

**TOWN OF CEDARBURG
MEETING OF THE BOARD OF SUPERVISORS
August 2, 2017**

Present:

David Salvaggio, Chairman
Wayne Pipkorn, Supervisor, Seat 1
Bill Wattson, Supervisor, Seat 2
Gary Wickert, Supervisor, Seat 3
Thomas Esser, Supervisor, Seat 4

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

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:

Administrator Rhode noted Attorney Hoeft should be expected to arrive at the meeting soon, and Director of Public Works Monticelli is out on vacation.

3. HEARING OF THE PEOPLE:

James Capadona inquired as to if the street use permit he submitted would be considered by the Town Board at tonight's meeting. Staff would look into the matter and respond to Mr. Capadona based on the approval process laid out in Town Code.

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

a. Discussion and possible motion regarding a holding tank agreement for the property located at 10006 Bridge Road*

Supervisor Pipkorn made a motion to approve the holding tank agreement for the property located at 10006 Bridge Road. Supervisor Esser seconded, and the motion passed unanimously.

b. Discussion and possible motion regarding a holding tank agreement for the property located at 4390 Pioneer Road*

Supervisor Pipkorn made a motion to approve the holding tank agreement for the property located at 4390 Pioneer Road. Supervisor Esser seconded, and the motion passed unanimously.

c. Discussion and possible motion regarding a holding tank agreement for the property located at 8545 STH 60*

Supervisor Pipkorn made a motion to approve the holding tank agreement for the property located at 8545 STH 60. Supervisor Esser seconded, and the motion passed unanimously.

d. Discussion and possible motion regarding operator license applications for Freya L. Schmidt and Julia C. Martinez for the 2017-2018 license period*

Supervisor Esser made a motion to approve the operator license applications for Freya L. Schmidt and Julia C. Martinez for the 2017-2018 license period. Supervisor Wattson seconded, and the motion passed unanimously.

e. Discussion and possible motion regarding a holding tank agreement for the property located at 233 Green Bay Road*

Supervisor Pipkorn made a motion to approve the holding tank agreement for the property located at 233 Green Bay Road. Supervisor Esser 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 June 28, 2017 Special Park & Recreation Committee Meeting Minutes**

b. **Approving July 12, 2017 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 July 2017 Treasurer's Report***

Supervisor Pipkorn made a motion to accept the Treasurer's Report for July 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 July 1, 2017 to July 31, 2017 (Check #'s 31612-31691, V1435-V1470 and manual checks/wire transfer as shown)***

Following brief discussion, Supervisor Esser made a motion to accept all bills as presented for review. Supervisor Wickert 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 the Town received a few nuisance complaints which he is addressing. Constable Fitting will continue to assist until the Town finds a replacement.

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

Assistant Administrator/Clerk Ryer provided updates regarding recreation programming including fundraising, Little League, flag football, fall baseball, and soccer. The recreation programming remains self-supporting for the 2017, with a balance of \$34,828.

9. **PUBLIC HEARINGS**

a. **Public hearing to take comment on proposed Ordinance 2017-4, "An Ordinance to Amend Article VI of Chapter 320 Zoning of the Town of Cedarburg Zoning Code, Ozaukee County, Wisconsin" regarding nonconforming uses, structures and land**

Town Code is not currently consistent with State Statutes in regards to nonconforming uses. 2011 Wisconsin Act 170, which became effective April 17, 2012, amended the nonconforming use section of the general zoning enabling statutes for counties, cities, villages, and towns and the nonconformity provisions in the state shoreland zoning program. The Act amended the general zoning enabling statutes to specify that a county, city, village, or town may not enact an ordinance that prohibits, or limits, based on cost, the repair, maintenance, renovation or remodeling of a nonconforming structure.

Mike Froze, a residential remodeler, noted he has a client on Pine Road in the Town. He noted their lot size is nonconforming, and they would like to improve the home via an interior remodel. He noted the project as currently stands exceeds half the fair market value of the home, and they would like to add on in the future as well.

Adam Ewig of on Pioneer Road would like to construct an addition that would result in more than 50% of the fair market value as well.

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

10. OLD BUSINESS

a. **Discussion and possible motion on proposed Resolution 2017-11, "Approving Wages Effective August 2, 2017"***

Administrator Rhode noted Asst. Administrator/Clerk Ryer completed the third year of the Clerk's Institute in Green Bay this past month. When duties were reorganized and he accepted certain Clerk's duties, he was offered a \$3,000 salary increase upon completion of the third year of the Clerk's Institute. This resolution would update the wages to reflect this. Following discussion, Supervisor Pipkorn made a motion to approve Resolution 2017-11. Supervisor Wattson seconded, and the motion passed unanimously.

11. NEW BUSINESS

a. **Discussion and possible motion regarding a concept plan on the Cedarburg Sports Complex***

Administrator Rhode summarized the background work going on related to the Sports Complex, starting with getting concept plan bids. The Park & Rec Committee and Board selected RA Smith for the design work. The Park & Rec Committee then reviewed the draft plans for two months, ultimately recommending the Board accept Alternate D as the working plan. Under this plan, the developer will be installing the entry road for the four lot development, serving the lots off of State Highway 60. Mr. Rhode described the plan includes baseball diamonds and multi-use space, a location in the northeast corner for a possible soccer facility, a trail network, and associated facilities. The project could be constructed east to west allowing a phasing of the sports complex, with a gravel driveway and basic fields to begin.

Supervisor Wickert then asked if there would be a secondary entry off of STH 60. It was noted that there is the possibility of a second entrance off of STH 60 that would require permitting from WISDOT. Chairman Salvaggio noted the current layout of the concept plan resulted in the possible soccer dome being located farthest away from residences on Horns Corners Road. Supervisor Esser noted Alternate D allowed for phased construction as the property develops and provided the most flexibility, which resulted in the Park and Rec Committee recommending this option. Also, the trail system could allow for year-round use.

Following discussion, Supervisor Pipkorn made a motion to accept Alternate D as the working plan for the Sports Complex. Supervisor Esser seconded, and the motion passed unanimously.

b. **Discussion and possible motion on proposed Ordinance 2017-4, "An Ordinance to Amend Article VI of Chapter 320 Zoning of the Town of Cedarburg Zoning Code, Ozaukee County, Wisconsin" regarding nonconforming uses, structures and land***

This item continues from item #9a. Following discussion, Supervisor Pipkorn made a motion to approve Ordinance 2017-4. Supervisor Wickert seconded. Supervisor Esser mentioned the ordinance may need a review to ensure it all of its sections are consistent. Attorney Hoeft said a motion could be made to approve the ordinance following legal review so long as there is no substantive change. Supervisor Wickert preferred to act on the current draft of the ordinance to provide certainty to the interested parties. He asked Attorney Hoeft for clarification on how the update based on state statute would change the current ordinance. Attorney Hoeft explained the major change is there is no longer the "50% rule" limiting the cost of a project related to nonconforming structures. The "50% rule" would still apply to structures related to nonconforming uses.

Following discussion, Supervisor Pipkorn reiterated his motion was to approve Ordinance 2017-4 making the Town ordinance consistent with state statutes. Supervisor Wickert seconded. The motion then passed unanimously.

c. Request for Meeting of the Department of Transportation to review and reduce the speed limit on Hwy 60 between 5 Corners and Hwy Y.

Administrator Rhode noted he and Chairman Salvaggio met with State Senator Stroebel to address the speed limit along STH 60 between 5 Corners and Granville Road. The meeting was well received, and the Town was advised to contact WISDOT to start discussions with the State to reduce the speed limit along that section before the 2019 resurfacing project gets underway. Chairman Salvaggio was concerned with guaranteeing the safety of pedestrians at the Cedarburg Sports Complex. He noted the possibility of apartments at the intersection of CTH I and STH 60, other area residential developments, and possible City industrial park development are only adding to the traffic and congestion. The Board supported the idea of a letter to request a meeting with WISDOT to discuss the speed limit and pedestrian safety.

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 a lawsuit against the Town filed by Eco-Site LLC and Scott R. and Patricia A. Akerlund concerning the property 4628 Cedar Creek Road, Town of Cedarburg.

At 7:51, Supervisor Esser made a motion that was seconded by Supervisor Pipkorn to enter Closed Session. The motion passed unanimously.

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

At 8:05 p.m., Supervisor Esser made a motion that was seconded by Supervisor Pipkorn to reconvene to open session. The motion passed unanimously.

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

None.

14. ADJOURNMENT

At 8:06 pm, Supervisor Esser made a motion to adjourn that was seconded by Supervisor Wickert. The motion was unanimously approved.

Respectfully Submitted,

Eric Ryer
Assistant Administrator/Clerk