

**TOWN OF CEDARBURG  
MEETING OF THE BOARD OF SUPERVISORS  
February 1, 2012**

Present:

David Valentine, Chairman

Joe Rintelman, Supervisor, Dist. 4

David Salvaggio, Supervisor, Dist. 2

Wayne Pipkorn, Supervisor, Dist. 1

Gary Wickert, Supervisor Dist. 3

James Culotta, Administrator

Eric Ryer, Director of Rec. & Planning

Brad Hoefl, Town Attorney

Charles Pretty, Treasurer

Ryan Fitting, Constable

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

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

- 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:**

- a. **Discussion and possible motion on a holding tank agreement for Mathew Hahm and Minal Steineman for the property located at 403 Douglas Lane\***

Chairman Valentine summarized the holding tank application submitted by Mathew Hahm and Minal Steineman. Supervisor Salvaggio made a motion to approve the holding tank application submitted by Mathew Hahm and Minal Steineman for the property located at 403 Douglas Lane. Supervisor Rintelman seconded, and the motion passed unanimously.

- 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 January 4, 2012 Regular Town Board Meeting Minutes**  
b. **Accepting December 21, 2011 Plan Commission Meeting Minutes**

Supervisor Salvaggio made a motion to accept the consent agenda. Supervisor Rintelman seconded, and the motion passed unanimously.

**5. TREASURER'S REPORT**

- a. **Motion Accepting the January 2012 Treasurer's Report**

Supervisor Salvaggio made a motion to accept the Treasurer's Report for January 2012. Supervisor Wickert seconded. The motion was then unanimously approved.

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

- a. **Presentation of Bills/Purchase Orders/Payroll/Awards for January 1, 2012 to January 27, 2012 (Check #'s 10120-10196) & Manual Checks (2011-69 through 2011-70, 2012-1 through 2012-2)\***

Chairman Valentine questioned what check #10158 for Godfrey & Kahn was for; Administrator Culotta explained that check was for fees related to the Prochnow landfill and associated monitoring wells.

Supervisor Rintelman made a motion to accept all bills, purchase orders, payroll and awards as presented for review. Supervisor Salvaggio seconded, and the motion was approved 5-0.

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

- a. **Possible report regarding local nuisance/law enforcement issues (Constable Ryan Fitting)**

Constable Fitting explained it was a quiet month and there was nothing new to report.

- b. **Report on recreation program revenues and expenditures (Dir. Rec. & Planning Eric Ryer)**

Dir. of Recreation & Planning Ryer addressed the Board on the revenues & expenditures to date for the recreation program. There was relatively little activity in January, with the 2012 financial year showing \$1,465 in revenues to this point.

**8. PUBLIC HEARINGS**

- a. **Public hearing to take comment on a proposed ordinance to rezone approximately 7 acres of property owned by Bruce Stevens with Tax Key #03-014-02-002.00 located adjacent to 5205 Cedar Creek Road from A-2 Prime Agricultural District to A-1 Agricultural District and to amend the Zoning Map [Petitioner: Bruce Stevens, NE ¼ of Sec.14]**

Supervisor Rintelman recused himself from this item.

Bruce Stevens (and Joe Rintelman) have submitted an application to rezone a 6.8907 acre portion of Mr. Steven's property currently zoned A-2 located to the southeast of 5205 Cedar Creek Road. Mr. Steven's intent is to sell the lot to his daughter and son-in-law so they can construct a new home on the lot. The Steven's own three parcels in the area, a 1.42 acre lot zoned R-3 single-family residential located at 5205 Cedar Creek Road, a 45.98 acre lot zoned A-2 located at 5221 Cedar Creek Road just to the west (where the Stevens reside), and an 11.408 acre parcel zoned A-2 just to the east that has a storage building.

A person from the audience asked what the difference was between the A-2 and A-1 districts. Chairman Valentine explained the difference between A-2 Prime Agricultural and A-1 Agricultural may include building size and yard requirements, but both districts are agricultural in purpose. With no other comment from the public, Supervisor Salvaggio moved to close the public hearing. Supervisor Wickert seconded, and the motion carried unanimously 4-0, with Supervisor Rintelman recused. Supervisor Rintelman then rejoined the meeting.

- b. **Public hearing on a proposed ordinance to amend Chapter 320: Zoning, regarding establishing a 25 foot side yard setback for principal structures in the TR Transitional Residential district**

Chairman Valentine explained that staff had recently discovered the side yard setback for the TR Transitional district was erroneously listed at 75 feet. It was evident that the side yard setback in the TR district had previously been 25 feet based on the location of homes

in the surrounding neighborhood, input from developer John Freeman who explained the side yard setback was 25 feet when the Fawn Lane area subdivision was developed, and confirmation by verifying the side yard setback distance of 25 feet in previous versions of the Town Code. The most likely reason for the error was in an inadvertent change to the side yard setback in the TR side yard setback from 25 feet to 75 during the recodification that was approved on October 4, 2006.

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

## 9. OLD BUSINESS

None

## 10. NEW BUSINESS

- a. **Discussion and possible motion on a proposed ordinance to rezone approximately 7 acres of property owned by Bruce Stevens with Tax Key #03-014-02-002.00 located adjacent to 5205 Cedar Creek Road from A-2 Prime Agricultural District to A-1 Agricultural District and to amend the Zoning Map [Petitioner: Bruce Stevens, NE ¼ of Sec.14]\***

Supervisor Rintelman recused himself from this item.

This item continues from item #8a. Chairman Valentine noted the Plan Commission reviewed this item and made a recommendation in favor of the Town Board approving the rezone application as presented.

Supervisor Pipkorn made a motion to approve the proposed ordinance to rezone approximately 7 acres of property owned by Bruce Stevens with Tax Key #03-014-02-002.00 located adjacent to 5205 Cedar Creek Road from A-2 Prime Agricultural District to A-1 Agricultural District and to amend the Zoning Map. Chairman Valentine noted a shared driveway would be addressed in the future, if applicable. Supervisor Salvaggio seconded, and inquired if the size of the area to be rezoned meets Town requirements. Staff explained the proposed approximate 7 acre rezone from A-2 to A-1 would result in all the of parcels owned by Bruce Stevens being conforming with Town zoning requirements. The motion was then unanimously approved 4-0, with Supervisor Rintelman recused. Supervisor Rintelman then rejoined the meeting.

- b. **Discussion and possible motion on a proposed ordinance to amend Chapter 320: Zoning, regarding establishing a 25 foot side yard setback for principal structures in the TR Transitional Residential district\***

This item continues from item #8b. Chairman Valentine reiterated that the side yard setback in the TR district should be 25 feet, and the current error was likely a result of the recodification that was approved on October 4, 2006.

Supervisor Pipkorn made a motion to approve the proposed ordinance to amend Chapter 320: Zoning, regarding establishing a 25 foot side yard setback for principal structures in the TR Transitional Residential district. Supervisor Salvaggio seconded, and the motion passed unanimously.

- c. **Discussion and possible motion on a lease agreement with Roger Bentz\***

The Board is considering a five year lease agreement with Roger Bentz for him to farm the Town owned parcel with tax key #030160300600 across from Malone Meadows subdivision.

Supervisor Salvaggio made a motion to approve a five year lease agreement with Roger Bentz for him to farm the Town owned parcel with tax key #030160300600. Supervisor Pipkorn seconded. Supervisor Rintelman asked if there was a cost to the Town associated with this agreement. Chairman Valentine noted there is no cost to the Town. Administrator Culotta pointed out this agreement was for five years. Supervisor Rintelman expressed concerns over the length of this agreement. Mr. Bentz was present and said a five year agreement would help minimize risk of losing money planting crops over a period of years, depending on what crop is planted. It was noted the Town has a five year lease with Dale Lueders for the Town owned property at the southeast corner of Granville and Western Avenue. Chairman Valentine stated that if the Town were to need access to the property for some reason, the Town would work with Mr. Bentz to come to a solution to allow the Town access as needed. The motion was then unanimously approved.

**d. Discussion and possible motion on an appointment to the Community Pool Commission\***

Chairman Valentine nominated Tonya Rosenberg as the alternate to the Community Pool Commission to replace David Barrow who resigned from the Commission. Supervisor Salvaggio moved the Board appoint Tonya Rosenberg to the Community Pool Commission as the alternate. Supervisor Wickert seconded, and the motion was unanimously approved.

**e. Discussion on 2012 employee evaluations\***

Supervisor Rintelman requested this item be placed on the agenda, which was briefly discussed at the January meeting. The Board discussed how they felt employees should be evaluated on an annual basis. Supervisor Wickert said he would like Administrator Culotta's input on employee performance each year for the Board to consider. Mr. Wickert recalled previous Town Administrator Scott Gosse used to present evaluation information to the Board. Mr. Wickert would like Administrator Culotta to assemble performance evaluations and present this information to the Board as well as make a recommendation on employee raises or bonuses he feels specific employees should receive, if any. . Supervisor Wickert explained the Board would still have a discussion regarding employee evaluations, but would like the input from Mr. Culotta before the Board discussion takes place. Chairman Valentine noted the Board will need to give Mr. Culotta an idea of what amount would be available for raises so he can make appropriate compensation recommendations to the Board. In 2012, employees received a 3% increase; Administrator Culotta noted this was in line with the budgeted amount, with money left over due to staffing vacancies. For 2012, the Board will provide Administrator Culotta with an amount available for raises based on performance in October. The Administrator will then conduct employee evaluations in November and make a recommendation to the Board for raises in December.

**f. Discussion and update on the DPW Director Position\***

Chairman Valentine summarized the Board had discussed updates on the hiring process at previous meetings. As the Director of Public Works position has been vacant since the summer of 2011, Chairman Valentine explained Supervisor Salvaggio questioned if the Town needs a DPW director at this time and suggested the Board consider splitting the DPW duties among existing staff as an alternative to filling the position. Mr. Valentine noted the Town is having a challenging time recruiting qualified candidates at the salary posted. Mr. Valentine continued that Town staff has bridged the gap successfully since the position was vacated, and may be able to do so in the long-term as large-scale engineering work is not prevalent in the Town at this time. Mr. Valentine posed the question to the Board: does the Board wish to continue looking for a qualified candidate, which may require changing the hiring criteria, or look at conducting the work in house.

Supervisor Wickert asked what the Director of Public Works formerly made; Administrator Culotta answered about \$70,000/yr. Mr. Wickert asked if the Town should consider raising the advertised salary to recruit more candidates. Mr. Wickert supported the idea of splitting duties among existing employees as it could maximize productivity from current staff. Mr. Wickert listed a series of questions for Administrator Culotta to gather more information: 1) does the Town lose a field worker if Dan Benicke were to take a more active role in administration, relative to the manpower the Town had prior to Bob Eichner leaving, 2) how has Dan Benicke been handling the field duties he has taken on since Bob Eichner left, 3) is Eric Ryer being fully utilized, or is this an opportunity to more fully utilize him, 4) will there be any loss in production between Dan Benicke and Eric Ryer if additional duties were taken on, 5) monetarily speaking, how would a reassignment of duties affect the Town as opposed to filling the DPW position, 6) what types of engineering projects would need to be outsourced.

Chairman Valentine pointed out the monetary impact of benefits are also to be considered; a reassignment of duties could save money in terms of reduced benefits. Supervisor Salvaggio explained he has been following the public works situation and supports a streamlining of operations. He also mentioned Building Inspector Roger Kison has inspections experience and could conduct field inspections as needed. Mr. Salvaggio supports a division of duties if staff can handle the work and feels the taxpayer would benefit from such a move. He noted the use of consultants reduces the costs of Town employee benefits. Chairman Valentine pointed out engineering costs for many types of projects are recoverable through the Town Code. Mr. Salvaggio commented he believed it has been past practice for the Town to use outside engineers for larger projects.

Mr. Wickert asked if a reassignment of duties among existing staff can work if development picks up. Chairman Valentine felt such a system could work, and felt the Town currently has an opportunity to implement such a system with development being slower. Mr. Wickert continued that he although he supports the idea of reassigning duties, he was not happy that Administrator Culotta was not involved in the process of developing this alternative. Not involving Mr. Culotta in the process causes problems for him as he is the Administrator charged with running the Town, and it is important for Board members and staff to understand this.

Supervisor Pipkorn supported a possible reassignment of duties, and wanted to see the answers to Mr. Wickert's questions from Administrator Culotta for more information. He would like to understand what duties Administrator Culotta has taken on since the Director of Public Works left the Town to understand the scope of that work, and have that information at the March meeting. Mr. Pipkorn felt filling the DPW position would be a costlier option, and may not be needed at this time.

Supervisor Rintelman said, for him, this issue comes down to service to Town residents and the best value for their tax dollar. He felt public works is of the most critical of Town services. Mr. Rintelman pointed out if duties were to be reassigned, training would need to be performed to existing staff. Mr. Rintelman also asked how the Town would handle if a staff member left. He asked for further clarification on proposed compensation that would accompany any such reassignment of duties. Mr. Rintelman would also like Administrator Culotta's opinion on the DPW matter at the March Town Board meeting.

Chairman Valentine summarized Administrator Culotta now has a list of questions to examine for discussing reassigning duties among existing staff as an alternative to filling the

DPW Director position; this item will be discussed at the March Town Board meeting. The Town will continue to accept applications in case a qualified candidate comes along.

**g. Discussion and possible motion to appoint the Deputy Clerk to serve as election administrator/deputy clerk of record**

Administrator Culotta explained that in lieu of having a Town Clerk, it is recommended the Town Board designate Deputy Clerk Bonnie Erickson to serve as election administrator/deputy clerk of record so that she can carry out the functions of the Clerk in the absence of a clerk. Supervisor Salvaggio moved the Town Board appoint the Deputy Clerk to serve as election administrator/deputy clerk of record. Supervisor Rintelman seconded, and the motion passed unanimously.

**11. ADJOURNMENT**

At 8:01 pm, Supervisor Salvaggio made a motion to adjourn that was seconded by Supervisor Rintelman. The motion was unanimously approved.

Respectfully Submitted,

Eric Ryer  
Director of Recreation & Planning