

Regular Meeting

December 15, 2020

In order to continue to protect and save lives, the Village Board of Trustees must use every tool available to slow the spread of COVID-19, including limiting in-person gatherings. Therefore, Village President Dennis Manthei cancelled the regular Village Board meeting scheduled for December 15, 2020.

In the regular course of business, Village Administrator Teresa DeLong paid the following claims:

<u>General Fund:</u>	\$73,936.42
<u>Water Utility:</u>	\$13,837.01
<u>Sewer Utility:</u>	\$312,088.82
<u>Storm Water Utility:</u>	\$771.71

Teresa L. DeLong, Village Administrator

Regular Meeting

January 5, 2021

In order to continue to protect and save lives and limit the spread of COVID-19 through in-person gatherings, Village President Dennis Manthei cancelled the regular Village Board meeting scheduled for January 5, 2021.

In the regular course of business, Village Administrator Teresa DeLong paid the following claims:

<u>General Fund:</u>	\$2,984,310.23
<u>Water Utility:</u>	\$11,255.07
<u>Sewer Utility:</u>	\$34,234.78
<u>Storm Water Utility:</u>	\$596.50

Teresa L. DeLong, Village Administrator

Regular Meeting

January 19, 2021

Regular meeting called to order at 7:00 p.m. by Village President Dennis Manthei. Trustees present: Brown, Hennessey, Lautz, Leicht, and Schumacher. Excused: Wee. Also present: Village Attorney Bryant Klos, Recreation Director Tony DeGaetano, Public Works Director Loren Schwier, Police Chief Jeremy Randall, and Village Administrator Teresa DeLong.

Minutes

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the minutes of the December 1, 2020, regular Village Board meeting as written. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Hennessey, seconded by Trustee Lautz to approve the minutes of the December 3, 2020, special Village Board meeting as written. Roll call vote: Brown – abstain; remainder of Board - aye. Motion approved.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$117,458.60
<u>Water Utility:</u>	\$28,432.16
<u>Sewer Utility:</u>	\$197,162.93
<u>Storm Water Utility:</u>	\$4,912.26

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the payment of all claims as listed. Roll call vote: Unanimous aye.

Resolution 2.21

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve Resolution 2.21 Authorizing the Issuance and Sale of Up to \$7,029,332 Joint Waterworks and Sewerage System Revenue Bonds, Series 2021, and Providing for Other Detail and Covenants with Respect Thereto. Roll call vote: Unanimous aye. Motion approved.

Resolution 3.31

The La Crosse County Multi-Hazards Mitigation Plan 2020-2024 has been approved by Wisconsin Emergency Management and FEMA pending adoption by the local municipalities. The mitigation plan has been developed from information gathered through three local elected official surveys, a public information meeting, and La Crosse

County Local Emergency Management Committee meetings. By adopting the mitigation plan, West Salem will remain eligible for FEMA's Hazard Mitigation grant programs. These programs can assist greatly when recovering from disasters or developing mitigation projects to reduce losses from future disasters. La Crosse County will submit the final plan to FEMA the end of February 2021, and the submission must include copies of all local government adopting resolutions.

Motion by Trustee Brown, seconded by Trustee Hennessey to approve Resolution 3.21 Adopting the La Crosse County Multi-Hazards Mitigation Plan 2020-2024. Roll call vote: Unanimous aye. Motion approved.

### Finance and Personnel

Trustee Leicht reported on the December 1, 2020, Finance and Personnel Committee meeting. The Committee was directed by the Village Board to review with possible recommendations a proposal received from MCS Networks, Inc. for purchase of laptop computers for issuance to Village Board members. The intent was to move to virtual Village Board meetings. MCS Networks recommends standard laptops versus tablets for several reasons. The first reason corresponds with the inclusion of Microsoft Office licensing on the quote. This would allow board members to open the various Microsoft formats in exactly the manner in which it was sent. While Microsoft Office Online exists on a tablet, it is not the same experience and will end up in frustration in interacting with it. Manufacturers make pull off keyboards (depending on the tablet), but the keyboards tend to be flimsy and require a tablet that would be higher in cost than the laptop itself. With the laptops including a webcam and a built-in microphone, it makes for a much smoother experience in contributing to the board meetings using a device that is geared for this exact purpose, which is video conferencing. Tablets work in a pinch but are not meant as long-term solutions. MCS also discussed in its quote Zoom virtual meetings. Zoom is offered in several tiers that scale up from personal/small business to enterprise use and from free to paid tiers. The free tier's biggest restriction is only one person can share his or her screen (which is always the "presenter") at a time, meetings are limited to forty minutes as a maximum, and are limited to one hundred participants per meeting. The Pro plan allows for a meeting up to thirty hours in length and can be streamed to YouTube or Facebook, which is an option for the public to view the meetings without taking up participant slots. Zoom Pro presently has a cost of \$149.99 per year. The MCS recommendation would be to hold board meetings where the trustees access the meeting on the issued laptops. The trustees would attend through Zoom. The "presenter" or "manager" of the Zoom meeting would be on-site at the Village Hall with a laptop that he/she uses to coordinate the meeting. Along with the laptop, a podium would be set up with a speaking microphone connected to the laptop as well as a set of speakers. The public would be informed to come to Village Hall for public comment. The public would be greeted by the presenter as well as an agent from law enforcement (just to make sure a member of the public does not inflict any harm to the presenter). For public comment, the presenter would help the community member come up to the podium and speak. Social distancing and all CDC guidelines could easily be followed. This allows the presenter to vet all public commentators and keeps the meetings professional. The presenter would set up the permissions of the meeting so that only approved speakers may communicate with audio or text messaging; everyone else would only be able to watch and listen. MCS has stressed that the numbers on the quote have no guarantee. It is the holiday shopping season so the prices are now sales

prices. The quote received includes seven laptop computers, the 2019 Microsoft Office package on each, computer monitoring and maintenance, and e-mail archiving for \$10,270. Each year thereafter, the managed computers would result in an increase to the annual contract of \$2,713. The Committee felt the investment is a possibility, but there are more questions and details that would have to be worked out. The Committee agreed to request input from the Village Board on this investment before further discussions took place.

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the Finance and Personnel Committee meeting minutes of December 1, 2020, as presented. Roll call vote: Unanimous aye. Motion approved.

#### Planning Commission

President Manthei reported on the Planning Commission Public Hearing and Meeting held on December 2, 2020. The public hearing was held to hear citizen comments concerning a Conditional Use Permit Application submitted by Coulee Sign on behalf of River Bank. Applicants have requested a Conditional Use Permit in order to install a 24" X 53" illuminated sign at its location at 204 Leonard Street North. Brian Spreuer explained the sign is a small, lighted sign which will face the dental office to the north and the law office building to the south. The dental clinic sign is similar to the proposed new sign for River Bank. There were no citizens present to speak for or against the Conditional Use Permit Application. Attorney Harry Griswold submitted a letter stating he has no issues with the proposed sign, and the Village is lucky to have River Bank in West Salem. The Commission then reviewed proposed Conditional Use Permit No. 47 allowing a two-faced, internally illuminated, post-mounted sign for on-premise advertising on land zoned Business. The Planning Commission recommended approval of Conditional Use Permit No. 47 and to allow the installation of the sign as applied for.

Motion by President Manthei, seconded by Trustee Schumacher to approve the Planning Commission meeting minutes of December 2, 2020, as presented. Roll call vote: Unanimous aye. Motion approved.

#### Conditional Use Permit No. 47

Motion by Trustee Schumacher, seconded by Trustee Brown to approve Conditional Use Permit No. 47 as recommended by the Planning Commission. Roll call vote: Unanimous aye. Motion approved.

#### Utilities Committee

Trustee Schumacher reported on the December 14, 2020, Utilities Committee meeting. Public Works Director Loren Schwier presented a proposed 2021 Water Utility Budget. The proposed budget includes a continuance of hydrant maintenance to address leaking hydrants and painting hydrants in 2021 and maintenance of one of the well house roofs. Capital outlay includes \$25,000 of new meters and MXU units, purchase of a replacement handheld meter reader, set aside funding for well and reservoir inspections and maintenance, and an allocation of the cost of purchase and support of a new GIS mapping system. The Committee recommended approval of the proposed 2021 Water Utility Budget as presented. Mr. Schwier presented a proposed 2021 Sewer Utility Budget. Funding for the upcoming wastewater treatment plant upgrade and the

phosphorus removal dredge of Lake Neshonoc project will require the second half of an increase in sewer fixed and user rates. The Village Board approved the increase of 37.5%, half of which was to be instituted in 2020 and the remainder in 2021 to minimize the impact on users. An 18.75% increase is reflected in the 2021 proposed Sewer Utility budget. Engineering and construction costs for the Neshonoc Lake Sediment Removal Project and the wastewater treatment plant upgrades are included in the Capital Outlay section. The State loan funds applied for include transmitting the invoices sent to the Village to the State and funds to pay same are then deposited in a segregated Sewer Utility account for transfer to the checking account for payment. At the end of the projects, the loan will be finalized and closed. The equipment replacement fund and the set aside funds will be utilized first to minimize the total borrowing. Mr. Schwier has included in the budget purchase of a communication headset for utility personnel during sewer jetting operations, the allocated cost of the new GIS mapping software and support, and a disc for sludge disposal operations. The Committee recommended approval of the proposed 2021 Sewer Utility budget. Mr. Schwier then presented a proposed 2021 Storm Water Utility Budget. The proposed budget includes continued maintenance of catch basins in one-quarter of the Village in conjunction with sidewalk inspections and repairs, capital outlay for East Hamilton Street curb and gutter, the allocated cost of the new GIS mapping software and support, and the continuing of interest and principal payments on the Elm Street Ditch and East Avenue Street loan. The Committee recommended approval of the proposed 2021 Storm Water Utility budget.

Motion by Trustee Schumacher, seconded by Trustee Brown to approve the minutes of the December 14, 2020, Utilities Committee meeting as presented. Roll call vote: Unanimous aye. Motion approved.

#### 2021 Utility Budgets

Motion by Trustee Schumacher, seconded by Trustee Brown to approve the 2021 Water Utility, 2021 Sewer Utility, and 2021 Storm Water Utility budgets as recommended. Roll call vote: Unanimous aye. Motion approved.

#### Planning Commission

President Manthei reported on the December 22, 2020, Planning Commission meeting. The Commission reviewed a Conditional Use Permit Application submitted by Three Brothers Bat Company to construct four upper apartment units for residential use in a Business Zone at 136 Elm Street East. In December of 2019, Three Brothers Bat Company was granted a Conditional Use Permit to construct three apartment units on the second floor of its business-use building. Three Brothers had originally applied for four apartment units, but the owners did not own enough square footage to meet the 3,500-square foot requirement of Village Codes. Since then, the Village has transferred ownership of a strip of land adjacent to 136 Elm Street East so the owners now have the required square footage to conform to Village Code. The Planning Commission scheduled a public hearing on the conditional use permit application for 5:00 p.m. on Tuesday, January 12, 2021, with a Planning Commission meeting immediately following.

Motion by President Manthei, seconded by Trustee Schumacher to approve the Planning Commission meeting minutes of December 22, 2020, as presented. Roll call vote: Unanimous aye. Motion approved.

#### Finance and Personnel Committee

Trustee Leicht reported on the December 29, 2020, Finance and Personnel Committee meeting. The purpose of the meeting was to review and discuss the status of the Families First Coronavirus Response Act provisions expiring December 31, 2020, and recommendation for procedures beginning January 1, 2021. Teresa DeLong reviewed for the Committee relevant FFCRA provisions. The FFCRA requires that employers with fewer than 500 employees provide sick and family leave benefits for certain COVID-19 related reasons. The purpose of the Act was to combat the workplace effects of COVID-19 by ensuring that workers are not forced to choose between their paychecks and the public health measures needed to combat the virus. The Act will expire on December 31, 2020. The provisions of FFCRA were not extended, and, therefore, employers are not required to provide paid leave under the FFCRA after December 31, 2020. Generally, the Act provides that employees of covered employers are eligible for:

- Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to self-quarantine related to COVID-19;
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Is caring for an individual subject to an order described in (1) of self-quarantine as described in (2);
5. Is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. Is experiencing any other substantially-similar condition specific by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

FFCRA gives no additional paid sick time if an employee requires more than 80 hours of sick time. Therefore, if an employee qualified for the 80 hours of paid sick time earlier in 2020, for example, and was then affected again later in 2020, there is no additional requirement for paid sick time. The employee would be required to use accumulated benefit time. After January 1, it is a real possibility that an employee could either be directly exposed to the COVID-19 virus or become infected with the virus. The Village

has several employees now who have not accumulated enough benefit time to receive full pay if they are exposed and/or infected. Obviously, the Village does not want this employee at work risking the health of the rest of the employees. The concern is if an employee does not have 80 hours of benefit time to use for quarantine and/or infection, the temptation is to simply come to work without reporting their issue in order to receive a full paycheck. A policy should be put in place now so employees know what to expect as of January 1, 2021. The Committee voted unanimously that as of January 1, 2021, the Village will reinstate the up to 80 hours of sick time payment only to employees that submit to the Village proof of a positive test result for COVID-19 or employees that receive and submit to the Village third-party verification and notification of exposure to the COVID virus and order or advice to quarantine with a benefit expiration date of March 31, 2021.

Motion by Trustee Leicht, seconded by Trustee Lautz to approve the minutes of the December 29, 2020, Finance and Personnel Committee meeting as presented. Roll call vote: Unanimous aye. Motion approved.

#### Planning Commission

President Manthei reported on the January 12, 2021, Planning Commission Public Hearing and Meeting. The purpose of the public hearing was to hear citizen comments regarding a Conditional Use Permit Application submitted by Robert and Timothy Schneider to create four residential apartment units at 136 Elm Street East. Joe Spinler, 812 Remington Street, addressed the Planning Commission on behalf of Allied Cooperative. Mr. Spinler asked the Commission to consider potential parking issues, possible traffic noise complaints by the future residents of the apartment units, and the risks of high traffic with children living in the apartment units and the adjacent Village Park. He stated there are aspects of business activities that do not fit a residential area. The Commission then reviewed a Certified Survey Map and a proposed Amended Conditional Use Permit to allow Three Brothers Bat Company to construct four upper apartment units for residential use in a Business Zone at 136 Elm Street East. In December of 2019, Three Brothers Bat Company was granted a Conditional Use Permit to construct three apartment units on the second floor of its business-use building. Three Brothers had originally applied for four apartment units, but the owners did not own enough square footage to meet the 3,500-square foot per unit requirement of Village Codes. Since then, the Village has transferred ownership of a strip of land adjacent to 136 Elm Street East so the owners now have the required square footage to conform to Village Code. The proposed Certified Survey Map adds an additional 915 square feet of land to 136 Elm Street East in order to meet the square footage requirements for four apartment units. The Planning Commission recommended to the Village Board approval of the Certified Survey Map as presented. The Commission reviewed proposed Amended Conditional Use Permit No. 44. Conditions included in the permit are:

1. The four second floor apartments must be constructed per the plans as drawn by an architect licensed in the State of Wisconsin and pursuant to the terms of the State Building Codes and Statutes and Administrative Code and West Salem Ordinances, with approvals from the State of Wisconsin and the Village of West Salem Inspector, as applicable.

2. State Building Code required fire separation must be maintained between each of the four second floor apartments and downstairs commercial space as part of the final construction.
3. If a building permit is not applied for the four apartments on plans approved by the State of Wisconsin within 24 months of the recording of the restrictive covenants or the construction of the apartments is not completed and an occupancy certified granted within 18 months of the granting of the building permit, the Village has the right to rescind the conditional use permit privilege unless good cause is shown to extend the building permit application or the completion deadline.

The Planning Commission approved Amended Conditional Use Permit No. 44 as presented.

Motion by President Manthei, seconded by Trustee Schumacher to approve the minutes of the January 12, 2021, Planning Commission public hearing and meeting as presented. Roll call vote: Unanimous aye. Motion approved.

#### Certified Survey Map

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve the Certified Survey Map as recommended by the Planning Commission. Roll call vote: Unanimous aye. Motion approved.

#### Resolution 1.21

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve Resolution 1.21 Amended Conditional Use Permit No. 44. Roll call vote: Unanimous aye. Motion approved.

#### Law Enforcement Committee

Trustee Lautz reported on the January 13, 2021, Law Enforcement Committee meeting. The purpose of the meeting was to hear a grievance submitted by the Wisconsin Professional Police Association Law Enforcement Employee Relations Division stating a violation of Village and Police Department Contract 2020-2022, Article XII, Section 12.01 – Holidays. Chair John Lautz requested Officer Jacob Donley state for the record the background of his grievance. Officer Donley stated he attended firearms training in June, and during that training, he was exposed to an individual who tested positive for COVID-19. Officer Donley stated he was forced to take two weeks off from work. He was scheduled to work 92 hours during the quarantine period. The Village paid him for 80 hours of sick time, and he was forced to utilize personal benefit time for the extra 12 hours of the quarantine period. Officer Donley stated his exposure to COVID-19 can be directly tied to police department training. He said he was able and willing to work. Chair John Lautz asked Officer Donley questions regarding when he was informed of a 14-day quarantine being necessary and who informed him of the quarantine period. On November 23, Officer Donley was informed he would receive 80 hours of sick time pay from the Village for the quarantine period as required by the Families First Coronavirus Response Act rather than the 92 he was already paid, and Chair Lautz verified Lieutenant Holzhausen discussed the matter with Officer Donley and that he was offered options regarding the difference in pay already received. Officer Donley stated he was offered sick, vacation, holiday pay, or unpaid, and he opted for holiday pay and

informed Lieutenant Holzhausen that he was not happy about this. Chair Lautz asked if Officer Donley's claim is that Section 12.01 – Holidays of the police union contract was violated, and Officer Donley responded that using any of his own benefit time would have resulted in a grievance being filed. Chair John Lautz asked Officer Donley if he had discussed this matter with Chief Randall, and Officer Donley stated he had not and added WPPA Representative Mike Backus had discussed it with Chief Randall. Chair John Lautz then asked Lieutenant Holzhausen to present to the Committee his discussions with Officer Donley regarding what was discussed, the options provided to Officer Donley for him to continue to receive the remaining twelve hours of pay, and what options Officer Donley chose to take. Lieutenant Holzhausen also clarified that the firearms training took place in September, and he was told to quarantine beginning September 11, 2020. The Law Enforcement Committee then convened in closed session pursuant to Wis. Stat. Section 19.85(1)(f) personnel matters to consider specific personnel issues. In open session, the Committee voted unanimously to deny the grievance filed by Officer Donley based on the Police Chief's right to set schedule and the Committee will give written notification within ten days to all parties concerned.

Motion by Trustee Hennessey, seconded by Trustee Leicht to approve the minutes of the January 13, 2021, Law Enforcement Committee meeting. Roll call vote: Unanimous aye. Motion approved.

#### West Salem Fire Protection District Update

Trustee Lautz presented an update on recent West Salem Fire Protection District meetings.

Motion by Trustee Leicht, seconded by Trustee Lautz to adjourn the meeting at 7:44 p.m. Approved by voice vote.

Teresa L. DeLong, Village Administrator