

MINUTES
REGULAR MEETING OF THE BOARD OF SUPERVISORS
Monday, January 11, 2016 7:00 P.M.

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

CHAIRMAN: Diann Tesar

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

ABSENT: Supervisor Ted Kmiec and Attorney Scholze

OTHERS: Administrator Casey, Mike Murdock, Brad Zautcke Dave Shortess and Cindi Ernest

GUESTS: Kanu Patel, John Poole, Gail Peckler – Dziki, Brian Ernst, Jerry Sjoberg, Dustin Johnson, William Schulz, Bob Wincek, James, Aitcheson, Tom Steiner

PLEDGE OF ALLEGIANCE

Chairman Tesar led the Pledge of Allegiance.

OPEN MEETING COMPLIANCE CHECK

The agenda was posted prior to 4:00 p.m. on Thursday, January 7, 2016 at the Town Hall Municipal Building and on the Town’s website at www.townofsalem.net

APPROVAL OF AGENDA SEQUENCE

There was no change in the agenda sequence.

CITIZEN COMMENTS

Tom Steiner stated he met with Administrator Casey regarding a personnel issue and wanted to present back up documentation to the Board. He stated that there were open meeting violations by individuals on the Town’s payroll and the behavior exhibited violated school policies. He stated he wants it investigated with the attorney general regarding open records. He handed out documents to the Town Board regarding the issue.

The Town Board did take any action on this issue.

Dustin Johnson stated he lives across the street from the beach on Lake Shangri – La. He stated there is nowhere for him to land his boat except on the other side of the lake. If he puts his boat in on the other side, he has to walk back to get his vehicle as there is no parking.

Discussion followed.

Attorney Scholze arrived at this meeting at 7:09 p.m.

Lake Shangri – La Homeowners Association President, Bill Schulz, state at one time there was a landing on 118th Street, but it is chained up.

Upon further discussion, Mr. Schulz invited Mr. Johnson to attend an association meeting to see if something could be resolved.

Lake Shangri – La Homeowners Association President, Bill Schulz informed the Board that the homeowners association is requesting street lights be installed on the south end of 121st Street and Nelson Road and on 122nd Street and 224th Avenue.

Administrator Casey advised that we will forward this to our engineers for review and to look at the costs.

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

1.) Town Board requested three month review and possible action on Hasi Sai, LLC, DBA JP Food & Food, Agent Kiran Patel, relative to previous liquor/cigarette licensing violations. There have been no further violations. The Board took no action nor requested further attendance at meetings of the Board.

2.) A request was made by Leon Edmark to allow rental use of the Town Board Room again. Mr. Edmark was not in attendance. We will look at alternatives space to refer people to.

PLANNING & ZONING

1.) Ordinance 16 01 11, An Ordinance approving an Amendment to the Comprehensive Plan for the Town of Salem: 2035, on Tax Parcel # 67-4-120-302-0241 was presented.

The Town of Salem Planning & Zoning Commission recommended approval to the Town Board, with Resolution 15 12 16, with a unanimous vote of 5-0.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Planning & Zoning Commission and adopt Ordinance 16 01 11, An Ordinance approving an Amendment to the Comprehensive Plan for the Town of Salem: 2035, on Tax Parcel # 67-4-120-302-0241 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A request by TVRW Electronics, LLC (Owner), Robert Wincek (Agent), 436 Evergreen Ave, Silver Lake, WI 53170, for a rezoning from I-1 (Institutional District) to B-2 (Community Business District) on Tax Parcel #67-4-120-302-0241, located in the southeast ¼ of the northwest ¼ of Section 30, Township 1 North, Range 20 East, Town of Salem was presented. For informational purposes only this parcel is located at 10720 Fox River Road, former Wilmot Grade School Building.

The Town of Salem Planning & Zoning Commission recommended approval to the Town Board with a unanimous vote of 5-0.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Planning & Zoning Commission and approve the request by TVRW Electronics, LLC (Owner), Robert Wincek (Agent), 436 Evergreen Ave, Silver Lake, WI 53170, for a rezoning from I-1 (Institutional District) to B-2 (Community Business District) on Tax Parcel #67-4-120-302-0241, located in the southeast ¼ of the northwest ¼ of Section 30, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A request by Brian P. Ernst & Nicole M. Onysio, 8806 226th Court, Salem WI 53168 (Owner), for a variance (Section III. K. 12.17-5: that all swimming pools shall only be installed in the rear yard of a premise and Section IV. C. 12.21-3(g)1: that all structures shall be constructed not less than 65 feet from the right-of-way of any county trunk highway in the R-3 Urban Single-Family Residential District) to construct a 34' x 18' in-ground pool and associated patio in the street yard (required rear yard placement) to be located

45' (required setback 65') from the right-of-way of CTH "AH" on Tax Parcel #65-4-120-132-1001, Northeast 1/4 Section 32, Township 1 North, Range 20 East, Town of Salem was presented. For informational purposes only this property is located on the southwest corner of 88th Street & CTH "AH" (Salem Road).

The Town of Salem Planning & Zoning Commission recommended approval to the Town Board with a unanimous vote of 5-0.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Planning & Zoning Commission and approve the request by Brian P. Ernst & Nicole M. Onysio, 8806 226th Court, Salem WI 53168 (Owner), for a variance (Section III. K. 12.17-5: that all swimming pools shall only be installed in the rear yard of a premise and Section IV. C. 12.21-3(g)1: that all structures shall be constructed not less than 65 feet from the right-of-way of any county trunk highway in the R-3 Urban Single-Family Residential District) to construct a 34' x 18' in-ground pool and associated patio in the street yard (required rear yard placement) to be located 45' (required setback 65') from the right-of-way of CTH "AH" on Tax Parcel #65-4-120-132-1001, Northeast 1/4 Section 32, Township 1 North, Range 20 East, Town of Salem as presented.

SUPERVISORS Faber, Campion and Chairman Tesar – AYE

SUPERVISOR Culat – ABSTAIN (Due to a conflict of interest.)

MOTION CARRIED

4.) A request by Lawrence C. & Barbara Weldon, 65 E. Monroe, Unit 4414, Chicago IL 60603 (Owner), Jerry Sjoberg, Home Design Mfg., Po Box 527, Fontana WI 53125 (Agent), for a variance (Section IV. C. 12.21-4(f): that all residential dwellings shall have a roof pitch of not less than 5/12 and an eave extension of at least twelve inches, Section IV. C. 12.21-4(g)1: that all structures shall be constructed not less than 30 feet from the right-of-way of all other roads and Section IV. C. 12.21-4(g)2: that all structures shall be constructed not less than 75 feet from the ordinary high water mark of any navigable water in the R-4 Urban Single-Family Residential District) to construct a 51' 8" x 37' single-family residence to have a flat roof pitch (minimum 5/12 required) and zero foot eave extensions (minimum twelve inches required) and to be located 20' (required setback 30') from the right-of-way of 117th Street and to be located 40' (required setback 75') from the ordinary high water mark of Lake Shangri-La and with associated decks to be located 16' (required setback 30') from the right-of-way of 117th Street and 36' (required setback 75') from the ordinary high water mark of Lake Shangri-La on Tax Parcel #67-4-120-361-2205, Northeast 1/4 Section 36, Township 1 North, Range 20 East, Town of Salem was presented. For informational purposes only this parcel is located on the south side of 117th Street approximately 233 feet east of the intersection with 221st Avenue.

The Town of Salem Planning & Zoning Commission recommended approval to the Town Board with a unanimous vote of 4-1.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Planning & Zoning Commission and approve the request by Lawrence C. & Barbara Weldon, 65 E. Monroe, Unit 4414, Chicago IL 60603 (Owner), Jerry Sjoberg, Home Design Mfg., Po Box 527, Fontana WI 53125 (Agent), for a variance (Section IV. C. 12.21-4(f): that all residential dwellings shall have a roof pitch of not less than 5/12 and an eave extension of at least twelve inches, Section IV. C. 12.21-4(g)1: that all structures shall be constructed not less than 30 feet from the right-of-way of all other roads and Section IV. C. 12.21-4(g)2: that all structures shall be constructed not less than 75 feet from the ordinary high water mark of any navigable water in the R-4 Urban Single-Family Residential District) to construct a 51' 8" x 37' single-family residence to have a flat roof pitch (minimum 5/12 required) and zero foot eave extensions (minimum twelve inches required) and to be located 20' (required setback 30') from the right-of-way of 117th Street and to be located 40' (required setback 75') from the ordinary high water mark of Lake Shangri-La and with associated decks to be located 16' (required setback 30') from the right-of-way of 117th Street and 36' (required setback 75') from the ordinary high water mark of Lake Shangri-La on Tax Parcel #67-4-120-361-2205, Northeast 1/4 Section 36, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE
MOTION CARRIED

ADMINISTRATOR BUSINESS

1.) A request for Partial Payment No 2, in the amount of \$218,932.48, to Reesman’ s Excavating & Grading, Inc, for the Salem Business Park Infrastructure Improvements was presented.
MOTION BY Supervisor Campion, second by Supervisor Culat to approve Partial Payment No 2, in the amount of \$218,932.48, to Reesman’ s Excavating & Grading, Inc, for the Salem Business Park Infrastructure Improvements as presented.
UNANIMOUS VOTE – AYE
MOTION CARRIED

SEWER UTILITY DEPARTMENT

1.) A request for Partial Payment Request No. 6 by MZ Construction Incorporated, in the amount of \$261,038.15 for the Sewage Lift Station 101, 102, 104, 207, and 211 Upgrades was presented.
MOTION BY Supervisor Faber, second by Supervisor Culat to approve Partial Payment Request No. 6 by MZ Construction Incorporated, in the amount of \$261,038.15 for the Sewage Lift Station 101, 102, 104, 207, and 211 Upgrades as presented.
UNANIMOUS VOTE – AYE
MOTION CARRIED

HIGHWAY DEPARTMENT

1.) A request for Project Payment Request No. 3 (final), by Stark Pavement Corp, in the amount of \$171,083.96 (which includes Change Order No 3), for the 2015 Town Road Rehabilitation Project and Camp Lake Park Improvements was presented.
MOTION BY Supervisor Culat, second by Supervisor Faber to approve Project Payment Request No. 3 (final), by Stark Pavement Corp, in the amount of \$171,083.96 (which includes Change Order No 3), for the 2015 Town Road Rehabilitation Project and Camp Lake Park Improvements as presented.
UNANIMOUS VOTE – AYE
MOTION CARRIED

CLERK’S BUSINESS

1.) The minutes of a Regular Board meeting on 12/14/2015 were presented.
MOTION BY Supervisor Faber, second by Supervisor Campion to approve the minutes of a Regular Board meeting on 12/14/2015 as presented.
UNANIMOUS VOTE – AYE
MOTION CARRIED

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

Ashley Hickmann Kelly Ruiz Olivia J Faber Margaret Whitaker Padgett Paul Ochalek

The Board will have a separate vote on the Operator License of Ashley Hickmann.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Operator Licenses for Kelly Ruiz, Olivia J Faber, Margaret Whitaker Padgett and Paul Ochalek, with approval contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.
 UNANIMOUS VOTE – AYE
 MOTION CARRIED

MOTION BY Chairman Tesar, second by Supervisor Culat to not approve the Operator License for Ashley Hickmann.
 UNANIMOUS VOTE – AYE
 MOTION CARRIED

3.) The vouchers for December 15, 2015 through January 11, 2016, were presented as follows:
 The actual invoices were available for viewing by Board Supervisors on the Board’s Portal.

Vouchers issued from December 15, 2015 through January 11, 2016		\$ 727,306.21
Payroll #25 Ending	12/12/2015	\$ 97,553.03
Payroll #26 Ending	12/26/2015	\$ 65,339.03

Total		\$ 890,198.27

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the payment of the vouchers as presented.
 UNANIMOUS VOTE – AYE
 MOTION CARRIED

TREASURER’S REPORT

1.) Chairman Tesar read the Treasurer’s report for December 1, 2015 through December 31, 2015 as follows:

DECEMBER 2015 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

December 1, 2015- Beginning Balance		\$1,728,612.58
	<u>RECEIPTS</u>	\$ 8,699,615.47
	Transfers In	\$ 482,460.08
	Prior Month Adjustment	\$ 0.00
	<u>DISBURSEMENTS</u>	\$ 1,086,470.65
	PAYROLL	\$ 266,984.47
	Transfers Out	<u>\$ 6,470,205.39</u>
	Total	\$ 7,823,660.51
December 31, 2015- Ending Balance		\$3,087,027.62
State Pool - General	\$ 695,954.62	

Gen. Checking	\$ 2,391,073.00
Totals	\$ 3,087,027.62

DECEMBER 2015 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

December 1, 2015 - Beginning Balance **\$ 0.00**

<u>RECEIPTS</u>	\$ 33.86
Trnsfr from Gen. Ck.	\$ 6,378,005.39

<u>DISBURSEMENT</u>	
Trnsfr to LGIP 8	\$ 0.00

December 31, 2015 - Ending Balance **\$6,378,039.25**

DECEMBER 2015 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

December 1, 2015 - Beginning Balance **\$ 406,729.47**

<u>RECEIPTS</u>	\$ 1,684.85
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<u>DISBURSEMENTS</u>	
Transfer to LGIP 8	\$ 0.00

December 31, 2015- Ending Balance **\$ 408,414.32**

DECEMBER 2015 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

December 1, 2015 Beginning Balance **\$ 44,744.88**

<u>RECEIPTS</u>	\$ 7.36
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December 31, 2015 Ending Balance **\$ 44,752.24**

DECEMBER 2015 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT - SALEM

December 1, 2015 Beginning Balance **\$ 1,645,252.73**

<u>RECEIPTS</u>	\$ 9,657.86
Transfer In	\$ 92,200.00

DISBURSEMENTS

Transfer Out \$ 0.00

December 31, 2015 Ending Balance \$ 1,747,110.59

DECEMBER 2015 - CASH REPORT FOR THE TRAILS ACCOUNT – SALEM

December 1, 2015 Beginning Balance \$ 215,971.15

RECEIPTS \$ 35.55

DISBURSEMENTS

December 31, 2015 Ending Balance \$ 216,006.70

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 the Silver Lake Library officially closed. The next Library Board meeting will be on Monday, January 25th at the Twin Lakes library.

Hooker Lake will have a meeting this Thursday, January 14th at 7:00 pm.

The Highway Department is rockin' with the plowing!

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

Supervisor Campion gave a report to the County regarding the Town's accomplishments during this past year. He stated that he is proud he's from the Town and that there are other municipalities who can't do what we've been doing.

He went on to say that he is sorry that we've had a couple of employees who have retired and has personally sent messages to them congratulating them.

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

Supervisor Culat had nothing to report, but wanted to say that the Highway Department did a phenomenal job with the plowing. He is proud to represent Salem.

Building Permits are better than they have been in the last five (5) years.

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

Supervisor Faber stated that we have very good employees.

Camp Center Lake Rehabilitation District is going to sample sediment for possible dredging.

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

Supervisor Kmiec is absent from this meeting.

CLOSED SESSION

1.) MOTION BY Supervisor Faber, second by Supervisor Campion 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 joint and/or consolidated services agreements.

ROLL CALL VOTE

SUPERVISORS Faber, Culat, Campion and Chairman Tesar – AYE

MOTION CARRIED

The Town Board moved into Closed Session at 7:50 pm.

2.) MOTION BY Supervisor Culat, second by Supervisor Campion 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

The Town Board moved out of Closed Session and reconvened in Open Session at 8:10 pm.

3.) There were no decisions, action taken or announcements made relative Section 19.85(1)(e) referenced during the closed session.

ADJOURNMENT

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

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Regular Board meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Cindi Ernest, Clerk