

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF August 10, 2010 TOWN BOARD MEETING

1. Call To Order: The August 10, 2010 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, August 10, 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, New Franken Fire Chief Kevin Tielens, Scott Water Utility Chairman Mel Deprey. Candidate for Wisconsin State Senate Frank Lasee was also in attendance. Nine 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 Aug. 5, 2010 and the revised agenda was posted on Aug. 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 07/13/2010: 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 July 13, 2010 as presented: Vote: Aye-5, No-0. Carried.

B. Town Board 07/27/2010: 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 July 27, 2010 as presented: Vote: Aye-5, No-0. Carried.

C. Plan Commission 07/15/2010: The above meeting minutes were presented for approval by the Town Board. **MOTION JEFF ZLATOHLAVEK/CY VAN LAANEN** to approve the minutes from the Plan Commission meeting dated July 15, 2010 as presented: Vote: Aye-5, No-0. Carried.

D. Storm Water Management Advisory Committee 07/21/2010: **MOTION KEN JACOBS/CY VAN LAANEN** to approve the minutes from the Storm Water Management Advisory Committee meeting dated July 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.

- Frank Lasee – currently running for Wisconsin State Senate, summarized his background and his platform as a candidate: State Representative from 1994-2008. Also was Chairman of the Town of Ledgeview from 1993-1997. Fiscal Conservative. Works toward collection of delinquent taxes. The Town does not endorse candidate but allows candidates to introduce themselves.
- Mel Deprey, 2559 Bay Settlement Road: asked about signs/sign ordinance. Specifically Schroeders sign at the corner of Bay Settlement and Algoma Rd. He wants consistency in regard to enforcement of ordinances, as he was made to remove a sign along STH 57 a number of years ago. Chairman Mike Van Lanen stated that this intersection is in the County's right-of-way, the Town cannot enforce ordinances on County right-of-ways, but stated that he will look into it. Does the County own the vision corner? Ken Jacobs stated that the County does pull signs that are in right-of-ways.
- Mary Sturzl, 3728 Algoma Rd: burning issue. Incident that happened three weeks ago. Supposedly 30 foot flames, she did not see the fire. Fire Department was called, lots of vehicles and equipment tied up, what if there had been a real emergency elsewhere? People are burning wet things, smoke goes into her home. People need to check the wind direction. These burns are going on for 2-3 days. Asked about a ban on burning wet materials, garbage, etc. Chairman Mike Van Lanen stated that people can burn grass, leaves clean wood, brush. He also stated that it is hard to enforce burning regulations, the Town would need to either ban all burning or leave the regulations as they are. New Franken Fire Chief Kevin Tielens stated that the fire call that Mary referred to was about 15-20 minutes long, the property owner had tried to burn green brush. Mike Van Lanen stated that we do have an agreement with other fire departments for backups. Chairman Mike Van Lanen stated that he has taken six fire call complaints this year, a total of 17 calls in his six years as Chairman. Tielens stated there would be a lot of complaints if there is a ban on burning.
- Norman Strebel – agreed with Mary Sturzl in regard to the smoke problem, but as a farmer he does not support a burn ban. Chairman Mike Van Lanen again stated that it is a challenge to enforce burning regulations. Mary stated that the majority of the people do not burn, most either compost it or they take it to the yard waste facility. Supervisor Ken Jacobs talked to the person who was burning in this area (that Mary was complaining about). People need to have common sense when it comes to burning.

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

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

- A. **Open burning/burn barrel issue:** The Town Board and Town office has received a number of complaints this spring and summer about burning in the Town (see comments in public comment). Chairman VanLanen opened the discussion asking Chief Tielens for clarification on what is allowable for burning. The Board discussed the issue at length. Paper is not supposed to be burned, but small amounts of confidential papers can be. Supervisor Harris stated that it would be difficult to have a complete burning ban, and that for Chairman Van Lanen to have only seventeen complaints in seven years is not that many. It is the consensus of the Board to leave the burning issue as it is. Silage bags cannot be burned. Should the Town look into a recycling container for the farmers for the silage bags? The Town could place the burning issue/regulations in the newsletter.

MOTION KEN JACOBS/COLLEEN HARRIS that the Town Board leave the burning issue as it is, no changes to existing Town regulations. Vote: Aye-5, No-0. Carried.

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

Harvey Anderson, asked about regulation of outdoor burning furnaces. The County is working on regulating this.

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

- B. **Drainage issue in the vicinity of 4276 Nicolet:** The Storm Water Committee received a call in regard to this. Storm Water Management Committee member Martin Holden has done a site visit. The Town Engineer also has done a site visit. Brosteau updated the Town Board in regard to this and showed an air photo and illustrated how the culverts are oriented and stated that the culverts do not all flow in the same direction. He shot grades and explained the situation. There is a problem with the placement and condition of the culvert. It is flat in this area. Mike Soduske, 4276 Nicolet Drive, provided photos of the drainage problems in the area. Two sump pumps run constantly. General discussion of the condition of the ditches and culverts in this area and discussion pursued as to how to handle the water and the problem with elevation limitations on the ditches. Chairman Mike Van Lanen stated that this has been an extremely wet year. There was some discussion of the Town's responsibilities and as to who has the liability. The Town could ask James Schmidt (owner of the farm to the east) for an easement to try to help the situation. The County may have to install a larger culvert on Nicolet as well. Town Engineer Brosteau will talk to the County and to the property owner (Schmidt). There was some discussion of storm water management. No action taken.
- C. **Grove Road trees issue in the vicinity of Grove Road and 3915 Web Road:** Chairman Mike Van Lanen has received a call in regard to this issue. The property owner also attended the 2010 Annual Meeting and at that time made a request for the Town to cut these trees. The trees are close to the right-of-way. WPS is not going to trim the trees for a number of years (only when they are in the area). Are the trees in the right-of-way? It is the consensus of the Town that the trees are not in the Town right-of-way, that he is responsible to cut the trees down at his own expense. The Town recently cleaned out the ditch in this area. Town Engineer Brosteau will send a letter to the property owner.
- D. **Disposition of the Town's Municipal well:** This issue has been discussed at previous Town Board meetings as well as the Scott Water Utility meetings. Town Attorney Dennis Duffy submitted his opinion as to which governing body ultimately has the authority to make the decision. His opinion is that the Water Utility should send a formal letter to the Town Board, and the Board will render its opinion thereafter. Scott Water Utility Chairman Mel Deprey stated that their Board said to abandoned the well, as it costs \$3000 per year for testing plus other expenses. Mel believes it is the responsibility of the Water Utility to make this decision. The Town is asking for an official letter from the Water Utility. Chairman Mike Van Lanen stated that the Town needs a second source of water, either the well or a second connection to Green Bay Water. The Town's well water is drinkable. The Town Board would like the second connection to Green Bay Water. Brosteau stated that pumps would need to be installed for a second connection off Van Lanen Road. The Town needs to see a second plan. There is a one day's supply in the tower. Chairman stated that the Water Utility needs to come to the Board with a formal letter and a contingency plan for the board to review and make their final decision. No action.

- E. Ordinance for the approval of the Comprehensive Plan update:** Town Economic Development Coordinator/Planner Dave Cerny provided the ordinance document. Plan Commission worked on this for over one year. The Plan Commission held the Public Hearing. The Plan Commission approves, the Town needs to pass an adopting ordinance. There have not been any negative comments in regard to the Comprehensive Plan Update. The Town Board does not have to hold another Public Hearing. Cerny explained the minor changes.

MOTION COLLEEN HARRIS/JEFF ZLATOHLAVEK to approve the ordinance 2010-08-01 for the approval of the Comprehensive Plan update. Vote: Aye-5, No-0. Carried.

- F. Operator License Applications:** The Town received one application this past month: Tammy Hoffmann – Road Trip Bayland Shell

MOTION KEN JACOBS/CY VAN LAANEN to approve the Operator License Applications for Tammy Hoffmann – Road Trip Bayland Shell. Vote: Aye-5, No-0. Carried.

- G. Changing September Board meeting date; tentative budget meeting schedule:** The Fall Primary Election is Tuesday September 14 which falls on the normally scheduled Town Board meeting. The Town Board agreed to meet on Tuesday, September 7, 2010. Budget meetings are tentatively scheduled for 4pm on September 20, September 27 and October 14.

- H. Attendance at the October Wisconsin Towns Association Convention:** The Convention this year is Sunday October 3 through Wednesday October 6.

- I. Job Description Building Inspector/Zoning/Code Enforcement:** Town Chairman Mike Van Lanen had asked the Town Board to look at the job description one more time. Roth also stated that he had contacted the Chairman of the Town of New Denmark to see if their Town is interested in sharing a building inspector/zoning person. Minor changes were suggested.

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

- 1. Wequiock Creek Estates paving:** The Contract has been approved and signed. The Town is waiting for Northeast Asphalt to begin all three road projects. They want to do it in September. Go ahead with the sealing of the parking lot. Some portions of the curb and road need to be replaced, Brosteau to get an estimate from Northeast Asphalt.
- 2. Lloyd St ROW/ditch issue:** Town Engineer Scott Brosteau provided an update for the Town Board. The property owner had been given an extension date of August 1 for the removal/clean-up of the ditch. The property owners have started the clean out, Brosteau to keep up on this.
- 3. Other drainage/ditch issues:** Town Engineer Scott Brosteau provided an update for the Town Board. The Carnoustie resident has started his clean-out of the ditch, Brosteau to keep up on this. A letter in regard to the ditch/culvert is being sent to the property owner on the corner of Dornack and Placid Way. The Town may have to do some ditching. Brosteau to look at this also. There has been dumping in the ditches along Esther Lane, Storm Water Management Committee needs to get involved.
- 4. TRIP project:** The Contract has been approved and signed. The Town is waiting for Northeast Asphalt to begin all three road projects. They want to start in September.

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

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

- Large amount of time working on the Town's Codification project.
- Site visits to various places and issues.
- Dealing with a very sensitive issue involving the attorney.
- Learning some interesting things this week at the Clerk/Treasurer's Institute in Green Bay this week. Sessions on Leadership, Government Accounting, Town topics, Cash flow analysis, State tax requirements, Maximizing revenues and collections, Cash managements and investments, Five year financial management techniques, Borrowing and debt management, Gender issues, Stress.

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

- Next weeks Plan Commission going to discuss Working Lands Initiative. They will be working on a draft map.
- Need to schedule a Public Hearing for a rezoning and conditional use permit (northeast corner of the highway and Van Lanen). September 7 at 5:30 pm

- C. Brosteau (Engineer):**

- Nothing else to report.

11. Reports from Town Officers/Committees/Commissions:

- A. Chairman Mike Van Lanen:
- Aug. 23 County Board of Adjustments Hearing on a property on Nicolet (flood plain issue).
 - Timberline Trees has offered to give us trees to plant at the Town Hall if we will plant them. The Town will need to hire someone to plant the trees
 - Esther Lane – dumping junk in the ditch - Storm Water Committee needs to look at this. They also need to notify neighborhoods in Royal Scott in regard to grass clippings in the right-of-way. Chairman Mike Van Lanen to talk to Martin Holden or Jill Fermanich.
 - Storm Water bins at the yard waste facility are full, they need to be emptied.
 - Parking on the streets issue
 - Updated the Board in regard to the Ritter meeting and problems with the proposed fire department merger.
 - Road Winter Maintenance Sept. 14
 - Special Meeting for the Hearing Sept. 13 at 5:00pm
- B. Supervisor Cy Van Laanen: nothing to report
- C. Supervisor Ken Jacobs:
- Grove Rd and Point Lane – The County is supposed to blacktop where the culverts were replaced.
 - Pinnacle patch will be done soon.
 - Tree trimming and brush needs to be done on Wequiock and on Lloyd. He will take care of this.
 - Van Lanen ditch issue, not much we can do about this situation.
 - Going to order more street signs
- D. Supervisor Jeff Zlatohlavek:
- Is the Town going to do any striping (Bay Settlement Road)?
 - Discussed Wind turbines issue.
 - Asked about Scotland Meadows, roads, grass cutting and landscaping.
- E. Supervisor Colleen Harris: nothing to report

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

Baylake Checking:	9,491.03
Baylake Money Market:	200,130.59
LGIP Investments:	0.00
LGIP Holding Tanks	7,800.00
LGIP Property Taxes:	0.00
LGIP Contingency Fund	50,213.97
LGIP Undesignated Fund	16,620.57
Nicolet Bank RE Tax	247,835.22
Total:	532,091.38

Vouchers #1764-1797 **totalled \$128,308.52** and receipts in the amount of **\$11,913.91**. Roth summarized the receipts and the expenses.

MOTION KEN JACOBS/JEFF ZLATOHLAVEK to approve the Clerk's and Treasurer's reports and to pay the bills (vouchers #1764-1797) in the amount totaling \$128,308.52. Vote: Aye-5, No-0. Carried.

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

- **August 24 – 3:30 pm _ Town Board meeting with General Code**
- **August 19 – 6:00 pm - Plan Commission**
- **August 25 – 5:00 pm – Storm Water Advisory Committee**
- **September 7 – 5:30 pm – Public Hearing for Rezoning and Conditional Use**
- **September 7 – 6:00 pm Town Board**
- **September 13 – 5:00 pm Town Board hearing**
- **September 14 – Fall Primary Election**
- **September 20 – 4pm Budget**
- **September 27 – 4pm Budget**
- **October 12 – 6pm Town Board**
- **October 14 - 4pm Budget**

14. Meetings/Adjournment:

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

John Roth, Clerk/Treasurer