

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
MONDAY, MAY 11, 2009 7:00 P.M.**

Chairman Linda Valentine called this Regular Meeting of the Town of Salem Board of Supervisors to order at 7:00 p.m. with the following present:

CHAIRMAN: Linda Valentine

BOARD OF SUPERVISORS: Josephine Weidman, Joe Meier, Pat O'Connell, and Dennis Faber

OTHERS: Pat Casey, Rich Scholze, Brad Zautcke, Chris Lamb, Jack Rowland, Mike Murdock, Mike Slover, David Shortess, and Cindi Ernest.

GUESTS: Jim Valentine, Tom Donat, Jennifer Donat, Ed Herried, Jerry Leslie, Chris Gustafson, Pat Mulvey, M. Mullens, Mike Mahoney, Rick Zanow, Ronald Ganot, Tim Vanderhoef, Mike Witt, Bill Winker, Virginia Winker, Ruth Dargan, Jim Cross, Charles Reynolds, Fausta Reynolds, John Ciesla, Jackie Ciesla, Diann Tesar, Paula Sass, David Sass, Gail Peckler-Dziki, and Phil Dziki.

PUBLIC HEARING

1.) TAKE NOTICE that pursuant to the Town of Salem Code of Ordinances, a public hearing shall be held at the Salem Town Hall, 9814 Antioch Road (Highway 83) Salem, WI to determine whether an order should issue requiring that the subject buildings or structures located on the following described premises:

Lot 41, Timber Lane Subdivision, according to the recorded plat thereof, subdivision a part of Section 16, Town 1 North, Range 20 East, Town of Salem, Kenosha County, Wisconsin.

Tax Parcel No. 65-4-120-164-0300

Property Address: 9036 268th Avenue

Property Owner: Deboey Enterprises, LLC
907 Shields Ave.
Winthrop Harbor, IL 60096

It has been determined by the Town of Salem Building Inspector to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy or use, due to the dilapidated condition of said structures and that such structures, in their present condition, constitute a public nuisance.

Chairman Valentine asked those in attendance if there were any comments for or against this proposed raze.

Supervisor O'Connell commented that the property is not in very nice condition.

There were no further comments for or against this proposed raze.

PROCLAMATION HONORING DIANN TESAR FOR HER 18 YEARS OF COMMUNITY SERVICE.

Supervisor Weidman read and presented a proclamation to Diann Tesar for her 18 years of community service as Town Chairman.

CITIZEN INITIATED BUSINESS

1.) Ed Herried, 29301 Wilmot Rd., Trevor talked to and submitted a letter to Administrator Casey. He asked the board for permission to use the Community Park grounds for Boy Scout "survivor man skills". They would bring in their own drinking water and the scouts practice "leave no trace". The Boy Scouts are insured and they will stay away from the buildings.

Mr. Herried was directed to work with Administrator Casey on the details.

2.) Chris Gustafson, 24001 119th Street, Trevor, stated that she had sent emails out regarding a webcast conference. Registration has been extended until tomorrow. She also wanted to know what needed to be done about holding workshops for anything over \$20,000,000.

Discussion followed with Supervisor O'Connell pointing out that none of our projects have ever come close to that amount.

3.) Paula Sass, 7907 305th Ave., questioned what can be done about an excess number of cats.

Public Safety officer said that the landlord has been contacted. He contacted the Kenosha County Health Department, but they aren't interested. There is no ordinance that limits the number of cats and enforcement and licensing is hard to do.

Virginia Winker pointed out that there is nothing to stop someone from trapping them and taking them to the humane society.

4.) Tim Vanderhoef, 24815 82nd Street, Salem, again thanked Mike Murdock for the placement of the barricade on 82nd Street.

He also stated, "I hope other people watch Linda, just as she has watched over people." To which Chairman Valentine responded that she would welcome it.

He congratulated and thanked the board for the creation of the storm water utility.

CLERK'S BUSINESS

1.) MOTION BY Supervisor Meier, second by Supervisor Faber to approve of the minutes of the Regular Board Meeting on 04/13/09 with the following changes noted: O'Connell was absent and his name should be removed from the vote and #1 under Fire/Rescue was to pay off the intercept vehicle.

ABSTAIN – Chairman Valentine

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve of the minutes of the Special Board Meeting on 04/28/09.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Operator's License applications were presented as follows, pending background check clearance, completion of beverage server class, and payment of the necessary fees.

Jilan Carriker
Nikolina R. Shafer
Linda Bernhardt

Gerald A. Grzeszczak
David A. Stoxen

Clerk Ernest told the Board that an applicant, Nikolina Shafer stated she had a DUI, but it didn't show on her background check. This could have been because it is a traffic violation rather than a felony.

MOTION BY Supervisor Faber, second by Supervisor Weidman to approve Operator's License applications as presented, pending background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Resolution No. 09-05-11, a Resolution Opposing Proposed Changes to Wisconsin Prevailing Wage Law was presented.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to adopt Resolution No. 09-05-11, a Resolution Opposing Proposed Changes to Wisconsin Prevailing Wage Law as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

TREASURER'S REPORT

1.) Treasurer Lamb presented the Treasurer's report as follows:

APRIL 2009 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

April 1, 2009- Beginning Balance **\$3,729,790.13**

<u>RECEIPTS</u>	\$ 383,915.02
Transfer from UD	\$ 296,480.77

<u>DISBURSEMENTS</u>	\$ 1,898,128.56
PAYROLL	<u>\$ 300,699.19</u>
Total	\$ 2,198,827.75

April 30, 2009 - Ending Balance **\$2,211,358.17**

State Pool - General \$1,622,001.02

Gen. Checking \$ 589,357.15

Totals \$2,211,358.17

APRIL 2009 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

April 1, 2009- Beginning Balance **\$ 12,245.40**

<u>RECEIPTS</u>	\$ 4.06
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<u>DISBURSEMENTS</u>	\$ 0.00
Transfer to Gen. Fund	\$ 0.00

April 30, 2009 - Ending Balance **\$ 12,249.46**

State Pool - Tax \$ 7,021.11

Tax Checking \$ 5,228.35

Total \$ 12,249.46

APRIL 2009 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

April 1, 2009 - Beginning Balance **\$ 831,519.68**

<u>RECEIPTS</u>	\$ 456.11
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DISBURSEMENTS

April 30, 2009 - Ending Balance **\$ 831,975.79**

APRIL 2009 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

April 1, 2009 Beginning Balance **\$ 34,186.17**

<u>RECEIPTS</u>	\$ 18.75
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April 30, 2009 Ending Balance **\$ 34,204.92**

Mike Mahoney, representing the Library Board stated that he would relay to the board to define the duties. Chairman Valentine stated that she thinks the posting duties should be included. She also stated that there shouldn't be a board member of any of the five (5) communities on the board.

Mr. Mahoney stated that this has already been decided.

Further discussion followed with Supervisor O'Connell reiterating that it is important to have someone from each municipality.

Chairman Valentine pointed out that it is important that the library board meeting doesn't conflict with the municipalities regular meeting dates.

MOTION BY Supervisor O'Connell, second by Supervisor Meier to accept the Community Library Bi-Laws as written.

SUPERVISORS O'Connell, Meier, and Weidman – AYE

SUPERVISOR Faber and Chairman Valentine – NAY

MOTION CARRIED

Supervisor O'Connell requested a point of clarification be added to the next meeting agenda relative to if a member of the Town board is to be on the library board you don't have to post the position, but if a resident member is to be appointed you do have to post.

3.) Final Pay Request No. 4, to Native Construction, in the amount of \$10,443.80, for the Salem Town Hall remodel were presented. Original contract amount \$89,929, less previous payments of \$79,485.20.

MOTION BY Supervisor Meier, second by Supervisor Faber to approve Final Pay Request No. 4, to Native Construction, in the amount of \$10,443.80, for the Salem Town Hall remodel.

UNANIMOUS VOTE – AYE

MOTION CARRIED

DEPARTMENT REPORTS, ACTIONS, AND EXPENDITURE REQUESTS

PUBLIC SAFETY

1.) Public Safety Officer, David Shortess, gave an informational update on the lake levels and Slow No Wake. At this time, all the lakes are still "slow, no wake" due to the flooding. The lake levels will be checked this week to see if it can be lifted.

Administrator Casey told the board that we will need to look at signage for the lakes in the next budget year. Discussion followed regarding the "no wake" last weekend and the shortage of water patrol officers.

2.) Discussion took place relative to weapons carrying/conceal laws on Town property. Currently weapons can not be carried into Town public buildings. Administrator Casey questioned the board as to whether it was the board's desire to prepare an ordinance to prohibit carrying guns on public property.

Attorney Scholze informed the board that state statutes prohibit the carrying of a weapon in a public building. The ability of the Town to regulate firearms is limited. The Town can't be more restrictive than state statute. Mr. Scholze will do more research on this item.

PLANNING AND ZONING COMMISSION

1.) A "Kennel License Renewal Application" by Michael Witt for Misty Dawn Acres. Tax Parcel # 67-4-120-334-0150 was presented. This property is located at 26633 122nd Street, Salem, WI.

Planning and Zoning recommended approval on a vote of 4-0.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to approve the Planning and Zoning's recommendation to issue a kennel license to Michael Witt for Misty Dawn Acres.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A request for a one year extension for Tamarack Trails Subdivision Final Plat approval was received.

This property is located between 84th Street and 89th Street, west of Montgomery Lake Highlands. Tax Parcel # 65-4-120-114-2000, 65-4-120-141-0801 & 67-4-120-141-0701.

MOTION BY Supervisor Faber, second by Supervisor Weidman to approve a one year extension for Tamarack Trails Subdivision Final Plat approval.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Consideration and possible action on a requested conditional use permit to allow for a co-location on existing Trevor Grade School/T-Mobile Monopole Tower by U.S Cellular.

This was approved by the Planning & Zoning Commission 4-0, with the following conditions;

- Subject to maximum installation area of 12' x 25'.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve this conditional use permit.

MOTION AMENDED BY Supervisor O'Connell, second by Supervisor Faber to approve this conditional use permit to allow for a co-location on existing Trevor Grade School/T-Mobile Monopole Tower by U.S Cellular, with the following conditions;

- Subject to maximum installation area of 12' x 25'.

UNANIMOUS VOTE – AYE

MOTION CARRIED

SEWER UTILITY DISTRICT

1.) Pay request # PR-1210802-06 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$12,110.60 was presented. Original contract amount \$790,000, amount added by change order \$149,372, less previous payments of \$209,973.75.

MOTION BY Supervisor Weidman, second by Supervisor Meier to approve pay request # PR-1210802-06 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$12,110.60.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Pay request # PR-1210801A-05 by Staab Construction Corporation, for wet weather flow equalization facilities, in the amount of \$341,117.26 was presented. Original contract amount \$3,540,000, amount added by change order \$13,087, amount deleted by change order (\$58,707), less previous payments of \$969,853.10. MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve pay request # PR-1210801A-05 by Staab Construction Corporation, for wet weather flow equalization facilities, in the amount of \$341,117.26.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Pay request # PR-1210801C-04 by Delta Electric, for wet weather flow equalization facilities, in the amount of \$203,395 was presented. Original contract amount \$649,400, amount added by change order \$43,600, less previous payments of \$203,395.

MOTION BY Supervisor Faber, second by Supervisor Weidman to approve pay request # PR-1210801C-04 by Delta Electric, for wet weather flow equalization facilities, in the amount of \$203,395.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) A request for sanitary sewer acceptance in Heritage Estates Subdivision was presented.

Attorney Scholze stated that the construction has been accepted, but the problem is that a lien has been filed by the contractor. It was discussed with the developer and attorney that they provide title insurance, but as yet, we haven't received a commitment from the title company to insure this yet.

Administrator Casey informed the board that he can't recommend going forward without being sure that the Town is fully covered.

Mr. Zanow pointed out that the amount is covered by reduction of the letter of credit.

Supervisor O'Connell stated we don't want to hold back, but want to be sure this is covered.

Discussion followed.

No action was taken on this item.

HIGHWAY

1.) Nothing to report.

FIRE AND RESCUE

1.) Chief Slover told the board he would like to replace the paramedic intercept vehicle. The money from the sale of the fire truck would be applied to this. He received quotes from three (3) different vendors and would like to purchase a 2009 Chevrolet Tahoe from Hartnell Chevrolet, to replace the current duty

Paramedic vehicle, in the amount of \$29,989.

MOTION BY Supervisor Meier, second by Supervisor Faber to approve the purchase of the 2009 Chevrolet Tahoe from Hartnell Chevrolet, to replace the current duty Paramedic vehicle, in the amount of \$29,989.

UNANIMOUS VOTE – AYE

MOTION CARRIED

BUILDING DEPARTMENT

1.) A raze order for Tax Parcel No. 65-4-120-164-0300, Property Address: 9036 268th Avenue, Property Owner: Deboey Enterprises, LLC, 907 Shields Ave., Winthrop Harbor, IL 60096 was presented. A Public Hearing was held prior to this meeting.

MOTION BY Supervisor Faber, second by Supervisor Meier to raze the property located at 9036 268th Avenue.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A raze request by Town of Salem Building Inspector, Jack Rowland, for Tax Parcel No. 66-4-120-274-0020 Property Address: Wilmot Road (immediately east of Salem Auto Sports), Property Owner: Summerhill Development Corp. c/o Dave Meisner 25104 113th Street, Trevor, WI was presented.

A short history of the building and property was presented.

MOTION BY Supervisor O'Connell, second by Supervisor Weidman to proceed with the raze procedure for Tax Parcel No. 66-4-120-274-0020 Property Address: Wilmot Road (immediately east of Salem Auto Sports).

UNANIMOUS VOTE – AYE

MOTION CARRIED

STORM WATER DISTRICT

1.) Administrator Casey told those in attendance that there was difficulty getting the first (1st) quarter storm water bills out. The programming has been redone and feels it will do better job of working. He recommended letting the first (1st) quarter go and bill from the second (2nd) quarter. A notice will be put on the website when the bills go out.

JUDICIAL

1.) Judge Langel's report for the municipal court was read by Chairman Valentine due to Judge Langel's absence.

PARK COMMISSION

1.) Pay request No. 6, by Willkomm Excavating & Grading, Inc., in the amount of \$142,210.00 for the Community Park Improvement Project was presented.

MOTION BY Supervisor Weidman, second by Supervisor O'Connell to approve pay request No. 6, by Willkomm Excavating & Grading, Inc., in the amount of \$142,210.00.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) There is an upcoming appointment to the Town Park Commission. People interested can petition for this position.

Supervisor Faber stated that P & Z requires three (3) notices/ads, which Administrator Casey and Mr. Zautcke acknowledged yes it requires three (3), and asked for clarification whether the Park Commission also requires three (3).

CHAIRMAN AND BOARD REPORTS: REPORT AND ACTION TAKEN ON PREVIOUS COMMISSION MEETINGS, FUTURE AGENDA ITEMS, AND UPCOMING SCHEDULED MEETINGS.

1.) There is a Park Commission meeting on May 20th at 7:00 p.m. They will be making recommendations for the Community Park buildings.

CCLRD will hold its quarterly meeting at 6:00 p.m. on May 27th.

Voltz Lake rescheduled their spraying due to the rain and it has been completed.

Open fishing began on May 2nd.

Compliments were also made relative to the buoys being out.

ADJOURNMENT

MOTION BY Supervisor Weidman, second by Supervisor O'Connell to adjourn this regular board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This regular board meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Cindi Ernest, Clerk