

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF AUGUST 9, 2011 TOWN BOARD MEETING

1. Call To Order: The August 9, 2011 Monthly Town Board Meeting was called to order at 6:00 P.M. on Tues. August 9, 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 Build. Insp. Brett Jensen, Leland Baenen. 4 citizens were present.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on August 5, 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 7/06/2011:

MOTION KEN JACOBS/JEF ZLATOHLAVEK to approve the minutes from the Town Board meeting dated July 6, 2011 as submitted: Vote: Aye-5, No-0. Carried.

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the minutes from the Town Board meeting dated July 21, 2011 as submitted: Vote: Aye-5, No-0. Carried.

B. Plan Commission did not meet in July

C. Storm Water Management Advisory Committee: 7/13/2011:

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the minutes from the Storm Water Management Advisory Committee meeting dated 7/13/2011 as presented with the recommendation that the wording "SLAM model" be replaced with "Maintenance Agreement". Vote: Aye-5, No-0. Carried.

D. Zoning Board of Appeals: 6/22/2011:

MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN to approve the minutes from the Zoning Board of Appeals meeting dated 6/22/2011 as presented. Vote: Aye-5, No-0. Carried.

4. Public Input: No public input.

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

A. Operator License Applications: the following application was received, and background check was satisfactorily completed: Bonnie Micolichuk (Oakridge).

MOTION KEN JACOBS/CY VAN LAANEN to approve and issue the following Operator license applications: Bonnie Micolichuk (Oakridge). Vote: Aye-5, No-0. Carried.

B. Basketball pole in right-of-way across from 3876 Shore Crest Trail: Chairman summarized/explained the situation: a basketball pole was installed in the Town's right-of-way (almost at the edge of the pavement) across from 3876 Shore Crest Trail, Jensen sent a letter requesting the pole to be removed by July 25, Ed Psenicka & Kim Wanner sent a letter to the Town requesting "options", the issue was placed on the Town meeting agenda but Psenicka/Wanner were not able to attend tonight. Building Inspector Jensen also explained his actions in regard to this issue.

Clerk/Treasurer Roth also had a lengthy phone conversation with Kim Wanner. Chairman Mike Van Lanen also talked to Wanner, she asked if the issue could be tabled until the September meeting. Wanner stated that they were not trying to break the law or offend anyone, but they did not understand why the pole could not stay. She stated that Tina Bunker had given permission to have the pole placed on Bunker's vacant lot across from their property. Van Lanen explained to her why the pole must be removed: setting a precedent, liability issues (especially with the Town knowing that the pole is there): liability issues with children playing in the street, children & adults could injure themselves, a vehicle could hit the pole, etc. Because the Bunkers own the lot, they would receive the citation.

MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN that the basketball pole across from 3876 Shore Crest Trail must be removed by midnight on Sunday, August 14 or a citation will be issued, a letter to be sent to Wanner and to Bunker. Vote: Aye-5, No-0. Carried.

C. Tillman drainage issues parcel SC-213-1 (Off Champeau Road): Brosteau summarized and gave an update on this. Tillman had raised concerns/issue with water that flows from the road onto his property, which has killed some of his trees. A letter was sent to Tillman a few months ago stating that this was not the Town's responsibility and that the Town was not going to do anything. Brosteau explained how the water from the ditch should stay in the right-of-way if culverts were put in place in the driveways and a berm is built on the back side of the ditch in certain places. The Tillmans are willing to install the culverts and a berm at their cost to keep the water within the ROW. Brosteau asked if they would need a ROW permit, since they are going to do all of the work. The Town Board stated that since they are doing the work & replacing the culverts, & since Brosteau has looked at this, they would not be charged a permit fee.

D. Vacating of Madigan Road: The Town will not lose much State road Aid money if this road is vacated. The Madigans did call Chairman Mike Van Lanen to discuss this. They are hoping that the Town is not making a decision on this tonight. Lengthy discussion of the situation in regard to the culverts and the design of a turn-around. The Madigans would like to review the plans, talk to the Town Engineer and have a meeting with the Town. Cerny explained the procedure/process of vacating a road (see report). The process takes months. Chairman Van Lanen asked the other Town Board members if the Town wants to move forward on this. There may be problems with the cul de sac, as there may not be enough right-of-way to install a cul de sac. The Town may need to acquire land from the Madigans. The vacating process starts with a formal "resolution". Town Attorney Duffy would need to draft this resolution. Because the Town "accepted" the road years ago, if/when road improvements are installed, the Town is probably responsible for all improvements. Brosteau stated that the Town could "assess" the property owner for improvements. There is no existing "infrastructure (sewer/water), etc. Chairman Van Lanen: the Town's policy is that the Town does not assess for existing roads. Harris asked if the Town could do an agreement with the Madigans for cost sharing of the road improvements, can't we discuss with the Madigans at a meeting? Chairman Van Lanen again asked if the Town wants to move forward with this. Zlatohlavek also suggested that the Town set up a meeting in September to discuss with Madigans, otherwise, then move forward with the vacating. Brosteau wants to look at the culvert/bridge issues. Chairman Van Lanen wants Brosteau to meet with the Madigans. The Board agrees to have Brosteau meet with the Madigans.

MOTION CY VAN LAANEN/MIKE VAN LANEN to have the Town Engineer discuss with the Madigans in regard to the vacation of Madigan road, and to place this issue on the September Agenda. Vote: Aye-5, No-0. Carried.

E. Right-of-Way permit application for filling in of ditch, parcel #SC-447-6, property located at 4461 Beechnut Court: Brosteau explained this request. The Town received an application, Brosteau stated their plan will not work. The property owner is looking at another option.

F. Request for Green Bay Marathon to be run through a portion of the Town: A representative from the Green Bay Marathon was not able to attend the meeting. Chairman Van Lanen explained that they would split the 1/2 marathon and the full marathon into two starting places. The full Marathon would run through the Town of Scott on Nicolet Drive. This will be placed on the September agenda.

MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN to table this issue until the September meeting. Vote: Aye-5, No-0. Carried.

G. Town of Scott Personnel Benefit and Policies Manual: Chairman Van Lanen explained that Clerk/Treasurer Roth has worked on this. The State is requiring a "grievance policy" for all municipalities in regard to their employees. The Wisconsin Towns Association will be developing a sample "grievance policy". Chairman Van Lanen asked the Board members to review this document and suggest changes. This will be discussed at the September meeting.

MOTION JEFF ZLATOHLAVEK/MIKE VAN LANEN to table this issue until the September meeting. Vote: Aye-5, No-0. Carried.

H. Road/drainage/ditching issues (Edgewater Beach, Swan, Renier, Nicolet Drive, Lloyd, Greenwood/Beaumier, Anapaula, Van Egeren);, others):

- Edgewater Beach/Swan: The first informational meeting was held July 27, the next meeting is Thursday Aug. 25 at 6:00 pm. Brosteau explained issues he found while developing the drainage plan. Brosteau explained that he needs an extension on his contract for additional surveying costs. Some property owners are interested in granting easements/allowing culverts to the bay. Brief discussion of the intersection of Stone Pillar/Edgewater Beach. Brosteau to work up the costs for the various improvements on this road.

MOTION MIKE VAN LANEN/COLLEEN HARRIS to approve the contract extension with Mead and Hunt for additional survey work in the vicinity of Stone Pillar Road, Edgewater Beach and Swan Road. Vote: Aye-5, No-0. Carried. Clerk/Treasurer Roth will send out letters to remind the residents of the August 25 meeting.

- Renier: Brosteau has talked to the property owners. He suggests replacing the culverts on Renier Rd. This may not solve the problem, as this area is so low. The DNR will also have to be contacted and apply for a permit. The Town should probably budget for this in 2012. Brosteau will continue to talk to the property owners about maintenance issues. Brosteau's conclusion/recommendation is that Renier Road be improved with an additional culvert crossing or upsizing the culvert size.

MOTION MIKE VAN LANEN/COLLEEN HARRIS to have Brosteau move forward and apply to the DNR for the necessary permit to replace culvert(s) on Renier Rd. Vote: Aye-5, No-0. Carried.

- Nicolet Dr/Circle Ridge: The Town's part of this project is completed. The County has not done their culvert across Nicolet yet.
- Lloyd: the tree in the ditch is to be removed, Brosteau will talk to the County about their schedule for cleaning out the ditch. Brosteau sent a letter to the property owner in regard to this.
- Greenwood/Beaumier: the County cracked a property owner's driveway. Brosteau is working with the County in regard to this. Otherwise, the project is done.
- Anapaula: Brosteau received a complaint from an area resident regarding ditching. Brosteau stated that it had not

been cleaned out and he would get the County to clean out the ditches.

- Van Egeran: Tordeur is not going to install a culvert at this time, the water drains. This issue is done.

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

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

- Code project: Editorial Analysis: Clerk's portion is completed. I have sent the Animal Chapter, the Alcohol Beverage Chapter and the Recycling Chapter directly to General Code. Other minor corrections have been sent to Cerny.
- Numerous changes in the election process. Most of these changes were required to be implemented on the July 19 Hansen recall Election.
- WARD 5 Dave Hansen Recall Election on July 19: Lots of confusion, as over 40 people showed up to vote on July 12 (wrong day), and over 200 residents incorrectly showed up to vote July 19 (not residents of Ward 5). About 40 people showed up or called on August 9, 2011 to vote also.
- Garbage/Recycling Contract – we are waiting to see how/what changes are being finalized with the State
- Redistricting Census 2010 – attended Brown County Court.
- Completed a draft of Human Resources policy. Chairman is viewing. The State is requiring all municipalities to have a “Grievance Policy and Procedure”.
- Completed an Organizational Flow Chart for responsibilities
- Working on setting up a “board” to assist in organization, to keep track of existing issues so projects get accomplished.
- Looking into Cell Phone plans, have three estimates
- Working with the County on the relocation of a “Stop Ahead” sign on Van Lanen Road for the Mini-warehouse Condos.
- Working with Brosteau, Duffy and Cerny in regard to the vacating of Madigan Road.
- Working on delegating various issues to the Building Inspector/Code Enforcement (see Jensen's report)
- Working on delegating various issues to the Secretary of the Storm Water Management Advisory Committee (see Holden's report)
- Working on delegating various issues to the Engineer (see Brosteau Report)

B. Cerny (Economic Development Coordinator):

- Plan Commission requests: written request from a resident in regard to “connecting” Point Comfort Lane to Edgewater Beach. This is platted as Oak Street. The Town will not “improve” this, but Cerny stated that the property owner would need to petition for this if interested in ‘opening’ the street. Cerny is suggested this could be a part of the Park plan to have a “bicycle” path easement. Chairman Van Lanen stated that these are private roads, that there is no public road to vacate. Cerny stated he is checking into this, and what can legally be done. Discussion as to whether this is a private road or public ROW and if addressing is correct.
- Explained the request to the Plan Commission to remove an area from the Sewer Service Area and that this has not yet been discussed at the Scott Sanitary District meeting.
- There has been a verbal request to the Plan Commission for a CSM on Nicolet Drive on an undevelopable lot, a landowner across the street is interested in the access to the Bay. These two lots would be clearly stated on the CSM as ‘outlots’ which are non-buildable.

C. Brosteau (Engineer):

- Hackberry/Redbud: culvert problem. There was a complaint regarding washout under the culvert. Finnel has repaired this.
- Bay Settlement drainage complaint from Mary Ullmer in regard to a neighbor's sump pump dumping water on her family's property. Chairman Van Lanen stated that he and the Town Board have looked into this. It is not a problem, that the neighbor is not discharging onto the Ullmer property, that this is a natural drainage corridor. Brosteau has been talking to the neighbor and to Ullmer. Brosteau is to talk to Ullmer and tell her that this is not a problem/issue and nothing can be done.
- Updated the Board that there is no required setbacks for farming from ditches. The concern was brought up because of the amount of topsoil and runoff from the fields into the Bay. In order to require a “buffer”, the drainage must be recognized as a navigable stream, then they can't plow around 35 feet of the navigable stream. This does not apply to ditches. There is no “buffer area.”

D. Building Inspector (Jensen):

- Five permits issued. (Three homes one pool and one fill permit), 55 site and building inspections performed
- Reviewing proposed code for codification
- ID Cards completed
- Diggers hotline application completed and sent
- Ed Tordeur culvert installed on Church Road.
- Issue with Basketball Hoop on 3876 Shore Crest Trail (ongoing)
- Grass complaint on 3922 Metzler Court completed.
- E-mail Sent to Pat Kaster regarding tall grass at Scotland Meadows. Grass is cut
- Kurt Boulanger site in compliance with the town board meeting on May 3,2011

- Working with staff regarding storm water and zoning issues.
- Illegal ditch work on Edgewater Beach Road. A letter was sent to the property owner and the ditch has still not been restored as required. The Chairman, the Town Engineer and the Building Inspector have all talked to the property owner.

E. Storm Water Management Report:

- See Holden’s report

9. Reports from Town Officers/Committees/Commissions:

- A. Chairman Van Lanen: Edgewater Beach ditch issue. Jensen sent a letter, Brosteau has also talked to the resident. Nothing has been done. The resident stated that she does not know what is required of her. The Board directed Jensen to issue a citation, and to hire Tordeur to clean out the ditch.
- B. Supervisor Van Laanen: nothing to report.
- C. Supervisor Jacobs: Church Road/Hermans Road ditch to be cleaned out. Finnel has not done this. The Town needs to order 25 mph signs, many of the existing signs are worn out. Also will need to order “No Firearms” signs for the new ordinance. Van Lanen said to order whatever signs are needed (stop signs, mph, etc) and directed Cerny to take care of the ‘firearms’ signs and installation. Jacobs also mentioned that the County charged the Town \$13,000-14,000 for Greenwood/Beaumier. The County had originally estimated \$5000 in 2010.
- D. Supervisor Harris: Fire Department Unemployment issue. She has not heard back from their attorney or from the Fire Chief. She worked on job descriptions. Chairman Van Lanen said he will call the Fire Chief.
- E. Supervisor Zlatohlavek: Public Hearing minutes from July 6 need to be approved. Inquired about the tree trimming as part of Storm Water responsibility: Chairman Van Lanen stated that if the signs are not in the right-of-way, the property owners are to trim the trees or pay to have this done. The County highway bill: look at it. Six month employee review for Jensen: Jensen has no problem.

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

Ending balances for August 9, 2011 are as follows:

Baylake Checking:	11,901.95
Baylake Money Market:	259,494.67
Nicolet Bank RE Tax	222,691.83
Total:	494,088.45

Regular June Vouchers #EFT 07-01, EFT 07-02 and #2285-2318 **totaled \$62,959.97** and receipts (including interest and Special Charges/Del.Util) in the amount of **\$42,783.05**. Roth summarized the receipts & the expenses.

MOTION KEN JACOBS /CY VAN LAANEN to approve the Clerk’s and Treasurer’s reports and to pay the bills (July Vouchers #EFT 07-01, EFT 07-02 and #2285-2318) in the amount totaling \$62,959.97. Vote: Aye-5, No-0. Carried.

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

- Dave Bartikofsky, 2697 Bay Settlement Rd, inquired about allowing parking on one side of Bay Settlement. The Town Board stated that this cannot be allowed because the Town received Federal/State funding for the Bay Settlement Road project, otherwise the Town would have to pay back the state/federal funding. The Town has previously discussed this.
- Chairman Van Lanen introduced Linda Dupuis as the new Town of Scott representative on the Joint Planning Comm.

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

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

- **Aug. 16 2:30 pm Road PASER tour**
- **Aug. 17 5pm Storm Water Advisory Committee**
- **Aug. 18 6pm Plan Commission**
- **Aug. 25 6pm Edgewater Beach Drainage**
- **Sept. 13 6pm Town Board meeting**

12. Meetings/Adjournment:

MOTION KEN JACOBS/MIKE VAN LANEN to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 8:15 P.M.

John Roth, Clerk/Treasurer