

**MINUTES  
TOWN OF SALEM  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
Monday, March 11, 2013 7:00 P.M.**

Prior to the Board meeting, County Executive Jim Krueser met with constituents individually and also informed all in attendance about the broadband now available with Heir Comm.

**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 and Dan Campion.  
Ted Kniec was absent due to a family obligation.

**OTHERS:** Pat Casey, Rich Scholze, Dave Shortess, Jack Rowland, Brad Zautcke, Mike Murdock, Mike Slover and Cindi Ernest

**GUESTS:** James Woodke, Sandy Wilson, Carl Siegel, Jerry Epping, Colleen Epping, John Roberts, Janice Labek, Richard Labek, Roland Alber, Kyle Christensen, Dick Puchalski, Roland Buhler, Mary Sheen, Dennis Sheen, Kim Roper and Darren Hillock.

**PLEDGE OF ALLEGIANCE**

Chairman Tesar led the Pledge of Allegiance.

**OPEN MEETING COMPLIANCE CHECK**

The agenda was posted by 4:00 p.m. on Friday, March 8, 2013 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**

Roland Buhler requested, relative to the proposed vacant property ordinance, that the board address the costs to property owners.  
It was explained to Mr. Buhler that the costs wouldn't be to the property owners, but rather the banks when the properties went into foreclosure.

Dennis Sheen requested that his road, 98<sup>th</sup> Street, be repaired or repair his cars. He stated that another portion of the road is underwater.

**BUILDING DEPARTMENT**

1.) Building Inspector Jack Rowland, at the request of the town board, took pictures on the condition of the house located at 9949 272nd Avenue, Trevor, WI 53179-9797, Tax Parcel No. 66-4-120-214-1410 and belonging to Roland Alber. The pictures were taken on Friday, March 8<sup>th</sup>.

Mr. Alber informed the board that money was paid on his taxes and that he hasn't been able to complete the roofing due to the snow. He has the money to finish either the shingling or the siding, but not both. He has been concentrating on the outside.

Supervisor Campion questioned the taxes and the timeline of extending work on the outside to which Mr. Alber replied that he will finish the roofing in the next week and is waiting for it to dry out first.

Supervisor Faber reminded Mr. Alber that he had guaranteed that it would be finished.

Mr. Alber informed the board that he is living in a small area of the house. There is no toilet and he uses the shower and bathroom across the street. He can install the water at any time and has already upgraded the electricity.

Building Inspector Rowland was instructed, with the property owner's permission, to take further pictures prior to the May meeting.

MOTION BY Supervisor Campion, second by Supervisor Faber that by the May 2013 Town Board meeting, we see that the taxes are being paid and that the bathroom facility is usable and functional.

UNANIMOUS VOTE – AYE

MOTION CARRIED

## **PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS**

1.) Johns Disposal gave a presentation and answered questions relative to the services they will be providing and the new containers to be used by residents. They thank the town for the opportunity to serve the town and its residents.

- They would like cans from other companies to not be used. Residents won't need another can.
- They've had the highest percentage ever of people who requested the small carts.
- Garbage should now be placed out either the night before or prior to 6:00 am the day of their garbage pickup.
- The cart program will increase recycling and will improve the looks in the town by preventing garbage/recycling blowing around.
- They will pick up residents old carts and recycling bins. They need to put them out with a note on them to take them.
- If there are problems or no pick up, residents are asked to call Johns Disposal directly rather than the Town Hall. (888) 473-4701
- The first collection of every month, residents can put anything out except for electronics and hazardous waste.
- Carts will be delivered about the middle of April.
- When placing cans for pick up by the automated trucks, the handles of the cart should face the house.

2.) Food Family Friends, Inc., dba One Eyed Jacks has been closed since December 26, 2012. The Town's ordinance regulating alcohol licensing requires that a business holding a license can't be closed longer than 90 days.

Mr. Richard Puchalski came before the board to inform them that it is his intention to reopen the business on April 12, 2013. He stated if the board feels it necessary, he will reopen before this date.

MOTION BY Supervisor Faber, second by Supervisor Campion to extend until April 15<sup>th</sup>, the re-opening of One Eyed Jacks.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** A proposal by Supervisor Culat for a vacant property ordinance was brought again to the board. This item was tabled from last month's agenda.

Supervisor Culat gave a background of the proposed ordinance to those in attendance.

MOTION BY Supervisor Culat, second by Supervisor Faber to adopt the ordinance as drafted by Attorney Scholze.

Further discussion followed.

SUPERVISORS Culat and Faber – AYE

SUPERVISOR Campion and Chairman Tesar – NAY

MOTION FAILED

## **PUBLIC SAFETY DEPARTMENT**

**1.)** Ordinance No. 13 03 11, An Ordinance Creating Sections 400-15, 400-16, 400-17 and 400-18 of the Code of the Town of Salem Regarding Possession of Marijuana, Synthetic Cannabinoids, Toxic Inhalants and Drug Paraphernalia was presented.

MOTION BY Supervisor Faber, second by Supervisor Campion to adopt Ordinance No. 13 03 11, An Ordinance Creating Sections 400-15, 400-16, 400-17 and 400-18 of the Code of the Town of Salem Regarding Possession of Marijuana, Synthetic Cannabinoids, Toxic Inhalants and Drug Paraphernalia as presented.

Supervisor Faber questioned if Public Safety would be carrying a scale to determine the amount. Attorney Scholze advised that local ordinance would prohibit up to 25 grams. If there is more, than it would be a state violation.

Supervisor Culat questioned who would be doing the testing, to which Public Safety Supervisor Shortess advised that they have a field test kit and from there it would be sent to the Kenosha lab.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** Ordinance No. 12 03 11A, An Ordinance Revising the Code of the Town of Salem By Amending Section 400-5 Relating to Obstruction of Emergency Personnel and Section 400-11 Relating to Disorderly Conduct and By Creating Section 400-19 Regarding False Alarms was presented.

MOTION BY Supervisor Campion, second by Supervisor Faber to adopt Ordinance No. 12 03 11A, An Ordinance Revising the Code of the Town of Salem By Amending Section 400-5 Relating to Obstruction of Emergency Personnel and Section 400-11 Relating to Disorderly Conduct and By Creating Section 400-19 Regarding False Alarms as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

## **PLANNING AND ZONING**

**1.)** Janice Labek & Richard Labek, 3342 N. Panama, Chicago IL 60634 (Owners), are requesting variances. Section V.A. 12.27-6(f): which states that all detached accessory structures shall be located in the side or rear yard only and that there shall be a maximum of two detached accessory buildings of which one accessory building shall be limited to a

maximum of 720 square feet in area and a second accessory building shall be limited to a maximum of 150 square feet in area for the two buildings not to exceed a total of 870 square feet in area in the R-4 Urban Single-Family Residential District) to construct one 24' x 32' accessory building having an area of 770 sq. ft. and to be located in the street yard and a second 10' x 10' accessory building having an area of 100 sq. ft. on Tax Parcel #65-4-120-114-1126, Southeast ¼ Section 11, Township 1 North, Range 20 East, Town of Salem and a property address of 23411 80<sup>th</sup> Place. For informational purposes only this property is located on the south side of 80<sup>th</sup> Place approximately 150 feet east of the intersection with 235<sup>th</sup> Avenue.

The Planning & Zoning Commission approved this variance on a 5-1 vote.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Planning & Zoning Commission and approve the variance request for Janice Labek & Richard Labek, 3342 N. Panama, Chicago IL 60634 (Owners), to construct one 24' x 32' accessory building having an area of 770 sq. ft. and to be located in the street yard and a second 10' x 10' accessory building having an area of 100 sq. ft. on Tax Parcel #65-4-120-114-1126, Southeast ¼ Section 11, Township 1 North, Range 20 East, Town of Salem and a property address of 23411 80<sup>th</sup> Place.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** Jerome J. & Coleen P. Epping, 29000 75<sup>th</sup> Street, Salem, WI 53168 (Owner/Agent), are requesting a Conditional Use Permit to allow for outdoor dining in the B-3 Highway Business District on Tax Parcel # 65-4-120-082-0101, located in the Northwest ¼ of Section 8, Township 1 North, Range 20 East, Town of Salem (Breezy Hill Nursery).

The Planning & Zoning Commission approved this variance on a 5-1 vote

MOTION BY Supervisor Campion, second by Supervisor Faber to take the recommendation of the Planning & Zoning Commission and approve the Conditional Use Permit to allow for outdoor dining in the B-3 Highway Business District on Tax Parcel # 65-4-120-082-0101, located in the Northwest ¼ of Section 8, Township 1 North, Range 20 East, Town of Salem (Breezy Hill Nursery).

UNANIMOUS VOTE – AYE

MOTION CARRIED

## **CLERK'S BUSINESS**

**1.)** The minutes of the previous meetings of a Regular Board meeting on 02/11/2013 and Special Meetings on 02/18/2013 and 3/4/2013 were presented.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the minutes of the previous meetings of a Regular Board meeting on 02/11/2013 and Special Meetings on 02/18/2013 and 3/4/2013 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** An Operator License application was received by the clerk as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Erika E Popp

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the Operator License 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.) Temporary Class B “Picnic License” applications were received by the clerk for the following, approval is contingent on the payment of necessary fees and a licensed bartender (operator) for the event.

- Center Lake Woods Property Owners Association, 9700 271<sup>st</sup> Ave, Trevor, WI, for Assoc. Potluck/Bingo, March 16, 2013, 5:00 pm until 11:00 pm.
- Center Lake Woods Property Owners Association, 9700 271<sup>st</sup> Ave, Trevor, WI, for Assoc. Chili Cook Off, April 20, 2013, 5:00 pm until 11:00 pm.
- Center Lake Woods Property Owners Association, 9700 271<sup>st</sup> Ave, Trevor, WI, for Assoc. Spaghetti Dinner, May 18, 2013, 5:00 pm until 11:00 pm.
- Center Lake Woods Property Owners Association, 9700 271<sup>st</sup> Ave, Trevor, WI, for Assoc. Progressive Dinner & Venetian Night, Aug. 24, 2013, 5:00 pm until 11:00 pm.
- Center Lake Woods Property Owners Association, 9700 271<sup>st</sup> Ave, Trevor, WI, for Assoc. Taco Dinner & Magic Show, Sept. 21, 2013, 5:00 pm until 11:00 pm.
- Center Lake Woods Property Owners Association, 9700 271<sup>st</sup> Ave, Trevor, WI, for Assoc. Octoberfest, October 19, 2013, 5:00 pm until 11:00 pm.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the all the Temporary Class B “Picnic License” applications for Center Lake Woods Property Owners Association. Approval is contingent on the payment of necessary fees and a licensed bartender (operator) for the event.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) A request for an alcohol permit (not for sale) to serve their guests, for Helene Peterson, for June 29, 2013 11:00 am – 5:00 pm at Community Park for a graduation party was presented.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the serving of alcohol to guests (not for sale) at a graduation party on June 29, 2013 11:00 am – 5:00 pm at Community Park. Approval is contingent on providing the necessary proof of liability insurance.

UNANIMOUS VOTE – AYE

MOTION CARRIED

#### TREASURER’S REPORT

1.) Chairman Tesar read the Treasurer’s report for February 1, 2013 – February 28, 2013 as follows:

#### FEBRUARY 2013 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

February 1, 2013- Beginning Balance **\$4,011,069.79**

<b><u>RECEIPTS</u></b>	<b>\$ 1,493,521.93</b>
Transfer from LGIP	\$9,000,000.00
Prior Month Adjustment	\$ (19,527.37)

<b><u>DISBURSEMENTS</u></b>	\$ 9,963,239.97
PAYROLL	\$ 150,348.03
Transfer to Lgip#9	\$ 0.00
<b>Total</b>	<b>\$10,113,588.00</b>

February 28, 2013 - Ending Balance		<b>\$4,371,476.35</b>
State Pool - General	\$ 1,179,291.65	
Gen. Checking	<u>\$ 3,192,184.70</u>	
<b>Totals</b>	<b>\$ 4,371,476.35</b>	

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**FEBRUARY 2013 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM**

February 1, 2013 - Beginning Balance		<b>\$ 9,000,524.24</b>
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<b><u>RECEIPTS</u></b>		<b>\$ 438.40</b>
Trnsfr from Gen. Ck.	\$ 0.00	

<b><u>DISBURSEMENT</u></b>		
Trnsfr to Gen. Ck	\$9,000,000.00	

February 28, 2013 - Ending Balance		<b>\$ 962.64</b>
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**FEBRUARY 2013 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM**

February 1, 2013 - Beginning Balance		<b>\$ 550,324.35</b>
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<b><u>RECEIPTS</u></b>		<b>\$ 57.73</b>
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<b><u>DISBURSEMENTS</u></b>	\$ 0.00	
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February 28, 2013- Ending Balance		<b>\$ 550,382.08</b>
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**FEBRUARY 2013 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM**

February 1, 2013 Beginning Balance		<b>\$ 38,109.64</b>
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<b><u>RECEIPTS</u></b>	\$ 4.00	
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February 28, 2013 Ending Balance		<b>\$ 38,113.64</b>
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**FEBRUARY 2013 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT - SALEM**

February 1, 2013 Beginning Balance		<b>\$ 475,498.87</b>
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<b><u>RECEIPTS</u></b>	<b>\$ 49.88</b>
Transfer from LGIP 8	\$ 0.00

<b><u>DISBURSEMENTS</u></b>	
Transfer to Gen Fund	\$ 0.00

February 28, 2013	Ending Balance	<b>\$ 475,548.75</b>
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**FEBRUARY 2013- CASH REPORT FOR THE TRAILS ACCOUNT – SALEM**

February 1, 2013	Beginning Balance	<b>\$ 225,844.68</b>
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<b><u>RECEIPTS</u></b>	<b>\$ 23.69</b>
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February 28, 2013	Ending Balance	<b>\$ 225,868.37</b>
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**2.)** The approval of payment of the vouchers for February 12, 2013 through March 11, 2013, was presented as follows:

Vouchers issued from February 12, 2013 through March 11, 2013	* \$ 9,540,715.02
Payroll #4 Ending 02/09/13	\$ 67,117.91
Payroll #5 Ending 02/23/13	\$ 64,592.23
Total	<u>\$ 9,672,425.16</u>

\*Includes Tax Settlements to Other Taxing Entities  
 MOTION BY Supervisor Campion, second by Supervisor Faber to approve payment of the vouchers for February 12, 2013 through March 11, 2013, 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 a board committee meeting will be held on March 18<sup>th</sup> at 6:00 pm at the Town Hall.

There will be a Hooker Lake meeting on Thursday, March 14<sup>th</sup> at 7:00 pm at the Town Hall and the 2<sup>nd</sup> Annual Easter Egg Hunt will be Saturday, March 23<sup>rd</sup> from 11:00 am to 1:00 pm at Community Park. The Easter Bunny will be on hand for pictures.

She also reminded that the board would like to have microphones and speakers, Pumpkin Daze will be held October 19, 2013 this year and the Board is seeking applicants interested in the Board of Review.

**1.)** Chairman Tesar requested discussion relative to the funding of town sponsored events and a band for Pumpkin Daze.

Supervisor Campion stated he would like to see an overall budget for Pumpkin Daze.

Supervisor Culat mentioned that the Pumpkin Daze committee hasn't met regarding a budget.

Supervisor Faber would like to see a projected profit and loss for the event.

Supervisor Campion stated he doesn't want to come back multiple times and amend the budget. Discussion followed.

Administrator Casey will bring a budget before the board at the Monday night committee meeting.

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

Supervisor Faber reported that CCLRD held their quarterly meeting and discussed reconstructing the spillway between Camp and Center Lake with 95% of DNR approval complete.

George Gekas is attributed to the growth and impact on our town and he would like the town to recognize Mr. Gekas.

Applications for P & Z Commission will be accepted until March 27<sup>th</sup>.

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

Supervisor Culat questioned if an ordinance is in place where if someone comes in for a building permit it is reviewed by an engineer and bringing up the costs.

This will be placed on next month's committee meeting agenda.

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

Absent.

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

Supervisor Campion stated that the County executive was here to meet with residents prior to tonight's meeting. He had a sense that the County Board is realizing that we are a large entity. Voltz Lake has applied for permits for weeds.

The Spring Election will be held on April 2<sup>nd</sup>.

**ADJOURNMENT**



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

UNANIMOUS VOTE – AYE

MOTION CARRIED

**This Regular Town Board meeting was adjourned at 8:35 p.m.**

Respectfully submitted,

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Cindi Ernest, Clerk