

**TOWN OF CEDARBURG  
MEETING OF THE BOARD OF SUPERVISORS  
June 6, 2018**

Present:

David Salvaggio, Chairman  
Wayne Pipkorn, Supervisor, Seat 1  
Bill Wattson, Supervisor, Seat 2

Tim Rhode, Administrator  
Adam Monticelli, Dir. of Public Works  
Charles Pretty, Treasurer  
Eric Ryer, Assistant Administrator/Clerk  
Brad Hoeft, Town Attorney

Excused:

Gary Wickert, Supervisor Seat 3  
Thomas Esser, Supervisor Seat 4

**1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

Chairman Salvaggio called the regular meeting to order at 7:00 pm. The meeting began with the pledge of allegiance.

**2. ANNOUNCEMENTS:**

None.

**3. HEARING OF THE PEOPLE:**

Ray Pecor of 199 Green Bay Road presented concerns regarding drainage he believed was coming onto his property from the adjacent lot located at 155 Green Bay Road.

**4. COMMUNICATIONS AND REQUESTS FOR HOLDING TANK AGREEMENTS AND OPERATOR LICENSES:**

**a. Discussion and possible motion regarding new and renewal operator licenses as listed for the 2018-2019 license period\***

Clerk Ryer noted Constable Fitting has recommended approval of all operators. Supervisor Pipkorn made a motion to approve the operator licenses listed below for the 2018-2019 license period. Supervisor Wattson seconded, and the motion passed unanimously.

Last Name	First Name
Helm	Lauri J
Gill	John D
Miziul	Daniel J
Habich	Christine M
Baumle	Erricka L
Baker	Zina M
Saunders-Baker	Coyhis N
Haas	Dennis L
Buchholz	Richard
Wegner	Christopher A
Elliot	Michael P
Janidlo	Steve J
Mertes	Brandon M
Clarizio	Christine M
Traxel	Neil W

Reetz	Heather Leigh
Zachow	Eric Michael
Stahl	Paul John
Sowin	Elizabeth Rose
Golden	Hendrik Michael
Burczyk	Rachel Marie
Luebbe	Judith Ann
Jurss	Andrew S.
Janssen	Tasha Marie
Guell	Heidi Joanne
Cwiklinski	Julie A.
Grosskoph	Elizabeth Ann
Waning	Jennifer L.
Jochims-Murphy	Cassandra
Doherty	Robert J.
Brown	Deborah
Corrigan	Marion J
Owrey	Courtney C
Jaekels	Monica Haggerty
Nanez	Deanna Marie
Decker	Bard
Hatleback	Lynn M
Miron	Michelle Renee
Wisler	Charles Edward
Mathias	Karissa J

**b. Discussion and possible motion approving a temporary Class “B” picnic fermented malt beverage license for the Buckskin Bowmen Archery Events\***

Supervisor Pipkorn made a motion to approve the temporary Class “B” picnic fermented malt beverage license for the Buckskin Bowmen Archery Events. Supervisor Wattson seconded, and the motion passed unanimously.

**5. CONSENT AGENDA: *The Consent Agenda contains routine items and will be enacted by one motion without separate discussion unless someone requests an item to be removed for separate consideration and vote.***

- a. **Accepting April 25, 2018 Special Park & Recreation Committee Meeting Minutes**
- b. **Accepting April 18, 2018 Plan Commission Meeting Minutes**
- c. **Approving May 2, 2018 Town Board Meeting Minutes**

Supervisor Wattson made a motion to approve the consent agenda. Supervisor Pipkorn seconded, and the motion passed unanimously.

**6. TREASURER'S REPORT**

**a. Motion Accepting the May 2018 Treasurer's Report\***

Treasurer Pretty presented the report to the Board. Supervisor Pipkorn made a motion to accept the Treasurer's Report for May 2018. Supervisor Wattson seconded, and the motion passed unanimously.

**7. PRESENTATION OF BILLS/PURCHASE ORDER/PAYROLL/AWARDS**

**a. Presentation of Bills/Purchase Orders/Payroll/Awards for May 1, 2018 to May 31, 2018 (Check #'s 32410-32511, V1779-V1810 and manual checks/wire transfer as shown)\***

Following brief discussion, Supervisor Pipkorn made a motion to accept all bills as presented for review. Supervisor Wattson seconded, and the motion passed unanimously.

**8. REPORTS TO BE RECEIVED/FILED (Non-action items)**

**a. Receiving the 2017 Annual Cedarburg Fire Department Report\***

Members of the Fire Department were not present initially, so this item was bypassed and revisited following item #11h. Following item #11h, Chief Vahsholtz provided the Board with a summation of the 2017 Annual Report. The Board then moved to item #12.

**b. Possible report regarding local nuisance/law enforcement issues (Administrator Tim Rhode)\***

Administrator Rhode noted Constable Fitting is investigating a few issues, with nothing major to report.

**c. Report on recreation program revenues and expenditures (Assistant Administrator/Clerk Eric Ryer)\***

Asst. Administrator/Clerk Ryer stated the balance stood at a little over \$35,000.

**9. PUBLIC HEARINGS**

**a. Public hearing to take comment on Ordinance 2018-1, "An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding berms"**

This item was discussed at the March, April and May Plan Commission meetings. Staff was directed to draft an ordinance updating the Town's berm requirements to better clarify when permits are needed for berms, and other updates they deemed beneficial.

With no comment from the public, Supervisor Pipkorn moved to close the public hearing. Supervisor Wattson seconded, and the motion passed unanimously.

**b. Public hearing to take comment on Ordinance 2018-2, "An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding adding massage therapy and personal training as professional office uses" [Petitioner: Holly Gonwa]**

Holly Gonwa has submitted a text amendment application that seeks to add "massage therapy" and "personal training" as uses under the term "professional office" as defined in Section 320-137 of the Town Code.

With no comment from the public, Supervisor Pipkorn moved to close the public hearing. Supervisor Wattson seconded, and the motion passed unanimously.

**10. OLD BUSINESS**

- a. None

**11. NEW BUSINESS**

- a. **Discussion and possible motion awarding the bid for the Cedarburg Sports Complex\***

On May 31st, the Town had a public bid opening with the low bidder being Rams Contracting LTD out of Lannon, WI. The bid was \$1,333,707.19, which is financially feasible within the Cedarburg Sports Complex budget.

Following discussion, Supervisor Pipkorn moved the Board award the bid for the Cedarburg Sports Complex to the lowest qualified bidder Rams Construction, and finalize documents for the Chairman's signature. Supervisor Wattson seconded, and the motion passed unanimously.

- b. **Discussion and possible motion on a conditional use permit application by Daniel Ebbert and Mackenzie Deppisch to operate a variety of uses out of the existing building located at 9716 Pioneer Road [SE ¼ of Section 32, 2.2 acres, zoned B-3 Business]\***

Daniel Ebbert and Mackenzie Deppisch of DE Contracting have submitted a conditional use permit application requesting to operate the following uses out of the existing 12,433 square foot building located at 9716 Pioneer Road: general merchandising, general wholesaling, general warehousing or warehousing in connection with any permitted use, trade and contractor's offices and yards, studios, and woodworking shops not requiring outside dust collection equipment. The submittal of this new application follows the previously approved transfer of the existing CUP in February of this year. The primary occupants would be the applicants, doing woodworking and operating an electrical contractor's office, however, they would like to rent/lease some space to others in the future.

Following discussion, Supervisor Pipkorn made a motion to approve the conditional use permit application by Daniel Ebbert and Mackenzie Deppisch to operate the listed uses out of the existing building located at 9716 Pioneer Road. Supervisor Wattson seconded, and the motion passed unanimously.

- c. **Discussion and possible motion on Ordinance 2018-1, "An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding berms"\***

This item continues from item #9a. Supervisor Pipkorn noted the Plan Commission recommended approval of this ordinance, and made a motion the Town Board approve Ordinance 2018-1 as written. Supervisor Wattson seconded, and the motion passed unanimously.

- d. **Discussion and possible motion on Ordinance 2018-2, "An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding adding massage therapy and personal training as professional office uses" [Petitioner: Holly Gonwa]\***

This item continues from item #9b. Supervisor Wattson noted the Plan Commission recommended approval of this ordinance, and made a motion the Town Board approve Ordinance 2018-2 as written. Supervisor Pipkorn seconded, and the motion passed unanimously.

- e. **Discussion and possible motion on an application by Jeff Keller to construct a 16' x 16' shed on a property with an existing conditional use permit located at 2115 Granville Road [SE ¼ of Section 6, 2.5 acres, zoned B-1 Neighborhood Business District & A-1 Agricultural]\***

Jeff Keller has submitted a building permit application for a new 16' x 16' shed for his 2.5 acre property located at 2115 Granville Road. This property is unique in that it has a conditional use permit attached to it that was issued back in 2004. The CUP allowed for a residence to be constructed in the B-1 district following the rules for R-3 as outlined in the permit. It also states that, "any requested additions to this property should have Plan Commission/Town Board review prior to a building permit being issued, due to it being located in a B-1 zoned area and could possibly be used for a business purpose in the future." The proposed outbuilding location falls within the area zoned B-1.

Supervisor Pipkorn noted the Plan Commission recommended approval of this item, and made a motion the Town Board approve the shed with a minimum side yard setback of 25' and maximum height of 15'. Supervisor Wattson seconded, and the motion passed unanimously.

- f. **Discussion and possible motion approving annual liquor license applications\***

Clerk Ryer noted Constable Fitting has recommended approval of all agents, and that all establishments have passed Fire inspections. Supervisor Wattson moved to approve the annual liquor license applications as listed below. Supervisor Pipkorn seconded, and the motion passed unanimously.

The following liquor license applications were published as a legal notice in the News Graphic on May 22, 2018, for licensing period ending June 30, 2019:

**COMBINATION CLASS "A" BEER AND CLASS "A" INTOXICATING LIQUOR:**

**Kwik Trip 1010, Kwik Trip, Inc.** 1299 Washington Avenue, Agent – John D. Gill

**COMBINATION CLASS "B" BEER AND CLASS "B" INTOXICATING LIQUOR:**

**Circle "B" Recreation, Inc.**, 6261 Highway 60, Agent –Mark A. Klotz

**The Hamilton**, 228 Hamilton Road, Agent – Gary A. Hetland

**Select Display Inc. (The Hub)**, 1814 Washington Avenue, Agent – Richard G. Lanser

**Annex Holdings, LLC., (5 Corners Roadhouse Bar & Grill)**, 1302 Washington Avenue, Agent – Brian Beschta

**Galioto's Vintage Grille**, 1221 Wauwatosa Road, Agent – David C. Galioto

**g. Discussion and possible motion approving annual cigarette license applications\***

The following applications have been received for cigarette licenses for licensing period July 1, 2018 to June 30, 2019.

**CIGARETTE LICENSE:**

**Kwik Trip, Inc. 1299 Washington Avenue**

**Tri-Par Oil Company, Inc., 506 Wauwatosa Road**

Supervisor Wattson made a motion to approve the annual cigarette license applications as listed above. Supervisor Pipkorn seconded, and the motion passed unanimously.

**h. Discussion and possible motion setting a Town Board meeting date for July\***

Supervisor Pipkorn made a motion to set the date of the July Board meeting for July 11<sup>th</sup>. Supervisor Wattson seconded, and the motion passed unanimously.

At this time, members of the Cedarburg Fire Department were present to give the annual report, so the Board moved back to item #8a.

**12. CLOSED SESSION**

**a. The Town Board may go to closed session pursuant to:**

- i. **Wisconsin Statutes Sec. 19.85(1)(g) to “Confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” including but not limited to zoning and other Town Code violations concerning the property owned by Brian Beschta located at 1776 Horns Corners Road (and the adjacent parcel held in common ownership), tax parcel #s 030091001200 and 030091001300, Town of Cedarburg.**

At 7:49pm, Supervisor Pipkorn made a motion to go into Closed Session per Wisconsin Statutes Sec. 19.85(1)(g). The motion was seconded by Supervisor Wattson, and unanimously approved by roll call vote.

**b. Reconvene to open session and the regular order of business**

Supervisor Wattson made a motion that was seconded by Supervisor Pipkorn to reconvene to open session at 8:12 pm. The motion passed unanimously.

**13. Discussion and possible motion related to closed session business\***

None taken.

**14. ADJOURNMENT**

At 8:13 pm, Supervisor Pipkorn moved and Supervisor Wattson seconded a motion to adjourn. The motion was unanimously approved.

Respectfully Submitted,

Eric Ryer

Assistant Administrator/Clerk