

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF July 13, 2010 TOWN BOARD MEETING

1. Call To Order: The July 13 2010 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, July 13, 2010 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Mike Van Lanen, Supervisor Ken Jacobs, Supervisor Cyril Van Laanen, Supervisor Jeffrey Zlatohlavek, Supervisor Colleen Harris, Clerk/Treasurer John Roth, Economic Development Coordinator Dave Cerny, Town Engineer Scott Brosteau, Town Constable Harvey Anderson. Thirteen other people were present.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on July 9, 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.

3. Approval of Minutes of Prior Meetings:

A. Town Board 06/08/2010: 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 June 8, 2010 as corrected: Minor typo on the top of page two. Vote: Aye-5, No-0. Carried.

B. Town Board 06/29/2010: 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 June 29, 2010 as corrected: Move “spite strip” discussion to item #3. Vote: Aye-5, No-0. Carried.

C. Plan Commission did not meet in June.

D. Storm Water Management Advisory Committee 06/15/2010:

MOTION KEN JACOBS/CY VAN LAANEN to approve the minutes from the Storm Water Management Advisory Committee meeting dated June 15, 2010 as corrected: two “typos”. 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.

- Mr. Ed Janz, 735 Amhart Rd, DePere: candidate for Brown County Sheriff, made a brief presentation. Campaign issues: Not currently with the Sheriff Department, streamline management, combine services, be approachable, provide an outsider’s objective opinion for change, 32 years in law enforcement. Chairman Mike Van Lanen asked about level of protection, as there are times when there is no officer in the Town of Scott area.
- Matthew Jadin, 2961 Bay Settlement Road, working toward becoming an Eagle Scout, for his project he wants to build a fence around the old cemetery at the Holy Cross Cemetery. He will be working on this August 6-7, labor by scouts and other volunteers. He has a list of those buried in this cemetery.
- Jerrod Valley, 2436 Edmund Road: Irritated with the outward appearance of two homes in his area, both properties are being foreclosed on, the properties are not being kept up (keeping lawn cut, a swimming pool removed exposed gas pipe/weeds, etc). He asked if the Town had a policy on upkeep of properties. The Town sent a letter to one of the property owners in regard to long grass. Chairman Mike Van Lanen explained the Town policy in regard to long grass and is asking for a written complaint. Clerk/Treasurer Roth will resend the long grass/weed letter certified.
- Mr./Mrs. Flavion, 2570 Edmond Road: Discussed his sewer backup issue. CenturyTel hired Holter Brothers to dig and install a line for them. Holter brothers hit the sewer lateral and the sewage backed up into Flavion’s basement. Flavion asked who is liable, and stated that he should not be responsible for the damage. Chairman Mike Van Lanen stated that the Flavions should be contacting Scott Sewer District as the Sanitary Districts are independent of the Town. Van Lanen stated that the Town Attorney has been contacted. Holter Brothers did contact Diggers Hotline to have the utilities marked. Royal Scott Sanitary District was contacted (they marked the force-main, but the lateral is not theirs), but Scott Sewer is not a member of Diggers Hotline. The Town Board members stated that it is not a requirement to be a member of Diggers Hotline. Supervisor Jeff Zlatohlavek stated that it is the contractor’s responsibility to have all items marked. Chairman Mike Van Lanen stated that this issue/complaint is not the Town’s responsibility. Flavion stated that they have \$7000-8000 damage, that they have a \$500 deductible insurance policy and maximum coverage of \$5000 and that his rates will go up if their insurance would pay, they do not want to jeopardize their insurance. Chairman Mike Van Lanen asked if they talked to Mel Deprey (Chairman of the Scott Sanitary District). Flavions stated that they will sue everyone (CenturyTel, Holter Brothers, Scott Sanitary District, Town of Scott). Town Engineer Scott Brosteau stated that CenturyTel should have had a right-of-way permit. Flavions asked why their insurance has not been responded to by the Town. Mike Van Lanen stated that he will have Town Attorney Duffy respond to the insurance company and to the property owner. The Diggers Hotline issue is on tonight’s agenda. Flavions also asked if the town could establish a 24 hour emergency line to handle these types of situations.
- Jeff Tilkins, 3919 Lloyd Street: asked about what is going to happen with the ditch work/drainage issue. Town Engineer Scott Brosteau explained that he sent a letter to Tilkins. Brosteau explained the letter. Tilkins again explained their situation. Tilkins explained the problem with the lack of elevation between his house and the

neighbors and his concern with water problems in the winter. Discussion of grades. Discussion of previous meeting with Tilkins, Town Chairman Mike Van Lanen and Town Engineer Scott Brosteau. Brosteau stated that Tilkins could apply for a Conditional Use permit to allow him to do what he wants to do. Culverts in this area may not have been placed properly. Chairman Mike Van Lanen stated that the ditches were in place over 40 years ago, and that the ditches are working. Discussion of sump pump drainage in this area. Brosteau stated that he can shoot the grades to see if a culvert is placed too low. Mike stated that the water is flowing fine, that Tilkins should call him this winter if the water backs up, and that the ditch was cleaned out some time in the last 1-2 year. Chairman Mike Van Lanen stated that Tilkins has until Aug. 1 to restore the ditch. Discussion of other drainage issues in that area. Brosteau will talk to the County about this. Town Board will have to review a Conditional Use. Brosteau will work with him on this.

MOTION KEN JACOBS/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. Attorney opinion in regard to Water Utility Board Issues: Town Attorney provided a written opinion which was read by Van Lanen. Chairman Mike Van Lanen explained the situation (Harold DeMoulin retired, Larry Skaletski hired to replace DeMoulin, but Skaletski is also on the Water Board: is this a legal problem?). Duffy's letter states that there is no Statutory exception for this situation: Skaletski needs to resign from the Board or resign from being an employee for the district. Skaletski was present at the meeting, and stated that he did not see a conflict of interest. He sees an advantage for being on the Board and being the maintenance worker. Chairman Mike Van Lanen stated that Mel Deprey asked the Town Board to make an exception. Van Lanen stated that in his opinion the Town should not risk the conflict of interest. The Water and Sewer Board did not have a problem with Skaletski doing both. Mike Van Lanen is concerned about the liability for the Town by allowing this now that we have an opinion from the Town Attorney. Mike does not want to have Skaletski off the Board. Mike asked the Board members their opinion. Ken Jacobs did not have a problem with this. Cy Van Laanen does not want to create a controversy in regard to this issue. Colleen Harris stated what the Statutes say. Mike Van Lanen, Jeff Zlatohlavek and Colleen Harris do not want to go against what the State Statutes say. Skaletski could still attend meetings and give opinion to their Board. The Town has been fortunate to have the expertise of DeMoulin and Bertrand, but they need a full time person. Skaletski asked who is responsible to hire, the Town or Water Utility. It was the consensus of the Town Board to follow State Statutes and Attorney Duffy's opinion that Skaletski cannot serve on the Water Utility Board and be a hired maintenance worker, that he will need to resign from one of the positions, that the Town can give Skaletski one month for a decision and for the Town to be patient in the replacement of either position.

B. Diggers Hot Line for the Town: Duffy and Roth have looked into this. Royal Scott Sanitary District is the only district that currently is a member of Diggers Hotline. Chairman Mike Van Lanen read the Town Attorney's opinion. The Town needs to join Digger's Hotline. The Town would take the calls here. The Town would then contact the proper Sanitary District for locates. It would then be the sanitary districts' responsibility to do their own locates. Roth stated the costs: \$100 one time membership fee and \$1.74 per locate request. There was some concern and discussion as to the liability. Chairman Van Lanen wants the Board to make a decision. In the past there was some discrepancy over the cost of being in Digger's Hotline. Colleen Harris asked if we have decent mapping for the districts? Dave Cerny stated that we do.

MOTION KEN JACOBS/MIKE VAN LANEN that the Town to join Diggers Hotline. Discussion: How to clear up the details and how the Town will handle the agreements between the Town the Sanitary Districts and the Water Utility. The Town will meet with Attorney Duffy in regard to the logistics, the responsibility, liability and fees. Vote: Aye-5, No-0. Carried.

C. Disposition of the Town's Municipal Well: Jeff Zlatohlavek attended the Water Utility meeting and read a portion of the minutes from their June 2010 meeting. The well has not been used since the Water Utility District hooked up to City water. There are issues and costs in maintaining the well. The Water Utility had some discussion as to who has the authority and the responsibility to close the well. Brosteau stated that Deprey stated that the Utility has the responsibility for operations, including the well. Chairman Van Lanen will discuss this with Attorney Duffy. Colleen Harris stated that options/issues need to be looked into in regard to this.

MOTION MIKE VAN LANEN/CY VAN LAANEN to get legal clarification from Duffy and to bring back in for the August meeting, results will also be shared with the Water Utility. Vote: Aye-5, No-0. Carried.

D. Holy Cross Church Picnic Temporary Class B Picnic License for September 11, 2010.

MOTION KEN JACOBS/CY VAN LAANEN to approve the Temporary Class B Picnic Alcohol Beverage License for Holy Cross Church activity for September 11, 2010. Vote: Aye-5, No-0. Carried.

- E. Per diems for Ad-hoc Committee Sanitary Districts Feasibility:** Should the Town pay a per diem for each member of the Committee (including the Sanitary District and Water Utility representatives)? The Committee met in June and will meet again in August. Jeff Zlatohlavek is hoping to complete the study in 5-6 meetings.

MOTION CY VAN LAANEN/KEN JACOBS to pay a per diem for all members of the Ad-hoc Committee Sanitary Districts Feasibility Study. Vote: Aye-4, No-0 (Jeff Zlatohlavek abstained). Carried.

- F. Reprinting of Town of Scott history book: Mike:** After the 150th Celebration Day, approximately fifteen people asked if the Town could reprint the Town of Scott history book. Is the Town Board interested in doing this? Copyright issue would be OK. Ken Jacobs stated that we should find out the cost. Chairman Mike Van Lanen stated that he will look into this. Former Clerk/Treasurer Don Gibson is working on a printed version of his speech.

- G. Update of Town Code project – July 27 meeting with Code people:** Roth updated the Board on this. Meet at 3:30pm.

- H. Update of the Well at the end of Lloyd Street:** Ken Jacobs stated that this project is done. The paperwork needs to be filed with the State.

- I. Award of Contract A-2010, Road Resurfacing to NE Asphalt for \$105,867.10:** The project was bid out earlier this spring, the TRIP paperwork is now here. This dollar amount is the same cost as before. The projects include a portion of Champeau Rd, Jody Drive and Wequiock Creek. \$13927.18 is TRIP money. The Wequiock Creek paving cost will be placed on the tax roll as a special charge to the properties still owned by the Developer so the Town is reimbursed, as this is not a Town expense.

MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK to award Contract A-2010, Road Resurfacing to NE Asphalt for \$105,867.10: the project includes a portion of Champeau Rd, Jody Drive and Wequiock Creek, the project includes \$13,927 of TRIP money, the Wequiock Creek paving cost to be placed on the tax roll as a special charge to the properties still owned by the Developer. Discussion: Chairman Mike Van Lanen explained the projects, the grant money and the Wequiock Creek paving (second layer of asphalt) and Wequiock Creek special assessments for the vacant lots owned by the Developer for the paving costs. Vote: Aye-5, No-0. Carried.

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

- 1. Wequiock Creek Estates paving:** Discussed previously
- 2. Lloyd St ROW/ditch issue:** Discussed previously.
- 3. Other drainage/ditch issues:** Hafeman Road and Edgewater Beach. Brosteau updated the Town Board. Ken Jacobs also mentioned a drainage/ditching complaint on Van Laanen Road near Bay Heights (poor drainage/cat tails). Brosteau to shoot grades. Should the Town place rip-rap in the ditch on Van Lanen Road? Inverness ditching issue: Brosteau will call the property owner
- 4. TRIP project:** Discussed previously.
- 5. Road damage in the vicinity of 4889 Edgewater Beach Road:** Roth also talked to the contractor about this, and he stated that he would take care of this. He also stated that he wants other issues to be treated the same way. The Town does not know how the other part of Edgewater Beach was damaged.
- 6. Drainage pond at the end of Edmund:** Chairman Van Lanen gave the history of the problem in this area. Mike thinks that the water is draining. This has been a very wet year. Should the Town clean up the ponds? No action.

- 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 Licenses issued
- Address list “tied” to parcel number project completed, copy is at Board table
- Continue working on the Town’s Codification project.
- Workers Comp. Audit was a lot of work, but I was able to save the Water Utility \$392 and the Town \$766
- Working on fund balances and loan payoffs.
- 150th Celebration: needed to transfer an additional \$471.25 to cover expenses. We will come very close to “breaking even” if we sell the remaining hats and shirts. Royal Scot donated the additional tent. We are selling a few more hats and shirts. Most of the prizes have been picked up. Debbie hand-wrote and sent off the thank-you letters to the businesses and people who gave donations for the door prizes.

- Site visits to various places and issues.
- Billed and we received \$20,000 of past year's Storm Water expense reimbursement (was in the \$40,000's)
- Completed the 2nd quarter payroll quarterly reports
- Learning some interesting things this week at the Clerk/Treasurer's Institute in Green Bay this week. I can do a full report next month.

B. Cerny (Economic Development Administrator):

- Will be attending WLI meeting in Wrightstown
- Plan Commission will be acting on Comprehensive Plan, Plan will be forwarded to the Town Board next month.

C. Brosteau (Engineer):

- Who is going to be the contact manager for the NE paving project? Ken Jacobs will.

11. Reports from Town Officers/Committees/Commissions:

A. Chairman Mike Van Lanen:

- Edgewater Beach Road issues
- Building permit issues
- Ritter forum meeting July 27 at 7am.

B. Supervisor Cy Van Laanen: horse manure on the road, taken care of.

C. Supervisor Ken Jacobs:

- New street signs have been placed
- Vision corner problem at New Franken and Caledonia.
- Grass & other things at 4149 Nicolet Rd. He called the County, it is their right-of-way.
- Building permit issue on Bay Settlement Road.

D. Supervisor Jeff Zlatohlavek: Fund balance carryover still needs to be dealt with. Parking lot still needs to be sealed, probably in August. Water Utility needs to know how many gallons of water for the Brunner Algoma Fire. This needs to be reported to the PSC. The Fire Department will let the Water Utility know.

E. Supervisor Colleen Harris: Nothing

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

Baylake Checking:	11,545.35
Baylake Money Market:	199,958.02
LGIP Investments:	0.00
LGIP Holding Tanks	7,800.00
LGIP Property Taxes:	0.00
LGIP Contingency Fund	50,204.69
LGIP Undesignated Fund	16,617.50
Nicolet Bank RE Tax	362,360.43
Total:	648,485.99

Vouchers #1723-1763 **totalled \$85,867.82** and receipts in the amount of **\$55,088.97**. 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 #1723-1763) in the amount totaling \$85,867.82. Vote: Aye-5, No-0. Carried.

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

- **July 27 – 3:30 pm _ Town Board meeting with General Code**
- **July 15 – 6:00 pm - Plan Commission**
- **July 21 – 5:00 pm – Storm Water Advisory Committee**
- **August 10 – 6:00pm Town Board**

14. Meetings/Adjournment:

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

John Roth, Clerk/Treasurer