

MAY 7, 2012 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman William Glembocki at 6:30 p.m. on Monday, May 7, 2012 at the Town Hall in New Munster. He opened the meeting with the *Pledge of Allegiance*.

Town Board members present – Chairman Glembocki and Supervisors Andrew Lois and Robert Herda. Others present: Clerk Sheila Siegler, Treasurer Deborah Vos, Fire Chief Lou Denko, Alan Kaddatz, Bill Heeg, Mike Partridge, Todd Golden, Anne Vavloukis, Tim Delimat, Deanna Delimat, and one citizen.

Minutes of the April 23, 2012 were moved for approval by Robert Herda. Andrew Lois seconded. Motion carried.

Notices were posted in six public areas and the town website. The *Kenosha News* and *Westosha Report* were notified. Individuals who have requested meeting notices by e-mail were also sent agendas as required by state law. Property owners abutting #95-4-119-111-3052, Golden & Vavloukis property and #95-4-219-323-0310 – Julie Palmer property were sent meeting notice by First Class Mail.

- **Fire Dept.** – Chief Denko reported EMT is checking all the fire trucks and the equipment. Last year's inspection was costly but there were a lot of items that needed work. He doesn't expect that will be the case this year. Also, last year, there were no breakdowns during the year.

They are preparing for the June festival on the 22nd, 23rd, and 24th. There will be a parade on Saturday beginning at 11:45 a.m.

- **Applicant:** North Beach LLC, 918 S. School St., Mount Prospect, IL 60056-4346 (owner),
 - A. Rezone – Tax Parcel #95-4-119-074-0972, 39613 Bloomfield Rd., Powers Lake (former "Pit Stop" location) from B-2 Community Business District and R-4 Urban Single-Family Residential District to R-4 Urban Single-Family Residential District.
 - B. Certified Survey Map – combines the parcels on the north side of Bloomfield Rd. #95-4-119-074-0420 & #95-4-119-074-0430 and parcel #95-4-119-074-0972 located on the south side of Bloomfield Rd., and dedicates a 66' Bloomfield Road public road right-of-way. The map documents the demolishing of the "Pit Stop" buildings.
 - C. Variance from the Kenosha County General Zoning & Shoreland/Floodplain Zoning Ordinance for the proposed single-family home building pads on the south side of Bloomfield Rd. – 30' street yard setback from Bloomfield Rd. for the east building pad and a 50' shore yard setback to Powers Lake for three building pads.
 - D. Condominium Plat – the plat provides for common ownership of the land and allows individual ownership of the homes. The plat shows three proposed single-family home building pads on the south side of Bloomfield Rd. and includes the two existing homes on the north side of Bloomfield.

Chairman Glembocki noted the Plan Commission had held a public hearing on the above requests from North Beach LLC on April 30, 2012 and had forwarded recommendations of approval for all items.

William Glembocki moved a motion to forward a favorable recommendation to the Kenosha County Planning, Development & Extension Education Committee for Item #A, the rezoning from R-4 and B-2 Community Business to R-4 Urban Single-Family Residential District. Andrew Lois seconded. Motion carried with Glembocki, Lois and Herda voting in favor.

William Glembocki moved a favorable recommendation to the Kenosha County Planning, Development & Extension Education Committee for Item #B, the Certified Survey Map, subject to conditions noted in Town Planner Patrick Meehan's April 19, 2012 Memorandum. Robert Herda seconded. Motion carried.

Chairman Glembocki said that not one person has been opposed to the rezoning or to the variance. Andrew Lois moved a favorable recommendation to the Kenosha County Board of Adjustments for Item #C, a street yard variance of 30' and a 50' shore yard variance, subject to all conditions included in the application submitted. Robert Herda seconded. Motion carried.

Chairman noted the condominium plat was presented for informational purposes and did not require a town recommendation. Mike Partridge, responding to questions on maintenance responsibility, said the property owners association would be responsible. Partridge said there will be one entrance, which will split into three driveways, for the three homes on the south side of Bloomfield.

- David Todd Golden & Anne F. Vavloukis, 2318 Sumac Circle, Glenview, IL 60025 – Request for a variance from the Kenosha County General Zoning & Shoreland/Floodplain Zoning Ordinance which requires accessory buildings to be placed in the rear or side yard. Detached accessory structure is

proposed to be located 30 ft. from the right-of-way of 334th Ave., south of the existing house. Location: 7935 334th Ave., Tax Parcel #95-4-119-111-3052. Existing garage will be razed.

David Todd Golden and Anne F. Vavloukis were present to speak on the request. Golden stated the existing garage has already been removed.

William Glembocki moved a favorable recommendation to the Kenosha County Board of Adjustments for the request of David Todd Golden and Anne F. Vavloukis to construct an accessory building in the front yard of parcel #95-4-119-111-3052 at a distance of 30' from the 334th Ave. r.o.w. per the application submitted. Robert Herda seconded. Motion carried.

- **Temporary Use Request** – Julie M. Palmer, W4102 Palmer Rd., Lake Geneva, WI 53147 (owner), Timothy & Deanna Delimat, Black Bull Fireworks (agent), requesting approval of a temporary permit to use the existing parking lot and field for the placement of a 40' x 40' sales tent, an 8' x 20' steel storage container, and three 5' x 25' banners to operate a temporary fireworks sales stand in the B-3 Highway Business District, Tax Parcel # 95-4-219-323-0310, 5909 392nd Ave. located on the southeast corner of S.T.H. "50" and 392nd Ave.

Deanna Delimat responding to questions said they would be 50 ft. from the gas tanks and at least 40 ft. from the building.

Supervisor Andrew Lois said this would be the second Black Bull Fireworks stand in the town and the fourth fireworks stand overall. He believes that is "overkill."

Andrew Lois moved to deny the application and send an unfavorable recommendation to the Kenosha County Board of Adjustments for the Temporary Use Request requested by Julie M. Palmer, Timothy & Deanna Delimat, Black Bull Fireworks (agent) because Black Bull already has a fireworks stand at the Wheatland Convenience Center. Motion carried on a 2-1 vote with Lois and Supervisor Herda voting aye and Chairman Glembocki voting nay.

Deanna Delimat asked if they can apply in August for the next year and could they receive approval at that time for the Wheatland Convenience Center ("83" & "50") and for the 392nd Ave/Hwy "50" locations? There was no answer to the question except they are free to apply.

Tim Delimat added that if anything is not right at other spots, it doesn't reflect on their operation.

Chairman Glembocki stated that we've already said they (Delimats - Black Bull) run a good operation.

Deanna Delimat asked if it (the denial) was a question of the number of stands in the town or whether they would have two. Lois said, personally, he wasn't in favor of more than two but was in favor of giving the other young man who applied, a chance. This year will be a test to see how the other two operations run. Chairman Glembocki echoed his statements and said we'll make a decision when the request is on the agenda.

- **Alcoholic Beverage Operator (Bartender) License Application:**

A. Rebecca M. Sheridan, Round Lake Heights, IL – *The Sly Fox*

Alcohol server certification and background check are validated. Chairman Glembocki moved approval of an alcoholic beverage operator license for Rebecca M. Sheridan. Andrew Lois seconded. Motion carried.

- **Reports – Announcements - Correspondence**

A. Road report – Chairman Glembocki said the town engineer is writing B.R. Amon in regard to 52nd St. maintenance. Amon may wait until the end of the 3 yr. guaranty term before making any repairs such as crack filling.

We were approved on the joint application with the Town of Burlington for a TRIP D Grant for reconstruction of 31st St. west of 376th Ave./Fish Hatchery Rd. to improve safety and paving. We will still have to come up with approximately \$130,000 for our portion of the matching funds.

An estimate from Town Engineer Len Roecker for 368th Ave. paving overlay from 55th St. to 31st St. was listed three ways:

1. thin overlay - \$136,000 – estimated 6-9 years of life
2. structural overlay (3 inches) - \$314,000 – estimated 12-15 years of life
3. complete pulverizing, shaping, paving - \$493,000 – estimated 20-25 years of life.

Chairman said another thought may be to do ½ of the road. Every municipality is having the same problem of more needs than money. We need to discuss this further.

Supervisor Lois said Kenosha County is doing a good job shouldering roads. This is needed to prolong the life of the edge of the blacktop.

Chairman said he spoke to Kenosha County about flooding during the recent heavy rain on 368th

Ave. south of "50." They are checking the drainage ditch depth and a restricted cross culvert that may have contributed to the problem.

B. Other reports –

- The Plan Commission had concerns about the two, small parking lots DNR is planning for Hwy "W" both south and north of "50." Concerns were fires that could be generated, overnight camping, and Plan Commission wanted signs put up restricting both fires and overnight camping. Clerk expressed these concerns to DNR. A DNR representative said they would put up signs prohibiting activities such as camping, driving vehicles, horses, etc. and offered to come to a meeting to explain. Chairman said if they put up the signs, we should not need them to come to a meeting.

- Road inspection work orders have been sent in.

- 2011's recycling report was filed by the April 30 deadline. A problem with the report was that we didn't meet the per capita recycling requirements. DNR said that is usually a problem when haulers are changed. Clerk will check with Veolia and determine their method of reporting tonnage. Bill Heeg, transfer station operator, asked if we are filling the 8 yd containers too full. How do they determine the amount when they dump all together? Clerk said that will be part of the discussion with Veolia. We did file and had a waiver accepted by DNR but we do need to do what we can to encourage more recycling.

- The Kenosha County unit of the WTA is meeting at the Town of Somers, May 9th, 7 p.m. Chairman asked if anyone is available to attend.

- U.S. Senator Ron Johnson is having a "meet and greet" session at the Village of Paddock Lake Municipal Building Meeting Room from 2 – 3 p.m. on Wednesday, May 9th.

- Clerk reported the town has received a "Continuation Certificate" for a Western Surety Company bond, in the amount of \$75,000, for Meyer Material Company and 392nd Ave. road maintenance. The bond continues through May 20, 2013. This is required by the road agreement for 392nd Ave. We have to watch to make sure this is renewed every year.

- Lilly Lake beach has a washout from recent storm Jack reported. It may need some sand added. Jack is also trying to clean the maple seeds from the street grates.

The Town of Wheatland has received notice from the Kenosha County Department of Planning & Development that a 100-year dam failure floodplain has been created as a requirement of the Chapter NR 116 "Wisconsin's Floodplain Management Program" in relation to the Meyer Material Company KD Pit Embankment Dam. A vacant, wetland parcel owned by the town, tax parcel #95-4-119-112-4150 on the northwest side of Lilly Lake, is included in the floodplain. The dam, now owned by Kenosha County, has met the requirements and the dam has been classified as a compliant high hazard dam.

C. Note: May 28 Town Board meeting has been rescheduled to May 21

D. **Recall Primary Election – May 8, 2012 – Polls open at the Town Hall 7 am – 8 pm**

- **Financial matters:**

- A. Purchase approval

- B. Other financial matters – a proposal has been received from DoneRite Janitorial Service to strip and wax the town hall meeting area for a price of \$504.45. William Glembocki moved to accept the proposal for \$504.45. Andrew Lois seconded. Motion carried.

- C. Clerk's Report of Disbursements for the month of April – Checks #21990 thru #22066 dated April 4 – 30, 2012 in the amount of \$73,09.26. Robert Herda moved to approve the Clerk's Report for April. Andrew Lois seconded. Motion carried.

- **Adjournment**

- William Glembocki moved to adjourn at 7:46 p.m. Andrew Lois seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Clerk