

SEPTEMBER 13, 2010 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman Glembocki at 6:30 p.m. on Monday, September 13, 2010 at the Town Hall in New Munster.

Town Board members present – Chairman William Glembocki and Supervisors Andrew Lois and Robert Herda. Others present: Clerk Sheila Siegler, Treasurer Deborah Vos, Building Inspector Tim Popanda, 66th District State Representative Samantha Kerkman, 24th District Kenosha County Board Supervisor Erin Decker, Jennifer Shufelt, Jim Mirek, Patti Poppe, Al Vos, Dean Luke, Jayne Luke, Gail Schoch, Harold Richter, Paul Poppe, Tom Young, Jack Bobula, Bill Heeg, Kevin Luebke, Holly Graff, Ryan Graff, and Paul Zarnstorff.

Notices were posted in five 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.

Minutes of the August 23, 2010 Town Board Meeting and August 23, 2010 Special Town Board Meeting were motioned for approval by Robert Herda and second by Andrew Lois. Motion carried.

- **Public Comments –**

1. Gail Schoch, 7834 328th Ave. read a statement regarding 77th St. and asked what can Kenosha County do the Town of Wheatland if we don't accept the road?
2. Jennifer Shufelt, 6511 347th Ave. - said she requested an agenda item for discussion of the bid for repairs of 347th Ave. Not on the agenda, is this the time to discuss it?
3. Dean Luke, 6420 347th Ave. - presented a piece of the 347th Ave. pavement, part of the original pavement installed, he believes, in 1955-56. How can the town spend good money to put asphalt over this type of base? "Do it right or don't do it at all."
4. Holly Graff, 6421 347th Ave. - not the type of fix they wanted and had asked to be on the September 13th agenda.
5. Ryan Graff, 6421 347th Ave. - not happy with the proposed work.
6. Jennifer Shufelt - read the Minutes and read the bid contract and has a concern on how the bid was let. There is no written record from the engineer. Suspects the town called him and said this is the money we have to spend. There should have been an engineering recommendation. The work could have been stopped when she asked because the start permit was issued August 30 by the town engineer.
She said the scope of the work said "milled" and there is nothing that details the work. There are lots of procedural issues and problems. She acknowledged their concerns have been addressed regarding shouldering and cutting driveways instead of feathering the blacktop.
The real issue is their concerns were dismissed. People want to be heard.
7. Chairman Glembocki said for the amount and type of traffic generated on 347th Ave., an overlay will last 7 – 10 years. It could last 20 years. Pulverizing the base was not necessary.
8. Supervisor Andrew Lois said he asked for another meeting but was told the contract was signed.
9. Patti Poppe, 6522 347th Ave. - what will happen two years from now when the pavement is all wrecked?
10. Kevin Luebke, 6431 347th Ave. - the contract should spell out the work. For the record, just use tar and gravel and roll it. It will have the same result.
11. Jennifer Shufelt - asked for a document when she was in the office that states ~~what was going to be milled.~~ **Corrected 10/11/2010 to read, Shufelt asked for a document that states the change orders.** None was available.
12. Chairman asked the Clerk to read the milled totals from the bid proposal and contract. It states 60 sq. yd. of milling for 347th Ave. Chairman said that shows the milling was not for the length of the road but for areas where the new pavement butts up to existing pavement at intersecting roads. If the road has trouble spots later on, we will have to fix those areas. The road is scheduled to be paved tomorrow.

- **Paul Zarnstorff, 7915 Shorewood Dr., Salem, WI 53168 requesting additional time to meet requirements of Building Inspector's Order for foundation removal**

Building Inspector Tim Popanda said he has been investigating five dilapidated structures in the community. Paul Zarnstorff's residence burned down two – three years ago during a flooding event. The foundation and remnants of the fire remain. The town has been alerted to

this site several times over the years by concerned citizens. Mr. Zarnstorff has been notified by a process server and prior to the deadline has come into the office asking for an additional 60 days and for specifics on what has to be done. Building Inspector Popanda said he is recommending the board give an additional 60 days.

Paul Zarnstorff – threatened if not done in a certain amount of time, the garage will be taken down with the foundation. Constable does selective enforcement. Judge has said he is not allowed to have a tractor or equipment on his property.

Popanda – over last 4 -5 years, the town had done enforcements on his property for other things – automobile and other collections. Between the court and constable, Zarnstorff may have some restrictions of which Popanda is unaware. In any event, Popanda feels the court would make allowances, if that is a fact.

Zarnstorff - can he have equipment on his property or can't he? Can't do this by hand! Chairman said we will have to delay this and check with the court.

Supervisor Lois said the equipment shouldn't be stored on the property. That was the issue previously.

Popanda expanded on Zarnstorff's statement that he is being threatened with garage removal. He said if we take this to circuit court and enforce the raze order we would have to make the property compliant with the regulations in place. This would require the garage and all other debris to be removed and the property restored. If Zarnstorff removes the foundation, that will satisfy this enforcement.

Supervisor Lois moved a motion to table his request for extension to September 27th. Supervisor Herda seconded. Motion carried.

- **347th Ave. drainage easement thru lot owned by Jennifer Shufelt to field east of the subdivision**

Jennifer Shufelt said easement needs maintenance. She has done prior maintenance but she now understands the town is responsible for maintaining the easement. The culvert doesn't look good. It may need to be replaced.

Chairman said the town will have someone clean the drainage easement. He said the town engineer looked at the culvert and said it didn't need to be replaced.

347th Ave. property owners disagreed and said the culvert should be replaced before the pavement is laid.

Supervisor Lois moved a motion to have Kerkman Bros. Const. clean the drainage easement and also replace the culvert, if it is possible to delay the paving. Supervisor Herda seconded. Motion carried.

- **Tabled August 23 -- Installation of a gauge to monitor Lilly Lake water level**

Chairman said he placed an orange mark on the wall and asked the board members to look at it. We would need two small signs on the wall to note this was the water level mark.

Herda moved a motion to table further discussion to September 27th meeting. Supervisor Lois seconded. Motion carried.

- **Tabled August 23 - Discussion of Lilly Lake 77th St. ownership per letter from county treasurer**

Chairman Glembocki said he has consulted the town attorney. There are many issues with this item that need to be considered.

Supervisor Lois motioned to table this to the September 27th meeting. Supervisor Herda seconded. Motion carried.

- **Approval to place on November 2, Election Ballot - Advisory Referendum Question regarding a possible additional tax for mass transit purposes**

Representative Samantha Kerkman spoke and introduced County Board Supervisor Erin Decker. They are both working on having this matter placed on the November 2nd ballot. She said County Board Supervisor Bob Haas has also supported this at the county board level.

The question is, "Should any new tax to support transit or rail services, such as a sales tax or local vehicle registration fee, be permitted in any part of the Town of Wheatland, Kenosha County?"

Representative Kerkman stated the wording is the same as the Racine County question on the November ballot. She noted that "Town of Wheatland" should be omitted and it should be just "Kenosha County" in order to be the same as the other municipalities. Clerk will make that

change on Resolution No. 4-2010.

Supervisor Lois moved approval of the corrected Resolution No. 4-2010 authorizing the advisory referendum question to be placed on the November 2nd election ballot, "Should any new tax to support transit or rail services, such as a sales tax or local vehicle registration fee, be permitted in any part of Kenosha County?" Supervisor Herda seconded. Motion carried.

- **Alcoholic Beverage Operator Licenses (Bartender) –**

- A. Kayla C. Anderson, 10521 286th Ave., Trevor, WI 53179 – *Dave's Saloon*
- B. Amy M. Terry, 22335 85th PL, Salem – *Wheatland Convenience Center*
- C. Valerie L. Lass, 38335 87th PL, Burlington, WI 53105 – *B & D's Village Inn*
- D. Bryanna E. Heckel, 3914 59th St., Kenosha, WI 53144 – *B & D's Village Inn*

All applicants have met the licensing requirements and have approved background checks. Robert Herda moved approval of alcoholic beverage operator licenses for Kayla C. Anderson, Amy M. Terry, Valerie L Lass, and Bryanna E. Heckel. Andrew Lois seconded. Motion carried.

- **Reports -**

- A. Treasurer's report for the month of August – Andrew Lois moved approval of the treasurer's report as printed with receipts of \$248,448.16 and expenses of \$57,656.31. Robert Herda seconded. Motion carried.

- B. Building Inspector report for the month of August – Andrew Lois moved approval of the building inspector's report as printed showing August permits – 8 issued, \$44,400 value, and \$340 in fees; 26 inspections, 39 phone or e-mail received or returned, and 34 resident contacts made, walk in or site visits. Robert Herda seconded. Motion carried.

1. Building Inspector Popanda presented a written report on progress of properties given notice of "Buildings in Disrepair:"

Zarnstorff -31913 71st St. – already discussed.

Savaglio – Chairman and Building Inspector met with Savaglio on site. Savaglio wanted to board up building and leave for a couple of years. Savaglio was told that was not acceptable. He was told of tonight's meeting and was to have contacted the clerk to get on the agenda. He has not done so. Building Inspector Popanda is requesting the board to follow thru and authorize this to be sent to the town attorney for enforcement with a raze order.

Robert Herda moved approval of a motion to proceed to the next step with enforcement for the Savaglio property, Tax Parcel #95-4-219-323-0505, 38702 60th St. and authorize the town attorney to issue a formal raze order for all structures. Andrew Lois seconded. Motion carried.

Leighton – 4613 328th Ave. – will be removing the building. WE Energies is disconnecting the electric and gas. Popanda wants to continue to work with him.

Baugh – 37002 Geneva Rd. – has been told the repairs that need to be completed.

Baugh has agreed to do so. He is working slowly but Popanda wants to continue to work with him. He did replace a window this past weekend.

Chairman Glembocki requested Popanda contact Baugh and remind him to keep working.

Grawe – 3317 328th Ave. – Popanda said Grawe was cooperative in the past but something happened along the way. He is not co-operative at the present time. Popanda asked the board – how far do they want him to go?

Supervisor Lois recommended Popanda push for one shed and leave the barn alone.

Building Inspector Comment - Constable Bob Haas has given him two other properties he wants added to the list. Popanda agrees there are many structures that need repair but his time is limited and he would like to finish these five before starting other enforcement. He would recommend we identify four or five properties for enforcement annually and see those to an end before starting more.

Chairman Glembocki said his recommendation is to proceed with enforcement if there is a complaint. We have to act on complaints.

- **Road report –**

1. Paving project change orders – Chairman reported that dirt and grass will be placed along 347th Ave. instead of traffic bond and driveways on all the projects will be cut instead of feathering the blacktop. All change orders are well within the 15% contract allowance.

2. Discuss ditch work at 7557 335th Ave. – Chairman said the work should

be less than \$5,000 and it will be advantageous for us to separate this from other paving. He will get three proposals for September 27th meeting.

- **Other report –**

1. Update on electronic recycling law – Clerk reported the state law requires e-recycling beginning September 1. According to the law, there is also supposed to be a state pool from which recyclers receive payment for the cost of collection. Manufactures are to fund the pool. That is not operational at the present time. The town has placed a Veolia box at the transfer station site to collect electronics in the belief we will not be billed or will be reimbursed. That may not happen immediately and may not happen at all.

Another possibility – we may have to begin to charge people for drop-off so we're not the convenient collection area for everyone in the county.

We currently have Asset Recyclers, a local recycler, pick up the computer items, which have the most value for recycling. This has been in place for several years. Veolia now tells us that we could use computer recycling rebates as an offset to the other electronic recycling cost.

Clerk's question to the board – do we want to tell Asset Recyclers they can have the computers to recycle but only if they pick up the rest of the electronics (including televisions) or do continue to let them pick up the computers as we are now doing? Board's direction was to check with Asset Recyclers and report at the next meeting.

- **Announcements –**

- A. Tuesday, Sept. 14 – PARTISAN PRIMARY ELECTION – Polls open at the Town Hall 7 am – 8 pm

- B. Monday, October 18 – FLU SHOTS 3 - 6 pm - Town Hall – Visiting Nurses Ass'n

- **Correspondence –**

Plan Commission meeting will be held 7:30 p.m., Monday, September 27, 2010

- **Financial matters:**

- A. Purchase approval - none

- B. Review and approve clerk's report for disbursements - period August 1 - 31,

2010. Andrew Lois moved a motion to approve the Clerk's Itemized Statement of Disbursements, check #20349 thru #20438, dated August 3, thru August 31, 2010, total of \$57,656.31. Robert Herda seconded. Motion carried.

- **Adjournment –** Andrew Lois moved to adjourn at 8:05 p.m. Robert Herda seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk