

**TOWN ELECTORS MEETING
PUBLIC HEARING
TOWN BOARD MEETING
Monday, September 12, 2005**

PLEASE TAKE NOTICE that pursuant to Section 60.12 (1) (c), the Town of Salem, Kenosha County, Wisconsin conducted a special town meeting on Monday, September 12, 2005, at 7:00 P.M. in the Salem Town Hall, 9814-Antioch Road (STH 83), Salem, Wisconsin. The purpose of the meeting was to consider and take possible action regarding the proposed sale of Town owned real estate: 8104-238TH AVENUE, SALEM, WISCONSIN: GERALD R. KRIEGER:

Chairman Tesar called the Town Elector's Meeting to order at 7:03 P.M. Present for the meeting were: Chairman Tesar, Supervisors Dziki, Faber, and O'Connell. Also present were: Town Clerk Lynn Pepper, Deputy Treasurer Crysti Neuman, Town Attorney Richard Scholze, Land and Development Coordinator Brad Zautcke, Utility District Engineer Chris Kaempfer, Building Inspector Jack Rowland, Building Inspector Phil Cayo, and Fire Chief Mike Slover. Supervisor Meier was excused.

Chairman Tesar read a prepared statement explaining the request to purchase town property which has been designated as a fire lane. She stated that this proposal was brought before the Board last month and it was decided that the proposal needed to come before the elector's. Chairman Tesar stated that she wanted to make it clear that the Board has no intention of using the land for a park or a beach at this time. The town assessor appraised the property at \$75,600. The two adjacent property owners who would be purchasing the land would be charged for the cost of the land, the cost of the appraisal, and the cost of legal fees. If the elector's decide to sell the property, a State Statute required Resolution would need to be written and submitted to the DNR. The DNR has the final decision on whether or not to abandon the property. Chairman Tesar read a portion of NR Chapter 1.92.

Chairman Tesar also read a letter in the Wisconsin Towns Association booklet regarding public access. The letter stated that public access is disappearing to shore front property owners. If a town abandon's lakefront property, the town needs to provide access somewhere else.

Mr. Tom Walsh, 23300 81st Street explained that he was one of the members of the Salem Oaks Association who was chosen to speak on this matter. Prior to this meeting, the Salem Oaks Association has had two or three subdivision meetings and one Board Meeting. The consensus of the subdivision was that they do not want anyone to have access to the lake from this property. He stated that there is no room and there are issues regarding traffic, parking, and garbage. Mr. Walsh asked if it were possible for the DNR to waive the right for suitable property. He also questioned that if the DNR stated that the access had to be replaced, would it have to be replaced on the same lake.

In response, Town Attorney Richard Scholze stated it would be his reasonable interpretation of the Natural Resources Regulations 1.92 that access would have to be replaced on the same lake as it was abandoned. He added that the DNR may find that the access doesn't contribute to the quality or quantity of the lake.

Mr. Walsh explained that the subdivision voted collectively that if the DNR were to deny the selling of the land, the subdivision would request that there be a contingency which would state that there would be no public beach or park for at least twenty-five years.

Ms. Deidre Reeves, 23723 82nd Place, also a spokesperson for the Salem Oaks Subdivision, asked that it be mentioned in the resolution to the DNR that there is already lake access on the west side of the lake and that there is a boat launch three lots down from the current lot. Her group would like to see the property sold to the two adjoining neighbors.

Chairman Tesar clarified that the property is considered a fire lane, not a boat launch. Ms. Reeves suggested mentioning in the resolution that it is used as a fire lane/boat launch so the DNR will not reject the proposal. Chairman Tesar stated that Mr. Dahm from the DNR stated that they are not proponents of abandonment but each case will be reviewed on a case by case basis. Attorney Scholze added that without the consent of the DNR, the Town cannot sell or abandon the property.

Mr. Ken Paull, 24200 84th Street, President of the Hooker Lake Management District stated he would vote no to the selling of the property. Public access to the lake is dwindling. He would like to request a hearing regarding the sale of the property.

Mrs. Virginia Winker, 24709 82nd Street stated that she would vote to sell the property. In regards to public access, there is a fishing pier on the north side, a boat launch on the northeast side, a boat launch on the south side, and a fire lane on the west side. Selling the property would make money for the town. Let the DNR make the final decision.

Mr. Jim Grumbeck, 24030 84th Street, stated that he is aware of three other easements that have been abandoned on a lake and the DNR has never disputed the abandonment of them.

Mr. Scott Fredrick, 8028 238th Avenue stated that he lives three houses north of the easement. The Town was unaware that this easement even existed. How could the DNR object? The fire lane currently collects tires, garbage, and violators. In regards to the proposed value, Mr. Fredrick stated he would challenge the value of the lot. A fifty-five foot lot was appraised at \$75,000. How could a forty foot unbuildable lot be valued the same?

Mr. Glen Merrill, 27616 81st Place stated that he does not want to sell the property. There is no place for children to go fishing. The fishing pier by the post office is a swamp area with cattails. This would be unfair to those who do not own boats.

Mrs. Lorraine Paull, 24200 84th Street stated that she is against selling any public lake property. If the voters decide to sell, can the sale be open for bids? In response, Chairman Tesar explained that the property would be sold to the two adjoining property owners. The lot is only forty feet wide and the town would not approve any variances. Attorney Scholze added that the sale of the property is up to the electors and the DNR. It is at the discretion of the Town Board to only involve the two property owners.

Mr. Darrin Noyes, 24640 81st Place stated that he is a fisherman who does not live on the lake. The town needs to keep lake property. There is a need for the future developments. That is what we are paying taxes for.

The public comment portion of the meeting was closed at 7:32 P.M.

AUTHORIZE THE TOWN TO SELL THE PROPERTY TO THE TWO ADJOINING PROPERTY OWNERS WITH THE CONSENT OF THE DNR, WITH THE CONTINGENCY THAT IF THE DNR DOES NOT APPROVE THE SALE, THAT THE PROPERTY'S USE BE RESTRICTED FOR TWENTY-FIVE YEARS, MADE ON A TOM WALSH/DEIDRE REEVES MOTION. THE MOTION CARRIED 61-25 IN FAVOR OF SELLING.

RECONSIDER ACTION TAKEN AND TO VOTE TO SELL OR NOT SELL WITHOUT THE CONTINGENCIES AND TO VOTE ON THE PAPER BALLOT, MADE ON A MIKE GRASSER/KEN PAULL MOTION.

AMEND PREVIOUS MOTION TO INCLUDE THAT THE PROPERTY ONLY BE SOLD TO THE TWO ADJOIING PROPERTY OWNERS, MADE ON A VIRGINIA WINKER, LENORE PARIS MOTION.

Attorney Scholze stated that the motion can stand and be voted on because it is a reconsideration of the first motion. The next motion was made to amend the reconsideration motion to add the language of the two property owners. The electors need to vote on the amendment first. This does not affect the vote that has already been taken. Chairman Tesar explained that the amendment says that the town would sell only to the two adjoining property owners. A vote began but was halted due to the lack of understanding of the amended motion. Discussion followed regarding the amendment.

MOTION TO AMEND THE PREVIOUS MOTION CARRIED 62-15 TO INCLUDE THAT THE PROPERTY BE SOLD TO ONLY THE TWO ADJOINING PROPERTY OWNERS.

MOTION TO RECONSIDER ACTION TAKEN AND TO SELL OR NOT SELL WITHOUT THE CONTINGENCIES AND TO VOTE ON PAPER BALLOT CARRIED 60-38 TO SELL THE PROPERTY.

ADJOURN THE TOWN ELECTOR'S MEETING AT 8:11 P.M., MADE ON A DZIKI/JIM GRUMBECK MOTION. MOTION CARRIED 52-5.

PLEASE TAKE NOTICE, that the Town Board of the Town of Salem, held a PUBLIC HEARING on Monday, September 12, 2005, at 7:00 P.M. at the Salem Town Hall, 9814-Antioch Road, Salem, Wisconsin, 53168 regarding the proposed discontinuance of part of 112th Street for Town records.

Chairman Tesar opened the public hearing at 8:14 P.M. Present for the meeting were: Chairman Tesar, Supervisors Dziki,

August, 2005 - CASH REPORT FOR THE TAX ACCOUNT
 August 1, 2005 - Beginning Balance \$2,326,759.11
 RECEIPTS \$865,152.93
 DISBURSEMENTS \$1,129,428.40
 August 31, 2005 - Ending Balance \$1,277,115.77

August, 2005 - CASH REPORT FOR THE PARK ACCOUNT
 August 1, 2005 - Beginning Balance \$1,115,110.73
 RECEIPTS \$2,923.55
 August 31, 2005 - Ending Balance \$1,118,034.28

August, 2005 - CASH REPORT FOR THE MAINTENANCE ACCOUNT - SALEM
 August 1, 2005 - Beginning Balance \$23,984.86
 RECEIPTS \$11.20
 August 31, 2005 - Ending Balance \$23,996.06

MOTION TO APPROVE MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

VOUCHERS:

TOWN OF SALEM:

End of August, 2005=\$96,548.84

Sept, 2005=\$176,732.84

UTILITY DISTRICT:

End of

August, 2005=\$172,399.57

Sept, 2005=\$20,064.05

TOWN PAYROLL:

#17=\$50,249.22

#18=\$61,160.21

UTILITY DISTRICT

PAYROLL:

#17=\$15,984.97

#18=\$16,097.61

APPROVE VOUCHERS, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

Chairman Tesar moved to item #25 under Town Business.

25. DISCUSSION AND POSSIBLE ACTION REGARDING SALEM OAKS RESIDENTS' EASEMENT PROPOSALS/TOM WALSH AND DEIDRE REEVES:

AUTHORIZE THE TOWN ATTORNEY TO SUBMIT THE APPLICATION TO THE DNR REGARDING THE SALE OF THE FIRE LANE, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR DZIKI VOTING NAY.

Supervisor Dziki questioned if the Board would be allowed to vote against the electors wishes. Would there be any consequences? Attorney Scholze stated that the Board is not obligated to take the action that has been directed.

Mr. Tom Walsh, 23300 81st Place stated that many residents misunderstood the amended motion. If the DNR turns the application down, aside from public utility, the residents do not want the land touched for twenty-five years.

Ms. Deidre Reeves, 23723 82nd Place stated that she is concerned over how the Board Meeting was adjourned. A neighborhood group of more than sixty people are here at the meeting and she feels that they are not being recognized. Tom Walsh and herself have spoken for the majority of the property owners in Salem Oaks Subdivision. If it is not possible to sell the land, let the land stay as it is. Other easements have been abandoned by the Town and the DNR should not be considered a big stumbling block. Ms. Reeves suggested cleaning up other accesses. No one currently uses this one.

In response, Chairman Tesar stated that she spoke for herself when she stated that she did not know that the fire lane existed. Ms. Reeves stated that no one in her subdivision really knew either. The neighbor has maintained the property. Selling this to the neighbors would increase the value.

Supervisor Dziki stated that he does not want to dispose of any lake front property. He suggested turning the property over to the Hooker Lake District.

Supervisor Faber stated that the Town Attorney will draft the notice of intent to the DNR to abandon an access. The DNR will take action first, and then the Town can consider conditions. Supervisor Faber added that he does not want this property to go to the Association, rather he would like to see it go to the Hooker Lake District where everyone in the District could use it.

Mr. Walsh also suggested that if the DNR rejects the application, that this property be turned over to the Hooker Lake Management District.

CITIZEN COMMENTS:

Mrs. Linda Valentine, 10816 269th Avenue explained that yesterday, September 10th, she called 911, Kenosha Dispatch, to report a fire in Valmar Subdivision. A single person could not handle this fire alone.

She told the dispatcher where to enter the subdivision. The dispatcher didn't know where Valmar was. Mrs. Valentine stated that she told the dispatcher which fire department to contact and the dispatcher said she couldn't.

Mrs. Valentine also stated that on September 1, she attempted to launch her boat at the Last Resort boat launch. She couldn't get her truck past the rubber matting. Half of the mat on the ramp is no longer there. Boats on trailers with trucks can't get out.

Supervisor Faber stated that he has spoken with the Highway Department regarding the repairing of the boat landings. Power landings are a problem.

UTILITY DISTRICT BUSINESS:

1. DISCUSSION AND POSSIBLE ACTION ON AWARDING A CONTRACT FOR THE STH '83' SANITARY SEWER REPLACEMENT:

Utility District Engineer Kaempfer explained that the bids originally came in unfavorable due to the new requirements from the Department of Transportation. The DOT has come up with newer requirements and he is asking that the Board reject the first bids, and obtain new bids in possibly January.

REJECT ORIGINAL BIDS AND PERMIT CONSULTING ENGINEER TO SECURE BIDS AT THE APPROPRIATE TIME, MADE ON A FABER/O'CONNELL MOTION. 4-0.

2. DISCUSSION AND POSSIBLE ACTION ON BIDS FOR THE "WASTEWATER TREATMENT PLANT INTERIM IMPROVEMENTS" PROJECT.

Engineer Kaempfer stated that when there are high flows, a portion is diverted directly to disinfection. The DNR wants the Town to obtain a flow metering system as quickly as possible.

AWARD CONTRACT TO DELTA ELECTRIC FOR \$6,990.00, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

3. DISCUSSION AND POSSIBLE ACTION ON INSTALLING A FENCE AROUND LIFT STATION 2, 21724 121ST STREET, PARCEL # 67-120-361-1820:TABLED FROM 8-8-05:

L & D Coordinator Brad Zautcke explained that the Board had given their consent in July. He decided to let the neighbors give their opinions in August. Coordinator Zautcke read a letter to the Board from S. Anderson, 21727 121st, Bristol in favor of erecting a fence.

Mr. Jim D'Amico, 21730 121st Street explained that Supervisor Dziki visited the property on Labor Day Weekend. There were no misrepresentations as Supervisor Dziki came unannounced. He admitted that some things do happen on the property, however, sometimes not. Many people fish at the Thommes' property but a ten-year old has never been told to go away. A fence would obstruct a beautiful lake area.

Ms. Cindy Thommes, 21728 121st Street stated that she lives on the east side of the property and she would like to rebut the letter. She has had problems with the neighbor for the past twenty years. She would never send a child away. Every Fourth of July and on birthdays she has parties. Ms. Thommes objects to a fence and asked the Board to visit the property. There are burn regulations and she will not violate the codes.

Coordinator Zautcke explained that neighbors have been complaining. The utility staff has complained that they cannot gain access. At times there are eight cars parked on the property. What would happen if the utility staff needed access in the middle of the night to make repairs?

Ms. Thommes stated that she never received a letter from the utility district. Coordinator Zautcke apologized for the miscommunication.

Mrs. Virginia Winker, 24709 82nd Street questioned Coordinator Zautcke if anything has gone wrong. In response, Coordinator Zautcke stated that it has but he would like the cooperation of the neighbors. Mrs. Winker stated to put the fence up.

In response to Supervisor Faber, Coordinator Zautcke explained that they would have to follow the code in regard to setbacks. The fence should be located along the front and down the sides of the property.

Mr. D'Amico stated that an earlier discussion brought out that the Board wants to make sure that everybody has access to lake property. The previous issue can be resolved with the two adjoining neighbors. The neighbor that wrote the letter doesn't abut the property.

IF THERE ARE ANY FUTURE VALIDATED PROBLEMS REGARDING THIS PROPERTY, AUTHORIZE THE ERECTING OF A FENCE, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

Supervisor Dziki added that the neighbors have no parking signs on a public easement.

4. DISCUSSION AND POSSIBLE ACTION ON BRAD ZAUTCHE AND KRIS SCHALCK ATTENDING THE "WORKHORSE USER CONFERENCE" IN WAUSAU, WI OCTOBER 13TH & 14TH:

APPROVE, MADE ON A FABER/DZIKI MOTION. MOTION CARRIED 4-0.

5. DISCUSSION AND POSSIBLE ACTION ON GARY CAPUTO AND BRAD ZAUTCHE ATTENDING THE WISCONSIN WASTEWATER OPERATORS ASSOCIATION ANNUAL MEETING IN GREEN BAY, WI OCTOBER 4-7:

APPROVE, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

TOWN BUSINESS:

1. COMMITTEE REPORT: REPORT AND ACTION TAKEN ON PREVIOUS COMMITTEE MEETING, FUTURE AGENDA ITEMS, AND UPCOMING SCHEDULED MEETINGS.

Chairman Tesar stated that the Park Commission will meet on Thursday, September 15, 2005 at 7:00 P.M.

Supervisor O'Connell stated that Voltz Lake will hold their meeting on Thursday, September 15, 2005 at 7:00 P.M.

Supervisor Faber stated that the Camp/Center Lake Rehabilitation District held their annual meeting on Saturday, August 27, 2005. The value is assessed at \$238,146,700., which is a nineteen percent increase over last year.

Supervisor Faber stated that the Town has received notice that they have been awarded the Stewardship Grant for the 106 acre Community Park to be located on 256th Avenue, between County Highway AH and County Highway SA. The state is contributing \$546,049., the park fund is contributing \$390,669.04, and Zone 1 is contributing \$171,548.97 totaling \$1,108,267.70. The town share will come to \$206,732.30 or .002 against the assessed value of the town. The closing date is scheduled for October 15, 2005. Supervisor O'Connell added that the town can borrow for the developing of the property.

2. RECOMMENDATIONS FROM PLANNING AND ZONING MEETING OF 8/24/05 AND POSSIBLE TOWN BOARD ACTION:

- A. Discussion and possible action regarding request from Michael & Sandra Rombalski; 8232-238th Avenue; Parcel #65-4-120-114-0130; for accessory building - asking for 1200 square feet (720 sq. ft. maximum allowed); Total accessory building of 1200 square feet (870 sq. ft. maximum allowed); and accessory building height of 20 feet (17 feet maximum allowed): Fakes/Artac motion to approve variance as requested with the understanding that this will prohibit any future accessory building and also this will meet all setback requirements. Motion carried 7-0. **APPROVE WITH THE SAME CONDITIONS, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**
- B. Discussion and possible action regarding request from George & Kathleen Easton; 9508-271st Avenue; Parcel #66-4-120-211-1075; for variance to place a swimming pool on the side yard (rear yard allowed): Fakes/Phillips motion to approve variance request. Motion carried 7-0. **APPROVE, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**
- C. Discussion and possible action regarding request from Dennis & Diane Hastings; 25128-83rd Place; Parcel #65-4-120-104-1065; for street yard setback of 11 feet (30 ft. required); and accessory building height of 20 feet (17 feet maximum allowed), for the purpose of building a larger garage with storage loft: Artac/Breunig motion to approve variance request. Motion carried 7-0. **APPROVE, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**
- D. Discussion and possible action regarding removal of a 33 foot road easement for Antioch Business Center, LLC; Parcel #65-4-120-143-0710; 9230-Antioch Road, Salem, WI: Boening/Arnold motion to deny request. Motion carried 7-0. **DENY REQUEST, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**

Coordinator Zautcke explained that this is a sixty-six foot road easement with access off of Highway 83. Neighborhood Plan #6 shows the easement in it.

3. RECOMMENDATIONS FROM PARK COMMISSION MEETING OF 08/25/05 AND POSSIBLE TOWN BOARD ACTION:

- A. Discussion and possible action on the joining of the pedestrian pathway along Rock Lake Road: Ihlen/Barhyte motion to approve referring this to Len Roecker from R.A. Smith & Associates, to see where the most feasible area would be for the pedestrian trail in front of the

Vershowske residence. Motion carried 5-1, with Kamin abstaining.

Chairman Tesar explained that Mr. Len Roecker, Town Engineer, felt that the most feasible area to construct the path would be across the Vershowske/Woods property. The Vershowske's will have to tear down the berm that has been there since they purchased the property.

Mrs. Linda Valentine, 10816 269th Avenue proposed to the Park Commission to possibly go around the trees, rather than tearing them down.

- B. Discussion and possible action regarding fire lane in Salem Oaks Subdivision:** Barhyte/Kamin motion to not sell the property. Motion carried 6-0.

APPROVE MINUTES OF THE PARK COMMISSION OF 08-25-05, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

Chairman Tesar moved to item #14.

14. DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED DISCONTINUANCE OF PART OF 112TH STREET FOR TOWN PURPOSES:

APPROVE DISCONTINUANCE, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

4. EXPENDITURES:

A. DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED PURCHASE OF WELDED STEEL FOLDING CHAIRS AND A HANGING CHAIR CADDY FOR USE IN THE TOWN HALL BOARD MEETING ROOM:

Chairman Tesar explained that the Town has been borrowing chairs from the Wilmot Fire Department for the last few meetings. The cost for the chairs is \$847.50 and the cost for the caddy is \$329.00. Discussion followed regarding the fund balance.

APPROVE, PROVIDED THERE IS SUFFICIENT FUNDING, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

5. DISCUSSION AND POSSIBLE ACTION TO DETERMINE WHETHER AN ORDER SHOULD BE ISSUED BY THE TOWN BOARD REQUIRING THAT THE SUBJECT BUILDING OR STRUCTURE BE RAZED; Tax Parcel #66-4-120-281-1060; Property Address of 26833 106th Street: TABLED FROM LAST MONTH:

Chairman Tesar explained that this item is under review each month. The Town Building Inspector wrote a note stating that on August 5, 2005, a rough electrical and framing inspection were done on the house. It failed both tests however, the house was inspected again at a later date and it did pass the framing inspection. The inside of the home is the cleanest he has ever seen. Once the inside is completed, the outside of the home will need to be worked on.

ALLOW WORK TO CONTINUE WITH THE ELCTRICAL TO BE REPAIRED BY THE NEXT REGULAR BOARD MEETING, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

6. DISCUSSION AND POSSIBLE ACTION REGARDING A COMPUTER POLICY:

Chairman Tesar explained that the Town has not had a computer policy which would protect the Town.

APPROVE POLICY, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

7. DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR NO PARKING SIGNS ON 249TH AVENUE FOR BOAT LAUNCH ON 83RD PLACE:

Chairman Tesar stated that she has had a few comments from constituents regarding the parking issue. The Town has a no parking ordinance and the Town should enforce it.

Mr. George Burnett, 23633 82nd Street explained that people are parking their cars at all hours in the morning and late at night. The cars are being parked in front of his house, right under the windows. He hears people revving their motors and locking/unlocking their cars, which makes a loud beeping sound. Mr. Burnett stated that he has gone to the Sheriff's Department and the District Attorney. If the area is marked, they will start to ticket the vehicles that are parked there.

Supervisor O'Connell stated that he understands that people want access to the lake however, the Town does have an ordinance and it should be enforced.

INSTALL NO PARKING SIGNS, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

Mrs. Virginia Winker, 24709 82nd Street stated that the problem doesn't only exist at this location. There are cars parked throughout the subdivision and no one can get through.

Chairman Tesar stated that she will ask the Highway Department to look into the matter. Also, a notice will be published in the newspaper stating that there is no parking in the entire subdivision.

8. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 05-09-12A, A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE DEVELOPMENT OF A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN AND TO SUPPORT KENOSHA COUNTY'S APPLICATION FOR A GRANT:

ADOPT RESOLUTION, MADE ON A FABER/DZIKI MOTION. MOTION CARRIED 4-0.

9. DISCUSSION AND POSSIBLE ACTION ON RESUMING NEIGHBORHOOD PLANNING:

Coordinator Zautke stated that this planning had been placed on hold due to the negotiations with Paddock Lake. Developers have been putting the pressure on to resume planning. Planning could resume where it was left off then later, go back and revise the areas that are affected by the Paddock Lake negotiations.

RESUME NEIGHBORHOOD PLANNING, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

10. DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR THE TOWN TO FINISH THE SIDEWALKS IN ARBORETUM WOODS:

Chairman Tesar explained that, based on the attorney's opinion, this matter is a private issue according to the developer's agreement. The Town of Salem however, does have the authority to place a special assessment on these four properties.

Mrs. Kim Breunig, 23219 111th Place explained that she is requesting that the Town finish the sidewalks on the four remaining properties that do not have sidewalks, one of which never intends to build. Currently, people have to walk out onto the street. Mrs. Breunig added that the sidewalks were to be completed within two years of the final plat of subdivision.

Attorney Scholze explained that if the Town does the work and puts the bill on the tax roll, the Town would then own only those portions of the sidewalk and would be responsible for

maintaining them. He suggested that the Town may be able to come to an agreement with the Association to maintain them.

Discussion followed regarding acquisition of land, eminent domain, and the benefited properties. Attorney Scholze explained that the Town now holds the bond until all work is completed.

AUTHORIZE THE TOWN ATTORNEY TO WRITE A LETTER TO THE AFFECTED HOMEOWNERS EXPLAINING THE RIGHTS OF EMINENT DOMAIN AND THE POSSIBLE ACTION, MADE ON A DZIKI/FABER MOTION. MOTION CARRIED 4-0.

11. DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED "DEVELOPER'S AGREEMENTS FOR THE MEADOWS OF MILL CREEK SUBDIVISION AND CONDOMINIUMS":

Coordinator Zautcke explained that Attorney Scholze and he have been working with the developer and they are ready to break ground.

APPROVE AGREEMENTS, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

12. DISCUSSION AND POSSIBLE ACTION OF THE COMPLETION OF THE PATHWAY AND LETTER OF CREDIT FOR THE FALCON HEIGHTS SUBDIVISION:

Coordinator Zautcke explained that Falcon Height's Letter of Credit was expiring. A renewal letter was received this week. Coordinator Zautcke added that the wetland mitigation will not be completed this building season.

Mrs. Linda Valentine, 10816 269th Avenue suggested that all new subdivisions be required to have more than one access for fire, rescue, and police. Supervisor O'Connell stated that the city is now requiring more than one access and he is in full agreement.

Fire Chief Mike Slover stated that he has issues with water access and the width of the streets.

APPROVE, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

13. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 05-09-12B, A RESOLUTION TO ADOPT THE "ENGINEERING REVIEW AGREEMENT" FOR REVIEWING PLANS OUTSIDE OF THE SALEM UTILITY DISTRICT:

ADOPT RESOLUTION AND AUTHORIZE THE LAND AND DEVELOPMENT COORDINATOR TO SIGN THE DOCUMENTS AS NEEDED, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

14. VISITED EARLIER IN THE MEETING.

15. DISCUSSION AND POSSIBLE ACTION REGARDING FORMAL ACCEPTANCE OF ROADS IN ROCK LAKE MEADOWS PHASE I; RUNYARD WAY WEST, 254TH COURT, 255TH COURT, & 127TH STREET INCLUSIVE; CONTINGENT THAT ALL FEES DUE ARE PAID TO DATE:

TABLE THIS ITEM TO NEXT MONTH, MADE ON A DZIKI/O'CONNELL MOTION. MOTION CARRIED 4-0.

16. DISCUSSION AND POSSIBLE ACTION REGARDING IMPLEMENTATION OF ROUTINE MEDICAL PHYSICALS, SCREENINGS, AND IMMUNIZATIONS PROGRAM WHICH IS REQUIRED FOR EMERGENCY SERVICES PERSONNEL:

Fire Chief Slover explained that this is a part of the \$71,000 Wellness and Fitness Grant. He is requesting that the Town pay for ten percent of the cost of the physicals, screenings, and immunizations.

APPROVE, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

17. DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 05-09-12C, A RESOLUTION TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM:

Fire Chief Slover explained that the President of the United States requires that they work under one system. Some training will be required for the Town Board Members.

APPROVE RESOLUTION, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

18. DISCUSSION AND POSSIBLE ACTION REGARDING THE COMPLETION OF THE TOWN HALL CONFERENCE ROOM:

Chairman Tesar explained that she would like to begin Phase V of the Town Hall. The acoustics in the Conference Room are terrible and you cannot hear properly. The proposal to fix this room, which includes the framing, outlets, and the insulating of the walls, comes to \$4845.41.

Building Inspector Phil Cayo explained that Dan's Carpentry had originally given the Town the best, most complete estimate for

the least cost. No monies have been earmarked for an expenditure of this type. The Town Treasurer is currently realigning the budget. Supervisor Faber mentioned the \$10,000 Contingency Fund.

PROCEED WITH PHASE V REVISION OF THE CONFERENCE ROOM, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

- 19. DISCUSSION AND POSSIBLE ACTION REGARDING THE REQUEST FOR THE TEMPORARY USE FOR A HAUNTED BARN: 24129 WILMOT ROAD, TREVOR: DONALD HAPP JR:**

APPROVE THE TEMPORARY USE, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

- 20. DISCUSSION AND POSSIBLE ACTION REGARDING THE REQUEST FOR USE OF A TEMPORARY SLALOM COURSE FOR WATERSKIING ON CAMP LAKE: LINDA J. MEYER, D.O.:**

Supervisor O'Connell stated that the requestors needed to obtain written approval for the proposed slalom course. One of the neighbors is the Salem Park Commission.

Ms. Linda Meyer D.O., 27051 101st Street stated that she has obtained the signatures of the neighbors. Supervisor O'Connell explained that the Park Commission needs to be involved. Supervisor Faber added that the boat landing belongs to the Park Commission.

Ms. Meyer explained that they would like a temporary course and one semi-permanent course. Ms. Meyer referred to a letter dated August 21, 1990 from Governor Tommy Thompson which stated that permission from the DNR is not needed for a temporary course. DNR permission is needed for a permanent course. Ms. Meyer explained that they intend to put the course in for one or two hours and take the course down each day. The course will be monitored by several adults. A semi-permanent course requires an anchoring system. At this time, they are only requesting permission for the temporary course.

Supervisor Faber referred to Chapter 20 in the Town Ordinance referencing buoys and markers. The Town ordinance would have to be amended to allow this use. Supervisor Faber reminded the requestors that they needed to obtain the signatures of all of the property owners. An application needs to be approved and then given to the local warden for his or her approval.

Mr. Ted Tsoumas, 12805 234th Avenue stated that they needed time to obtain all of the required signatures. They are willing to accept regulations.

Supervisor Faber referred to the primary traffic pattern. It is a populated area with a Slow No Wake Zone 200 feet from the shore. Boats are not permitted within 300 feet of the buoys. Ms. Meyer referred to her map and stated that the map was done to scale.

Attorney Scholze stated that he is not familiar with the regulations. Attorney Scholze referred to NR 5.19, Structured Activity. A permit could designate the time, location, and activities allowed. It could state that someone needs to be there with the permit at all times that the activity is taking place. Research that was just given shows that a temporary course doesn't need a permit.

Discussion followed regarding buoys, primary traffic lanes, the shallow depth of the water, and the establishing of rules. Supervisor O'Connell suggested giving the requestors permission for the temporary course for the rest of the season.

Mrs. Linda Valentine, 10816 269th Avenue suggested that there be a Park Commission contingency on the approval.

Attorney Scholze explained that if a permit is required and if the warden says yes, then the use of the temporary course could be approved if it meets the requirements of the other town ordinances.

Supervisor O'Connell stated that he does not necessarily disagree with the proposed use however, the town attorney needs to look into the matter further. Attorney Scholze stated that it is possible that they may not be in strict compliance.

AUTHORIZE THE TOWN ATTORNEY TO INVESTIGATE THE MATTER FURTHER AND TO GIVE HIS OPINION AT NEXT MONTH'S MEETING, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

Supervisor Faber added that he too is not opposed to the slalom course but questions if the proposed location is the right location.

21. DISCUSSION AND POSSIBLE ACTION REGARDING THE REQUEST FOR LINDA TERRY TO ATTEND THE 2005 COURT CLERK'S SEMINAR OCTOBER 27TH AND 28TH:

APPROVE REQUEST, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

22. DISCUSSION AND POSSIBLE ACTION REGARDING THE REVISED BOND SCHEDULE MANDATED BY THE SUPREME COURT OF WISCONSIN:

Municipal Judge Michael Langel explained that the State has slightly increased their fees.

APPROVE BOND SCHEDULE, MADE ON AN O'CONNELL/DZIKI MOTION. MOTION CARRIED 4-0.

23. DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED ORDINANCE 05-09-12; AN ORDINANCE REQUIRING THE USE OF KNOX BOX INSTALLATIONS IN COMMERCIAL AND MULTI-FAMILY RESIDENTIAL STRUCTURES WITHIN THE TOWN:

Fire Chief Slover explained that the Knox Box would be used for multi-family and commercial buildings.

ADOPT ORDINANCE, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.

24. DISCUSSION AND POSSIBLE ACTION AMENDING SECTION 10.02(2) OF THE TOWN ORDINANCE TO PUT THE ANIMAL PER ACRE LIMITATION ON ALL OF THE RESIDENTIAL ZONING CLASSIFICATIONS:

Attorney Scholze explained that the current ordinance places restrictions only on the R1 Residential Zoning Classification. The ordinance allows keeping horses on land with a minimum of two acres. All other R-1 Zoning Classifications do not have limitations. Attorney Scholze recommended that the Town adopt an ordinance for all R-1 Zoning Classifications.

Discussion followed regarding the number of animals per acre. Supervisor O'Connell expressed concern over the limitations. Attorney Scholze suggested that since Supervisor O'Connell is involved with 4-H, he should review the current ordinance and make suggestions.

TABLE THIS ITEM TO NEXT MONTH, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

25. VISITED EARLIER IN THE MEETING.

26. DISCUSSION AND POSSIBLE ACTION REGARDING OPERATOR'S
LICENSES PENDING CLEAR RECORD CHECKS:

Walter Dean Glasman
Brandi Nelson
Debra Fay

APPROVE PENDING CLEAR RECORD CHECKS, MADE ON A
FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.

27. ADJOURN:

ADJOURN THE MEETING AT 10:23 P.M., MADE ON AN O'CONNELL/FABER
MOTION. MOTION CARRIED 4-0.

Prepared and Submitted by: _____

Lynn M. Pepper
Salem Town Clerk