

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
Monday, August 12, 2013 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.

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

GUESTS: Attached to these minutes.

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 Friday, August 9, 2013 at the Salem 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.

PLANNING & ZONING

1.) Ordinance No. 13-08-12; An Ordinance Approving Amendments to the Town of Salem Park and Open Space Plan: 2020; Amendments to the Comprehensive Plan: 2035 for the Town of Salem; and Amendments to the Multi-Jurisdictional Comprehensive Plan: 2035 for Kenosha County was presented. This is on a portion of Tax Parcel # 66-4-120-233-0300.

The Town Planning and Zoning Commission held a public hearing and approved, on a vote of 5-0, Resolution 13 07 24, A Resolution adopting the amendments and recommending that the Town Board adopt Ordinance 13 08 12 approving the amendments.

MOTION BY Supervisor Faber, second by Supervisor Culat to adopt Ordinance No. 13 08 12; An Ordinance Approving Amendments to the Town of Salem Park and Open Space Plan: 2020; Amendments to the Comprehensive Plan: 2035 for the Town of Salem; and Amendments to the Multi-Jurisdictional Comprehensive Plan: 2035 for Kenosha County as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A request to rezone a portion of Tax Parcel #66-4-120-233-0300 from A-1 (Agricultural

Preservation District) and C-1 (Lowland Conservancy District) to PR-1 (Park & Recreational District) and C-1 (Lowland Conservancy District) was presented.

The Town Planning and Zoning Commission approved the rezone on a vote of 5-0.

MOTION BY Supervisor Campion, second by Supervisor Culat to approve the request to rezone a portion of Tax Parcel #66-4-120-233-0300 from A-1 (Agricultural Preservation District) and C-1 (Lowland Conservancy District) to PR-1 (Park & Recreational District) and C-1 (Lowland Conservancy District) as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A request for variances by Stephen L. & Susan E. Kirk, 11903 223rd Avenue, Bristol WI 53104 (Owner), to construct a detached garage to be located 7.9' (required setback 30') from the right-of-way of 223rd Avenue, to be located 6' (required separation distance 10') from the principal structure, and 59' (required setback 75') from the ordinary high water mark of Lake Shangri-La on Tax Key Parcel # 67-4-120-361-2130, Northeast ¼ Section 36, Township 1 North, Range 20 East, Town of Salem was presented. (Section IV. C. 12.21-4(g)1: that any structure shall be located at least (30) feet from the right-of-way of all other roads, Section V. A. 12.27-6(f): that any detached accessory structure shall be at least (10) feet from the principal structure and Section IV. C. 12.21-4(g)2: that any structure be located at least (75) feet from the ordinary high water mark of any navigable water in the R-4 Urban Single-Family Residential District.) For informational purposes only this parcel is located on the east side of 223rd Avenue approximately 300 feet south of the intersection with 118th Street.

The Town Planning and Zoning Commission on a vote of 5-0, made a recommendation for approval of the variances contingent on a fire wall being installed, according to applicable fire codes, and that any required approvals are obtained from the WDNR for the well.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the variances requested by Stephen L. & Susan E. Kirk, 11903 223rd Avenue, Bristol WI 53104 (Owner), to construct a detached garage to be located 7.9' (required setback 30') from the right-of-way of 223rd Avenue, to be located 6' (required separation distance 10') from the principal structure, and 59' (required setback 75') from the ordinary high water mark of Lake Shangri-La on Tax Key Parcel # 67-4-120-361-2130, Northeast ¼ Section 36, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) A request for a variance by Michael G. & Diene M. Aisbet, 11775 231ST Court, Trevor WI 53179 (Owner), Chuck Haling, 39736 N. Pearl Street, Antioch IL 60002 (Agent), to construct an in-ground pool to be located in the street yard (required rear yard location) on Tax Key Parcel #67-4-120-362-0355, Northwest ¼ Section 36, Township 1 North, Range 20 East, Town of Salem was presented. (Section III. K. 12.17-5: that all pools shall be installed in the rear-yard in the R-4 Urban Single-Family Residential District). For informational purposes only this parcel is located on the east side of 231st Court approximately 500 feet north of the intersection with 119th Street.

The Town Planning and Zoning Commission on a vote of 5-0, made a recommendation for approval of the variance.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the for a variance by Michael G. & Diene M. Aisbet, 11775 231ST Court, Trevor WI 53179 (Owner), Chuck Haling, 39736 N. Pearl Street, Antioch IL 60002 (Agent), to construct an in-ground pool to be located in the street yard (required rear yard location) on Tax Key Parcel #67-4-120-362-0355, Northwest ¼ Section 36, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE
MOTION CARRIED

SEWER UTILITY

Administrator Casey requested permission to move Item #2, the Sewer Master Plan to #1.

2.) Resolution No. 13 08 12, A Resolution Adopting the Town of Salem Utility District Master Plan was presented. This plan was discussed in detail at two Town Board Committee meetings of the Whole.

MOTION BY Supervisor Culat, second by Supervisor Campion to approve Resolution 13 08 12, A Resolution Adopting the Town of Salem Utility District Master Plan as presented.

UNANIMOUS VOTE - AYE

MOTION CARRIED

1.) Ordinance No. 13 08 12A, An Ordinance Amending Chapter 435 of the Code of the Town of Salem Regarding Charges for Utility District Services was presented.

MOTION BY Supervisor Faber, second by Supervisor Culat to adopt Ordinance No. 13 08 12A, An Ordinance Amending Chapter 435 of the Code of the Town of Salem Regarding Charges for Utility District Services as presented.

Chairman Tesar informed those in attendance that the rates would increase this year from \$108 a quarter to \$117 a quarter. This is a \$3 a month increase. The rates haven't changed since 2008.

Administrator Casey pointed out that the rates are at mid rate of what other municipalities in our area charge. The fees will go to fund upgrades at the utility plant and lift stations. There haven't been any upgrades since the 1980's. The rates will be increased in long-term increments and the upgrades will bring facilities and equipment up to current standards.

Discussion and further comments followed.

UNANIMOUS VOTE - AYE

MOTION CARRIED

2.) This item was moved up in the agenda sequence. Discussion and possible action on Resolution 13-08-12, A Resolution Adopting the Town of Salem Utility District Master Plan.

3.) Task Order No. 13-03, between the Town of Salem and Strand Associates, in the amount of \$17,700, for construction related services associated with sewer repairs and in conjunction with the 2013 Roadway Improvements, was presented.

Supervisor Kmiec questioned where in the budget this would be paid from, to which Administrator Casey responded it would come out of engineering in the Sewer Utility Fund.

MOTION BY Supervisor Campion, second by Supervisor Kmiec to approve Task Order No. 13-03, between the Town of Salem and Strand Associates, in the amount of \$17,700, for construction related services associated with sewer repairs and in conjunction with the 2013 Roadway Improvements, as presented.

UNANIMOUS VOTE - AYE

MOTION CARRIED

PUBLIC SAFETY

1.) Ordinance 13-08-12B, An Ordinance Creating Section 330-5 A.(10) of the Code of the Town of Salem Regarding Slow No Wake Operation on Center Lake was presented. Public Safety Department head, Dave Shortess, informed the board that the new DNR safety warden suggested that some of the buoys be removed and/or moved in Center Lake. This ordinance reflects the recommendations and amends the current ordinance.

MOTION BY Supervisor Faber, second by Supervisor Culat to adopt Ordinance 13-08-12B, An Ordinance Creating Section 330-5 A.(10) of the Code of the Town of Salem Regarding Slow No Wake Operation on Center Lake as presented.

UNANIMOUS VOTE - AYE

MOTION CARRIED

CLERK'S BUSINESS

1.) The minutes of the previous Regular Board meeting on 07/08/2013 and Special Meetings on 7/15/2013 and 7/29/13 were presented.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the minutes of the Regular Board meeting on 07/08/2013 and Special Meetings on 7/15/2013 and 7/29/13 as presented.

UNANIMOUS VOTE - AYE

MOTION CARRIED

2.) There was discussion on a request from Goodfella's Restaurant & Bar, Inc., Walter Miedema, President, to change the premise description of his Class "B" & "Class B" alcohol license to include a proposed outside seating and smoking area behind the establishment located at 12015 Antioch Road (Units E,F & G), Trevor, WI. There were questions regarding Mr. Miedema's intent, based on the drawing he provided and to determine if his intent requires a conditional use permit. Mr. Miedema was not present at this meeting.

Brad Zautcke will look into this further and contact Mr. Miedema and brought back to the Board at their meeting on Monday.

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

Radha Patel	Arthur S Boyle	Matthew M Jonas	Kiersten Ries-Squires
Arthur Jonas	Nathan Jonas	Stephanie Reesman	Jennifer Waterman
Megan Lostroscio	Ewa Slusarski	Lindsey E Kazlausky	Michele K Penrod
Cynthia Warmington			

MOTION BY Supervisor Kmiec, second by Supervisor Culat to approve the Operator License applications as presented with approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE - AYE

MOTION CARRIED

4.) An application filed with the Town Clerk for retail license to sell fermented malt beverages and intoxicating liquors, in accordance with the provisions of CHAPTER 125.04 of the Wisconsin State Statutes by the following was presented, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

NAME & ADDRESS
OF APPLICANT

TRADE NAME & ADDRESS
OF ESTABLISHMENT

CLASS "B" BEER AND "CLASS B" LIQUOR

Daybreak IV Fishing, LLC
11338 258th Court
Trevor, WI 53179
AGENT: Richard W. Corduan

Towne Square
11338 258th Court
Trevor, WI 53179

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the Class "B" Beer and "Class B" Liquor license for Daybreak IV Fishing, LLC as presented with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE - AYE

MOTION CARRIED

5.) An application filed with the Town Clerk for retail license to sell fermented malt beverages and intoxicating liquors, in accordance with the provisions of CHAPTER 125.04 of the Wisconsin State Statutes by the following was presented, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

NAME & ADDRESS
OF APPLICANT

TRADE NAME & ADDRESS
OF ESTABLISHMENT

CLASS "B" BEER AND "CLASS B" LIQUOR

Out of the Park Enterprise, Inc
9251 Antioch Road
Salem, WI 53168
Agent: Tamara L Skrzypek

Player's Park South
9351 Antioch Road
Salem, WI 53168

There was discussion regarding recent possible violations at the establishment.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Class "B" Beer and "Class B" Liquor license for Out of the Park Enterprise, Inc as presented with approval contingent on continued inspections per all 90 day periods at the discretion of the Town and background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE - AYE

MOTION CARRIED

6.) Amusement Machine License applications filed with the Clerk by the following, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees were presented.

Player's Park South

Kickstand Bar & Grill

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Amusement Machine License applications as presented, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE - AYE

MOTION CARRIED

TREASURER'S REPORT

1.) Chairman Tesar read the Treasurer's report for July 1, 2013 through July 31, 2013.

JULY 2013 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

July 1, 2013- Beginning Balance **\$2,545,271.63**

<u>RECEIPTS</u>	\$ 771,180.65
Transfer from LGIP 7	\$ 125,441.56
Prior Month Adjustment	\$ 0.00

<u>DISBURSEMENTS</u>	\$ 193,043.52
PAYROLL	<u>\$ 154,729.49</u>
Total	\$ 347,773.01

July 31, 2013 - Ending Balance **\$3,094,120.83**

State Pool - General	\$ 1,892,253.33
Gen. Checking	<u>\$ 1,201,867.50</u>
Totals	\$ 3,094,120.83

JULY 2013 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

July 1, 2013 - Beginning Balance **\$ 963.00**

<u>RECEIPTS</u>	\$.05
Trnsfr from Gen. Ck.	\$ 0.00

<u>DISBURSEMENT</u>	\$ 0.00
Trnsfr to Gen. Ck	\$ 0.00

July 31, 2013 - Ending Balance **\$ 963.05**

JULY 2013 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

July 1, 2013 - Beginning Balance **\$ 444,935.02**

<u>RECEIPTS</u>	\$ 3,256.57
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<u>DISBURSEMENTS</u>	
Transfer to LGIP 8	\$ 125,441.56 ***

July 31, 2013- Ending Balance **\$ 322,750.03**

MOTION BY Supervisor Campion, second by Supervisor Faber to approve payment of the vouchers for July 9, 2013, through August 12, 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 the Library Facilities Committee is considering making the current garage into an office and adding another garage. The Annual Hooker Lake meeting will be held September 12, 2013 at 7:00 pm. The proposals for the buoys will be on the next Board Committee of the Whole meeting next Monday at 6:00 pm.

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

Supervisor Faber reported that the CCLRD Annual meeting will be held August 17, 2013 at 9:00 am. The DNR planted 16,000 walleyes in Camp Lake and 6,000 walleyes in Center Lake. Weed harvesting has been good this year with the weeds not growing to a nuisance status. At the CCLRD Annual Meeting, there will be guest speakers regarding spillways and rain gardens with a giveaway of 2 rain barrels.

In speaking with Pat Meehan, town planner, he informed that we have handled the affordable housing in our Comp Plan: 2035 and a resolution is not necessary.

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

Supervisor Culat reported that he attended the Paddock Lake meeting regarding the bike path. Paddock Lake is connecting to our path up to Highway 50. He clarified that the Town didn't bond for 4 million dollars for the highway road project, but bonded for 3 million and rolled over some of our outstanding debt at a lower interest rate. The sewer work also was not bonded. The sewer work is being paid by the sewer utility.

Administrator Casey informed that there will be a meeting this Friday with the engineer to complete the plan.

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

Supervisor Kmiec advised that the committee meeting will be held on Monday. He will try to be there, but he is having surgery that day. He will email his comments.

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

Supervisor Campion re-emphasized Supervisor Culat's statements that the paving was bonded and we rolled over current outstanding debt at a lower rate.

AT&T is now on the water tower and we should see better service when complete.

He reminded everyone to be careful of email scams from the UK.

As proponent of the Youth in Governance program, he expressed that it has been great and wants to move forward and review the applications.

Chairman Tesar reminded that October 19th is the Second Annual PumpkinDaze and bella cain will be the featured music from 8:00 pm until midnight. There will be a volunteer meeting tomorrow at 6:00 pm.

Administrator Casey requested a special meeting at 5:45 pm on August 19th.

CITIZENS COMMENTS

There were no citizen comments.

ADJOURNMENT

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

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Regular Board meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Cindi Ernest, Clerk

