

**TOWN OF CEDARBURG
MEETING OF THE BOARD OF SUPERVISORS
October 4, 2017**

Present:

David Salvaggio, Chairman
Wayne Pipkorn, Supervisor, Seat 1
Bill Wattson, Supervisor, Seat 2
Thomas Esser, Supervisor, Seat 4

Tim Rhode, Administrator
Charles Pretty, Treasurer
Adam Monticelli, DPW
Brad Hoeft, Town Attorney
Eric Ryer, Asst. Administrator/Clerk

Excused:

Gary Wickert, Supervisor, Seat 3

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

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

2. ANNOUNCEMENTS:

None.

3. HEARING OF THE PEOPLE:

None.

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

- a. **Discussion and possible motion regarding operator license applications for Monica Haggerty Jaekels, Danielle Fae Marie Wiebelhaus, and Sadie Lynn Larkee for the 2017-2018 license period***

Supervisor Esser made a motion to approve the operator license applications for Monica Haggerty Jaekels, Danielle Fae Marie Wiebelhaus, and Sadie Lynn Larkee for the 2017-2018 license period. Supervisor Pipkorn 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 August 30, 2017 Special Park & Recreation Committee Meeting Minutes**
b. **Accepting September 21, 2016 Finance Committee Meeting Minutes**
c. **Accepting October 19, 2016 Finance Committee Meeting Minutes**
d. **Accepting December 21, 2016 Finance Committee Meeting Minutes**
e. **Accepting May 17, 2017 Finance Committee Meeting Minutes**
f. **Accepting August 16, 2017 Plan Commission Meeting Minutes**
g. **Approving September 6, 2017 Town Board Meeting Minutes**

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

6. TREASURER'S REPORT

- a. **Motion Accepting the September 2017 Treasurer's Report***

Supervisor Pipkorn made a motion to accept the Treasurer's Report for September 2017. Supervisor Esser seconded, and the motion passed unanimously.

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

- a. **Presentation of Bills/Purchase Orders/Payroll/Awards for September 1, 2017 to September 30, 2017 (Check #'s 31779-31835, V1502-V1545 and manual checks/wire transfers as shown)***

Following discussion, Supervisor Esser 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. **Possible report regarding local nuisance/law enforcement issues (Administrator Tim Rhode)***

Administrator Rhode noted Constable Fitting is currently working on two active cases.

- b. **Report on recreation finances (Asst. Administrator/Clerk Eric Ryer)***

Assistant Administrator/Clerk Ryer provided updates regarding recreation programming including fundraising, flag football, and fall baseball. The recreation programming remains self-supporting for 2017 with a balance of approximately \$22,822.

9. PUBLIC HEARINGS

- a. **Public hearing to take comment on Ordinance 2017-6, "An ordinance to amend Chapter 320 Zoning to allow for massage establishments in the B-2 district"**

The Town Code does not currently allow for massage establishments in the B-2 district as a conditional or permitted use, and would need to be amended to allow for such activity. Brooke Weigand, owner of InTouch Therapeutic Massage, introduced herself and noted her practice is growing and she is seeking to move to a location at 5009 Columbia Road zoned B-2. The move would provide room to grow and afford parking and accessibility. With no further comment from the public, Supervisor Pipkorn moved to close the public hearing. Supervisor Wattson seconded, and the motion passed unanimously.

- b. **Public hearing on a massage establishment license for InTouch Therapeutic Massage, LLC (Applicant: Brooke Weigand)**

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

- c. **Public hearing to take comment on an ordinance to amend Chapter 320 Zoning to allow for weddings and special events in the A-1 and A-2 districts as conditional uses**

Dale Engel of 2420 Spring Hill Drive spoke in opposition of such an ordinance. Dale Schultz of 11809 Settlers Road noted he moved to the area in 1987 for the quiet atmosphere. Mr. Schultz noted Sid Prom's associated proposed conditional use permit amendment application seeking expanded special events in the A-2 district could bring more traffic and noise to the area. He explained if the Town were to allow the addition of permanent bathroom facilities to his operation, it could lead to him asking for further expansion of events to recoup his investment in the bathrooms. Mr. Schultz noted he would like to see his existing conditional use permit revoked. With no further comment from the public, Supervisor Pipkorn moved to close the public hearing. Supervisor Esser seconded, and the motion passed unanimously.

10. OLD BUSINESS

- a. **None**

11. NEW BUSINESS

- a. **Discussion and possible motion on Ordinance 2017-6, “An ordinance to amend Chapter 320 Zoning to allow for massage establishments in the B-2 district”***
This item continues from item #9a. Administrator Rhode clarified this ordinance would amend the Code to allow for massage establishments in the B-2 district. Following discussion, Supervisor Pipkorn made a motion to approve Ordinance 2017-6. Supervisor Wattson seconded, and the motion passed unanimously.

- b. **Discussion and possible motion on a conditional use permit amendment to operate a massage practice and retain existing dental office and existing residential use at 5009 Columbia Road (SE ¼ of Section 26, 1.6 acres, zoned B-2 Planned Business District)***
Asst. Administrator/Clerk Ryer noted the Board was provided an updated conditional use permit draft that specified the dental operator in the permit. He noted a text amendment to the Town Code would be required if a new dental operator would move into the space, as the current dental operator was a grandfathered use not currently listed as a principal or conditional use in the B-2 district. It was also noted that Saturday hours were now included in the draft permit as originally requested by the applicant and omitted unintentionally by staff. Supervisor Esser noted all the findings required by Town Code were present regarding this application. Following discussion, Supervisor Pipkorn made a motion to approve a conditional use permit amendment to operate a massage practice and retain existing dental office and existing residential uses at 5009 Columbia Road. Supervisor Esser seconded, and the motion passed unanimously.

- c. **Discussion and possible motion on a massage establishment license for InTouch Therapeutic Massage, LLC (Applicant: Brooke Weigand)***
Attorney Hoeft clarified this license was specific to the massage establishment itself. Following discussion, Supervisor Esser made a motion to approve a massage establishment license for InTouch Therapeutic Massage, LLC (applicant Brooke Weigand). Supervisor Wattson seconded, and the motion passed unanimously.

- d. **Discussion and possible motion on an ordinance to amend Chapter 320 Zoning to allow for weddings and special events in the A-1 and A-2 districts as conditional uses***
Chairman Salvaggio noted making the suggested amendment to the Town Code would be a significant departure from the current ordinance. He pointed out the prevalence of agricultural parcels and barns in the Town. Supervisor Esser asked if the Town Code had zoning that allowed for this type of activity. Administrator Rhode noted the Town Code does have business zoning that allows for banquet facilities. Supervisor Esser noted adding this type of activity to agricultural zoning districts could create confusion regarding zoning. Supervisor Wattson noted wedding and special event centers may not be appropriate for agricultural zoning as it could impose on neighbors. Following discussion, Supervisor Esser made a motion to reject making any changes to the Town Code to allow for weddings and special events in the A-1 and A-2 districts. Supervisor Wattson seconded, and the motion passed unanimously.

- e. **Discussion and possible motion on an application by Sid Prom for a conditional use permit amendment increasing the number of allowed special events and to allow for the construction of a related permanent bathroom for the property located at 2408 Spring Hill Drive (NW ¼ Section 6, 38.31 acres, zoned A-2 Prime Agricultural and R-2 Single-Family Residential)***
Supervisor Pipkorn noted the Plan Commission recommended making no changes to the conditional use permit. Following discussion, Supervisor Wattson made a motion to not make

any changes to the existing conditional use permit for Sid Prom at 2408 Spring Hill Drive. Supervisor Esser seconded, and the motion passed unanimously.

f. Discussion and possible motion setting Trick-or-Treat date and time for 2017*

Supervisor Pipkorn made a motion to set the Trick-or-Treat time for October 28th from 5-8pm. Supervisor Esser seconded, and the motion passed unanimously.

g. Discussion and possible motion accepting an Eagle Scout project at Pleasant Valley Park & Trails*

Supervisor Esser explained a local Eagle Scout candidate would like to install new signage on the bike trails at Pleasant Valley Park and Trails. The Park and Recreation Committee recommended the Board accept the project. Following discussion, Supervisor Pipkorn made a motion to accept the proposed Eagle Scout project at Pleasant Valley Park & Trails. Supervisor Esser seconded, and the motion passed unanimously.

h. Update on the Town of Cedarburg budget*

Administrator Rhode noted staff is currently working on the Town budget. He noted staff is waiting on a budget amount from the Cedarburg Fire Department, health insurance renewal, and bid amounts for privatized refuse collection. Updated information will be presented to the Finance Committee.

12. CLOSED SESSION

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

- i. Wisconsin Statutes Sec. 19.85(1)(e) to “Deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session,” including but not limited to the former Prochnow landfill.

At 7:38pm, Supervisor Esser made a motion that was seconded by Supervisor Pipkorn to enter Closed Session. The motion passed unanimously via roll call.

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

At 8:10 p.m., Supervisor Pipkorn made a motion that was seconded by Supervisor Wattson to reconvene to open session. The motion passed unanimously.

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

Supervisor Pipkorn made a motion to approve the Ramboll Environ project plan for the Prochnow landfill. Supervisor Wattson seconded, and the motion passed unanimously.

14. ADJOURNMENT

At 8:12 pm, Supervisor Pipkorn made a motion to adjourn that was seconded by Supervisor Esser. The motion was unanimously approved.

Respectfully Submitted,

Eric Ryer
Assistant Administrator/Clerk