

**MONTHLY MEETING – JANUARY 13, 2003**

On Monday, January 13, 2003, the Town Board of the Town of Salem, held their regular monthly meeting. At 7:00 PM, Chairman Boening called the meeting to order. The Pledge of Allegiance was recited. Clerk Seitz took roll call as follows: Present, Chairman, Shirley Boening; Supervisors, Diann Tesar; Dolores E. Terry; and Jake Brockhaus. Absent was Supervisor Meier. Also present were: Clerk, Toni Seitz; Deputy Clerk, Linda Terry; Treasurer, Chris Lamb; Utility District Administrator, Brad Zautcke; General Highway Foreman, George Vujovic; Emergency Service Director, Mike Slover and Land Development Coordinator, Phil Cayo.

Minutes from previous meetings of 12/9/02; 12/17/02 and 1/6/03, were **APPROVED ON A TERRY/TESAR MOTION. MOTION CARRIED 4-0.**

Chris Lamb read the treasurer's report as follows:

**DECEMBER, 2002 – CASH REPORT FOR THE GENERAL ACCOUNT:**

**December 1, 2002 – Beginning Balance** **\$546,998.44**

RECEIPTS \$112,371.70

Transfer from Tax Fund\$ 1,182.01 (ck#4620)

DISBURSEMENTS \$247,118.17

PAYROLL \$ 59,675.66

**Total** **\$306,793.83**

**December 31, 2002 – Ending Balance** **\$353,758.32**

State Pool – General \$275,295.53

General Checking \$ 78,462.79

**Total** **\$353,758.32**

\*\*\*\*\*

**DECEMBER 1, 2002 – CASH REPORT FOR THE TAX ACCOUNT:**

**December 1, 2002 – Beginning Balance** **\$ 40,812.05**

RECEIPTS	\$3,590,195.33
DISBURSEMENTS	\$ 13,216.87
Transfer to General Fund	\$ 1,182.01 (ck#4620)

**December 31, 2002 – Ending Balance** **\$3,616,608.50**

State Pool – General	\$2,005,481.45
Tax Checking	<u>\$1,611,127.05</u>
<b>Total</b>	<b>\$3,616,608.50</b>

\*\*\*\*\*

**DECEMBER, 2002 – CASH REPORT FOR THE PARK ACCOUNT:**

**December 1, 2002 – Beginning Balance** **\$866,979.98**

RECEIPTS	\$ 5,869.24
----------	-------------

**December 31, 2002 – Ending Balance** **\$872,849.22**

State Pool – Parks	\$314,637.29
Zone 1	\$114,749.19

Zone 2	\$ 82,427.09
Zone 3	\$ 63,137.47
Zone 4	\$ 43,247.48
Zone 5	\$193,526.19
Zone 6	\$ 56,277.14
Zone 9	\$ <u>4,847.37</u>
<b>Totals</b>	<b>\$872,849.22</b>

\*\*\*\*\*

**DECEMBER, 2002 – CASH REPORT FOR THE TRAILS ACCOUNT:**

**December 1, 2002 – Beginning Balance** **\$154,499.82**

RECEIPTS \$ 134.86

**December 31, 2002 – Ending Balance** **\$154,634.68**

\*\*\*\*\*

**DECEMBER, 2002 – CASH REPORT FOR THE MAINTENANCE ACCOUNT:**

**December 1, 2002 – Beginning Balance** **\$ 12,533.29**

RECEIPTS \$ 5.33

**December 31, 2002 – Ending Balance** **\$ 12,538.62**

The Treasurer's Report was **APPROVED ON A TESAR/BROCKHAUS MOTION. MOTION CARRIED 4-0.**

Vouchers were read by Supervisor Tesar as follows:

**TOWN:**

**UTILITY DISTRICT:**

**END OF DEC., 2002 = \$203,625.20**

**END OF DEC., 2002 = \$282,177.64**

**JANUARY, 2003 = \$ 97,986.08**

**JANUARY, 2003 = \$ 63,024.08**

**TOWN PAYROLL:**

**UTILITY DISTRICT PAYROLL:**

**PAYROLL #25 = \$ 42,117.97**

**PAYROLL #25 = \$14,128.01**

**PAYROLL #26 = \$ 36,765.09**

**PAYROLL #26 = \$14,109.92**

Vouchers were **APPROVED ON A TERRY/BROCKHAUS MOTION. MOTION CARRIED 4-0.**

***CITIZEN COMMENTS:***

**NONE**

***UTILITY DISTRICT BUSINESS:***

- 1. CONSIDERATION OF JODI AWE ATTENDING A LABORATORY QA/QC COURSE, MARCH 6, 2003, IN WINNECONNE, WISCONSIN:**

**APPROVED ON A BROCKHAUS/TERRY MOTION. MOTION CARRIED 4-0.**

- 2. CONSIDERATION OF FINAL PAY REQUEST PR-1210102-04 AND NOTICE OF FINAL COMPLETION FOR THE 2001 SANITARY SEWER EXTENSION:**

Mr. Zautcke stated that the sewer extension was completed; the punch list was completed and the grading was also completed.

The final payout is \$16,271.11.

**APPROVE FINAL PAYOUT OF \$16,271.11, MADE ON A TESAR/TERRY MOTION. Clerk Seitz took a roll call vote as follows: Tesar-aye; Terry-aye; Brockhaus -aye; and Boening-aye. MOTION CARRIED 4-0.**

**ACCEPT SEWER EXTENSION, MADE ON A TERRY/BROCKHAUS MOTION. MOTION CARRIED 4-0.**

*TOWN BUSINESS:*

**1. COMMITTEE REPORTS:**

The Park Commission will be meeting on Tuesday, January 28, 2003, at 7:00 PM, at the Town Hall. The Community Advocacy Group is invited, along with Nancy Anderson, a woman that is going to go over the grant application process with the Park Commission.

**2. DISCUSSION AND ACTION REGARDING PLANNING AND ZONING MEETING OF 12/19/02 and 1/9/03:**

DISCUSSION AND POSSIBLE ACTION REGARDING CONDITIONAL USE PERMIT FOR AUTOMOBILE SALES FACILITY AT 25509 – WILMOT ROAD, TREVOR, WI/MIKE BERGSTEN: (this was previously tabled):

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE ON A TESAR/TERRY MOTION. MOTION CARRIED 4-0.**

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED LAND USE PLAN AMENDMENT, REZONING REQUEST (from A2 to R3 and R8, AND PRELIMINARY PLAT FOR THE PROPOSED MILL CREEK EAST SUBDIVISION/PARCEL #65-4-120-113-1200 AND 65-4-120-142-0101:

**APPROVE PLAN COMMISSION'S RECOMMENDATIONS AS FOLLOWS:**

**APPROVE LAND USE MAP AMENDMENT ON THE FOLLOWING BASIS:**

**The Town Plan provides for changes to be made to the Town Plan if additional information is provided and additional analysis is presented to the Town that indicates such an amendment is needed.**

**“Accomplished ‘buffer zone’ from areas of denser use or commercial use”. When the Land Plan was created, there needed to be a buffer from the multi-family rental located to the southwest of proposed R-8 area and commercial area to the west (service, garage, tavern, other commercial activities in the Town center). The subject condominium (R-8) area serves as this buffer area to the single family to the East.**

**MADE ON A TESAR/BROCKHAUS MOTION. MOTION CARRIED 4-0.**

**APPROVE REZONING FROM A-3 TO R-8 AND R-3, AS SHOWN ON THE DRAWINGS, MADE ON A TERRY/TESAR MOTION. MOTION CARRIED 4-0.**

**APPROVE PRELIMINARY PLAT BASED ON CHRIS KAEMPFER’S MEMO OF 1/2/03 (attached hereto), AND BASED ON PATRICK MEEHAN’S MEMO OF 12/23/02, #1-22 AND 24 (as follows):**

- 1. Application for the rezoning of the subject property will need to be made by the applicant to the Village of Paddock Lake and a public hearing will need to be held on the rezoning of both the proposed R-3 District and R-8 District portions of the subject property. The proposed design set forth on the revised "Preliminary Plat" appears to meet the various minimum dimensional requirements for lots of the R-3 District. No lotting plan is indicated for the proposed R-8 District area and Meehan & Company, Inc. assumes that the division of the R-8 District portion of the proposed development (Outlot 1) will be by Condominium Plat.**

**It is the further understanding of Meehan & Company, Inc. and it is important to note that the subject property is currently under Village of Paddock Lake exercised "Extraterritorial Zoning" jurisdiction pursuant to the provisions of Section 62.23(7a) of the Wisconsin Statutes as well as under the Village of Paddock Lake extraterritorial plat jurisdiction under the provisions of Chapter 236 of the Wisconsin Statutes. Therefore, it is recommended that the applicant follow all applicable regulations for zoning and land division of all applicable units of government.**

- 2. If the rezoning is granted by the Village of Paddock Lake to rezone proposed Outlot 1 into the R-8 Urban Two-Family Residential District, a preliminary Condominium Plat (accompanied by all the proposed architectural elevations and floor plans for all such condominium dwelling units proposed) needs to be submitted for review and further consideration.**

## EXISTING SANITARY SEWER SERVICE AREA

The subject property is currently within the SEWRPC year 2020 sanitary sewer service area as documented in the Amendment to the Regional Water Quality Management Plan: Town of Salem prepared by SEWRPC and dated March 2001.

## "PRELIMINARY PLAT" APPLICATION REQUIREMENTS

Sections 18.0701 and 18.0702 of the Land Division Control Ordinance set forth the requirements which must be met by the revised "Preliminary Plats." The submitted revised "Preliminary Plat" meets the various data requirements as set forth in Section 18.0701 and 18.0702 with the exception of the following:

3. Pursuant to the requirements of Section 18.0702(K) of the Town Land Division Control Ordinance, the "Preliminary Plat" shall indicate the names of all public streets and public rights-of-way. In this regard, proposed public streets (Courts A, B, and C) will need to have permanent names assigned by Kenosha County and indicated on the Final Plat.

Other Land Division Control Ordinance requirements which need to be addressed include the following:

4. As pointed out in Meehan & Company, Inc.'s memorandums to the Plan Commission dated July 9, 2001, December 10, 2001, November 14, 2002, and December 11, 2002 due to the presence of a considerable number of natural resource features at the subject property (particularly the wetland located in the western portion of the subject property and the stream and associated wetlands located on the eastern edge of the subject property), a "Natural Resource Protection Plan" meeting the requirements of Section 18.0706 and Division 18.0400 of the Land Division Ordinance needs to be submitted.
5. As pointed out in Meehan & Company, Inc.'s memorandums to the Plan Commission dated July 9, 2001, December 10, 2001, November 14, 2002, and December 11, 2002, pursuant to the requirements of Section 18.0707(A), (B), and

(C) of the Town Land Division Control Ordinance, the documents which create the "Declaration of Deed Restrictions and Protective Covenants" and "Conservation Easements" for natural resource features protection need to be submitted prior to the final approval of the "Preliminary Plat" and the Wisconsin non-profit membership corporation (homeowners' association and condominium association) instrument(s) need to be submitted for review by the Town Attorney to assure the long-term maintenance of the various Outlots, condominium developments, and conservancy areas proposed.

6. Pursuant to the requirements of Division 18.0500 of the Town Land Division Control Ordinance, a landscape plan will need to be submitted prior to Final Plat approval indicating the location, extent, type, and sizes of all proposed landscaping including street trees and required landscape bufferyard plantings.

#### **OTHER MISCELLANEOUS ISSUES TO BE ADDRESSED**

In addition to the aforementioned issues, the following are miscellaneous issues which need to be addressed:

7. Any proposed development identification/monument signs shall meet the Kenosha County Zoning Ordinance requirements for permitted signage and should be submitted for Town approval prior to the Town's approval of the "Final Plat."
8. If the proposed public street right-of-way which intersects 84th Street is to be a divided boulevard, this shall be indicated on all subsequent drawings.
9. A bituminous paved temporary vehicular turnaround with a temporary access easement (with a minimum easement radius of 65 feet and minimum pavement radius in conformance with the requirements of Table 1 of the Town of Salem Land Division Control Ordinance as amended by Ordinance No. 01-06-11A) shall be provided those "dead-end" streets which abut neighboring properties at the locations noted on the "Preliminary Plat." An adequate escrow amount shall be established under the "Subdivider's Agreement" to assure the creation of the easement, the pavement of this turnaround area to its full paved radius, its maintenance, and to also assure its removal when the street stub is extended to serve the eastern abutting property.
10. Pursuant to the requirements of the adopted Town Land Use Plan, the "Preliminary Plat" will need to accommodate a public trail contiguous to the 84th Street right-of-way. The subdivider shall be required to construct the required 8-foot wide path or

- establish an adequate escrow deposit to allow for the construction of this segment of the required 8-foot wide path in the future. This should be accomplished as an integral part of the "Subdivider's Agreement" pursuant to the requirements of Section 18.0205 of the Town of Salem Land Division Control Ordinance.
11. With respect to the 8-foot wide public trail located between proposed Lots 17 and 18, the subdivider shall be required to construct the required 8-foot wide path or establish an adequate escrow for the construction of this segment of the required 8-foot wide path in the future. This should be accomplished as an integral part of the "Subdivider's Agreement" pursuant to the requirements of Section 18.0205 of the Town of Salem Land Division Control Ordinance.
  12. The "Preliminary Plat" shall be subject to the payment of the impact fees associated with the provision of parks and transportation system maintenance facilities under the requirements of the Town of Salem Ordinance and the requirements of Section 66.0617 of the Wisconsin Statutes.
  13. A stormwater management plan with calculations shall be prepared for Town Engineer review.
  14. The submission of any further "Preliminary Plat" related materials will have to continue to be carefully coordinated with the rezoning petition/application(s) submitted to any other governmental body having jurisdiction.
  15. A developer's agreement (i.e., "Subdivider's Agreement") needs to be entered into and proper financial sureties provided in conformance with the Town Land Division Control Ordinance to cover on-site improvements such as streets, required public trails, landscaping (including all required street trees and the planting of all landscape bufferyards), on-site stormwater detention and/or retention areas, etc.
  16. The "Subdivider's Agreement," "Restrictive Covenants," "Stormwater Agreement/Area Easement Agreement," homeowners' association, and condominium association documents (if the R-8 District rezoning is granted) shall be submitted to the Town Attorney for review prior to "Final Plat" approval. Provisions need to be included in the "Restrictive Covenants" to assure that the taxes to be paid on Outlot 2 are to be shared by all of the owners of the residential lots/units in the subdivision so that the proposed Outlots do not become tax delinquent.

17. Any required wetland fill permits shall be obtained from the appropriate County, State, or Federal agencies before construction in any wetland area commences. Any wetland delineations performed by wetland biologists and/or wetland fill permits obtained shall be copied by the developer to the Town before construction in any wetland area commences.
18. Any and all technical deficiencies of the *revised* "Preliminary Plat" shall be corrected including correcting on the face of the "Preliminary Plat" the size of Outlot 1 to 19.33 acres.
19. All platting activity and subdivision applications relating to the subject property shall meet all applicable Town Land Division Control Ordinance requirements and all applicable requirements of the Village of Paddock Lake.
20. All applications for platting should use the proper application forms of the Town of Salem.
21. All applicable Town of Salem application and review fees shall be paid by the developer.
22. The applicant needs to address any other issues which the Town Plan Commission deems necessary for the developer to address in the application materials as well as those comments made by Kaempfer & Associates, Inc. in its letter to the Town Deputy Clerk dated November 21, 2002 and comments from the Town's consulting engineer R.A. Smith and Associates.
24. The Subdivider shall submit to the Plan Commission, within ninety (90) days of the Town of Salem's conditional approval of the "Preliminary Plat", unless extended by the Town's Plan Commission, all required additional application materials which address and correct those issues set forth in numbered paragraphs 1 through 22 of this memorandum; and, if such submission is not made by the applicant within the time framework set forth herein which addresses those issues, the "Preliminary Plat" shall be considered as rejected by the Plan Commission.

MOTION MADE BY TESAR/TERRY. MOTION CARRIED 4-0.

3. DISCUSSION AND ACTION REGARDING PARK COMMISSION MEETING OF 12/18/02:

THERE WAS NO ACTION TAKEN AT THE PARK COMMISSION MEETING.

**4. CONSIDERATION OF RESOLUTION #03-01-13A, A RESOLUTION AUTHORIZING THE TOWN OF SALEM TO BORROW THE SUM OF \$950,000.00 BY ISSUING GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2003 PURSUANT TO SECTION 67.12(12) OF THE WISCONSIN STATUTES AND AUTHORIZING THE SALE OF THE NOTES:**

Mr. Michael Herrigan, from Ehler's and Associates was present for the meeting. He stated that bids were received; the lowest bid was from Bernardi Securities from Chicago. The interest rate is 3.3792%, which is lower than what was estimated.

Supervisor Brockhaus questioned the interest rates changing?

Mr. Herrigan stated that they would not; they are locked in.

**APPROVE RESOLUTION #03-01-13A, MADE ON A TESAR/TERRY MOTION. Clerk Seitz polled the Board as follows: Tesar-aye; Terry-aye; Brockhaus -aye; Boening-aye; Meier-absent. MOTION CARRIED 4-0.**

**5. CONSIDERATION OF ORDINANCE #03-01-13, INCREASING THE HOURS THAT POLLS SHALL BE OPEN TO VOTERS DURING ELECTIONS IN THE TOWN OF SALEM:**

This Ordinance would allow the polls to be open from 7:00 AM to 8:00 PM.

**APPROVE ORDINANCE #03-01-13, MADE ON A BROCKHAUS/TESAR MOTION. MOTION CARRIED 4-0.**

**6. CONSIDERATION OF RESOLUTION #03-01-13B; A RESOLUTION AUTHORIZING THE APPOINTMENT OF MEMBERS OF AN AD HOC COMMITTEE FOR THE FORMULATION OF AN INTERMUNICIPAL AGREEMENT AMONG THE TOWN OF SALEM, VILLAGE OF SILVER LAKE AND VILLAGE OF PADDOCK LAKE:**

**APPROVE RESOLUTION #03-01-13B, MADE ON A TESAR/TERRY MOTION. MOTION CARRIED 4-0.**

**7. APPOINTMENT OF TWO MEMBERS TO THE AFOREMENTIONED COMMITTEE:**

Chairman Boening stated that she spoke to Phil Dziki regarding this committee. He would be willing to sit on such a committee; Chairman Boening will be the second person; and the Town Planner, Patrick Meehan, will be the third person on the committee.

Clerk Seitz questioned the Town Planner attending all of the committee meetings, due to the cost?

Chairman Boening stated that he would be at all meetings.

**APPROVE HAVING PHIL DZIKI; AND SHIRLEY BOENING ON THE AD-HOC COMMITTEE FOR AN INTERMUNICIPAL AGREEMENT AMONG THE TOWN OF SALEM AND THE VILLAGES OF SILVER LAKE AND PADDOCK LAKE, MADE ON A TESAR/BROCKHAUS MOTION. MOTION CARRIED 4-0.**

**8. CONSIDERATION OF TRAFFIC CONCERNS AT WILMOT HIGH SCHOOL/GEORGE VUJOVIC:**

Mr. Vujovic stated that there have been problems on some of the roads in Wilmot, especially after school is dismissed.

Cathie Brown stated that if things do not change, someone might get seriously hurt.

Mr. Vujovic submitted a map showing the roads that would become one-way street (copy attached).

Crysti Neuman questioned the number of residents that this would affect?

Chairman Boening stated that it would only be five or six homes.

Tom Walsh suggested having the one-way streets temporary, only until people got used to them.

Mr. Vujovic stated that it would be 4 – 6 weeks to get the project done.

**APPROVE CHANGING THE STREET DIRECTION ON 308<sup>TH</sup> AVENUE; 111<sup>TH</sup> STREET AND 112<sup>TH</sup> STREET, (per the attached drawing): MADE ON A TERRY/TESAR MOTION. Clerk Seitz polled the Board as follows: Tesar-aye; Terry-aye; Brockhaus-aye; and Boening-aye. MOTION CARRIED 4-0.**

**9. CONSIDERATION OF DONATION TO DEPUTY FRIENDLY SAFETY POSTER CONTEST:**

**APPROVE A DONATION OF \$50.00 FOR THE PURCHASE OF 2 \$50.00 BONDS, MADE ON A TESAR/BROCKHAUS MOTION. MOTION CARRIED 4-0.**

**10. CONSIDERATION OF EXPENDITURES CONCERNING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE SCHOOLS AND THE TOWN OF SALEM/SUPERVISOR TESAR:**

Supervisor Tesar would like the Board's approval to have an agreement between the Schools (Trevor, Salem Grade and Central High have been spoken to), and the Town of Salem, regarding using the facilities already in existence for park uses.

Crysti Neuman stated that this would allow all of the taxpayers to use the school's facilities.

Chairman Boening suggested that Supervisor Tesar contact the Town Attorney and the Town Planner to discuss this matter.

**TABLE UNTIL THE FEBRUARY 10, 2003 MEETING.**

**11. CONSIDERATION OF PATRICK MEEHAN TO DESIGN THE PARK PLAN FOR TOWN OF SALEM / SUPERVISOR TESAR:**

Supervisor Tesar stated that she had spoken to Town Planner, Patrick Meehan. He would be willing to design a Park Plan for the Town for a cost of approximately \$10,000.00.

Chairman Boening asked if this money could be taken out of each Park District Fund proportionately?

Mr. Cayo stated that each of the seven park districts could pay a share.

**APPROVE AUTHORIZING PATRICK MEEHAN TO DESIGN A PARK PLAN FOR THE TOWN OF SALEM, MADE ON A BROCKHAUS/TERRY MOTION. Clerk Seitz polled the Board as follows: Tesar-aye; Terry-aye; Brockhaus -aye; and Boening-aye. MOTION CARRIED 4-0.**

**12. CONSIDERATION OF CLASS "B" PICNIC LICENSE FOR LAKE SHANGRI-LA PROPERTY OWNER'S ASSOCIATION ON 2/1/03 – 2/2/03:**

**APPROVED ON A TESAR/TERRY MOTION. MOTION CARRIED 4-0.**

**13. CONSIDERATION OF CLASS "B" PICNIC LICENSE FOR CENTER LAKE WOODS PROPERTY OWNER'S ASSOCIATION FOR FEBRUARY 8, 2003:**

**APPROVED ON A TESAR/TERRY MOTION. MOTION CARRIED 4-0.**

**14. CONSIDERATION OF OPERATOR'S LICENSES PENDING CLEAR RECORD CHECKS:**

**Jackie Clark**

**Deanna Moore**

**Ronald Pasterz**

**APPROVED ON A TESAR/BROCKHAUS MOTION. MOTION CARRIED 4-0.**

**AT 8:00 PM, THE MEETING WAS ADJOURNED ON A TESAR/TERRY MOTION. MOTION CARRIED 4-0.**

**Minutes submitted by: \_\_\_\_\_ Town Clerk.**

**Minutes prepared by: \_\_\_\_\_ Deputy Clerk.**