

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
MONDAY, OCTOBER 11, 2010 7:00 P.M.**

Chairman Linda Valentine called this Regular Meeting of the Town of Salem Board of Supervisors to order at 7:03 p.m. with the following present:

CHAIRMAN: Linda Valentine

BOARD OF SUPERVISORS: Diann Tesar, Joe Meier, and Dennis Faber

LEAVE OF ABSENCE: Pat O'Connell

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

GUESTS: **Jim Valentine, Carl Siegel, Greg Glaze, Gail Peckler Dziki, Darron Hillock, Mike Ullstrup,** Patrick Kane, Marianne Kane, Dan Campion, Bea Campion, Lynn Peterson, David, Gilbertsen, Rebecca Deering, Jeff Letzter, and Desmond Donnellan

ANNOUNCEMENTS

Chairman Valentine announced Salem's Spooktacular Holiday Vendor/Craft Fair, Saturday, October 30th 10:00 a.m. - 3:00 p.m., Trick or Treating in Salem is Sunday, October 31st 4:00 p.m. – 7:00 p.m., Santa Comes to Salem on Saturday, Dec 4th 10 a.m. – 2:00 p.m. She encouraged residents to recycle. The last page of the agenda has future meetings and election dates and the grade schools will have special holiday programs for our children.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Valentine.

OPEN MEETING COMPLIANCE CHECK

The agenda was posted by 3:00 p.m. on Friday, October 8, 2010 at the Town Hall Municipal Building, Salem Post Office, Camp Lake Post Office, Wilmot Post Office, and the Trevor Post Office. It was also posted on the Town's website.

APPROVAL OF AGENDA SEQUENCE

There was no change in the agenda sequence.

CITIZENS COMMENTS

Mike Ullstrup, Chief Election Inspector for the Town of Salem gave those in attendance information about cross voting problems in the September Partisan Primary election.

Greg Glaze, attending this meeting on behalf of the Park property inquired whether this was the appropriate time to speak. He was informed that it is an agenda item and he could speak then.

Gail Peckler –Dziki, Chief Election Inspector for the Town of Salem also explained some of the effects of cross voting. She also informed those in attendance that some were under the impression that if they voted on the electronic voting machines that there was no paper trail. She reiterated that when a vote is cast on the machine, the machine actually prints a copy of the ballot cast, which a voter can view to verify his/her vote.

CITIZEN INITIATED BUSINESS

There was no Citizen Initiated Business.

CLERK'S BUSINESS

1.) The minutes of the previous meeting, a Regular Board Meeting on 9/13/10 and Special Board Meetings on 9/15/10, 9/21/10, and 9/28/10 were presented.

MOTION BY Supervisor Tesar, second by Supervisor Faber to approve the minutes of a Regular Board Meeting on 9/13/10 and Special Board Meetings on 9/15/10, 9/21/10, and 9/28/10 with the following correction: Regular meeting minutes P. 10, P & Z item #2, Chairman Valentine voted No and on page 11 Chairman Valentine gave the report.

Supervisors Faber, Meier, and Tesar – AYE

Chairman Valentine - NAY

2.) Operator licenses were presented as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Misaque Adam Ducy

Margaret W. Padgett

Kristina Hanna

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the operator licenses for Misaque Adam Ducy and Margaret W. Padgett.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Due to questions regarding her application, the board requested to have Kristina Hanna's application on another meeting agenda so she could come and speak to the board.

3.) There was discussion on setting a date for the FY 2011 Public Hearing and Special Elector's meeting. A summary of the budget and notice of the meeting will need to be published 15 days prior to the hearing and newspaper will need it a minimum of 5 days prior to publication.

MOTION BY Supervisor Tesar, second by Supervisor Meier to set the FY 2011 Budget Public hearing and Special Electors Meeting for Thursday, November 4, 2010 at 7:00 p.m.

UNANIMOUS VOTE – AYE

MOTION CARRIED

TREASURER'S REPORT

1.) Chris Lamb gave the Treasurer's report for September 1, 2010 – September 30, 2010 as follows:

SEPTEMBER 2010 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

Sept. 1, 2010- Beginning Balance \$2,122,252.38

RECEIPTS **\$ 178,954.70**
Transfer from LGIP#11 \$ 0.00

DISBURSEMENTS \$ 1,139,583.07
PAYROLL \$ 221,500.99
Total **\$ 1,361,084.06**

Sept. 30, 2010 - Ending Balance **\$940,123.02**
State Pool - General \$ 349,069.81
Gen. Checking \$ 591,053.21
Totals **\$ 940,123.02**

SEPTEMBER 2010 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

Sept. 1, 2010- Beginning Balance **\$ 7,604.96**
RECEIPTS **\$ 1.42**

DISBURSEMENTS

Sept. 30, 2010 - Ending Balance **\$ 7,606.38**

SEPTEMBER 2010 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

Sept. 1, 2010 - Beginning Balance **\$ 872,963.43**

RECEIPTS **\$ 163.27**

DISBURSEMENTS

Sept. 30, 2010 - Ending Balance **\$ 873,126.70**

SEPTEMBER 2010 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

Sept. 1, 2010 Beginning Balance **\$ 34,753.92**

Supervisor Meier stated that the people voiced their opinion and he will go with their vote. Supervisor Faber also stated that he would go with the majority of the people who voted. Supervisor Tesar stated that the vote was close and the town should research this in the future, but not at this time.

Chairman Valentine stated that the town doesn't have enough information, but we should have it ready to act on.

Discussion followed. There was no action taken on this item.

2.) Status of the Brass Ball corners site regarding dumpsters and work to satisfy citizen request of several months ago.

Public Safety Department supervisor Shortess indicated that the majority of the property is clean. The building permit is still in process. They have put a roof on the back of the building and believe they will be putting a roof on the front.

Chairman Valentine stated that she wants action taken on this.

Shortess responded that they are fulfilling the requirements.

3.) The Status of the Valmar Bridge was discussed.

Public Works Supervisor Murdock indicated that they got a flagger and will be putting up a mirror as soon as it gets in. There is a tentative completion date of November 3, 2010.

4.) Review of the 3rd Quarter Performance to Budget will be done at the next budget meeting.

ADMINISTRATOR'S BUSINESS

1.) Administrator Casey reported that they are working on the town hall sign and AT & T has been contacted about a relocate of the cell tower.

2.) Administrator Casey said that our contracted garbage hauler, Green Valley, was recently purchase by Veola and they are picking up the contract with no changes.

3.) Administrator Casey gave the status on Town and County's activities regarding businesses that are operating in residential areas. He stated that when complaints are received, we are contacting the county with zoning issued. We could pass an ordinance to regulate businesses, but enforcement would be difficult. The county has a sign ordinance, which we follow. Further discussion followed regarding businesses at 270th Ave. and CTH "C" and one on 240th Ave.

B.J. Messier, 11720 223rd Ave., stated that there is an unregistered vehicle at 223rd Ave. and 117th Street.

FIRE AND HIGHWAY BUILDING PROJECT

1.) Administrator Casey said the Highway/Fire building project is rapidly coming to completion and there should be water by the end of the month.

2.) Payment of direct purchasing invoice #01916 from Advantage Purchasing, LLC, a division of Miron Construction, in the amount of \$ 184,760.86 was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve payment of direct purchasing invoice #01916 from Advantage Purchasing, LLC, a division of Miron Construction, in the amount of \$ 184,760.86 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Payment request #11 by Powers Lake Construction Co., Inc. in the amount of \$288,573.46 for Site Grading, Drainage, & Roadway Improvement Project at Highway/Fire Facility was presented. Original contract amount \$1,553,443.30.

MOTION BY Supervisor Tesar, second by Supervisor Meier to approve payment request #11 by Powers Lake Construction Co., Inc. in the amount of \$288,573.46 for Site Grading, Drainage, & Roadway Improvement Project at Highway/Fire Facility as presented.

4.) Payment request #11 by Miron Construction, in the amount of \$ 311,867.87 was presented. Original contract amount \$ 4,500,474.00.

MOTION BY Supervisor Meier, second by Supervisor Faber to approve Payment request #11 by Miron Construction, in the amount of \$ 311,867.87 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

5.) Administrator Casey gave the status of the water supply system at the Fire/Highway building site. He stated that Miron Construction, the contractor, is installing a pitless adapter at the well (temporary) to provide water and fire protection. They are designing the water tower and hope to bid it out over the winter for construction in the spring. It will use less water and less power.

DEPARTMENT REPORTS, ACTIONS, AND EXPENDITURE REQUESTS

PUBLIC WORKS/HIGHWAY

1.) Public Works/Highway Department had nothing to report.

FIRE AND RESCUE

1.) Chairman Valentine gave the Fire Department report as follows: 41 fire inspections and 113 calls.

Fire Chief Slover added that a fire protection program was presented at local schools to approximately 1,100 students.

BUILDING DEPARTMENT

1.) It was reported that the Building Department will advertise for bids for the raze of the Dugout on STH 83. It was requested that the board email any other properties, which need to be looked at.

2.) Status on the County K Barn raze was given by Administrator Casey. There is a raze order. Park employed hi own contractor and was given until August 30th to complete. He was sent a letter and ticket with a fine of \$500. He indicated to the board that we could try to amend it for a fine for everyday not completed after August 30, 2010.

Greg Glaze, contractor representing Mr. Park, that in the beginning the original permit was for \$45. Mr. Park paid \$545. The barn was taken down and now Mr. Park would like to know why he couldn't put a roof on it to store his barn wood. The foundation is good.

Administrator Casey responded that this is another instance of delaying. He also clarified that the additional \$500 was to reimburse the town for the costs of putting the property out to bid. It is Mr. Casey's firm recommendation that Mr. Park not be given anymore time.

Discussion followed. If the project isn't complete by August 30, 2010 Mr. Park will be fined \$500 a day. It will be up to the court to remove fines. If it's not complete on November 5, 2010 then it will be taken down by the original low bidder on the raze.

Building Inspector Rowland will check on the status on November 3, 2010.

SEWER UTILITY DISTRICT

1.) There was no Sewer Utility Department report.

2.) A partial payment request # PR1210802-19 by J.F. Ahern Company, for Digester Cover and Clarifier renovations, in the amount of \$111,747.29 was presented. Original contract amount \$790,000.00, amount added by change order \$299,851.00, amount deducted by change order \$35,022.00 less previous payments of \$916,711.00.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the partial payment request # PR1210802-19 by J.F. Ahern Company, for Digester Cover and Clarifier renovations, in the amount of \$111,747.29 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A completed reimbursement and back billing policy which limits refunds and back billing to a time period of two years for Sanitary Utility customers that were over or under charged, was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the reimbursement and back billing policy for the Sanitary Utility Department.

UNANIMOUS VOTE – AYE

MOTION CARRIED

STORM WATER DISTRICT

1.) There was no Storm Water report

2.) MOTION BY Supervisor Meier, second by Supervisor Faber to return the Vanderspool item to table.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Lee and Linda Vanderspool property located at 12029 220th Court had requested that the town, to alleviate flooding and solve health issue, take the pipe to the lake and bury the pipe located in their back yard. This item was tabled from the August 9, 2010 and September 13, 2010 Regular Board meetings.

Mike Murdock reported that everything was in place and we need board approval of the easements.

When questioned, Attorney Scholze stated that if there is a future sale, the sale will reflect the easement.

MOTION BY Supervisor Tesar, second by Supervisor Meier to approve proceeding with securing the easements.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Storm Water Facility Maintenance Covenants between the Town of Salem and Trevor – Wilmot Consolidated Grade School District, and agreement providing for School district’s perpetual maintenance of drainage facilities was presented.

MOTION BY Supervisor Faber, second by Supervisor Tesar to approve the Storm Water Facility Maintenance Covenants between the Town of Salem and Trevor – Wilmot Consolidated Grade School District, and agreement providing for School district’s perpetual maintenance of drainage facilities as presented.

UNANIMOUS VOTE - AYE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

1.) A variance request by David Gilbertsen to construct a three season room and surrounding deck was presented. Property address of 9700 276th Avenue. Property tax parcel 66-4-120-212-1410. For informational purpose only this property is located on the southwest corner of the intersection of CTH ‘AH’, CTH ‘SA’ and Canadian National Railroad. Note: Non-conforming structures which do not meet at least 50% of the required setback dimensions cannot be enlarged or expanded (Section V.B. 12.28-7). Required street yard setback from CTH ‘AH’ is 50% of 65 feet (32.5 ft). Variance requested is for a 23 ft street yard setback. There will be no change in the permit or foundation.

Planning and Zoning Commission approved this variance on a vote of 6-0.

MOTION BY Supervisor Faber, second by Supervisor Tesar to take the recommendation of the P & Z and approve this variance request by David Gilbertsen to construct a three season room and surrounding deck as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Variances requested by Patrick & Marianne Kane (owners) to allow for the construction of a sunroom addition, covered porch addition and attached garage onto a residence were presented. Property address of 27100 100th Street. Property tax parcel 66-4-120-214-1415. For informational purpose only this property is located on the east side of 100th Street, between 271st and 272nd Avenues. Note: Non-conforming structures which do not meet at least 50% of the required setback dimensions cannot be enlarged or expanded (Section V.B. 12.28-7). Minimum side yard setback is 50% of 10 feet (5.0 ft). Variance requested is for a 4.7 ft side yard setback: Minimum street yard setback from a Town road is 30 feet. Variance requested is for a 25 ft street yard setback.

Planning and Zoning Commission approved this variance on a vote of 5-1.

MOTION BY Supervisor Meier, second by Supervisor Faber to take the recommendation of the P & Z and approve the variances requested by Patrick & Marianne Kane (owners) to allow for the construction of a sunroom addition, covered porch addition and attached garage onto a residence as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A rezoning request from Sharon Gureczny (Owner) Rebecca Deering, Donnellan Builders, (Agent) to rezone a parcel from R-5 (Urban Single-Family Residential) & B-2 (Community Business) to B-2 was presented. Rezoning request is to eliminate a split zoning on a single parcel and allow for the construction of a restaurant tavern. Property address of 27624 113th Street. Property tax parcel 66-4-120-283-0635. Note: For informational purposes only this parcel is

located on the southeast shoreline of Camp Lake on 113th Street approximately 1200 feet north of CTH 'C' and formerly known as the Last Resort Tavern.

Chairman Valentine requested that it be reflected in the minutes that in a February 2010 flood relief study by R.A. Smith Engineering, this property is listed as a Tier 2 property for possible flood control grants and may be eligible for purchase. She requested it be noted that the prospective purchasers are aware of this.

Brad Zautcke informed the board that this property is in the flood fringe and they are aware that they would be required to flood proof the property according to Kenosha Co. zoning regulations. Planning and Zoning Commission approved this rezoning request on a vote of 6-0.

MOTION BY Supervisor Faber, second by Supervisor Meier to take the recommendation of the P & Z and approve the rezoning request from Sharon Gureczny (Owner) Rebecca Deering, Donnellan Builders, (Agent) to rezone a parcel from R-5 (Urban Single-Family Residential) & B-2 (Community Business) to B-2 as presented and that the property owners are aware of the R.A. Smith February 2010 study for flood relief.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) A conditional use permit application from Sharon Gureczny (Owner) Rebecca Deering, Donnellan Builders (Agent), to allow for an outdoor dining/entertainment area was presented. Property address of 27624 113th Street. Property tax parcel 66-4-120-283-0635. Note: For informational purposes only this parcel is located on the southeast shoreline of Camp Lake on 113th Street approximately 1200 feet north of CTH 'C' and formerly known as the Last Resort Tavern.

There was further discussion relative to the R.A. Smith February 2010 study for flood relief. The Planning and Zoning Commission approved this conditional use permit on a vote of 6-0 with the condition that the wording "Entertainment" be removed from the application and outside lighting be limited to cut-off lighting with a maximum of 0.5 candle light power at the property line.

MOTION BY Supervisor Faber, second by Supervisor Tesar to take the recommendation of the P & Z and approve the conditional use permit request, with the conditions that the wording "Entertainment" be removed from the application and outside lighting be limited to cut-off lighting with a maximum of 0.5 candle light power at the property line and that the minutes reflect that the property owners are aware of the R.A. Smith February 2010 study for flood relief.

Chairman Valentine brought up selling fuel and a marina.

Supervisor Faber stressed that fuel and a marina are not in this petition and should they want this they would come back and apply for the conditional use.

UNANIMOUS VOTE – AYE

MOTION CARRIED

5.) A Letter of Credit reduction for Heritage Estates Subdivision was requested by Burco Holdings, Wesley Ricchio petitioner. Current retainage is \$832,866.00. Requested retainage is \$728,039.00 and reflects completion of certain obligations on the developments.

Dan Campion questioned what had been accomplished since last May to warrant another reduction.

P & Z Administrator Brad Zautcke indicated that he would have to verify if this was a previous carryover.

Discussion followed.

This item was tabled until the November regular board meeting.

PUBLIC SAFETY

1.) Chairman Valentine gave the Public Safety report as follows: 63 citations, 46 assisting other agencies, 2 parking violations, 10 property maintenance, 1 animal problem, and 3 informational. There was discussion about the report format and it's contents.

PARK COMMISSION

1.) Chairman Valentine indicated that she wants a schedule of activities and how the town is going to use the \$872,000 in impact fees.

2.) Payment request # 4 (final) by B. R. Amon & Sons, Inc., for Park Improvement Project – Passive Use Area, in the amount of \$21,157.34 was presented. This is less contract completion penalties in the amount of \$5,000. Original contract amount \$157,682.00 with the final contract total of \$159,569.85.

MOTION BY supervisor Tesar, second by Supervisor Meier to approve payment request # 4 (final) by B. R. Amon & Sons, Inc., for Park Improvement Project – Passive Use Area, in the amount of \$21,157.34 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This project came in \$25,000 under budget.

Lynn Peterson thanked the board for the Community Park. She also pointed out some potential safety hazards, which included a child's foot could get caught in the manhole covers and there is no buffer if a child falls and hits asphalt.

PUBLIC SAFETY

Public Safety Department supervisor Dave Shortess informed the board that the Town received its first bill from Twin Lakes in the amount of \$640 for 211 calls for service.

Discussion followed regarding unidentified properties with maintenance issues that the owners couldn't resolve themselves.

JUDICIAL

1.) Chairman Valentine gave the judicial report as follows:
Salem Municipal Court at 5:00 p.m. on October 12, 2010.

	Adult/Juvenile
Initial Appearances/Non Traffic	28/0
(Water Patrol: 3 – Ordinance: 25)	
Initial Appearances/Traffic	45/ 0
Good Cause/Poverty Hearings	9/0
Trials	1/0
Follow-ups and Reviews	27/0
Totals	110/0

SALEM MOUND CEMETERY

1.) There was no Salem Mound Cemetery report.

LIBRARY BOARD

1.) The appointment to the Library Board was tabled from the May 2010 Regular Board meeting on a motion by Supervisor Faber, second by Supervisor Meier to add this item to the October 2010 agenda.

Chairman Valentine called for a motion to remove this from the table.

This item died for lack of a motion.

2.) Supervisor Faber reported on the Library activities. Discussed at the meetings were the budget, job descriptions and pay scales. He indicated that he was impressed with their progress.

BOARD OF REVIEW

1.) Nothing to report.

REPORTS AND ACTION TAKEN ON PREVIOUS COMMISSION MEETINGS, FUTURE AGENDA ITEMS, AND UPCOMING SCHEDULED MEETINGS

Chairman Valentine (Lakes Committee, Bikes Committee/County) presented a report of her activities last month including, Lakes Ordinance will have a Public Hearing in January, the Bike Committee is slowing down for now. The bike ride at Petrifying Springs drew about 150 people.

Supervisor Faber (CCLRD, SEWRPC, P&Z Liaison, Lakes Committee, Board of Review) reported that the water levels have dropped on Camp/Center lakes. They are still harvesting and taking out tonage.

Supervisor Meier had nothing to report.

Supervisor O'Connell (Library Board, Voltz Lake District) report.

On leave of absence.

Supervisor Tesar (Hooker Lake) reported that the next Hooker Lake meeting will be held tomorrow (Oct. 12) at 7:00 p.m.

Supervisor Faber indicated that he has received requests for harvesting by Silver Lake and Rock Lake. The equipment owned by CCLRD can be used on other lakes.

CLOSED SESSION

1.) The closed session was removed from the agenda.

ADJOURNMENT

Motion by Supervisor Tesar, second by Supervisor Meier to adjourn this Regular Board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Cindi Ernest, Clerk