

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF DECEMBER 28, 2011 TOWN BOARD MEETING

1. Call To Order: The Dec. 28, 2011 Town Board Meeting was called to order at 9:00 A.M. on Tues., Dec. 28, 2011 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Mike Van Lanen, Supervisor Kenneth Jacobs, Supervisor Jeffrey Zlatohlavek, Supervisor Cy Van Laanen, Supervisor Colleen Harris Clerk/Treasurer John Roth, Building Inspector Brett Jensen, Attorney Dennis Duffy, Storm Water Management Advisory Committee Martin Holden. 2 others were in the audience, including Pet Kozak from Northeast Asphalt.

2. Affidavit of Posting: The Affidavit of Posting indicating that the public notice of the Town Board Meeting was posted on December 24, 2011 was presented by the Clerk.

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

3. Approval of Minutes of Prior Meetings:

A. Town Board: 12-13-2011: The 12-13-2011 Town Board 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 December 13, 2011 as corrected. Vote: Aye-5. No-0. Carried.

B. Plan Commission: 12-15-2011: The 12-15-2011 Plan Commission meeting minutes were presented for approval by the Town Board.

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the minutes from the Plan Commission meeting dated December 15, 2011. Vote: Aye-5. No-0. Carried.

C. Storm Water Management Advisory Committee: 12-21-2011: The 12-21-2011 Storm Water Management Advisory Committee meeting minutes were presented for approval by the Town Board.

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the minutes from the Storm Water Management Advisory Committee meeting dated December 21, 2011. 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.

- John Wier, 4950 Church Rd: requesting to view at the Town office ahead of time the information that is on the Town Board agenda. Town Attorney Dennis Duffy stated that most municipalities do not provide this information, or make it available on the internet. Lengthy discussion as to what is a public record. Do we what to charge residents for copies? It was recommended that the Clerk post one a copy of allowable board information at the voting booths a day prior to the Town Board meeting.

MOTION JEFF ZLATOHLAVEK/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. Quarries/blasting applications/licenses:

- **General discussion:** A letter was sent to Northeast Asphalt, who now owns all three quarries. A representative from Northeast Asphalt (Pete Kozak) was in attendance. Besides Northeast Asphalt owning all three quarries, nothing is changing for the new year for any of the quarries. There was one blast where 3 individuals called to complain. All of the blasts were within the limits of the state and town laws. The Quarries are cooperating. Not many verbal complaints and no written complaints. Chairman Mike Van Lanen also talked to Kozak about the loud blast. Kozak explained some of the reasons for that unique blast (location, weather, etc.). Brian Young (the blaster) admitted that he probably should not have blasted that day.
- **Discussion of the need for the updated surveys and legal descriptions.** There are apparent discrepancies in regard to maps versus legal descriptions. Northeast will be reviewing. Kozak explained the problems. He would like to take the hard copy maps and put them in the auto-cad program, but also ran into problems. Suggestions: we can try to individually understand that the Gersek quarry had three different approvals. The old Daanan and Janssen quarry had seven different expansions. The old Tordeur quarry had four expansions. We can try to fix the mapping here, or to redo the maps and to have one large permitted area for each quarry. The remapping/legal description/surveying is costly. Kozak stated that we are looking at having this done, but are asking if the updated mapping could include more expansion, to map out the additional expansion area as per town ordinance, to maximize the "quarryable" areas. We know that we need to "codify" the existing

quarry and expansion areas. To do this for the Tordeur quarry and the Scott quarry this would probably be OK. There will be a problem with remapping/legal description/surveying of the Gersek quarry (now to be called the Bay Settlement quarry) due to the Gersek Road issue. The former owners of this quarry (Gerseks) were supposed to bring that road up to Town standards, but it did not happen. A question was asked: What happened to North Holland Road, why was this blocked? It was not abandoned. It could be re-opened.

Chairman Van Lanen suggested that the updating surveying and mapping (grouping all of the existing areas as well as the future expansion area be done for Tordeur quarry & the Scott Quarry (old Daanen/Janssen quarry).

Northeast would also like to make permanent markers for defining the quarries, make it easier for us as well as the Town Board.

- **Discussion of the road repairs of Church Road:** Chairman Van Lanen said the road is getting very bad, needs repair. Kozak agrees. Maybe look at this at the quarry tour in the summer of 2012. Northeast Asphalt is agreeable to this.
- **Northeast Asphalt Inc (Tordeur quarry):** Pete Kosak represented Northeast Asphalt. There have been no written complaints, a handful of verbal complaints. Pete stated that the 2012 year should be similar to the 2011 year in regard to operations. NEA uses two seismographs, usually setting up one on the Van Laanen property off of South Holland and one on the Lardinois property at the corner of Church and Nooyan Lane. Northeast Asphalt does their own blasting. In regard to the two existing wells off of Church Road, Kozak stated that they will either abandon or properly protect the two existing wells off of Church Road. They will cap the shallow well in the near future.

MOTION KEN JACOBS/MIKE VAN LANEN to grant Northeast Asphalt Inc a Non-metallic Mining permit for the Tordeur quarry for 2012 contingent upon Northeast to prepare by May 31, 2012 on updating the survey/legal description for current permitted/current quarrying areas; and to meet by May 31, 2012 to look at the Church Road repair, repairs to be done by July 31, 2012. Vote: Aye-5. No-0. Carried.

- **Northeast Asphalt Inc (Scott Quarry old Daanen Janssen quarry):** Pete Kosak represented Northeast Asphalt. Northeast purchased this quarry in 2010. The house on Nooyen Lane is being rented in 2012 (3096 Nooyen Lane).

MOTION MIKE VAN LANEN/COLLEEN HARRIS to grant Northeast Inc a Non-metallic Mining permit for the Scott Quarry for 2012 contingent upon Northeast to prepare by May 31, 2012 on updating the survey/legal description for current permitted/current quarrying areas; and to meet by May 31, 2012 to look at the Church Road repair, repairs to be done by July 31, 2012. Vote: Aye-5. No-0. Carried.

- Discussion of the status of Gersek Road: Chairman Van Lanen asked Supervisor Harris about the Town responsibility in regard to the road. There are two options:
 - Leave it as a “driveway”, then it is Northeast’s “driveway” and not a road, but there is a concern about if the highway is expanded, will they want just a driveway, will we be land-locking a property owner?
 - Make someone update it to the Road standard. Chairman Van Lanen stated that Gersek owned the road. Kozak said that according to the Brown County Highway Dept. he thinks the Town owns the road. Supervisor Jacobs said that Gersek was supposed to upgrade the road. Supervisor Harris thinks it should be a public street, but Northeast upgrades and repairs the road. Jacobs thinks that the Town officially owns the ROW, but did not accept the road because it was not upgraded by Gersek.

MOTION MIKE VAN LANEN/KEN JACOBS to open the floor to public comment: Vote: Aye-5. No-0. Carried.

- Ed Tordeur spoke: Years ago Gersek was supposed to upgrade the road as a contingency upon approval of the quarry permit.
- Supervisor Harris: we should get a written agreement for Northeast to upgrade the road. I don’t think it would cost a lot to upgrade.
- Attorney Duffy: we need to look at the Register of Deeds and Town Board meeting minutes and a letter that the Town sent to the DOT. We can approve the quarry permit with the condition/contingent upon upgrading Gersek Road.
- Kozak thinks the Town has a 70 foot ROW.
- Supervisor Harris said there is a DOT exception procedure to building a substandard road. The Town Board needs to go out and take a look at the road. The road may need to be widened. But there are wetlands in the area, can the road be widened?

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

- **Gersek quarry (now owned by Northeast Asphalt):** Pete Kozak represented Northeast Asphalt. They submitted a renewal letter. No issues. They do their own blasting. The 2012 year should be similar to the 2011 year in regard to operations. It will be called the Bay Settlement Quarry.

MOTION MIKE VAN LANEN/KEN JACOBS to grant Northeast Asphalt a Non-metallic Mining permit for 2012 for the Bay Settlement Quarry (old Gersek quarry) contingent upon Northeast to prepare by May 31, 2012 on updating the survey/legal description for current permitted/current quarrying areas; and to meet by May 31, 2012 to look at the Gersek Road repair, repairs to be done by July 31, 2012. Discussion: Dennis Duffy, Brett Jensen and Scott Brosteau to look into road standards, not land locking any property owners, possibly accepting all or portion of the road, researching the minutes and to come to come back with conceptions by no later than May 31, 2012, progress reports on each agenda. Vote: Aye-5. No-0. Carried.

- **Blasting Permit renewal:** Northeast Asphalt does their own blasting. There were no issues in 2011.

MOTION MIKE VAN LANEN/KEN JACOBS to grant Northeast a blasting permit for 2012 with the conditions set forth in the application. Vote: Aye-5. No-0. Carried.

- B. Request from Ed Tordeur: consideration for a driveway culvert wider than the ordinance allows, driveway located in the vicinity of 4259 Church Rd.** This was denied on December 13, 2011. Van Lanen asked Tordeur to come to a meeting to explain why he needed the larger driveway. Tordeur provided drawings to the Town Board and explained the safety reasons. He will be removing the existing culvert and replacing it with a 15 inch or 18 inch culvert (18 is the Town standard). Tordeur stated that he can't make the turn with the driveway at 39 feet.

MOTION KEN JACOBS/CY VAN LAANEN to approve a 15 inch diameter culvert 48 feet long, end walls to be to Town standards, if the 15 inch does not work for drainage, an 18 will be required at the property owners expense: Discussion: there may not be room in the ditch for an 18 inch culvert. Vote: Aye-5. No-0. Carried.

MOTION KEN JACOBS/JEFF ZLATOHLAVEK to take a 5 minute recess. Vote: Aye-5. No-0. Carried.

MOTION MIKE VAN LANEN/KEN JACOBS to reconvene. Vote: Aye-5. No-0. Carried.

- C. Marty Holden report on the Storm Water Management.** He handed out a report of the 2011 accomplishments (see copy). There was some discussion as to purchasing the ravine near the potential location of the pond on the Sisters property. Would the city "give" or allow the property to be annexed into the Town? And will the Town receive the DNR credit for storm water requirements if the pond and ravine were in the "city"? Zlatohlavek asked clarification of funding between the Town funds and Storm Water funds. This should all be Town funds.

MOTION MIKE VAN LANEN/CY VAN LAANEN to include the 2011 Storm Water report into the Town minutes. Vote: Aye-5. No-0. Carried.

- D. Veolia garbage/recycling contract.** Attorney Duffy emailed written comments and also discussed his comments with the Town Board. Duffy's main concerns have to do with the "exclusivity" clause, a need for "higher insurance" requirements, and the "dispute resolution" issue. The Town should not take on the exclusivity responsibility. Veolia should also provide a higher liability insurance. Duffy also is still concerned about arbitration. He stated that the Town should not sign the contract. The Board directed Duffy to contact Brian Hopkins from Veolia.

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to not sign the garbage/recycling contract with Veolia, and to have Attorney Duffy contact Veolia to work out the differences in the contract and then return it to the Town Board. Vote: Aye-5. No-0. Carried.

- E. Resolution for taxing motels/hotels (MECCA group):** We will wait on this until the group approves the additional 2% increase. Take off agenda until the additional 2%.

MOTION MIKE VAN LANEN/JEFF ZLATOHLAVEK to table the Resolution for taxing motels/hotels (MECCA group). Vote: Aye-5. No-0. Carried.

- F. Building Permit fees Resolution:** This was approved on Dec. 13, 2011. Chairman Van Lanen read the resolution.

MOTION MIKE VAN LANEN/COLLEEN HARRIS to adopt Res. 2011-12-28. Vote: Aye-5. No-0. Carried.

- G. Temporary Parking/overnight parking on Scottie Court December 28-31, 2011.**

MOTION MIKE VAN LANEN/CY VAN LAANEN to approve the request for temporary parking/overnight parking on Scottie Court December 28-31, 2011. Vote: Aye-5. No-0. Carried.

- H. Update on complaints and potential ordinance violations in regard to the duplexes on Church Road:** Chairman Van Lanen updated the Board in regard to this issue. The Town received the police report, lots of information was blotted out due to confidentiality. Lengthy discussion of what/how do solve this situation. Attorney Duffy said to meet with the Brown County Sheriff to figure out how to handle this. Discussion of how much complaints/pattern. Can we hire a Sheriff deputy? Owners of the property have been contacted. Can we cite the owner? Mike will take the complaint calls.

I. **Final Bills for the 2011 year.** Clerk/Treasurer Roth summarized the final bills and financial reports. All bills are in and have been processed for payment except for: Brown County Highway (snow removal) and Finnel Landscape. The County was not able to provide an estimate for the December snow removal. We still can pre-date the Brown County bill once this is determined. It was agreed that the Town would probably pay the two bills as soon as they are received but “date” the check Dec. 31, 2011 to include in the Dec 2011 financial reports.

6. **Communications by Clerk/Engineer and Economic Development Coordinator (No action):**

- **Building Inspector Brett Jensen:** updated the Town Board in regard to the truck parked on Rebecca Lane, it has not been ticketed yet, the vehicle is still there. Brett to talk to Randy Schultz about getting addresses for license plates so we can mail citations to violators. Chairman Van Lanen told Jensen to write the citation. If we need to pay Brown County to get the name and address, the Town is willing to pay.

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

- A. Chairman Mike Van Lanen: Highway contract. Complaint about a business in residential area (working on cars).
- B. Supervisor Cy Van Laanen: nothing to report
- C. Supervisor Ken Jacobs: Jeff and I installed the “No Trucks” signs. Deer carcass is still in the ditch.
- D. Supervisor Colleen Harris: nothing to report
- E. Supervisor Jeff Zlatohlavek: nothing to report

8. **Treasurer’s and Clerk’s Financial reports:** Ending Estimated balances are as follows not including the Lange Enterprises bill for signs and Brown County Highway Department for snow removal):

Baylake Checking:	42.94	
Baylake Money Market:	260,042.18	
Nicolet Bank RE Tax	217,336.32	(not including Advance Tax Collections)
Total:	477,421.44	

The Town has not received the December 2011 highway bill for snow removal. We will end up paying this in January 2012 but will include this bill in the 2011 financial reports. The Town will also need to pay the January 2012 health insurance premium of \$2912.32 on January 1. Roth will do an online payment to count this expense in the 2012 year.

Vouchers #EFT 12-01 through EFT 12-6 and 2487-2516 totaled \$38,937.93. (does not include Brown County Highway (snow removal), receipts totaled \$12,021.40. 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 #EFT 12-01 through EFT 12-6 and 2487-2516 totaled \$38,937.93, to include the Finnel Landscape voucher/bill #2517 of \$280.42, and to pay Brown County Highway voucher (snow removal) as soon as it is received and to include it in the Dec 2011 financial reports, and to pay the January 2012 Health Insurance premium of \$2912.32 in early January. The financial reports will be revised once the bill gets in. Vote: Aye-5, No-0. Carried.

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

10. **Meetings/Adjournment:**

MOTION MIKE VAN LANEN/CY to adjourn Vote: Aye-5, No-0. Carried. Meeting Adjourned at 11:45 A.M.

John Roth, Clerk/Treasurer