

Regular Board Meeting

February 16, 2016

Meeting called to order at 7:00 p.m. by President Manthei. Trustees present: Brown, Deal, Hennessey, Lautz, Leicht, and Schumacher. Also present: Village Attorney Bryant Klos, Public Works Director Scott Halbrucker, Coulee News Special Correspondent Tobias Mann, Police Chief Charles Ashbeck, Recreation Director Michelle Czerwan, Peyton Czerwan, James Stavlo, Sandy Stavlo, Isaac Boardman, Beth Erickson, Katie Yahnke, Jason Yahnke, and Village Administrator Teresa Schnitzler.

Minutes

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the minutes of the February 2, 2016, Regular Board meeting as written. Roll call vote: Unanimous aye.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$1,953,552.32
<u>Water Utility:</u>	\$27,725.06
<u>Sewer Utility:</u>	\$28,461.04
<u>Storm Water Utility:</u>	\$3,552.78

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

Ordinance No. 471

Motion by Trustee Lautz, seconded by Trustee Deal to approve Ordinance No. 471 One-Way Traffic on Alleys as presented. Roll call vote: Unanimous aye.

Professional Services Agreement

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve entering into a Professional Services Agreement with MSA Professional Services, Inc. for West Salem Web GIS Mapping Services. Roll call vote: Unanimous aye.

2016 Joint Powers Agreement

Motion by Trustee Lautz, seconded by Trustee Brown to approve the 2016 Joint Powers Agreement with La Crosse County. Roll call vote: Unanimous aye.

Planning Commission

President Manthei reported on the February 9, 2016, Planning Commission public hearings and meeting. The purpose of the first public hearing was to hear citizen comments concerning a Petition for Change of Zone filed by Sandra Stavlo, James Stavlo, Paula Boardman, and Jason Yahnke for a .854-acre parcel of land located at the

corner of North Leonard Street and East Hamlin Street. The parcel is presently zoned "Residential", and the parties are requesting the parcel be re-zoned to "Business District" in order to construct a new, six-unit apartment complex. There were no citizens present to speak in favor of the proposed Petition for Change of Zone. Gary Jensen, 636 North Leonard Street, addressed the Commission stating the proposal is a lot of building for the size of the lot. He felt there were a lot of people planned for this amount of square footage. Mr. Jensen stated traffic flow is heavy in that area creating a hazard. Mr. Jensen also pointed out the water mains in Hamlin Street continually break and have been patched several times. Brenda Parmenter, 533 North Leonard Street, stated the large number of bedrooms will result in a lot of people in a small area, more vehicles, and increased traffic. The second public hearing concerns a Conditional Use Permit Application filed by the same parties in order to construct a new, six-unit apartment complex. There were no citizens present to speak for or against the Conditional Use Permit Application. The Planning Commission meeting was then called to order. Attorney Klos stated the parties have submitted all information requested by the Planning Commission. If the Planning Commission and Village Board both approve the Petition to Rezone and the Conditional Use Permit Application, Attorney Klos set forth the recording sequence of each of the legal documents. The Certified Survey Map combines three parcels into one parcel resulting in the required square footage to comply with Village Ordinances and the present four-plex will become Code compliant. The Planning Commission recommended approval of the Certified Survey Map as presented. The Commission then reviewed the Petition for Change of Zone submitted by the Stavlos and the Yahnkes. The Commission concluded the proposed use would be similar to the uses of properties in the immediate area. The Planning Commission recommended approval to the Village Board of the Petition for Change of Zone. Attorney Klos presented a proposed Conditional Use Permit for the multi-family residence building. The Permit includes fourteen conditions that must be incorporated into a real estate declaration of covenants, conditions, and deed restrictions and recorded with the La Crosse County Registered of Deeds office. The fourteen conditions included in the Conditional Use Permit are as follows:

1. A Certified Survey Map must be prepared which combines Tax Parcel Nos. 16-911-0, 16-910-0 and 16-909-0 which are legally described as Lots 5, 6 and 7 , Block 2, of La Crosse County Hospital Addition to the Village of West Salem, Wisconsin, located in part of the NW 1/4 of the SE 1/4, of Section 34, T17N, R6W, Village of West Salem, La Crosse County, Wisconsin into one parcel which shall be known as Lot 1. Said Certified Survey Map must meet all of the requirements of West Salem Ordinances and State of Wisconsin Statutes and must show thereon the total square footage of the combined parcel designated thereon as Lot 1 in the form of a certification by the surveyor of the actual square footage and said Certified Survey Map must be accepted by the Village of West Salem and recorded. Lot 1 must always remain under common ownership. If common ownership is ever ended, the conditional use permit is automatically and without notice rescinded and voided.

2. The number of separate residential units which is allowed under this conditional use may be no more than the square footage of the new Lot 1 as certified on the Certified Survey Map divided by 3,500 square feet and rounded down to the next whole number which is 10. It is recognized that prior to the creation of Lot 1 that Parcel No. 16-911-0 already has an existing four-plex on it with four family units located therein and said four family units must be counted against the total residential units allowed on this new Lot 1.

3. All residential units which are constructed pursuant to this conditional use, other than the existing four-plex on Parcel No. 16-911-0, must be constructed within one new building on the property which is completely separate from the four-plex. The new multi-family residential building may contain four apartments with no more than three bedrooms and may contain two apartments with no more than two bedrooms. The residential building must have enclosed garage parking for at least six vehicles, and additional outdoor parking for residential use so that total residential parking meets code requirements. With regards to Lot 1 in its entirety, pursuant to Village code there must be at least 15 vehicle parking spaces in total between covered garage parking and exterior parking. All exterior parking must be in the rear yard pursuant to code and must be surfaced so as to be dust-free pursuant to code.

4. All residential construction on Lot 1 must have sprinklers for fire protection purposes except the existing four-plex.

5. All surface water falling on Lot 1 must meet all requirements of La Crosse County with regard to discharge onto the Leonard Street right-of-way and all requirements of Building Inspector Randy Sullivan and West Salem Code of Ordinances, including, but not limited to, draining all paved surfaces on said lot to one or more small retention areas to collect suspended solids within the water before it is released into the Village storm water system.

6. No advertising or other signage is allowed on the existing four-plex located on Parcel No. 16-911-0 or on the multi-family building which does not comply with the West Salem Code of Ordinances.

7. Dumpsters for the new multi-family residence and the existing four-plex shall be the roll out type and stored at all times when not being emptied within a gated mason block enclosure with walls of at least 6 feet.

8. The new multi-family residential building must meet the height limitations and side yard requirements and front and rear setback requirements and parking requirements of the Village Zoning Code.

9. The new multi-family residential building on all sides shall have a mason laid block or brick or natural stone exterior on at least the lowest 6 feet of the first floor and no vinyl siding shall be allowed on the building.

10. The exterior appearance and new multi-family residence lot location shall be substantially in accord with the depictions on Exhibit B.

11. The new multi-family residence construction shall be completed and an occupancy permit issued by 12/31/2017.

12. The existing garage which services the four-plex which is currently located on the parcel known as Parcel No. 16-911-0 is a nonconforming structure as defined in West Salem Ordinance 3.12(AA) because it does not conform to current side yard setback and, therefore, if it was destroyed for any reason and needed to be rebuilt, it would have to comply with the current Village zoning code, including all setbacks.

13. Any and all driveway curb cuts onto Leonard Street must receive La Crosse County Highway Department approval.

14. No building footings or foundations may be closer to the north line of Lots 5, Block 2, of La Crosse County Hospital Addition to the Village of West Salem, Wisconsin, located in part of the NW 1/4 of the SE 1/4, of Section 34, T17N, R6W, Village of West Salem, La Crosse County, Wisconsin than 20 feet due to a water main easement. In addition, the owners and the Village hereby amend said easement which is dated October 28, 1967, and recorded in Vol. 434, page 392, as Doc. No. 782249 on October 30, 1967, at 11:55 A.M. in the La Crosse County Register of Deeds office such that the

parties agree that in the event the Village ever has to repair or reconstruct said water main located within said easement which results in any damage to any improvements placed thereon in the form of, but not limited to, any blacktop or concrete driveway, that the Village's only obligation will be to level said surface and it shall have no obligation to repair or replace any damaged improvements located thereon, including, but not limited to, any blacktop or concrete driveway or parking area. Katie and Jason Yahnke answered Commission questions with regard to parking, potential rent charged for each unit, and construction timelines. The Planning Commission recommended to the Village Board approval of the Conditional Use Permit. The Planning Commission then reviewed a Petition for Change of Zone submitted by La Crosse County, Carol and Harry Griswold, and Cassandra and Peter Opsahl. The Petition requests a change of zoning from La Crosse County Zoning in effect on June 7, 1974, which the Petition states is County Institution District, to the Village's "Business District". The property is presently being used by the County of La Crosse as a nursing home and community-based residential facility. The parties are proposing a variety of uses such as offices, apartments, climate controlled storage, fitness center, possible Boys & Girls Club, possible Village uses, child daycare, caterer and special events venue, Masonic lodge, and other similar uses. The Petition states the rezoning is necessary because the County plans to abandon the property as a nursing home and community based residential facility, and parties have purchased the property. The Planning Commission scheduled a public hearing on the Petition for Change of Zone for Monday, March 14, 2016, at 5:00 p.m.

Motion by President Manthei, seconded by Trustee Lautz to approve the minutes of the February 9, 2016, Planning Commission meeting as presented. Roll call vote: Unanimous aye.

Motion by President Manthei, seconded by Trustee Lautz to approve the certified survey map as recommended by the Planning Commission. Roll call vote: Unanimous aye.

Motion by President Manthei, seconded by Trustee Leicht to approve Conditional Use Permit No. 21 as presented. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Lautz to approve the Petition for Change of Zone as recommended by the Planning Commission. Roll call vote: Unanimous aye.

Trustees Deal, Leicht, and Schumacher will attend the March 14, 2016, Planning Commission public hearing with regard to the La Crosse County Petition for Change of Zone.

Law Enforcement Committee

Trustee Lautz reported on the February 15, 2016, Law Enforcement Committee meeting. The purpose of the meeting was to review for recommendation to the Village Board Ordinance No. 470 Licensing and Regulation of Public Passenger Vehicles and to receive an update from Police Chief Ashbeck regarding recent internal promotion and department renovation. Ordinance No. 470 is a complete revision of the Village Code of Ordinance Section 11.05 setting forth the taxicab licensing process and requirements. The Committee reviewed and directed several changes be made to the proposed

Ordinance. The Ordinance defined "rest period" as a continuous, uninterrupted period of time lasting at least eight hours. The Committee felt the stated rest period should be extended to ten hours. The Application for a public passenger vehicle license required submitting either a social security number or a federal identification number. Background checks do not require either number. Therefore, the Committee directed name, address, and date of birth will be required. Insurance requirements were amended to a minimum of \$1,000,000 for death, bodily injury, and property damage. The Committee directed Attorney Klos make the Committee changes and recommend the revised Ordinance to the Village Board. Police Chief Ashbeck updated the Committee on progress and training of the new Police Lieutenant and renovations in progress in the Police Department.

Motion by Trustee Lautz, seconded by Trustee Leicht to approve the minutes of the February 15, 2016, Law Enforcement Committee meeting as presented. Roll call vote: Unanimous aye.

Motion by Trustee Lautz, seconded by Trustee Deal to schedule a public hearing on Ordinance No. 470 Licensing and Regulation of Public Passenger Vehicles for Tuesday, March 15, 2016, at 6:55 p.m. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Schumacher to convene in closed session at 7:26 p.m. pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, investment of public funds, and transfer of public properties, i.e., possible land transfer and land acquisition. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Deal to reconvene in open session at 8:12 p.m. Approved by voice vote.

Motion by Trustee Leicht, seconded by Trustee Lautz to adjourn the meeting at 8:13 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator