

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN  
MINUTES OF May 11, 2010 TOWN BOARD MEETING

**1. Call To Order:** The May 11, 2010 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, May 11, 2010 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Mike Van Lanen, Supervisor Cyril Van Laanen, Supervisor Ken Jacobs, Supervisor Jeffrey Zlatohlavek, Supervisor Colleen Harris, Clerk/Treasurer John Roth, Economic Development Coordinator Dave Cerny, Town Engineer Scott Brosteau, Town Constable Harvey Anderson. Two residents were present.

**2. Affidavit of Posting:** The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on May 6, 2010 was presented by the Clerk. The revised agenda was posted on May 10, 2010.

**MOTION KEN JACOBS/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 04/12/2010:** The above meeting minutes were presented for approval by the Town Board. **MOTION JEFF ZLATOHLAVEK/CY VAN LAANEN** to approve the minutes from the Town Board meeting dated April 12, 2010 as corrected: page two “Ken Jacobs asked about the students living in the house on ~~Van Lanen~~ **Bay Settlement** Road” (old language struck through, new language bold and underlined). Vote: Aye-5, No-0. Carried.

**B. Annual Meeting draft 04/13/2010:** The above meeting minutes were presented for approval by the Town Board. **MOTION KEN JACOBS/MIKE VAN LANEN** to enter into the record the corrected draft minutes from the Annual Meeting dated April 13, 2010 as corrected (page three “Grove Road” should be “Web Road). Vote: Aye-5, No-0. Carried.

**C. Town Board 04/19/2010:** The above meeting minutes were presented for approval by the Town Board. **MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN** to approve the minutes from the Town Board meeting dated April 19, 2010 as corrected: the votes for all three motions should be “Aye-4, No-0”. Vote: Aye-5, No-0. Carried.

**D. Plan Commission 04/15/2010:** **MOTION JEFF ZLATOHLAVEK/CY VAN LAANEN** to approve the minutes from the Plan Commission meeting dated April 15, 2010 as presented. Vote: Aye-5, No-0. Carried.

**E. Storm Water Management Advisory Committee 04/21/2010:** **MOTION KEN JACOBS/CY VAN LAANEN** to approve the minutes from the Storm Water Management Advisory Committee meeting dated April 21, 2010 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.

**MOTION CY VAN LAANEN/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. 2010-2011 Alcohol Beverage License Applications:** Roth reported that all applications have been received and published. All personal property taxes have been paid and there have been no reports of unpaid liquor bills for the following applicants. Licenses will be held if the State of Wisconsin Department of Revenue states that the owners have outstanding taxes/liquor bills due to the State or due to wholesalers.

• **Alcohol Beverage Licenses**

	Class A Beer/Liquor:	
Bay BP LLC	Kurt Boulanger	4127 Champion Road
Bayland Shell LLC	Gloria Noel Agent	3987 Algoma Road
	Class B Beer/Liquor:	
LTJ Limited (Royal Scot Golf)	Larry Rand	4831 Church Road
S&S Ridgeview Bar	Steve Erieau	4830 Nicolet Drive
Club Chalet Inc.	Sara Melotte	4642 Nicolet Drive
Jamaloven Inc (The Bluff)	Mary Lou Van Deusen	2638 Bay Settlement
Victoria's	Crescensio Victoria	2610 Bay Settlement Road
The Settlement	Charles Bouche	3254 Bay Settlement Road
Oak Ridge Bar & Food	Deborah Gerondale	4901 Sunset Bluff Drive

**MOTION KEN JACOBS/CY VAN LAANEN** to approve/issue the following alcohol beverage licenses:

Class A Beer/Liquor:

Bay BP LLC	Kurt Boulanger	4127 Champion Road
Bayland Shell LLC	Gloria Noel	3987 Algoma Road

Class B Beer/Liquor:

LTJ Limited (Royal Scot Golf)	Larry Rand	4831 Church Road
S&S Ridgeview Bar	Steve Eriean	4830 Nicolet Drive
Club Chalet Inc.	Sara Melotte	4642 Nicolet Drive
Jamaloven Inc (The Bluff)	Mary Lou Van Deusen	2638 Bay Settlement
Victoria's	Crescensio Victoria	2610 Bay Settlement Road
The Settlement	Charles Bouche	3254 Bay Settlement Road
Oak Ridge Bar & Food	Deborah Gerondale	4901 Sunset Bluff Drive

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

- **Cigarette Licenses:** The following Cigarette License applications were received:

Bay BP LLC	Kurt Boulanger	4127 Champion Road
Bayland Shell LLC	Gloria Noel	3987 Algoma Road
LTJ Limited (Royal Scot Golf)	Larry Rand	4831 Church Road

**MOTION JEFF ZLATOHLAVEK/CY VAN LAANEN** to approve/issue the following Cigarette license applications:

Bay BP LLC	Kurt Boulanger	4127 Champion Road
Bayland Shell LLC	Jerry Wick Agent	3987 Algoma Road
LTJ Limited (Royal Scot Golf)	Larry Rand	4831 Church Road

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

- B. Operator Licenses:** The Town received numerous applications:

Tracey, Amanda	(Bayland Shell)
Gorst, Ashley	(Royal Scot Golf Course)
Nichols, Thomas	(Royal Scot Golf Course)
Rand, Joy	(Royal Scot Golf Course)
Rand, Marcus	(Royal Scot Golf Course)
Winn, Webster	(Royal Scot Golf Course)

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to approve and issue the above stated Operator license applications. Vote: Aye-5, No-0. Carried.

- C. Application for work in right-of-way: Nick Brylla, 3136 Inverness Lane:** Town Engineer Scott Brosteau explained this issue (see application). Brylla was present at the meeting. Brosteau explained the Town's requirements. Brosteau needs to shoot grades. There is not much room to place a culvert because of the shallow depth of the ditch. Nick Brylla explained his intent and that he was hoping to fill the ditch to the neighbors drive both for aesthetic reasons and to be neighborly. Brylla also wants to use the black PVC piping instead. Discussion pursued regarding pipe sizes, filling options and future work to the existing retaining wall.

**MOTION JEFF ZLATOHLAVEK/KEN JACOBS** to TABLE until the next month the application for work in the right-of-way for Nick Brylla, 3136 Inverness Lane. Vote: Aye-5, No-0. Carried.

- D. Point Lane – Holz Site street improvements:** Town Engineer Scott Brosteau explained this issue. The property owner consulting with the DNR to see if they can qualify for flood-proof basement. No action should be taken until the Town has been notified by property owner to put back on agenda.

**MOTION KEN JACOBS/CY VAN LAANEN** to TABLE the Point Lane – Holz Site street improvements. Vote: Aye-5, No-0. Carried.

- E. Complaint in regard to house on Van Lanen Road:** A written complaint was received by the Town. Clerk/Treasurer Roth took pictures and showed them to the Town Board. Chairman Van Lanen read the complaint letter. The owner does stay in the house periodically. Chairman Mike Van Lanen read the statement from Town Building Inspector Dale Fidler, who did a site inspection itemizing the visible problems (as observed). Van Lanen also contacted Brown County Health Department. They stated that they can take action if there is no water and if there is no heat between Nov-April. The Uniform Dwelling Code standards do not apply in regard to this situation because the house was constructed before the

UDC standards were adopted. Attorney Duffy is also looking into this complaint. Economic Development Coordinator/Planner Cerny is looking into the Town's Nuisance Ordinance as a possibility for enforcement. Cerny stated that the nuisance ordinance deals more with issues in the yard, not the condition of the structure. The nuisance ordinance would be weak in regard to a structure being declared a nuisance. Van Lanen agreed that the nuisance ordinance is weak. The Town needs a "blight" ordinance to deal with dilapidated structures. It is apparent that at this time there is nothing that the Town can legally do in regard to this complaint. The Plan Commission needs to look at "blight" ordinance.

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

Ken Hendrickson, 4790 Kiltie Court: recommended that the Town check with the various County departments to see about their ordinances, maybe even Shoreland issues, as this property is located so close to Wequiock Creek. Maybe the County could purchase this and extend the Park. Chairman Van Lanen will be talking to Brown County Parks Doug Hartman about what they can do. Discussion pursued regarding condemnation and who has power over condemnation.

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

**MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK** to have the Plan Commission review the nuisance ordinance and discuss the "blight" issues in the Town (dilapidated structures, long grass/weeds, etc). Discussion: Cerny mentioned that the Plan Commission will not be meeting this month but will be able to discuss in June. Vote: Aye-5, No-0. Carried.

**F. Well at the end of Lloyd Street.**

**MOTION KEN JACOBS/CY VAN LAANEN** that the Town take care of abandoning/closing the well at the end of Lloyd Street per DNR standards. Vote e: Aye-5, No-0. Carried.

**MOTION MIKE VAN LANEN/COLLEEN HARRIS** to put Supervisor Ken Jacobs in charge of this project, if the project cost is over \$5000 the Town will need to secure three bids per State Statutes. Vote: Aye-5, No-0. Carried.

**G. Staggered terms for Storm Water Management committee.** This was suggested by Attorney Duffy

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to stagger the Storm Water Management Committee terms as follows:

Martin W. Holden three year term retro-active to April 12, 2010

Steve VanLaanen two year term retro-active to April 12, 2010

Daniel Spielmann one year term retro-active to April 12, 2010

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

**H. Bank Deposit Resolution:** This is required per Wisconsin State Statutes. The Wisconsin Towns Association sent the Town a simplified resolution. According to the Wisconsin Towns Association, this needs to be done each time funds are deposited into a different financial institution. Chairman Van Lanen read the Resolution.

**MOTION KEN JACOBS/CY VAN LAANEN** to approve and sign the Bank Deposit Resolution 2010-05-01 as presented. Roll call vote: Mike Van Lanen: yes, Cy Van Laanen: yes, Ken Jacobs: yes, Jeff Zlatohlavek: yes, Colleen Harris: yes. Carried.

**I. Water Utility audit and Sanitary District audits:** All but Royal Scot Sanitary District has submitted their audits. A letter was sent today to remind them to submit a copy to the Town.

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to accept and file the 2009 Scott Water Utility Audit, the 2009 Scott Sanitary District Audit, the 2009 Bayshore Sanitary District Audit and the 2009 New Franken Sanitary District financial statement as submitted. Vote: Aye-5, No-0. Carried.

**J. 2009 Carry-over funds:** The Town's 2008-2009 fund balance is as follows:

2008 Contingency Fund: \$ 50,186.29

2008 Undesignated Fund: \$ 22,081.96

2009 Carryover: \$199,607.60

Total Fund Balance: \$271,875.85

The Town will need the following non-budgeted expenses:	<u>Amount</u>	<u>Balance</u>
150 <sup>th</sup> Celebration (2008 Annual Meeting declaration)	\$ 5,000	\$266,875.85
New Fire Truck (won't need to borrow)	\$60,000	\$206,875.85
Workhorse Software (2010 Annual Meeting)	\$16,000	\$190,875.85
Bay Settlement Road Bill (from 2007-2008)	\$18,000	\$172,875.85
2010 ADDITIONAL ROAD/DRAINAGE PROJ.	???????	

The Auditor stated that the Town should have 15-25% of budgeted expenses in reserve. The 2010 budgeted expenses are \$1,212,025 (not including Storm Water). 15% of \$1,212,025 is \$181,803.75. 25% is \$303,006.25.

Road Budget	<u>Budgeted</u>
Budgeted for Crack Filling	4,000
Budgeted for Surfacing	2,000
Budgeted for Shouldering	10,000
Budgeted for Drainage	4,500
Budgeted for Painting Lines	5,000
Budgeted for Major Projects	100,000
Total	125,500

2010 Road Projects	<u>Cost</u>
Drainage Lloyd St	?????
Drainage Edgewater Beach/Hafeman	?????
Jody Drive	19,802
Champeau Rd	47,758 TRIP will pay \$13,927, Town's responsibility is \$33,831
Proposed Chip Sealing/patching approximately	70,000
Total	137,560 (plus drainage projects if decided)

Wequiock Creek Estates Roads 59,149 DEVELOPER WILL PAY ON TAX ROLL TOWN WILL NEED TO "FRONT" THE MONEY

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to move this item to "after K". Vote: Aye-5, No-0. Carried.

**K. Road and right-of-way issues:**

- 1. Wequiock Creek Estates paving:** Town Engineer Scott Brosteau updated the Town Board concerning this. Award of contract will be delayed until July or August.
- 2. Lloyd St ROW/ditch issue:** Town Engineer Scott Brosteau updated the Town Board concerning this. One of the property owners (Tilkens) called Brosteau. They have a new plan which Brosteau explained. The landowners are considering constructing their own private drain system along the 3 properties, but outside of the ROW. Supervisor Ken Jacobs asked if the water is draining fine now. Brosteau stated that it is. Jacobs supports whatever Brosteau is OK with. The property owners must complete this project by Aug. 1. Brosteau will send them a letter.

**MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK** to require the Lloyd Street property owners to complete the ROW/ditching issue by August 1, 2010 per approval by the Town Engineer, if not, the Town will hire someone to restore the ditch and charge the property owners, Town Engineer Scot Brosteau to write a letter to the property owners. Vote: Aye-5, No-0. Carried.

- 3. Inverness ditching issue:** Town Engineer Scott Brosteau updated the Town Board concerning this. This is actually Carnoustie Way. This was brought to the Storm Water Utility. Chairman Van Lanen and Brosteau have done a site visit. A property owner filled in the ditch. A Bank owns the property now (possibly in foreclosure.). This issue needs to be corrected, to clean the ditch out and place the cost on the property tax roll. Finnel could

do the work. The bank should be informed. The Town will write a letter to the bank.

**MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK** to write a letter to the Carnoustie Way property owner stating that the ditch needs to be fixed/cleaned out within 30 days, or the Town will do the work and charge the property owner, to send the letter Certified, the Town requests their response immediately. Vote: Aye-5, No-0. Carried.

4. **TRIP project:** Town Engineer Scott Brosteau updated the Town Board concerning this. He is waiting for the County paperwork (sometime in July). Brosteau also discussed two other possibly grant applications for Bay Settlement road, the TIP program from the County (May 21) and the DOT program for STP-Urban (June 14). Brosteau will apply.
5. **Road damage in the vicinity of 4889 Edgewater Beach Road:** Town Engineer Scott Brosteau updated the Town Board concerning this. Clerk/Treasurer Roth also provided pictures of this. Supervisor Ken Jacobs talked to the contractor who is building the house. The contractor stated that they will take care of the road repair when the house is completed.

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to not grant occupancy/final inspection for the 4889 Edgewater Beach home construction until the contractor completes the repair of the damaged portion of Edgewater Beach Road, the Town will send a letter to the contractor. Discussion pursued regarding the concept of requiring a property owners to be responsible for road damage during construction. Vote: Aye-5, No-0. Carried.

6. **2010 Road bid specifications and notice:** A specific list was provided to the Town Board. See document. Chairman Van Lanen stated that the bids needed to list the specifications (including sweeping) and so others can bid. There was discussion of the need for “sweeping” of the chip sealing. The Town can hire the County for sweeping the intersections.

**MOTION KEN JACOBS/MIKE VAN LANEN** to publish and post the revised 2010 Road bid specifications as amended for public bid opening for the June 8 Town Board meeting. Vote: Aye-5, No-0. Carried.

Continued discussion of the Carryover/fund balances and potential drainage/road projects: The following projects were discussed: Hafeman ditch/drainage, Edgewater ditch/drainage, Edgewater ditch/drainage.

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to move the \$5000 from the carryover/fund balances for the 150<sup>th</sup> Celebration (per 2008 Annual Meeting) into the 150<sup>th</sup> Celebration checking account, the remaining fund balance designation to be decided at the June meeting. Vote: Aye-5, No-0. Carried.

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

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

- 2010-2011 Alcohol Beverage License mailing, applications, processing.
- Quarterly payroll reports.
- Opened up separate bank accounts for Storm Water Utility. For this year this is how we are keeping track of their revenue and expenses.
- Contacted General Code Company in regard to the Town’s Codification project. The Town received the manuscript of the code. We all need to review the manuscript and then hold meetings for review.
- Preparation for Board of Review. Open Book today. No forms filled out.
- Created a written policy in regard to blasting
- Updated the 2010 building permit report file and faxed the January-April 2010 monthly reports to the Chamber.
- I want to pay some of the yearly loan payments a few months early, since we have the money in the bank.
- The December 2009 snow removal did not qualify for FEMA, not enough costs.
- 150<sup>th</sup> Band and play house power needs. Flyers are ready.
- Closing of the Town’s well.

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

- Mini-warehouse request is a dead issue, property was purchased by unknown person.
- Daanen and Janssen was bought out by Northeast Asphalt. Daanen still has quarrying rights. The “spite” strip will not be an issue for the Town anymore, NEA stated that they will take care of it. Quarrying permits will need to be looked at.
- State: changes in the Comprehensive Plan regulations.
- There is a request for a Cell tower replacement (180 foot) at the corner of Van Lanen and the highway

- Plan Commission will not meet in May

**C. Brosteau (Engineer):**

- Scotland Meadows Paving: Scott stated that the developer is willing to wait until the end of summer. Scott does not see a problem since the road money has the money in bond. By consensus the Board agrees to wait until September. Board also questioned about the landscaping that was to be done along the front of the development Dave Cerny and Scott Brosteau will follow up on this and report back to the board at next meeting.
- The board asked engineer’s opinion on the Town’s Municipal well. Harold DeMoulin recently retired and the utility is in need of a certified person in both the system and the ground water well. Larry from the utility board took both test but not sure how he did. If the well is abandoned the ground water well part of the test is not needed. There is also a testing cost to maintain the well. Also the town presently has one Green Bay connection and the well. The question is what is the comfort level as far as redundancy for the water system.
- Blasting: Town of Ledgeview wants to use our Seismograph and Operator. \$20 per hour for the seismograph, he would not talk to property owners

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

A. Chairman Mike Van Lanen:

- Deb Corriveau complained about the property at 4019 Buckeye Way property not cutting the grass. The Town should hire someone to cut, and bill them.
- Letter from Tom DePas: resigning from cleaning the Town Hall effective May 31, 2010.

B. Supervisor Cy Van Laanen: Nothing

C. Supervisor Ken Jacobs: road issue on Sunburst & Pinnacle; street signs have been ordered; Volks landing portapotty will be ordered.

D. Supervisor Jeff Zlatohlavek: Nothing

E. Supervisor Colleen Harris: Nothing

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

Baylake Checking:	10,390.36
Baylake Money Market:	199,607.60
LGIP Investments:	0.00
LGIP Holding Tanks	7,800.00
LGIP Property Taxes:	0.00
LGIP Contingency Fund	50,186.29
LGIP Undesignated Fund	22,081.96
Nicolet Bank RE Tax	524,636.13
Total:	814,702.34

Vouchers #1660-1686 **totalled \$40,164.57** and receipts in the amount of **\$18,284.05**. 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 #1660-1686 in the amount totaling \$40,164.57. Vote: Aye-5, No-0. Carried.

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

- **May 18 – 4-6pm Board of Review.**
- **Plan Commission – Cancelled due to lack of an Agenda**
- **June 1 – 5:00pm 150<sup>th</sup> Celebration meeting at Royal Scot Golf Course**
- **June 8 – 6:00pm Town Board**

**10. Meetings/Adjournment:**

**MOTION CY VAN LAANEN/MIKE VAN LANEN** to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 8:30 P.M.

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John Roth, Clerk/Treasurer