

**MINUTES
TOWN OF SALEM
PUBLIC HEARING AND REGULAR MEETING OF THE BOARD OF SUPERVISORS
Monday, September 8, 2014 7:00 P.M.**

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

- CHAIRMAN:** Diann Tesar
- BOARD OF SUPERVISORS:** Dennis Faber, Mike Culat, Ted Kmiec and Dan Campion
- OTHERS:** Attorney Scholze, Brad Zautcke, Mike Slover, Mike Murdock, and Cindi Ernest. Administrator Casey was absent.
- GUESTS:** Attached

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 Wednesday, September 3, 2014 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.

PUBLIC HEARING

PLEASE TAKE NOTICE that the Building Inspector of the Town of Salem, has determined the buildings, including residential/commercial building and garage which are located on the following described premises:

Tax Parcel No: 65-4-120-011-0106
Property Address: 22002 60th Street, Salem, WI
Property Owner: James J. Jennings
4851 N. East River Road
Norridge, IL 60656

are dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, due to the dilapidated or incomplete condition of said structures and that such structures, in their present condition, constitute a public nuisance. He has further determined that the cost of repairs to the buildings would exceed 50% of the assessed value of each of the structures and divided by the ratio of the assessed value to the recommended value as last published by the State of Wisconsin, Department of Revenue for the Town.

Mr. James Jennings, owner of the property, came before the Board opposing the proposed raze. He said he had just paid \$12,500 in taxes due to the sheriff's deed. He is in the process of foreclosing on the person who bought the property from him. He is planning on doing something with the property, but is asking for time. He wants to put the property back on the tax roll by putting a business in place and is contacting investors.

Building Inspector Rowland indicated that the ground floor is too small for a restaurant. The caretaker's apartment has been made into a two (2) family residence. It would need to be made back into a one (1) family residence.

Chairman Tesar asked for comments for or against the proposed raze order. There were none.

CITIZEN COMMENTS

There were no citizen comments.

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

1.) Resolution No 14 09 08 A Resolution Designating Halloween Trick or Treat Hours for the Town of Salem was presented. This resolution was presented because the Board votes on the same date and time every year. This resolution would officially make Trick or Treating on October 31st from 4:00 pm – 7:00 pm every year unless specifically changed by the Town Board.

MOTION BY Supervisor Faber, second by Supervisor Culat to adopt Resolution No 14 09 08 A Resolution Designating Halloween Trick or Treat Hours for the Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Resolution No. 14 09 08A, A Resolution Requesting an Exemption from the County Library Tax for the 2015 Budget for the Town of Salem was presented. This is a yearly resolution, which is done so we don't pay library taxes to the county due to the joint Community Library.

MOTION BY Supervisor Campion, second by Supervisor Kmiec to adopt Resolution No. 14 09 08A, A Resolution Requesting an Exemption from the County Library Tax for the 2015 Budget for the Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

BUILDING DEPARTMENT

1.) A proposed raze of buildings, including residential/commercial building and garage on property located at 22002 60th Street, Salem, WI. Tax Parcel No. 65-4-120-011-0106, belonging to James J. Jennings, 4851 N. East River Road, Norridge, IL 60656 was presented.

Further discussion followed regarding Mr. Jennings proposal to allow time for him to do something with the building.

MOTION BY Supervisor Kmiec, second by Supervisor Culat to table this proposed raze order.

Discussion.

MOTION AMENDED BY Supervisor Kmiec, second by Supervisor Culat to table this proposed raze of buildings, including residential/commercial building and garage on property located at 22002 60th Street, Salem, WI. Tax Parcel No. 65-4-120-011-0106, belonging to James J. Jennings, 4851 N. East River

Road, Norridge, IL 60656 until March 2015 with the condition that the entrance to the property is blocked.

UNANIMOUS VOTE – AYE

MOTION CARRIED

PLANNING & ZONING

1.) A rezoning request by Thomas D. & Teresa M. Murphy, 8741 Fox River Road, Burlington, WI 53105-8006 (Owner), Jeremy Tekampe, 8851 Fox River Road, Burlington, WI 53105-8006 (Agent) from R-1 (Rural Residential District) to R-2 (Suburban Single-Family Residential District) on part of Tax Parcel #65-4-120-182-1114 located in the Northwest ¼ of Section 18, Township 1 North, Range 20 East, Town of Salem was presented.

The Town Planning & Zoning Commission recommended approval of the rezoning request on a vote of 6-0.

MOTION BY Supervisor Faber, second by Supervisor Culat to take the recommendation of the Planning & Zoning Commission and approve the rezoning request by Thomas D. & Teresa M. Murphy, 8741 Fox River Road, Burlington, WI 53105-8006 (Owner), Jeremy Tekampe, 8851 Fox River Road, Burlington, WI 53105-8006 (Agent) from R-1 (Rural Residential District) to R-2 (Suburban Single-Family Residential District) on part of Tax Parcel #65-4-120-182-1114, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A variance request by Patrick W. & Kimberly D. Cowles, 24608 82nd Street, Salem, WI 53168 (Owner), Chris Bucko, 6109 242nd Avenue, Paddock Lake, WI 53168 (Agent), to be located in the street yard (side or rear yard required) and a 16' 6" x 20' 4" attached garage addition onto an existing single-family residence to be located 1.9' (required setback 10') from the west side property line on Tax Key Parcel #65-4-120-113-0216, Southwest ¼ Section 11, Township 1 North, Range 20 East, Town of Salem was presented. (Section V. 12.27-6(f): which states that one accessory building shall be limited to a maximum of 720 sq. ft. in area and that all detached accessory buildings shall be located in the side or rear yard only and Section IV. C. 12.21-4(g)3: which states that principal structures shall be not less than 10 feet from a side property line in the R-4 Urban Single-Family Residential District) to construct a 25' x 40' detached accessory structure to be 1,000 sq. ft. in area (720 required). For informational purposes only this parcel is located on the southwest corner of 81st Place and 246th Avenue.

The Town Planning & Zoning Commission recommended approval of the variances requested, with the condition that only one accessory building be permitted and it is not to exceed 870 sq. ft., on a vote of 6-0.

MOTION BY Supervisor Faber, second by Supervisor Culat to take the recommendation of the Planning & Zoning Commission and approve variances requested by Patrick W. & Kimberly D. Cowles, 24608 82nd Street, Salem, WI 53168 (Owner), Chris Bucko, 6109 242nd Avenue, Paddock Lake, WI 53168 (Agent), to be located in the street yard (side or rear yard required) and a 16' 6" x 20' 4" attached garage addition onto an existing single-family residence to be located 1.9' (required setback 10') from the west side property line on Tax Key Parcel #65-4-120-113-0216, Southwest ¼ Section 11, Township 1 North, Range 20 East, Town of Salem, with the condition that only one accessory building be permitted and it is not to exceed 870 sq. ft., as presented.

Discussion of the accessory/garage size followed.

MOTION AMENDED BY Supervisor Faber, second by Supervisor Kmiec to take the recommendation of the Planning & Zoning Commission to approve variances requested by Patrick W. & Kimberly D. Cowles, 24608 82nd Street, Salem, WI 53168 (Owner), Chris Bucko, 6109 242nd Avenue, Paddock Lake, WI 53168 (Agent), to be located in the street yard (side or rear yard required) and a 16' 6" x 20' 4" attached garage addition onto an existing single-family residence to be located 1.9' (required setback 10') from the west

side property line on Tax Key Parcel #65-4-120-113-0216, Southwest ¼ Section 11, Township 1 North, Range 20 East, Town of Salem as presented, with the condition that only one accessory building (garage) be permitted and it is not to exceed 1,000 sq. ft.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A request for approval of a Temporary Use Permit by Donald R. Happ Jr., 24129 Wilmot Road, Trevor, WI 53179-9662 (Owner), to temporarily use a barn and an adjoining field to operate a haunted house and hayride in the R-2 (Suburban Single-Family Residential District) and A-2 (General Agricultural District) on Tax Parcel #66-4-120-262-0420, West 1/2 Section 26, Township 1 North, Range 20 East, Town of Salem was presented. (Section VII. B. 12.36-5(a)5: states that all temporary uses require the Board of Adjustments to hear and grant an application in any district). For informational purposes only this parcel is located on the south side of CTH 'C' (Wilmot Road) approximately 1,000 feet west of the intersection with STH '83' (Antioch Road).

The Town Planning & Zoning Commission recommended approval of the Temporary Use Permit on a vote of 6-0 with the following conditions:

- All the requirements in the memorandums provided by Fire Chief Slover and Building Inspector Rowland, both dated 08/27/2014, be met and verified through inspections.
- The Fire Department has full authority to shut down operations if it is determined that an unsafe situation exists, and periodic inspections may be conducted during hours of operation.
- Operations on the property, including parking, be restricted to and coincide with the site plan submitted.

MOTION BY Supervisor Faber, second by Supervisor Kmiec to take the recommendation of the Planning & Zoning Commission and approve the request of a Temporary Use Permit by Donald R. Happ Jr., 24129 Wilmot Road, Trevor, WI 53179-9662 (Owner), to temporarily use a barn and an adjoining field to operate a haunted house and hayride in the R-2 (Suburban Single-Family Residential District) and A-2 (General Agricultural District) on Tax Parcel #66-4-120-262-0420, West 1/2 Section 26, Township 1 North, Range 20 East, Town of Salem, with the conditions listed below, as presented:

- All the requirements in the memorandums provided by Fire Chief Slover and Building Inspector Rowland, both dated 08/27/2014, be met and verified through inspections.
- The Fire Department has full authority to shut down operations if it is determined that an unsafe situation exists, and periodic inspections may be conducted during hours of operation.
- Operations on the property, including parking, be restricted to and coincide with the site plan submitted.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) A variance request by Albert Cesnovar & Susan Cesnovar, 16580 84th Street, Bristol, WI 53104 (Owner), Bruce A. Johnson, 4244 97th Street, Pleasant Prairie, WI 53158 (Agent), to construct a 68' 8" x 70' 2" single-family residence to be located 20' (required setback 30') from the right-of-way of 238th Avenue and 8.32' (required setback 10') from the right-of-way unimproved 81st Street on Tax Key Parcel #65-4-120-114-0231, Southeast ¼ Section 11, Township 1 north, Range 20 E, Town of Salem was presented. (Section IV. C. 12.21-4(g)1: which states that all structures shall be no less than 30 feet from the right-of-way of all other roads and in the R-4 Urban Single-Family Residential District). For informational purposes only, this property is located at the northwest corner of unimproved 81st Street and 238th Avenue.

The Town Planning & Zoning Commission recommended approval of the variances requested on a vote of 5-1.

MOTION BY Supervisor Faber, second by Supervisor Culat to take the recommendation of the Planning & Zoning Commission and approve the variance request by Albert Cesnovar & Susan Cesnovar, 16580 84th Street, Bristol, WI 53104 (Owner), Bruce A. Johnson, 4244 97th Street, Pleasant Prairie, WI 53158 (Agent), to construct a 68' 8" x 70' 2" single-family residence to be located 20' (required setback 30') from the right-of-way of 238th Avenue and 8.32' (required setback 10') from the right-of-way unimproved 81st Street on Tax Key Parcel #65-4-120-114-0231, Southeast ¼ Section 11, Township 1 north, Range 20 E, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

SEWER UTILITY DEPARTMENT

1.) Partial Payment Request No. 3 by Staab Construction Corporation, in the amount of \$209,582.35 for the Wastewater Treatment Plant Upgrades was presented.

MOTION BY Supervisor Culat, second by Supervisor Campion to approve Partial Payment Request No. 3 by Staab Construction Corporation, in the amount of \$209,582.35 for the Wastewater Treatment Plant Upgrades as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Change Order No.1, for the Wastewater Treatment Plant Upgrades, for a reduction (credit) of \$9,081.00 was presented.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve Change Order No.1, for the Wastewater Treatment Plant Upgrades, for a reduction (credit) of \$9,081.00 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

STORM WATER DEPARTMENT

1.) Discussion and possible action on a possible Project Payment, by Wanasek Corporation for the 2014 Drainage Improvement Project was removed from the agenda due to documents not being received.

HIGHWAY DEPARTMENT

1.) Project Payment # 2, by Black Diamond Corporation for the 2014 Road Paving Project, in the amount of \$706,370.88 was presented.

MOTION BY Supervisor Kmiec, second by Supervisor Faber to approve Project Payment # 2, by Black Diamond Corporation for the 2014 Road Paving Project, in the amount of \$706,370.88 as presented

UNANIMOUS VOTE – AYE

MOTION CARRIED

ADMINISTRATOR'S BUSINESS

1.) Administrator Casey informed the Board that the July 1, 2014 – June 30, 2015 Union Contract with Teamsters Local 200 was negotiated and resulted in a 1.46% increase retroactive to July 1, 2014.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the July 1, 2014 – June 30, 2015 Union Contract with Teamsters Local 200 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A proposed farm lease agreement of 40 acres, located on CTH "C", between R & C Hawkins Farm and the Town of Salem was presented.

MOTION BY Supervisor Culat, second by Supervisor Campion to approve the proposed lease.

Fred Brown questioned the proposed farm lease agreement of the 40 acres and questioned whether anyone else was given an opportunity to bid on it and requested that he be given that opportunity. He also requested a copy of the lease.

Discussion followed with Supervisor Culat asked that the Board to approve, as it's already on the table

SUPERVISOR Kmiec – ABSTAIN due to a conflict

SUPERVISORS Culat and Campion – AYE

SUPERVISOR Faber and Chairman Tesar – NAY

MOTION FAILED

MOTION BY Supervisor Faber, second by Supervisor Kmiec to table this item until the October Board meeting and allow other interested parties to bid.

UNANIMOUS VOTE – AYE

MOTION CARRIED

CLERK'S BUSINESS

1.) The minutes of the previous meeting of a Regular Board meeting on 8/11/2014 were presented.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the minutes of the Regular Board meeting on 8/11/2014 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

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

Janelle Sanchez Tonya Tapia

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Operator Licenses as presented 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 Operator License application was filed with the Town Clerk by Katelyn McGraw. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

MOTION BY Supervisor Culat, second by Supervisor Faber to deny the Operator License for Katelyn McGraw.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) A Salvage Yard License application filed with the clerk was presented as follows, with approval contingent on payment of delinquent taxes, assessments, and all necessary fees.

Highway 50 Auto and Truck Salvage

MOTION BY Supervisor Kmiec, second by Supervisor Culat to approve the Salvage Yard License as presented with approval contingent on payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE
MOTION CARRIED

5.) The payment of vouchers for August 12, 2014, through September 8, 2014, were presented as follows:

Vouchers issued from August 12, 2014 through September 8, 2014		\$ 1,257,026.75
Payroll #17 Ending	8/09/14	\$ 72,957.10
Payroll #18 Ending	8/23/14	\$ 69,524.33
		\$ 1,399,508.18
Total		\$ 1,399,508.18

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the payment of vouchers for August 12, 2014, through September 8, 2014, as presented.

UNANIMOUS VOTE – AYE
MOTION CARRIED

TREASURER’S REPORT

1.) Chairman Tesar read the Treasurer’s report for August 1, 2014 through August 31, 2014 as follows:

AUGUST 2014 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

August 1, 2014- Beginning Balance **\$1,267,015.28**

<u>RECEIPTS</u>	\$ 1,372,732.58
Transfers In	\$ 786,729.17
Prior Month Adjustment	\$ (78.68)

<u>DISBURSEMENTS</u>	\$ 1,490,785.28
PAYROLL	\$ 162,861.92
Transfers Out	<u>\$ 0.00</u>
Total	\$ 1,653,647.20

August 31, 2014- Ending Balance **\$1,772,751.15**

State Pool - General	\$ 611,600.91
Gen. Checking	<u>\$ 1,161,150.24</u>
Totals	\$ 1,772,751.15

AUGUST 2014 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

August 1, 2014 - Beginning Balance \$ 1,130.90

RECEIPTS \$.08
Trnsfr from Gen. Ck. \$ 0.00

DISBURSEMENT
Trnsfr to Gen. Ck. \$ 0.00

August 31, 2014 - Ending Balance \$ 1,130.98

AUGUST 2014 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

August 1, 2014 - Beginning Balance \$ 350,991.37

RECEIPTS \$ 1,641.05

DISBURSEMENTS
Transfer to LGIP 8 \$ 0.00

August 31, 2014- Ending Balance \$ 352,632.42

AUGUST 2014 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

August 1, 2014 Beginning Balance \$ 42,180.60

RECEIPTS \$ 192.04

August 31, 2014 Ending Balance \$ 42,372.64

AUGUST 2014 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT – SALEM

August 1, 2014 Beginning Balance \$ 2,258,716.04

RECEIPTS \$ 3,402.35
Transfer In \$ 0.00

DISBURSEMENTS
Transfer Out \$ 658,983.73

Supervisor Culat reported that the assessors report on assessments was encouraging and that we are starting to get our values back. October 18th is PumpkinDaze and will feature a magician, pony rides and a petting zoo for the kids. There will be a \$5.00 cover charge for the evening music with part of the proceeds going to the Sharing Center and Foster Parents of Kenosha.

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

Supervisor Kmiec reported that the economy is getting better and thanked the employees for their work on the road project.

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

Supervisor Champion reported that Oktoberfest is this weekend at Settlers Park in Paddock Lake and is being sponsored by Kenosha County. Voltz Lake Management District will hold their annual meeting on October 16, 2014 at the Town Hall.

ADJOURNMENT

MOTION BY Supervisor Faber, second by Supervisor Champion to adjourn this Regular meeting.
UNANIMOUS VOTE – AYE
MOTION CARRIED

This Regular Board meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Cindi Ernest, Clerk