

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN  
MINUTES OF May 10, 2011 TOWN BOARD MEETING

**1. Call To Order:** The May 10, 2011 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tuesday, May 10, 2011 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Mike Van Lanen, Supervisor Ken Jacobs, Supervisor Colleen Harris, Supervisor Jeffrey Zlatohlavek, Supervisor Cyril Van Laanen, Clerk/Treasurer John Roth, Economic Development Coordinator Dave Cerny, Town Constable Harvey Anderson, Town Engineer Scott Brosteau, Town Building Inspector Brett Jensen. Approximately ten people 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, 2011 was presented by the Clerk.

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

**3. Approval of Prior Town Meeting Minutes:**

**A. Town Board Minutes:**

- **Town Board 4/4/2011:** The 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 April 4, 2011 as submitted: Discussion: Item E – Board discussed radar control...Zlatohlavek questioned what would be addressed, clarification that any road would be addressed if necessary. Vote: Aye-5, No-0. Carried.

**MOTION KEN JACOBS/JEFF ZLATOHLAVEK** to approve the minutes from the Town of Scott Annual meeting dated April 12, 2011 as corrected: correct Bryan Hoff's name spelling. Vote: Aye-5, No-0. Carried.

**MOTION KEN JACOBS/MIKE VAN LANEN** to approve the minutes from the Town Board meeting dated May 3, 2011 3:00pm as submitted. Vote: Aye-5, No-0. Carried.

**MOTION JEFF ZLATOHLAVEK/KEN JACOBS** to approve the minutes from the Town Board Public Hearings dated May 3, 2011 as corrected: Question on "Terry Quatsoe". Vote: Aye-5, No-0. Carried.

**MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN** to approve the minutes from the Town Board meeting dated May 3, 2011 6:00pm as submitted. Vote: Aye-5, No-0. Carried.

**B. Plan Commission Minutes: No Meeting**

**C. Storm Water Management Advisory Committee**

**Storm Water Management Advisory Committee 4/20/2011:**

**MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN** to approve the minutes from the Storm Water Management Advisory Committee meeting dated 4/20/2011 as presented. Vote: Aye-5, No-0. Carried.

**5. Public Input:**

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

- Jan Kratz, 3507 Bay Settlement Rd: would like to see Bay Settlement Road paved all the way to the end. The road is very bad from Wequiock Park, need "No Parking" signs. Kratz presented a petition from the neighbors in regard to this issue. Ken Jacobs stated that in past years the Town has looked into grant money, but the Town was turned down. Colleen Harris stated that the DOT has not approved any funding yet for projects. Mike Van Lanen stated that Bay Settlement Road needs to be repaired from Church Rd to the end. The petition is entered into the Town records. The Board will discuss as an Agenda Item in June.
- Dennis Kozicki, 3593 Champeau Road. Complained about the new paving/safety issues on Champeau Road. The new paving has encouraged speeding, people are taking the 90% curve way too fast (now that the road is smooth). They are cutting the corner. There are kids bike riding in the street, people walking. What can be done? Drivers think this is a rural area, but it really is urban. He also wanted gravel shoulders instead of grass. The paving is not that wide, people cut the corner and causing ruts. Mike Van Lanen asked which direction is the bigger problem: Bay Settlement to Sussex or Sussex to Bay Settlement? The City of Green Bay owns half of the road. Mike suggested a directional arrow. Kozicki stated that the road is now "car-friendly". Van Lanen stated that is our job. Kozicki stated that he wants to be on record that he has safety concerns on this road. Van Lanen agreed that it is a blind corner. Van Lanen also stated that all of the neighbors complain about gravel shoulders, they would prefer grass. The traffic issue will be on the June agenda.

- Charles Pulver: 4487 Nicolet Drive. Has had significant concerns with water along Renier Road. Trying to sell his house. Concerns with the pond on the other side of Renier Road. The drainage pathway is blocked, causes flooding. His sump pump runs constantly. He has not been able to sell the house. He had a letter that he requested Chairman Mike Van Lanen to sign. Van Lanen refused to sign the letter because Pulver's letter stated that the Town Board would be committing to take some kind of action to fix the drainage problem. Pulver stated that none of the houses should have been built there due to the water and drainage issues. The Town Board agreed. Ken Jacobs stated that the DNR will not let the Town Board do more to get the drainage to the Bay.
- Sean Macklem, 4490 Nicolet Dr. Neighbor to Pulver, also complained about the drainage. Sump Pump runs constantly. He stated that since Hwy 57 was reconstructed a lot more water has come through their neighborhoods. Van Lanen stated that once the water gets to the pond, it is on private property. The Town does not have authority to go on their property to do anything about the pond.
- Jeff Gumz, 4486 Nicolet Drive: The drainage way is blocked. He questioned if the town would allow a land owner to dam a drainage way? Brosteau explained that the property owner with the pond has riparian rights and is allowed to clear blockages. Gumz and the neighbors asked if the Town Attorney can get involved. Mike Van Lanen asked if they talked to the Reniers (the property owners). The Town Engineer has seen the drainage issue. Van Lanen stated that per DNR regulations the property owners can't alter the drainage way. This drainage issue may have been put in place long before DNR regulations. Can pressure be put on the County to do something? Van Lanen gave out Randy Braun's number. Nicolet is a County Road. Van Lanen said he will try to encourage the County to do something. Drainage issues are on the agenda. Town Engineer Scott Brosteau, Building Inspector Brett Jensen and Supervisor Ken Jacobs will look at this. The neighbors also had a complaint about speeding on Nicolet Drive. The Clerk provided 'slow down' signs. Town will also contact the County with the problem.

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

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

**A. 2011 Town Road Cold Mix Paver Patching and Hot Oil Chip Seal Coating:** One bid was received (from Scott Construction).

- |    |   |                  |
|----|---|------------------|
| 1. | Sussex Road from County I to Champeau Road – 1260 feet by 11.5 feet. East half of road will be hot oil seal coated, 50% will be double sealed.              | \$ 3,500.        |
| 2. | Church Road from County T to Hermans Road – 1.0 mile by 23 feet. Full cold mix wedge using 900 ton with a hot oil seal coat.                                | \$68,900.        |
| 3. | Conard Road from County K to Van Lanen Road - .50 mile by 21 feet. 132 ton spot cold mix wedge, 15% double seal with a full hot oil seal coat.              | \$18,273         |
| 4. | Conard Road from County K north up to Doris Rd – 1.0 mile by 18 feet. 198 ton spot cold mix paver patching, 20% double seal, with a full hot oil seal coat. | \$31,818         |
| 5. | Van Lanen Road from County T to Hwy. 57 – Approx. total of 1,800 feet by 5 feet. Edges to be cold mix hand patched and hot oil seal coated.                 | \$ 2,770         |
|    | Price per ton for cold mix hand patching:   | \$55.00 per ton. |
|    | Price per ton for cold mix paver patching:  | \$70.00 per ton. |
|    | Total cost  | \$125,261.00     |

**MOTION KEN JACOBS /CY VAN LAANEN** to award the 2011 Town Road Cold Mix Paver Patching and Hot Oil Chip Seal Coating to Scott Construction: Vote: Aye-5, No-0. Carried.

Continued discussion: The Town still owes over \$18,000 to the DOT for the 2007 Bay Settlement Road paving project. Fund balance will be used to pay this. This leaves the Town approximately \$100,000 to spend on roads this year. Chairman Van Lanen stated that next year we really need to plan some major road construction/paving. The Town also needs to talk to the City about doing their portion of Sussex at the same time that the Town does.

**MOTION JEFF ZLATOHLAVEK/COLLEEN HARRIS** to do the following projects from the bid list: #3, #4, #5 for \$52,861. Discussion: can we do more on Van Lanen Road? At the direction of the Road Commissioner, Scott Construction will be directed to do patch repairing on Van Lanen Rd, up to \$10,000. Discussion of paving Bay Settlement Rd. Colleen Harris stated that we need to design Bay Settlement Rd before we discuss doing it. Motion rescinded.

**MOTION JEFF ZLATOHLAVEK/COLLEEN HARRIS** to approve the following projects from the bid list (not to exceed \$70,000).:

- Conard Road from County K to Van Lanen Road - .50 mile by 21 feet. 132 ton spot cold mix wedge, 15% double seal with a full hot oil seal coat.
- Conard Road from County K north up to Doris Rd – 1.0 mile by 18 feet. 198 ton spot cold mix paver patching, 20% double seal, with a full hot oil seal coat
- Van Lanen Road from County T to Hwy. 57 – Approx. total of 1,800 feet by 5 feet. Edges to be cold mix hand patched and hot oil seal coated.
- Additional patching to be done on Van Lanen Road.

Vote: Aye-5, No-0. Carried. Project to start the end of this month.

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

- Jan Kratz, 3507 Bay Settlement Rd: asked permission to get metal swings to place at Wequiock Park. She would like to talk to the County and also to see about getting donations “in memory of” for these swings. The Town Board agreed to this.

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

**B. Alcohol Beverage Licenses applications/renewals:**

Roth reported that all applications have been received and published. All personal property taxes (except for S&S Ridgeview Bar, Steve Eriean, 4830 Nicolet Drive) 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 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

**MOTION KEN JACOBS/CY VAN LAANEN** to approve/issue the following 2011-2012 alcohol beverage licenses contingent upon all taxes/utilities are paid.:

	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.

**C. 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 MIKE VAN LANEN/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.

**D. Operator Licenses:** The Town received numerous applications:

**MOTION MIKE VAN LANEN/CY VAN LAANEN** to approve and issue the above stated Operator license applications: Carol Melville (57BP), Terry Quatsoe (57 BP), Kerri Tuschel (57 BP), Mary Martin (57 BP), Ann Baenen (57 BP), contingent on no felony convictions. Vote: Aye-5, No-0. Carried.

**E. Contract for Mead & Hunt engineering for drainage issues on Edgewater Beach Rd:** Mike explained what they will be doing. Their proposal does not include a hydraulic study, drainage structure or ditch capacity. There is a smashed culvert on Stone Pillar Rd. The Board discussed the need to have the scope of this proposal continue past Volks landing to Swan Rd.

**MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK** to approve the contract with Mead & Hunt Engineering for drainage issues on Edgewater Beach Rd for \$2150 as proposed (see proposal). Vote: Aye-5, No-0. Carried. Town Engineer Scott Brosteau will provide an addendum to the contract for additional concerns.

**F. Town of Scott representative to the New Franken Storm Water Sewer District.**

Clerk/Treasurer Roth talked to the Wis. Towns Assoc Attorney in regard to this. They stated that this type of appointment is not governed by State Statutes, and that if the by-laws are not specific, the Town can appoint whoever they want. Their by-laws state that representatives are to be appointed every two years. The Town has not done an appointment since 1990. The New Franken Storm Water Sewer District Board last met in 1992. John Baenen and Wayne Moureau represent the other two towns. Harland Basten has been the Town of Scott representative, and he lives in the district. Until two weeks ago, this Board had not met in almost 20 years. Chairman Mike Van Lanen attended their recent meeting a few Saturdays ago. There was a lot of disagreements and arguing. Numerous people told Van Lanen that the Town needed to have someone else be the Town of Scott representative. Town Attorney Dennis Duffy also provided a written opinion in regard to this issue.

**MOTION MIKE VAN LANEN/COLLEEN HARRIS** to appoint Town of Scott Storm Water Management Advisory Committee member Martin Holden as the Town of Scott representative to the New Franken Storm Water Sewer District. Vote: Aye-5, No-0. Carried. A letter will be sent to Harlan Basten thanking him for his service.

**G. Sale of surplus Town items:** It is the consensus of the Town Board to continue selling the items at the same prices.

**H. Road Paser tour:** This will be discussed in June after the road maintenance projects are completed.

**I. Other Road/drainage/ditching issues:**

- **Reiner Road:** Brosteau will take a look at this and the Town Board will discuss this at the June meeting.
- **Nicolet Dr.** Supervisor Ken Jacobs stated that the County received permission from the DNR to place another culvert under Nicolet Drive near the Wequiock Creek Estates subdivision.
- **Lloyd Street:** Town Engineer Scott Brosteau shot grades. The Town Board already told the County to cut down the big tree and re-work the ditch to make sure the water flows. Brosteau will talk to the neighbors about the ditching and drainage.

- **Greenwood/Beaumier: Supervisor** Ken Jacobs summarized the findings for this issue. The County needs to complete the ditching project, They will be replacing the culvert on Beaumier. Jacobs will continue talking to the County about this project. The County stated that they will not be replacing/enlarging the Nicolet culvert.
- **Anapaula.** Brosteau provided a handout and explained what is needed in this area. We need to look at the culvert size. The Town might be eligible for bridge funds, Brosteau to check with Brian Lamers to see if this project is eligible for bridge funds.

**J. Seismograph repair/replacement.** Clerk/Treasurer Roth talked to the owner of the company that does the seismograph calibration. They have extra parts for our seismograph. After Roth's discussion with the owner, they will be repairing the seismograph for free, we just have to pay for the shipping (approximately \$25 and three weeks to complete).

**K. Attendance at the June 9, 2011 WTA Seminar: June 9 in DePere.** Town Board members and staff are to let Clerk/Treasurer Roth know if they want to attend.

**L. Hiring Brown County to shoot radar/issue citations.** Chairman Mike Van Lanen asked if the Town needs to officially "recognize/adopt the speed limits". Supervisor Jeff Zlatohlavek is doing a sign inventory and plotting this on a Town map.

**MOTION KEN JACOBS/CY VAN LAANEN** to table this until next month. Vote: Aye-5, No-0. Carried.

**K. Employment/performance/salary/benefits (may be referred to closed session).** The Town Board remained in open session. Clerk/Treasurer Roth explained/summarized the health insurance situation. Roth's "COBRA" ends July 1, 2011. The Town Board took action on this in the fall of 2010, making a motion that the Town would pay for 50% of health insurance premiums for up to three employees, not to exceed \$25,000. Because the Building Inspector/Zoning/Code Enforcement person did not need the Town's health insurance plan (and the Town increased the salary from \$35,000 to \$41,100 due to this), Roth needs Deputy Clerk/Treasurer Debbie Vanden Langenberg to sign on to the insurance so the Town would be qualified for a "group plan". The Vanden Langenbergs already have health insurance through Debbie's spouse (an HSA plan). The Town's plan, at 50% of the premiums, would cost the Vanden Langenbergs almost \$3700 per year in additional premiums (from what they are paying through Debbie's spouse's employer). Roth is asking the Town to pay 60% of the premiums, beginning July 1, 2011. The additional premiums for the Vanden Langenbergs would be just under \$1900 (for an entire year), and with the benefit of the Town's proposed health "PPO" health insurance plan, they should be able to recoup the \$1900 through savings in prescriptions and doctor visits. It would cost the Town an additional \$3552 for a full year if the Town paid 60% of the premiums. Since this would be implemented until July, the Town would only absorb part of this cost. It is still under budget. And with health insurance for two employees instead of three, the 60% should also be under budget in 2012. The board is considering this, but asked for specific numbers. Roth will provide this for the May 17 meeting, and he will attempt to get the health insurance company to complete the health insurance "under-writing" completed before May 17.

**MOTION MIKE VAN LANEN/KEN JACOBS** to table this issue until the May 17, 2011 meeting. Vote: Aye-5, No-0. Carried.

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

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

- April election duties
- Recount went very well. The Town of Scott has wonderful and excellent election workers.
- Annual Meeting duties
- Open Book/Board of Review duties
- Attended training to update my Board of Review Certification
- Road Maintenance form and publication
- Workhorse Conversion
- Fireworks trailer issue
- Alcohol Beverage Licenses
- Selling books, one bench and 28 bins

- Recall election in July Hansen

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

- fireworks/trailer issue
- zoning ordinance changes
- Working Lands Initiative
- Plan Commission meeting next week: Cell Tower replacement on the corner of Highway 57 and Van Lanen Rd (a 187 foot monopole tower, it will need a Conditional Use).The Town Board will need to hold a Public Hearing. The Plan Commission will also discuss the “No Hunting on Town Property Ordinance and the Wind Tower issue (the State is in the process of revamping the laws concerning wind towers).

**C. Brosteau (Engineer):**

- Bertrand Lane issue. Neighbors are concerned with people hunting. The Town needs to post this as “no hunting”.
- Van Egeren Lane. Ed Tordeur wants to lower the culvert. He will do the work at no cost to the Town. He will bring the road back up to standard. Brosteau will create an agreement with a two year warranty. Tordeur also wants to clean the ditch in the NE quadrant at Church Road/Van Egeren, the Town Board is fine with this. Brosteau is also requiring Tordeur to install a 12” pipe on the westerly access on Church Road.
- Hickory/Wery Road. The ROW was changed during the process. The Town never vacated the small portion of the ROW. Brosteau is to take care of this.

**D. Building Inspector (Jensen):**

- Nimmer’s mini-warehouse condominium buildings plans (State approval letter).
- Five building permits issued last month
- Working on the filing system
- Storm Water issues
- Bay Settlement Heights subdivision drainage issues

**9. Reports from Town Officers/Committees/Commissions:** Ken and Jeff are working on signs

**10. Treasurer’s and Clerk’s Financial reports:**

Ending balances for May 10, 2011 are as follows:

Baylake Checking:	10,517.26
Baylake Money Market:	258,958.29
LGIP Investments:	0.00
LGIP Holding Tanks	0.00
LGIP Property Taxes:	0.00
LGIP Contingency Fund	0.00
LGIP Undesignated Fund	0.00
Nicolet Bank RE Tax	409,741.07
Total:	679,216.62

Regular March Vouchers #EFT 04-01, EFT 04-02 and #2146-2187 **totalled \$ 84,404.04** and receipts (including interest and Special Charges/Del.Util) in the amount of **\$47,926.15**. Roth summarized the receipts & the expenses.

**MOTION KEN JACOBS/MIKE VAN LANEN** to approve the Clerk’s and Treasurer’s reports and to pay the bills (March Vouchers #EFT 04-01, EFT 04-02 and #2146-2187) in the amount totaling \$84,404.04. Vote: Aye-5, No-0. Carried.

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

- **May 11 6:00pm Storm Water Management Advisory Committee**
- **May 19 6:00pm Plan Commission**
- **May 17 4-6pm Board of Review**
- **June 14 6:00pm Town Board Meeting**

**12. Meetings/Adjournment:**

**MOTION KEN JACOBS/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