the position be either hired or contracted for. Discussion regarding the workings of the Storm water Committee. This section is to give the Committee authority, direction and duties. The Town currently does not have a Zoning Administrator. Attorney Duffy stated that a Public Hearing is not required for this creation/amendment. There was a brief discussion of "terms" for the Committee members. The terms are three years. There are currently four members of this committee.

Duffy suggested that this item be tabled until next month when details regarding members terms can be filled in, the storm water utility will also be consulted. The Town will act on this at the April 12, 2010 Town Board meeting. The Storm Water Management Advisory Committee meets on March 17.

**MOTIO KEN JACOBS/TOM DEPAS** to table the discussion and action on the draft ordinance Storm Water Management Committee until the April Town Board meeting. Vote: Aye-5. No-0. Carried.

#### **7. Approval of Minutes of Prior Meetings:**

**A. Town Board 02/09/2010:** The above meeting minutes were presented for approval by the Town Board.

**MOTION JEFF ZLATOHLAVEK/KEN JACOBS** to approve the minutes from the Town Board meeting dated February 9, 2010 as presented. Vote: Aye-5, No-0. Carried.

#### **B. Plan Commission 02/25/2010:**

**MOTION TOM DEPAS/JEFF ZLATOHLAVEK** to approve the minutes from the Plan Commission meeting dated February 25, 2010 as presented. Vote: Aye-5, No-0. Carried.

#### **C. Storm Water Management Advisory Committee 02/03/2010:**

**MOTION TOM DEPAS/CY VAN LAANEN** to approve the minutes from the Storm Water Management Advisory Committee meeting dated February 3, 2010 as presented. Vote: Aye-5, No-0. Carried.

## 8. 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.

- A. Jim Wadzinski 3848 Shore Crest Trail. Asked where the funds are going for Storm Water Utility/Management. Town Engineer Scott Brosteau explained their budget/expenses: education, DNR MS-4 requirements, street sweeping, adopting ordinances, future pond near the Holy Cross Convent, etc. Brosteau also stated that we are applying for a grant for the pond. The Storm Water Utility has an adopted budget. Wadzinski stated that the Village of Bellevue ended up with \$4 million in the bank for storm water, does not want to see that happen in the Town of Scott. Chairman Mike Van Lanen explained the DNR's 2013 requirements of 40% reduction in solids, then hopes that storm water costs will settle down. Wadzinski also asked about water main leaks. Jeff Zlatohlavek stated that the Water Utility is looking into the leaks and repairs. Wadzinski was told that the Scott Water Utility meets April 19.

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

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

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to move the Approval of Final Resolution No. 2010-03-01 Final Resolution Authorizing Levying Of Special Assessments Against Benefited Property For Final Coat of Hot Mix Asphalt Paving On Shore Crest Trail, Scotchman Drive and Shore Crest Court All In The Wequiock Creek Estates Subdivision In The Town Of Scott, Brown County, Wisconsin to now. Vote: Aye-5, No-0. Carried.

### A. Final Resolution No. 2010-03-01 Final Resolution Authorizing Levying Of Special Assessments Against Benefited Property For Final Coat of Hot Mix Asphalt Paving On Shore Crest Trail, Scotchman Drive and Shore Crest Court All In The Wequiock Creek Estates Subdivision In The Town Of Scott, Brown County, Wisconsin.

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to approve and sign the Final Resolution No. 2010-03-01 Authorizing Levying Of Special Assessments Against Benefited Property For Final Coat of Hot Mix Asphalt Paving On Shore Crest Trail, Scotchman Drive and Shore Crest Court All In The Wequiock Creek Estates Subdivision In The Town Of Scott, Brown County, Wisconsin: each lot assessed at \$3143.87 based on the March 9, 2010 engineer's report. Roll Call Vote: DePas: yes. Zlatohlavek: yes. Jacobs: yes. Van Laanen: yes. Van Lanen: yes. Vote: Aye-5, No-0. Carried.

### B. 2009 Town of Scott Audit: Virginia Hinz of Schenck Business Solutions performed the 2009 Audit. She was present to explain the 2009 Audit Report and Management Letter.

- **Audit Report**
- **Management Letter**
- This is a "Qualified Opinion" because the Town of Scott is on a "cash basis", not a "modified accrual" basis. It is still a good opinion. The Town is working on going toward modified accrual for 2010.
- 5<sup>th</sup> paragraph "present fairly".
- P.15-17 detailed revenue and expenses of the Town. Budget to actual in revenue was close (difference was coastal management and storm water grant). Expenses: highway maintenance variation due to the Dec 2008 snow plowing paid in January 2009. If the Town was on an accrual basis the report would have shown things differently.
- P.6-7 is a summary of Page 15-17.
- P.5 is a summary of assets and liabilities. Hinz explained cash balances. \$271592 is the cash balance at the end of 2009. She explained that the Town should have 15-20% of budgeted expenses for fund balances (approximately \$220,000).
- Page 12 debt. Page 13 details the debt. She stated that the Town could pay off some of the debt with the cash balance. One of the loans is a balloon payment coming due soon. \$79735 is the Algoma Road house property, this is a balloon due this year. Hinz suggested that the Town could apply \$79,735 of the fund balance to pay this loan off.
- Legal debt limit the Town could have is \$16 million.



**F. Discussion of Per Diems:** Jacobs was not informed of a meeting in January. Cy Van Laanen did not attend a meeting in December. The consensus of the Board is that you have to be in attendance or you do not get a per diem.

**G. Road and Right-of-way issues:**

1. **Wequiock Creek Estates paving:** Discussed earlier in the meeting.
2. **Lloyd St ROW/ditches:** The ditch has not froze up, the water is running. So far the project is working.
3. **TRIP project:** Covered earlier in the agenda.

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

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

- February Tax Settlement.
- PILT Settlement
- Feb.16, 2010 election went well, four voters.
- New copier arrived and is set up.
- Completed the 2008 tax bill charge-back for delinquent personal property tax bills.
- Completed the insurance renewal for the Scott Water Utility and the Town. The Town's Property insurance went down in addition to a credit (total \$243 versus \$636). The Liability went up just over \$250 (from \$5590 to \$5854). Workers Comp. went up slightly (from \$2468 to \$2485).
- Met with Chairman to work on Newsletter (see copy)
- Met with Chairman to work on job description for the new position (see copy)
- Completed the Insurance renewal for the Town and for Scott Water.
- Responded to request for refund of tax bill special charges (see letter)
- Street light credit received (see printed page)
- Began working on the 2009 Recycling Annual Report
- Began working on the 2009 Town Annual Meeting report
- Dealt with the Census Bureau on some new construction address issues
- We will be hosting two weeks of training in April for Census leaders and Numerators.

**B. Cerny (Economic Development Administrator):**

- There is a potential request to the Plan Commission for a Conditional Use for the property located at the corner of Highway 57 and Church Road (bank owned property), possibly mini-warehouses
- The property owners at the end of Point Lane turn around may be pursuing their request for this project (reconstructing and raising the end of Point Lane).
- Comprehensive Plan update discussed earlier in the meeting.

**C. Brosteau (Engineer):**

- Storm Water Utility applying for a Grant for the Pond. Town should do a letter of support. Chairman Mike Van Lanen will need to sign it
- Northeast Region Programming Unit "Large Highway Safety Improvement Program (HSIP). We do not have anything that qualifies. We don't really have anything that has safety issues. Chairman Mike Van Lanen asked about Bertrand Lane (no cul de sac). Brosteau will look into it. Brosteau will also look into the corner of Van Lanen and Bay Settlement Road (Wequiock Falls Park) area.

**11. Reports from Town Officers/Committees/Commissions:**

- A. Chairman Mike Van Lanen: Letter from the Town's Association
- B. Supervisor Cy Van Laanen: Nothing
- C. Supervisor Ken Jacobs:
- D. Supervisor Tom DePas: Catalogue for ordering shirts. Order second week of April. Also stated that someone is interested in selling Kettle Corn. Tom to check with Leland Baenen about the popcorn. Tom also has some donations for the 150<sup>th</sup> Celebration, can we sell tickets? Tom also stated that he voted against the Knox Box resolution last month because a resolution does not have authority to be enforced and believes that this should be an ordinance.
- E. Supervisor Jeff Zlatohlavek: working on the Bay Settlement \$18,000 bill. The Town may owe this \$18,000 due to State over-runs.

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

Baylake Checking:	10,884.15
Baylake Money Market:	199,246.33
LGIP Investments:	0.00
LGIP Holding Tanks	7,800.00
LGIP Property Taxes:	0.00
LGIP Contingency Fund	50,169.04
LGIP Undesignated Fund	22,074.37
Nicolet Bank RE Tax	711,789.28 (\$148,132.82 is Storm Water)

Total: 1,001,963.17

Vouchers #1560-1572 (February Tax Settlement Checks) for \$1,137,880.29 and Vouchers #1560-1572 **totaled \$161,826.42** and receipts in the amount of **\$3569.34** (does not include interest).

Roth summarized the receipts and the expenses.

**MOTION TOM DEPAS/MIKE VAN LANEN** to approve the Clerk's and Treasurer's reports and to pay the bills (vouchers #1560-1572 (February Tax Settlement Checks) for \$1,137,880.29 and Regular March Vouchers #1573-1608 in the amount totaling \$161,826.42. Jeff: questioned the County Highway bill. It will be looked into. Vote: Aye-4, No-0. Carried.

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

- **March 25 – 6:00pm**      **Plan Commission**
- **April 6**                      **Election**
- **April 12 – 6:00pm**      **Town Board**
- **April 13 – 7:00pm**      **Annual Meeting**

**14. Meetings/Adjournment:**

**MOTION CY VAN LAANEN/JEFF ZLATOHLAVEK** to adjourn Vote: Aye-4, No-0. Carried.  
Meeting Adjourned at 7:25 P.M.

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John Roth, Clerk/Treasurer