

**TOWN OF CEDARBURG  
MEETING OF THE BOARD OF SUPERVISORS  
June 2, 2010**

Present:

David Valentine, Chairman	James Culotta, Administrator
David Flowers., Supervisor, Dist. 1	Bob Eichner, Dir. Public Works
David Salvaggio, Supervisor, Dist. 2	Brad Hoeft, Town Attorney
Gary Wickert, Supervisor Dist. 3	Charles Pretty, Treasurer
Joe Rintelman Supervisor, Dist. 4	Dawn Priddy, Clerk
Eric Ryer, Mgmt. Asst. for Parks & Planning	

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

Chairman Valentine called the meeting to order at 7:00 pm. 16 residents were present.

**2. HEARING OF THE PEOPLE:** *If you wish to address the Town Board on subjects pertaining to today's meeting agenda, please wait until that item on the agenda is reached. If you wish to address the Board on an item not on the agenda, please do it during the Hearing of the People. Please note whenever you speak on any issue, the person chairing the meeting must recognize you, and then you may approach the microphone and give your name and address for the public record. Please note you will be limited to three (3) minutes*

None

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

None.

**4. 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. Approving May 5, 2010 Regular Town Board Meeting Minutes
- b. Approving April 21, 2010 Plan Commission Meeting Minutes
- c. Accepting February 17, 2010 Park Committee Meeting Minutes

David Salvaggio made a motion to approve the consent agenda items. Dave Flowers seconded, and the motion passed unanimously.

**5. TREASURER'S REPORT**

**a. Motion Accepting the May 2010 Treasurer's Report**

Treasurer Pretty summarized the report. Following the summary, David Salvaggio made a motion to accept the Treasurer's Report for May 2010. Gary Wickert seconded. Motion was unanimously approved.

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

Presentation of Bills/Purchase Orders/Payroll/Awards for May 1, 2010 to May 31, 2010 (Check #'s 7617 - 7735) & Manual Checks (2010-21 through 2010-25)..

Supervisor Rintelman questioned check numbers 7662 and 7714. Public Works Director Eichner stated 7662 was to Bird for the recreation storage boxes and Administrator Culotta advised 7714 to Quill was for office supplies. Supervisor Flowers questioned the check to the City of Cedarburg for \$50,583.90, staff advised it was 1<sup>st</sup> quarter shared services for Fire and Emergency Government

Supervisor Salvaggio made a motion to accept all bills as presented for review. Supervisor Rintelman seconded. Motion was approved 5 – 0.

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

**a. Possible report regarding local nuisance/law enforcement issues (Constable Terry Zimmerman)\***

Constable Zimmerman addressed a burning complaint which was resolved easily, a new resident did not know the town code. He also stated he has resolved some property maintenance issues.

**b. Report on recreation program revenues and expenditures (Administrator Jim Culotta)**

Administrator Culotta addressed the Board on the revenues & expenditures to date for the recreation program. Chairman Valentine stated he has heard a lot of good comments regarding the Little League Recreation Program.

**8. PUBLIC HEARINGS**

None

**9. OLD BUSINESS**

Administrator Culotta addressed the board stating there were several residents at the meeting here for New Business items and suggested the Board start with the New Business before the Old Business.

Supervisor Rintelman made a motion to start with item 10A & 10B under New Business. Supervisor Flowers seconded the motion. Motion passed unanimously.

Supervisor Wickert made a motion to continue with item 10C & 10D under New Business. Supervisor Flowers seconded the motion. Motion passed unanimously.

Supervisor Wickert made a motion to continue with item 10H & 10I under New Business. Supervisor Flowers seconded the motion. Motion passed unanimously.

**a. Update and discussion regarding mediation with the City of Cedarburg \***

Chairman Valentine stated the Town Board met with the City for mediation. The Town will now review and revise the offer that was made to the City last March. The Town has until the end of June to send it to the City. Supervisor Flowers stated he felt the outcome was positive, and that mediation was moving in the right direction. He noted mediation is non binding and stated he came away from it feeling good. Supervisor Salvaggio stated he hopes the Town can come out of this positively. He had some concerns about comments that were made by the City, regarding the City talking about a merger and taking over the Town. Chairman Valentine replied to the City comment about a merger, stating if anyone that lives in the Town wants to triple their taxes then the merger would be a great deal. Salvaggio

stated he appreciated Paul Radtke being honest about the City wanting to take over the Town.

Resident Ray Pecor questioned the cost of the mediation for the hour and forty minutes. The mediator was \$300 per hour and that is being split with the City, in addition to the two Town attorneys.

**b. Discussion and possible motion on the purchase of a new refuse truck”**

Staff was directed by the Board to determine what the unit cost for collection would be if Town residents were required to contract independently with a private collector. On May 5, 2010, Staff reported that this cost would be about \$9.80 per unit per month for private collection versus \$6.65 to \$7.80 per unit per month for Town collection services. Staff was also instructed to solicit formal bids for a new, right-hand loading, automated refuse truck and to also solicit proposals for contracted refuse, recycling and yard waste collection services.

Public Works Director Bob Eichner sent bid packages to 4 vendor representatives of refuse trucks, Stepp Equipment, Bruce Municipal Equipment, Serwe Equipment, and RNOW. Each of these companies represents a different manufacturer of refuse collection trucks. Additionally, Peterbilt Trucks requested a bid package to provide quotes to the four primary bidders on the price for the new truck chassis. The bids include a price for both a conventional truck chassis, similar to the Town’s dump trucks and existing garbage trucks, and a cab-over style chassis. The costs for the conventional chassis have been used in staff studies to date. However, staff’s opinion (which included DPW crew input) is that the cab-over chassis, which typically costs more, will be the most maneuverable, accessible, and efficient for use with the automated system. The data presented indicated that the use of this truck could save the Town as much as \$44,000 or 64% in refuse collection costs. These savings would pay for the new refuse truck in about five years. The bids also include a trade-in option for Truck \*8, which could reduce the cost of the new truck by about 10%.

Supervisor Wickert asked what was budgeted for the truck. Staff advised this truck would be in the 2011 budget, how ever there are 2010 order date requirements if the Town would like the truck in January 2011.

Supervisor Salvaggio asked if the new truck would replace all the other trucks the Town currently has. Bob Eichner stated no, they would probably still keep truck 14 for special bulk pick ups and as an emergency backup. The policy would probably have to be changed to charge a fee for special pick up. Supervisor Salvaggio asked if the new truck would only need one employee to operate, the staff advised yes.

Supervisor Wickert stated he knew the Town was in need of a new truck and wanted to be sure that they were committed to Town refuse collection as opposed to private collection. He stated he was convinced that seemed to be the wiser. When Supervisor Salvaggio was questioned if he agreed at which time he stated no. He questioned why other municipalities were getting away from picking up and privatizing. He is also concerned about the discipline of requiring residents to use the carts and not leave bags out, then the worker has to get out of the truck and there is the risk of injury. Supervisor Wickert asked then what other information is needed to move forward with a discussion. Administrator Culotta suggested moving to the next agenda item for more information.

**c. Discussion and possible motion regarding contracted refuse, recycling and yard waste collection bids \***

Public Works Director Bob Eichner also requested bids for contracted collection services for refuse, recycling and yard waste. The bids were sent to Veolia Environmental Services

and to Waste Management, the same vendors quoted two years ago. Only one vendor was willing to provide a bid and they would bill the Town and the Town would include that cost as part of the tax levy.

A Town resident stated it sounds like the Town has contacted municipalities that purchased trucks and have their own pick up service. He questioned if the Town contacted any municipalities that contract out to see why they don't do it themselves. Or has the Town contacted the private contractors and find out how they sell the service. He stated he is thinking, well government employee costs are significantly higher than private contractor costs. Administrator Culotta stated other municipalities may be higher in wages but that is not the case with the Town, and that is why the cost is lower for the Town to do their own pick up.

Supervisor Rintelman stated the quality of service is very important and in talking to some residents in other municipalities they are not pleased with the service they get by privatizing. Where as right now in the Town, if someone misses a pick up they can call the Town and the truck will get sent back to do the pick up.

Supervisor Wickert made a motion to wait a month and have Staff reanalyze the issue further, including what the Town could gain by freeing up extra staff hours with an automated refuse truck. Also, requested staff to contact other municipalities on why they have chosen the path they have for garbage pick up. It was also decided that Supervisors Salvaggio and Wickert would forward any additional questions to Staff. Supervisor Salvaggio seconded the motion. Motion passed 4-1. Supervisor Flowers voting nay.

**d. Discussion and possible motion on proposed Resolution 2010-11, "A resolution setting wages for Umpires for Cedarburg Little League"\***

Town Staff had originally hoped to gather a group of adult volunteer umpires that would not require pay for calling games. There was not enough interest so they broadened their efforts to include younger individuals and advertised that the positions may possibly include pay, at the discretion of the Town Board.

After advertising the umpiring position to younger individuals, noting there may or may not be pay, there was a strong response with over 30 interested individuals. After polling them, all would prefer to work for pay, but roughly half of respondents indicated they would still volunteer their time and work without pay.

If the Board wishes to pay umpires, Staff recommends a rate of \$10-\$15 per game. It is likely that one umpire per game will suffice.

Chairman Valentine stated we should still let people volunteer but also have the option to pay umpires.

Supervisor Rintelman made a motion to approve Resolution 2010-11, "A resolution setting wages for Umpires for Cedarburg Little League \$10 for Minor games and \$15 for Major and Junior games.". Supervisor Flowers seconded the motion. Motion passed unanimously.

**e. Discussion and possible motion on proposed Ordinance 2010-10, "An ordinance amending section 16-6 of the Town of Cedarburg Code of Ordinances regarding the Park and Recreation Committee"**

At their May 19th meeting, the Park & Recreation Committee agreed to change the date of their monthly meeting to the first Thursday following the Town Board meeting. The Town

Code currently states that the committee is to meet the third Tuesday of every month at 6pm. Staff drafted an ordinance that would amend Section 16-6 of the Town Code of Ordinances to change the meeting date to the first Thursday following the Town Board meeting each month, while leaving the time unspecified; this will make the meeting time flexible at the discretion of the Park and Recreation Committee. The ordinance also deletes the language that states all meetings will take place at Town Hall, but rather leaves the location at the discretion of the Committee (such as a Town park).

A member of the Board made a friendly amendment to the code to state that the Town Chairman shall appoint the Supervisor member with majority approval of the Town Board every April.

David Flowers made a motion to accept Ordinance 2010-10, "An ordinance amending section 16-6 of the Town of Cedarburg Code of Ordinances regarding the Park and Recreation Committee. Gary Wickert seconded the motion. Motion passed unanimously.

**f. Discussion and possible motion on Resolution #2010-12, a Resolution to Authorize the Purchase of Vacant Land (a part of Tax Parcel ID #03-021-01-006.00) located adjacent to Town owned property, and a license agreement with Seller related thereto\***

Town Attorney Hoeft addressed the Board regarding the purchase of the northern part of the Galioto property. There are a few contingencies that are outstanding. The Town is waiting for the DNR wetland delineation approval. The offer also includes on the southern part of their parcel a temporary access easement for ingress and egress that would serve temporarily to give the Town access to the Prochnow property. There is nothing recorded to date but this access has existed for several years and is now part of the offer negotiated. The easement would end if there is an official road extended to the Prochnow property. The sellers would like to have access to the north volleyball courts for this season. The proposed license agreement would expire on September 1, 2010. The resolution can still be approved contingent on the outstanding contingencies and license agreement.

Supervisor Wickert made a motion to approve Resolution #2010-12, a Resolution to Authorize the Purchase of Vacant Land (a part of Tax Parcel ID #03-021-01-006.00) located adjacent to Town owned property, and a license agreement with Seller related thereto subject to the contingencies contained in the offer to purchase and the proposed license agreement. Supervisor Salvaggio seconded the motion. Motion passed unanimously.

**g. Discussion and possible motion on advertising signage and concessions for the Fields at Five Corners**

David Salvaggio stated he had requested this to first be on the Park & Rec Committee so they could make some recommendations.

Supervisor Salvaggio made a motion to table advertising signage and concessions for the Fields at Five Corners to July. David Flowers seconded the motion. Motion passed unanimously.

**10. NEW BUSINESS**

- a. Discussion and possible motion on a conditional use permit application by Dale Moeller to construct a 7,800 square foot indoor riding arena on his property located at 7783 Sherman Court (custom built pole building) [Petitioner: 5.41 acres, zoned E-1 Estate, NE ¼ of Sec.28]\***

Dale Moeller is interested in constructing a 27 foot tall, 7800 sq. ft indoor horse arena on his property. A conditional use permit is required due to the building location being on the street yard. All other setback requirements are met. The conditions of the CUP are as follows: The owner must get approval from the homeowner's association before beginning construction of the accessory building and the accessory building shall not exceed 8000 sq ft in size, nor 30 feet in height.

David Salvaggio then moved, and Joe Rintelman seconded a motion to approve a conditional use permit application by Dale Moeller to construct a 7,800 square foot indoor riding arena on his property located at 7783 Sherman Court (custom built pole building) [] providing all requirements of the CUP are met. The motion was then unanimously approved.

- b. Discussion and possible motion on a site plan and architectural review for a 7,800 square foot indoor riding arena located at 7783 Sherman Court (custom built pole building) [Petitioner: Dale Moeller, 5.41 acres, zoned E-1 Estate, NE ¼ of Sec.28] .** The Board determined the following: The proposed use conforms to the uses permitted. The dimensional arrangement of buildings and structures conform to the required area, yard, setback and height restrictions of the Zoning code. The proposed on-site buildings, structures and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties. Considerations was given to preserving the natural features of the landscape where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood. And also any adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screen, fencing, or landscaping.

Supervisor Flowers stated he viewed an online aerial map of the property and saw that the pads were already there and questioned why. The property owner stated that currently it is an outdoor riding arena.

David Salvaggio then moved and Joe Rintelman seconded a motion to approve a site plan and architectural review for a 7,800 square foot indoor riding arena located at 7783 Sherman Court (custom built pole building). Motion passed unanimously.

- c. Discussion and possible motion on a conditional use permit application by Michael Wolf to construct a berm at 1603 Washington Avenue [4.88 acres, zoned E-1 Estate, NW ¼ of Sec.16]**  
Michael Wolf has submitted a conditional use permit application to construct a berm on his property located at 1603 Washington Avenue, just north of the White Oaks subdivision. The berm would be located on the northeast corner of the property, just north of the existing driveway. He would be relocating soil from existing mounds that currently sit in piles along the north property line

The Board discussed the six conditions that need to be present in order to approve the CUP. (1) Welfare. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. (2) Compatible with adjacent land. The uses, values and enjoyment of other Town property in the neighborhood for purposes already permitted shall be in no foreseeable manner

substantially impaired or diminished by the establishment, maintenance or operation of the conditional use. (3) Not impede surrounding property development and improvement. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding Town property for uses permitted in the district. (4) Adequate infrastructure. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided. (5) Ingress and egress. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. (6) Conform to zoning district regulations. The conditional use application shall conform to all applicable regulations of the district in which it is located

The CUP conditions require the berm to not exceed 12 ft b y 28 ft, nor shall is exceed 6 ft high. The planting plan, as approved by the Town Board, shall be implemented by December 1, 2010. And the berm shall be located at least 10 ft from the road right-of-way.

David Salvaggio made a motion to approve a conditional use permit application by Michael Wolf to construct a berm at 1603 Washington Avenue [4.88 acres, zoned E-1 Estate, NW ¼ of Sec.16] based on the six findings from the memo and the 4 items on the CUP. , David Flowers seconded, and the motion passed unanimously.

- d. **Discussion and possible motion on an application by R&R Excavating & Bulldozing, Inc. for a Specific Limited Conditional Use Permit to allow quarrying operations at and adjacent to 1116 CTH I on two properties (Tax Key #03-022-04-000.00 & #03-022-01-008.00) [66.69 total acres, zoned A-1 Agricultural, NE ¼ of Sec.22.**

R&R Excavating and Bulldozing, Inc. has submitted a specific limited conditional use permit application to operate a quarry at and adjacent to 1116 CTH I. Their current CUP will expire on June 7, 2010. This permit was approved by the Town Board at their June 7, 2006 meeting. The terms of the CUP were for two years, with an automatic extension of two years if there was no documented violation of the terms of the CUP. The application will not greatly alter the conditions outlined in the current permit (aside from the fact that no more mineral extraction will take place on the northern portion of the quarry and other house keeping items)

Supervisor Salvaggio made a motion to approve a Specific Limited Conditional Use Permit to allow quarrying operations at and adjacent to 1116 CTH I on two properties (Tax Key #03-022-04-000.00 & #03-022-01-008.00) based on the findings and the 20 conditions in the CUP. The motion was seconded by Supervisor Flowers. Motion passed unanimously.

- e. **Discussion and possible motion approving annual liquor license applications COMBINATION CLASS “A” BEER AND CLASS “A” INTOXICATING LIQUOR:**

**PDQ Food Store, Inc. 1299 Washington Avenue, Agent – Elaine Skowron  
COMBINATION CLASS “B” BEER AND CLASS “B” INTOXICATING LIQUOR:**

**Circle “B” Recreation, Inc., 6261 Highway 60, Agent –Stephen Klotz  
The Hamilton at Cedar Creek, LLC, 228 Hamilton Road, Agent – Denise Cayse  
Country Keg (Judith M. Lieven,), 1814 Washington Avenue  
Annex Holdings, LLC., (5 Corners Roadhouse Bar & Grill), 1302 Washington Avenue, Agent – Brian Beschta  
Galioto’s Vintage Grille, Inc., 1221 Wauwatosa Road, Agent – Meg Galioto**

David Flowers made a motion to approve all submitted annual liquor license applications. Joe Rintelman seconded the motion. Motion passed unanimously.

**f. Discussion and possible motion approving annual operator license applications**

David Flowers made a motion to approve all operator license applications submitted. Gary Wickert seconded the motion. The motion passed unanimously.

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

**PDQ Food Store, Inc. 1299 Washington Avenue  
Tri-Par Oil Company, Inc., 506 Wauwatosa Road**

David Flowers made a motion to approve all submitted annual cigarette license applications. Joe Rintelman seconded the motion. Motion passed unanimously.

**h. Discussion and possible motion on proposed Ordinance 2010-11, "An Ordinance amending section 305-19 of the Town of Cedarburg Code of Ordinances and the Official Town Traffic Map to designate a loading zone (no parking) at 236 Hamilton Road**

In March, Mr. Henke inquired on the possibility of a paved driveway in front of the building for loading and unloading at his business. The property line for 236 Hamilton Road is approximately 16 feet north of the north edge of pavement of Hamilton Road. Hamilton Road at this area has very little shoulder available and any on-street parking would require a vehicle to park partially in the traffic lane. Parking is also currently prohibited on the southwest side of Hamilton Road from the Town Limits to Hamilton Park. Because these existing safety and regulatory restrictions at this location Town Staff is proposing that a loading zone be established at 236 Hamilton Road. This loading zone would not be exclusive to 236 Hamilton Road but could be used by neighboring residences and businesses where on-street parking is limited or prohibited..

Mr. Henke has agreed to pave the portion of the right of way and pay for associated costs to establish the loading zone.

Supervisor Salvaggio made a motion to approve Ordinance 2010-11, "An Ordinance amending section 305-19 of the Town of Cedarburg Code of Ordinances and the Official Town Traffic Map to designate a loading zone (no parking) at 236 Hamilton Road. Joe Rintelman seconded the motion. Motion passed unanimously.

**i. Discussion and possible motion regarding a license agreement with Henke & Associates to pave in the right-of-way to construct a loading zone and to pay for associated costs at 236 Hamilton Road**

Staff has prepared a license agreement to allow Mr. Henke to pave a portion of the Hamilton Road right of way and to pay for other associated costs related to the creation of a loading zone to allow vehicles to pull off the travel lanes. The license agreement will terminate on June 1, 2011.

Gary Wickert made a motion to approve the license agreement with Henke & Associates to pave the right-of-way to construct a loading zone and to pay for associated costs at 236 Hamilton Road, The license agreement will terminate on June 1, 2011. David Flowers seconded the motion. Motion passed unanimously.

**j. Discussion and possible motion on a purchase order for roof repairs to the front Department of Public Works garage and Town Hall mechanical room**

Staff solicited quotes from three area roofing contractors, F.J.A Christiansen Roofing Co. (Milwaukee), Noffke Roofing (Mequon), and Dehling Voigt, Inc. (Newburg). The quotes requested were for a complete re-roofing of the mechanical room and garage roofs. The new roofs will be warranted for 15 to 20 years. Staff also requested a quote for a shorter term repair to the garage roof in anticipation relocating the Public Works facilities sooner than the warranted life of the roof. Staff recommends total replacement of the mechanical room roof as this room serves Town Hall and will remain regardless of the future plans for Public Works.

Chairman Valentine asked about the impact fee revenues for this project. Administrator Culotta stated impact fees can only be used on new construction not repairs.

Joe Rintelman made a motion to select the Noffke Roofing bid for the long term fix for both the garage and mechanical room with the 15 year warranty not to exceed \$21,920. Supervisor Wickert seconded the motion. Motion passed 4-0. Supervisor Salvaggio abstained.

Administrator Culotta stated this was not budgeted for 2010. The Board requested staff come back next month with funding options.

## 11. 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,” regarding land acquisition/sale and a boundary agreement with the City of Cedarburg.

At 9:50 P.M. Supervisor Wickert made a motion that was seconded by David Salvaggio for the Town Board to go to closed session pursuant to the noticed Wisconsin Statutes.

**Roll Call:** Joe Rintelman – Aye, David Salvaggio – Aye, David Valentine – Aye, Gary Wickert – Aye and David Flowers – Aye.

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

At 11:06 pm, Gary Wickert made a motion to reconvene to open session, which was seconded by David Flowers. The motion was unanimously approved.

## 12. ADJORNMENT

At 11:07 pm, David Salvaggio made a motion that was seconded by Dave Flowers to adjourn. The motion was unanimously approved

Respectfully Submitted,

Dawn Priddy  
Town Clerk