

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF April 12, 2010 TOWN BOARD MEETING

1. Call To Order: The April 12, 2010 Monthly Town Board Meeting was called to order at 6:00 P.M. on Monday, April 12, 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 Leland Baenen. Seven residents were present.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on April 9, 2010 was presented by the Clerk.

MOTION JEFF ZLATOHLAVEK/CY VAN LAANEN to accept/file the Affidavit of Posting. Vote: Aye-5, No-0. Carried.

3. Approval of Minutes of Prior Meetings:

A. Town Board 03/09/2010: The above meeting 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 March 9, 2010 as presented. Vote: Aye-5, No-0. Carried.

B. Plan Commission 03/25/2010:
MOTION JEFF ZLATOHLAVEK/TOM DEPAS to approve the minutes from the Plan Commission meeting dated March 25, 2010 as presented. Vote: Aye-5, No-0. Carried.

C. Storm Water Management Advisory Committee 03/17/2010:
MOTION KEN JACOBS/JEFF ZLATOHLAVEK to approve the minutes from the Storm Water Management Advisory Committee meeting dated March 17, 2010 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.

A. Tony Cornelius, 5095 Scottie Court: Will speak at the agenda item A.

B. Ken Hendrickson, 4790 Kiltie Court: commented on the number of cars in front of the duplex early on Saturday morning. Also mentioned that Kurt Boulanger is concerned with the recent robberies of gas stations and his station on STH 57. Chairman Mike Van Lanen stated that we could put something on the website to warn people.

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

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

A. Complaint: noise, number of non-related people living in the two Church Road duplexes:

- This topic was opened and summarized by the Chairman.
- Chairman Mike Van Lanen stated that Tony Cornelius, 5095 Scottie Court, has made a complaint about a number of issues in regard to the two duplexes on Church Road. Cornelius was present to speak. He read his written statement (entered into the Town records) and gave a history of the problems. He stated that his intent is to take care of the issue, not to make this a police issue. He also asked that the town convert this unit back to a single family unit. Complaints are in regard to college students renting the duplexes, too many individuals living in the duplexes, too many cars parking on Church Road, cars in the ditch, beer cans and other litter, trespassing, drinking parties, noise, public urination, etc. Cornelius stated that he does not want to cause trouble. He wants the Town Board to enforce zoning on this property as a duplex, not as a party house.
- Chairman Mike Van Lanen asked Attorney Duffy about the ordinance and unrelated occupants. Duffy stated that there can be 5 unrelated persons in a residence.
- Cornelius stated that there have way more cars for only five people living in each unit.
- Tom DePas stated that Cornelius should call the police so they have a record of these complaints.
- There was some discussion as to whether the parking ordinances are being enforced. Tom DePas stated that Cornelius has not done the students any favor by not calling the Sheriff for violations.
- Sue and Mark Porth and Craig VandenHouten, the owners of the duplexes, were also present to speak about the duplexes. They read their written statement (entered into the Town records). Sue Porth stated the following: they have a significant investment in these properties, they pay high taxes, they have a history of their renters and their procedures in renting, there have never been more than five individuals in one of the duplexes, they acknowledged that they received two complaint calls from Cornelius and one from Mike Van Lanen, they have contacted the Sheriff Department about the complaints, the Sheriff Department stated that people should call the police if illegal activities are happening. The owners do not think that renting to college kids are bringing down home values.
- Cornelius stated that his neighbors have also called the Porths. Discussion of what a duplex is verses a "college

- dormitory”.
- Chairman Mike Van Lanen asked Planner Dave Cerny to look up the definition in the zoning ordinance of “duplex”.
- Ken Hendrickson: stated his concern about the parking. Chairman Van Lanen had told the college students that they could park at the “Park and Ride” off of Highway 54.
- Porth: the college students do not park in the garage. They can be told to park some cars in the garage. They are not bad kids. The Porths acknowledge that there have been two bad parties.
- Chairman Mike Van Lanen: The Town is looking for ordinance violations only. That is all the Town can legally do.
- Cornelius stated that he will call the police the next time. There have been 10-12 cars in the driveway every morning. There have to be more than five people living in each duplex. Continued Discussion of the difference between duplex and college dormitory.
- Economic Development Coordinator Dave Cerny: the zoning code definition of a duplex is two families, not more than five non-related people each side. Duplex was approved by the Town Board.
- Cornelius: how can the ordinance be changed? Duffy: they could request in writing. The Town Board would decide whether to forward this to the Plan Commission.
- Ken Jacobs asked about the students in the house on Bay Settlement Road. Mike stated that it is State owned and operates under eminent domain. There are ten students in that house.
- Jeff Zlatohlavek: asked about whether it was a Conditional Use? Does the Conditional Use stay with the property? Attorney Duffy stated that it is zoning, and the zoning stays with the property.
- Porths: stated that they had received calls from large families wanting to rent, that they have rejected these and requests for section eight housing.
- Tom DePas: stated that Cornelius should call the police, if there is trespassing.
- Rick Hecker, 5016 Scottie Court. Asked about parking regulations and why is it not enforced. He has had beer cans in his yard. He understands about kids. Chairman Mike Van Lanen stated that after 2am, citations for parking can be issued. Porths do keep the duplexes up. Parties and parking are the problem.
- Porth: the college students that live in the grey duplex are moving out soon.
- Chairman Mike Van Lanen: told Cornelius and Hecker to give the town a written complaint letter, then the Town will do a verbal warning, a written warning, then a citation. Other issues they should call the Sheriff.

B. 4713 Anapaula Court Garbage/Recycling charges: Jeff Greening, 4712 Anapaula Court and owner of the 4713 Anapaula Court property, was present at the meeting. See Town’s policy adopted in 2009. Chairman Mike Van Lanen explained that the garbage assessment was assigned to all residential units. Mike read the recent letter sent to the Town by Jeff Greening (see attached). See copies of all the correspondence. Greening is disputing the garbage/recycling charges on the above-listed property. He states that there are storage buildings on the property, the existing cottage is not in livable condition (falling apart, no water/sewer/electrical, etc). Chairman Mike Van Lanen explained about Greening moving a garage onto the property last year. Under the new zoning regulations, an accessory structure cannot be placed on a property without a primary structure, therefore either the garage is not legal or the garbage/recycling fees stay because there is a primary structure there. Greening stated that he lives across the street, that he pays the garbage/recycling charges for that property, that he does not create garbage at the place across the street. He does not want to pay for garbage collection at that property. He also stated that the garage at the corner does not pay garbage, but there is no residence there. Chairman Mike Van Lanen stated that that garage was put up before the ordinance was changed to not allow a accessory structure before a primary structure. Greening: I store things in the cottage and the garage. Mike stated that Attorney Duffy stated that the Town should not deviate from the policy. Making an exception will start a bad precedent. Many people have requested exceptions to the garbage/recycling charge. Greening: if I had the space to build a garage on his property, I would not have the one across the street. The Town Board stated that for Greening to have the accessory structure, the cottage must be considered the primary structure.

MOTION CY VAN LAANEN/MIKE VAN LANEN to keep the garbage/recycling charge on the tax roll for 4713 Anapaula Court. Vote: Aye-4, No-1. Carried.

C. Ordinance Storm Water Management Committee: Attorney Duffy explained the ordinance for the Stormwater Committee to handle appointments, functions, policies, permits the Town to delegate authority in the storm water committee. The terms for the Committee members are three years. By Duffy’s suggestion the committee members should be on staggered terms. This ordinance formally establishes their authority to enforce, monitor, policies, functions, etc. The Town Board still must oversee some of the issues. The Town Board should delegate authority to this committee what it can. Once the 2013 DNR Storm Water Regulations are met, things may relax, ease up some of the financial responsibilities in regard to the storm water special charges. This Ordinance is a creation of a subsection of Chapter 24. Clerk/Treasurer Roth asked if a Public Hearing is needed. Duffy stated that this is not necessary.

MOTION TOM DEPAS/JEFF ZLATOHLAVEK to adopt Ordinance Creating Section 24(14) of Chapter 24, Storm Water Utility of the Town of Scott Relating to the Establishment of a Storm Water Management Committee. Vote: Aye-5, No-0. Carried.

D. Reappointment of Jill Fermanich to the Storm Water Management Committee:
MOTION MIKE VAN LANEN/KEN JACOBS to reappoint Jill Fermanich to the Storm Water Management Committee for a three year term. Vote: Aye-5, No-0. Carried.

E. Reappointment of Larry Skaletski to the Scott Water Utility Board
MOTION MIKE VAN LANEN/CY VAN LAANEN to reappoint Larry Skaletski to the Scott Water Utility Board for a three year term. Vote: Aye-5, No-0. Carried.

F. Rescind award of Contract A-2010: Brosteau stated the reason for this in regard to the TRIP funding. TRIP funding is being moved by the County to 2011, so the Town cannot let the bid at this time. With this being reviewed by the State the Town cannot start the road projects until this fall. The DOT's calendar year runs from July to July so work after July 2010 is considered a 2011 project. Northeast will hold their price for 90 days. The contract can be awarded in July. The three projects will still be completed this year.
MOTION KEN JACOBS/TOM DEPAS to rescind the awarding of Contract A-2010 (all three projects).
Vote: Aye-5, No-0. Carried.

G. Bidding of 2010 road projects: Ken suggested that the Board get together and review all of the roads before the May meeting. Cy and Ken will review the roads and report back to the Board.

H. Lights at Nooyan Park: Ken: Nooyan stated that he should not have to pay for the lights at the park.
MOTION MIKE VAN LANEN/KEN JACOBS that the Town start paying for the lights at Nooyan Park.
Vote: Aye-5, No-0. Carried.

I. Update on the Town of Scott Comprehensive Plan: Cerny: The second Open House is April 15. The Plan Commission meets after the Open House. The Plan Commission and the Town Board will then start the formal approval process.

J. Operator Licenses: The Town received one application: Cindy Champeau (Road Trip Bayland Shell).
MOTION KEN JACOBS/CY VAN LAANEN to approve the Operator License application for Cindy Champeau (Road Trip Bayland Shell). Vote: Aye-5, No-0. Carried.

K. Appoint Manager of Paving projects: No action, this will be taken up once projects are back on line later in the year.

L. RESOLUTION DESIGNATING PUBLIC DEPOSITORIES AND AUTHORIZING WITHDRAWAL OF TOWN OF SCOTT MONEYS:
MOTION KEN JACOBS/CY VAN LAANEN to table this item. Vote: Aye-5, No-0. Carried.

M. Road and Right-of-way issues:

- 1. Wequiock Creek Estates paving:** Discussed already.
- 2. Lloyd St ROW/ditches:** Brosteau updated the Town Board, he distributed pictures and explained the situation. He received a request from the property owners to leave the work that they installed as is. Brosteau stated that it did work for this year, but this years snow and melting was not that bad. Discussion of the sump pump drainages. Brosteau stated that he needs to look at it more closely. If the work is going to remain as is, Chairman wants a letter eliminating the Town's liability. No action, Brosteau will field verify grades and elevations.
- 3. TRIP project:** Discussed already.

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

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

- Completed the 2009 Recycling Grant Year-end report.
- Prepared for the 2010 Annual Meeting and prepared the 2010 Annual Meeting financial reports.
- Along with the Deputy, numerous items in regard to the April 6, 2010 election. The election went well.
- Contacted General Code Company in regard to the Town's Codification project. We should have a manuscript by the end of April.
- Still getting requests to refund garbage charges.
- Nikki Goral should have a "proof" at the Annual meeting for the 150th celebration flyer.
- Seismograph has been calibrated and has been returned to the Town
- Thank you for the indoor potted plant for my mom's funeral. My wife Shelly was able to replant these into individual plants for our home.

- Re-taking a class at NWTC (Accounting for Government and Non-profit Entities) in preparation for trying to

B. Cerny (Economic Development Administrator):

- Comprehensive Plan is being reviewed by the Plan Commission on Thursday.
- Warehouse proposal for the northeast corner of STH 57 & Church Road will be coming forward.
- Calls have increased recently for home improvements and additions.

C. Brosteau (Engineer):

- Nothing else to report

11. Reports from Town Officers/Committees/Commissions:

- A. Chairman Mike Van Lanen: 150th Celebration meeting next week. Nikki Gorall will have a proof for the poster. Frank Lemieux called with concerns on Hafemen Road ditch drainage, Chairman asked to have Cy and Ken look at the ditch during their road inspections. Chairman will also call the County on some issues with gravel in the ditches.
- B. Supervisor Cy Van Laanen: Received a call from a resident interested in selling their property to the Town. Property located on the south side of Wequioc Creek, east side of Nicolet Drive.
- C. Supervisor Ken Jacobs: Letter Point Lane stuff, Mike also looked at this, they are removing the items.
- D. Supervisor Tom DePas: complaints about junk in the ditches, Tom will take care of it. Shirts for the 150th Celebration.
- E. Supervisor Jeff Zlatohlavek: Discussed the \$18,000 Bay Settlement road bill. The Town will owe this.

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

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|------------------------|------------------------------------------|
| Baylake Checking: | 12,270.88 |
| Baylake Money Market: | 199,435.48 |
| LGIP Investments: | 0.00 |
| LGIP Holding Tanks | 7,800.00 |
| LGIP Property Taxes: | 0.00 |
| LGIP Contingency Fund | 50,177.79 |
| LGIP Undesignated Fund | 22,078.22 |
| Nicolet Bank RE Tax | 682,114.04 (\$149,401.82 is Storm Water) |
| Total: | 973,876.41 |

Vouchers #1609-1659 **totaled \$59,547.77** and receipts in the amount of **\$30,058.84**. 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 #1609-1659 in the amount totaling \$59,547.77. Vote: Aye-5, No-0. Carried.

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

- **April 15 – 6:00pm Plan Commission**
- **April 20 – 5:00pm 150th Celebration meeting at Royal Scot Golf Course**
- **April 20 – 7:00pm Fire Department meeting**
- **April 21 – 5:00pm Storm Water Management Advisory Committee**
- **May 11 – 6:00pm Town Board**
- **May 11 - 9-11 am Open Book**
- **May 18 – 4-6pm Board of Review**

14. Meetings/Adjournment:

MOTION KEN JACOBS/CY VAN LAANEN to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 8:00 P.M.

John Roth, Clerk/Treasurer