

**MINUTES
TOWN OF SALEM
REGULAR MEETING
OF THE BOARD OF SUPERVISORS
Monday, August 13, 2012 7:00 P.M.**

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

CHAIRMAN: Diann Tesar

BOARD OF SUPERVISORS: Dennis Faber, Mike Culat, Ted Kmiec and Dan Campion

OTHERS: Pat Casey, Attorney Scholze, Brad Zautcke, Mike Slover, Jack Rowland
Mike Murdock and Cindi Ernest.

GUESTS: David Hoke, Cheryl Hoke, Carl Siegel, Tom Kang, Micki Ellenbrock,
Violet Miller, Dal Ferbert, Sharon Ferbert, Roland Buhler, Sandy Wilson, Karen Ihlen, Johan Ihlen, Elizabeth Greiner, Dale Norris, Vicki Norris, Lenor Vic, Kim Roper, Julie Braakman, Cindy Cort, Mike Koch and Darren Hillock.

PLEDGE OF ALLEGIANCE

Chairman Tesar led the Pledge of Allegiance.

OPEN MEETING COMPLIANCE CHECK

The agenda was posted prior to 3:00 p.m. on Friday, August 10, 2012 at the Town Hall Municipal Building, Salem Post Office, Camp Lake Post Office, Wilnot Post Office, and the Trevor Post Office. It was also posted on the Town's website.

APPROVAL OF AGENDA SEQUENCE

Chairman Tesar requested that the Park Commission agenda item be moved in sequence to after agenda item number 1.) under PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS. This was the consensus of the board.

CITIZENS COMMENTS

David Hoke, encourage the Town Board, on behalf of Rock Lake Restoration Association, to pass the proposed ordinance regarding gas motors on Rock Lake.

Roland Buhler from Rock Lake stated he was in favor of the proposed ordinance regarding gas motors on Rock Lake and encouraged the board to pass the ordinance.

Michael Koch spoke in favor of electric motors only on Rock Lake.

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

1.) A roof replacement request, by the Western Kenosha Co. Historical Society, for the school house in Miller Park. The Western Kenosha County Historical Society will pay for the roof. Chairman Tesar recommended that the plans for replacing the roof be reviewed and approved by Building Inspector Rowland and Administrator Casey prior to beginning the project. MOTION BY Supervisor Culat, second by Supervisor Faber to approve the replacement of the school house roof in Miller Park with the condition that the plans for replacing the roof be reviewed and approved by Building Inspector Rowland and Administrator Casey prior to beginning the project. UNANIMOUS VOTE – AYE
MOTION CARRIED
This will include the waiver of the building permit by consensus of the board.

PARK COMMISSION

This item was moved in the agenda sequence.

1.) The purchase of playground equipment for Miller Park was presented. A single post swing structure, whirligig spinner, tri-geo climber and a duo seesaw with backrest was included in the quote in the amount of \$6,682.00 from Lee Recreation, LLC. Supervisor Faber questioned the additions. There will be border timbers to go around the area and engineered wood fiber. MOTION BY Supervisor Faber, second by Supervisor Culat to approve the purchase of the playground equipment and additions in the amount of \$10,626.00, as presented. UNANIMOUS VOTE – AYE
MOTION CARRIED

BUILDING DEPARTMENT

1.) Bid results were presented as follows for demolition, removal, disposal of materials, and site clearance of the house and debris located at 11619 306th Court and the barn and electric power located at 12210 Antioch Road.

<u>CONTRACTOR</u>	<u>11619 306 CT</u>	<u>12210 ANTIOCH RD</u>
BARHYTE AND SON	6750.00	12600.00
FOX TRUCKING	9210.00	9625.00
ANDY’S EXCAVATING	10600.00	15900.00
SIEGLER	7500.00	15500.00
GUNDERSON EXCAVATING	10500.00	14000.00
ROSS GRADING	11151.00	17354.99

Mr. Tom Kang an elder with the church that owns the barn located at 12210 Antioch Rd, informed the board that the church headquarters is located in Long Grove, IL. He personally just found out yesterday (8/12) about the raze. The person who is in charge of the property doesn’t speak and English and did not understand. The church would like to personally tear the church down. Discussion followed relative to the tear down time frame, removal of the large of amount of concrete and a signed contract. MOTION BY Supervisor Culat, second by Supervisor Kmiec to table this item until the next board meeting to allow demolition. Further discussion followed.

MOTION AMENDED BY Supervisor Culat, second by Supervisor Kmiec to table this item until the next board meeting to allow demolition and to do a special assessment of the current costs incurred to date.

Discussion followed with Mr. Kang indicating to the board that they will go ahead with the town doing the demolition.

MOTION BY Supervisor Culat, second by Supervisor Kmiec to withdraw the motion.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor Faber, second by Supervisor Campion to proceed with demolition at 11619 306th Court and award the bid to Barhyte & Son in the amount of \$6,750.00 and to proceed with demolition at 12210 Antioch Road and award the bid to Fox Trucking in the amount of \$9,625.00

UNANIMOUS VOTE – AYE

MOTION CARRIED

PLANNING & ZONING

1.) A request by Dennis E. & Michelle H. Ellerbrock, PO Box 155, Camp Lake WI 53109-0248 (Owner), for a variance was presented. Section V. B. 12.28-7: which states that non-conforming structures which encroach upon the yard requirements of this ordinance, but which met yard requirements of the applicable zoning ordinance at the time of construction, may be structurally enlarged or expanded if the existing structure is located at least fifty (50) percent of the minimum setback requirement and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements in the C-2 Upland Resource Conservancy District) to construct a 11.5' x 12' residential addition onto the southwest side of an existing non-conforming structure, which is located 12 feet (required setback 25 feet) from the side property line on Tax Parcel #65-4-120-162-0490, NW 1/4 Section 16, T1 N, R20 E, Town of Salem. For informational purposes only, this property is located on the west side of CTH "SA" (Camp Lake Road) approximately 0.2 miles south of the intersection with CTH "F" (Silver Lake Road).

The Town of Salem Planning & Zoning Commission approved the variance request on a 5-0 vote.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the request by Dennis E. & Michelle H. Ellerbrock, PO Box 155, Camp Lake WI 53109-0248 (Owner), for a variance for the 12.0 ft side yard setback, of the existing house, for a residential addition, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A request by Sharon M. Ferbert Revocable Trust, 24705 N. Elm Road, Lake Forest IL 60045-3496 (Owner), for a variance was presented. Section V. A. 12.27-6(f): which states that detached accessory buildings shall be located in the side or rear yard only and Section IV. C. 12.21-4(g)1: which states that all detached accessory structures are to be located at least 30 feet from the right-of-way of all other roads in the R-4 Urban Single-Family Residential District) to construct a 32.75' x 22' detached garage to be located in the street-yard (required rear-yard or side-yard placement) and to be constructed 9 feet (required setback 30 feet) from the right-of-way of 121st Place on Tax Parcel #67-4-120-361-1540, NE ¼ Section 36, T1 N, R20 E, Town of Salem. For Informational purposes only, this property is located on the south side of 121st Place approximately 300 feet east of the intersection with 219th Avenue.

The Town of Salem Planning & Zoning Commission approved the variance request on a 6-0 vote with the condition that the lots be combined.

MOTION BY Supervisor Culat, second by Supervisor Kmiec to approve the request by Sharon M. Ferbert Revocable Trust, 24705 N. Elm Road, Lake Forest IL 60045-3496 (Owner), for a variance as presented with the condition that the lots be combined, as recommended by the Town Planning Commission.

UNANIMOUS VOTE – AYE

MOTION CARRIED

ADMINISTRATOR'S BUSINESS

1.) Administrator Casey reported that we've been working diligently and Fall Fest will now be held on Oct 20, 2012 inside our highway bays at the new highway/fire building. There will be a barn dance and vendors. Volunteers are still needed and welcome.

Everyone is encouraged to go out and visit the new sand volley ball courts at Community Park.

2.) Ordinance 12 08 13, An Ordinance Creating Section 330-19 of the Code of the Town of Salem Regarding the Operation of Gas Powered Motor Boats on Rock Lake was presented.

Supervisor Faber requested that Section 2 (C) include mechanical shoreline restoration work that is permitted and any operation.

MOTION BY Supervisor Culat, second by Supervisor Campion to adopt Ordinance 12 08 13, An Ordinance Creating Section 330-19 of the Code of the Town of Salem Regarding the Operation of Gas Powered Motor Boats on Rock Lake as presented with the change in wording added.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This ordinance is subject to DNR approval.

HIGHWAY PLANNING & ZONING

1.) The bid award for the 2012 Town of Salem Road Improvement Program in: 121st St, 217th Ave, 121st Pl, 219th Ave, 220th Ct, 220th Ave, and 221st Ave was presented.

In a letter to the Town, Town Engineer Len Roecker, reviewed the proposal of the low bidder and recommended that the board consider the award of the Base Bid and/or Alternate A, B & C to B.R. Amon & Sons, Inc.

MOTION BY Supervisor Faber, second by Supervisor Culat to award the bid for the 2012 Town of Salem Road Improvement Program in: 121st St, 217th Ave, 121st Pl, 219th Ave, 220th Ct, 220th Ave, and 221st Ave to B.R. Amon & Sons, Inc. as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

PARK COMMISSION

1.) Discussion and possible action on the purchase of playground equipment for Miller Park.

This item was moved up in the agenda sequence to #2 under PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS.

CLERK'S BUSINESS

1.) The minutes of the previous meeting of a Regular Board Meeting on 8/09/2012 were presented. Clerk Ernest indicated to the board that the amounts of the vouchers was left off the minutes and will be included.

MOTION BY Supervisor Faber, second by Supervisor Kmiec to approve the minutes of a Regular Board Meeting on 8/09/2012, with the voucher amounts included, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Operator License applications were filed with the Clerk as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Jacqueline C Wermeling	Tiffany Tarsa	Tanya Tapia	Cheri Sinkovec	Ashley Rubenstein
Theresa Popp	Deborah A Miller	Raymond J Johnson, Sr		Christene Daniels
Lynn M Powers	Dawn M Roberts			

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the Operator Licenses with approval contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) An amendment application to their Amusement License was made by Kickstand Bar, to an existing Amusement Machine License, for two (2) additional machines.

MOTION BY Supervisor Culat, second by Supervisor Kmiec to approve the amendment to their Amusement License, as made by Kickstand Bar, for two (2) additional machines.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) Mobile Home Park License applications were filed with the Clerk as follows, with approval contingent on payment of delinquent taxes, assessments, and all necessary fees.

Carefree Estates

Lakewood Estates

MOTION BY Supervisor Campion, second by Supervisor Kmiec to approve the Mobile Home Park License as presented, with approval contingent on payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

5.) A Temporary Class B “Picnic License” application was filed with the Clerk for the following, with approval contingent on the payment of necessary fees and a licensed bartender (operator) for the event.

- Lake Shangri-La Property Owners Association, Lake Shangri-La Community Center and grounds at 22112 121st Street., Bristol, WI, for Assoc. Family Fun Day, September 8, 2012, 12:00 noon until 11:00 pm

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the Temporary Class B “Picnic License” for Lake Shangri-La Property Owners Association, Lake Shangri-La Community Center and grounds at 22112 121st Street., Bristol, WI, for Assoc. Family Fun Day, September 8, 2012, 12:00 noon until 11:00 pm, with approval contingent on the payment of necessary fees and a licensed bartender (operator) for the event.

UNANIMOUS VOTE – AYE
MOTION CARRIED

6.) A request by the Clerk to utilize current election inspectors as election specialists to assist the clerk with election duties on an as needed basis was presented.

MOTION BY Supervisor Kmiec, second by Supervisor Faber to approve the request by the Clerk to utilize current election inspectors as election specialists to assist the clerk with election duties on an as needed basis, as presented.

UNANIMOUS VOTE – AYE
MOTION CARRIED

TREASURER’S REPORT

1.) Chairman Tesar gave the Treasurer’s report for July 1, 2012 – July 31, 2012 as follows:

JULY 2012 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

July 1, 2012- Beginning Balance **\$2,094,275.56**

<u>RECEIPTS</u>		\$ 560,878.91
Transfer from LGIP#9	\$	
Prior Month Adjustment	\$	20.00

<u>DISBURSEMENTS</u>	\$	411,025.59
PAYROLL	\$	<u>154,241.33</u>
Total	\$	565,266.92

July 31, 2012 - Ending Balance **\$2,089,907.55**

State Pool - General	\$	1,489,413.36
Gen. Checking	\$	<u>600,494.19</u>
Totals	\$	2,089,907.55

JULY 2012 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

July 1, 2012- Beginning Balance **\$ 0.00**

<u>RECEIPTS</u>		\$ 0.00
Trnsfr from Gen. Ck.	\$	0.00

<u>DISBURSEMENT</u>		
Trnsfr to Gen. Ck	\$	

July 31, 2012 - Ending Balance **\$ 0.00**

JULY 2012 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

July 1, 2012 -	Beginning Balance		\$ 533,619.19
	<u>RECEIPTS</u>	\$	3,301.10
	<u>DISBURSEMENTS</u>	\$	0.00
July 31, 2012 -	Ending Balance		\$ 536,920.29

JULY 2012 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

July 1, 2012	Beginning Balance		\$ 36,547.31
	<u>RECEIPTS</u>	\$	393.13
July 31, 2012	Ending Balance		\$ 36,940.44

JULY 2012 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT - SALEM

July 1, 2012	Beginning Balance		\$ 432,644.32
	<u>RECEIPTS</u>	\$	53.14
	<u>DISBURSEMENTS</u>		
	Transfer to Gen Fund	\$	0.00
July 31, 2012	Ending Balance		\$ 432,697.46

JULY 2012- CASH REPORT FOR THE TRAILS ACCOUNT – SALEM

July 1, 2012	Beginning Balance		\$ 225,625.00
	<u>RECEIPTS</u>	\$	27.71
July 31, 2012	Ending Balance		\$ 225,652.71

2.) The approval of payment of the vouchers July 10, 2012 – August 13, 2012 was presented as follows:

Vouchers issued from July 10, 2012 through August 13, 2012	\$ 266,782.52
Payroll #15 Ending 7/14/12	\$ 61,652.24
Payroll #16 Ending 7/28/12	\$ 64,120.34
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Total	\$ 392,555.10

Supervisor Faber asked for clarification of the picnic expenses under fire department and the R.A. Smith invoice for storm water and Jason's Pond.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve payment of the vouchers July 10, 2012 – August 13, 2012 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

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

Chairman Tesar (Library Board, Hooker Lake, & Administration, Public Works, Public Safety & Communication Committees) report.

Chairman Tesar reported that Pumpkin Daze (formerly Fall Fest) is still looking for volunteers. There will be a meeting tomorrow at 4:00 pm. The date of the event is October 20, 2012 and there are vendor/crafters booths available for \$40 for a 10x10 space. Vendor sales will run from 9:00 am to 4:00 pm.

Chairman Tesar attended the Salem/Central Band Concert at the Community Park on Sunday. It was a quaint and very nice concert.

There will be a meeting of the Town Board Committees on August 20th at 6:00 pm and the Hooker Lake Annual Meeting will be Sept. 13th.

Supervisor Faber (CCLRD, SEWRPC, P&Z Joint Liaison, Board of Review, Public Safety & Communication Committees) report.

Supervisor Faber reported that CCLRD will hold its Annual Meeting here at the Town Hall on Saturday, August 18th beginning at 9:00 am. Interesting information will be presented and their budget approval is on the agenda. The last couple of years, CCLRD's budget was reduce, but this year it went up.

He questioned the communication status of the microphones to which Administrator Casey responded that he will check further into it.

Supervisor Culat (Park & P & Z Commissions Joint Liaison, Public Works Committee) report.

Supervisor Culat reported to those in attendance that he would like to see the town become involved in some strategic planning sessions and do some long term planning of the Town. Discussion followed relative to strategic planning. This will be looked at and reviewed in Board Committee meetings.

Supervisor Kmiec (Park Commission Joint Liaison, Administration, Public Safety, & Communication Committees) report.

Supervisor Kmiec stated he agrees with Supervisor Culat on the need for the Town to look at developing a strategic plan. Further discussion.

Supervisor Campion (County & Voltz Lake Liaison, Administration, Communication & Public Works Committees) report.

Supervisor Campion reported that Kenosha County Board had done their appointments and things are quiet at this time.

There is nothing to report on Voltz Lake.

Supervisor Campion also indicated he would like to look into notebooks rather than iPads for hardware and would like to look at other hardware.

He attended the recent WI Towns Association meeting.

CLOSED SESSION

1.) MOTION BY Supervisor Kmiec, second by Supervisor Faber to move into closed session pursuant to: Section 19.85(1)(e), Wis. Stats. for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. This closed session is relative to collective bargaining and the purchase of property.

ROLL CALL VOTE

Supervisors Faber, Culat, Kmiec, Campion and Chairman Tesar – AYE

MOTION CARRIED

Town Board moved into Closed Session at 8:12 p.m.

2.) MOTION BY Supervisor Culat, second by Supervisor Faber to move out of Closed Session and reconvene in Open Session.

ROLL CALL VOTE

Supervisors Faber, Culat, Kmiec, Campion and Chairman Tesar – AYE

MOTION CARRIED

Town Board moved out of Closed Session and into Open Session at 8:42 p.m.

3.) There was no announcement or action taken relative to Section 19.85(1)(e) referenced during the closed session.

ADJOURNMENT

MOTION BY Supervisor Campion, second by Supervisor Culat to adjourn this Regular Board Meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Regular Board meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Cindi Ernest, Clerk