

Regular Board Meeting

March 17, 2015

Meeting called to order at 7:00 p.m. by President Manthei. Trustees present: Baltz, Koelbl, Lautz, Leicht, and Wehrs. Trustee Schumacher arrived later as noted below. Also present: Public Works Director Scott Halbrucker, Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Village Attorney Bryant Klos, Leroy Brown, West Salem Fire Protection Board Member Dave Tauscher, and Village Administrator Teresa Schnitzler.

Minutes

Motion by Trustee Leicht, seconded by Trustee Wehrs to approve the minutes of the March 3, 2015, Regular Board meeting as written. Roll call vote: Unanimous aye.

Trustee Schumacher arrived at 7:04 p.m.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$45,817.45
<u>Water Utility:</u>	\$8,130.44
<u>Sewer Utility:</u>	\$15,292.14
<u>Storm Water Utility:</u>	\$471.43

Motion by Trustee Leicht, seconded by Trustee Koelbl to approve the payment of all claims as listed. Roll call vote: Baltz – present; remainder of Board - aye. Motion approved.

West Salem Appointment of Village President to Fire Protection District Board

Trustee Wehrs informed the Board the Fire Protection District was formed in 1972, and he has been on the Fire District Board since 1976 as an appointed member for the Town of Hamilton and as an appointed member for the Village of West Salem. When the Fire Board was created, the Board contained the heads of each of the member municipalities. Village President Dennis Manthei served on the Fire Board, and then he later recommended and the Village Board approved Dave Tauscher as one of the Village member appointees to the Fire Board. Trustee Wehrs stated he declined the secretary/treasurer position, and Mr. Tauscher was voted into that position on the Fire Board. Trustee Wehrs feels it is time for the Village President to be back on the Fire Board as it was meant to be and the communication between the Village and the Fire Board would be improved.

President Manthei stated he feels it is a conflict and unethical for the Village President to be appointed to the Fire Board because it is a paid position and because he would be formulating a budget request as a Fire Board member and then voting on that Fire Board budget request later as a Village Board member. President Manthei feels the

Fire Board needs someone that has a different generational background, and that the Village should not be bound to this appointment. Requiring the Village President be appointed to the Fire District Board would require an ordinance change. Attorney Klos advised the Village Board that elected officials in the State of Wisconsin cannot be appointed to positions on boards they themselves appoint and then get paid for serving on said board.

The Village Board took no action on the matter.

Trustee Leicht left the meeting at 7:24 p.m.

Resolution 1.15

The Board reviewed Resolution 1.15 Opposition to Elimination of Local Government Property Insurance Fund. The proposed 2015-2017 State budget proposes to eliminate the State's Local Government Property Insurance Fund. After discussion, the Board took no action on the proposed Resolution.

Ordinance No. 461

Amendments to Chapter VII Building Codes were reviewed by the Board. Building Inspector Randy Sullivan has provided updated Wisconsin Statute and Administrative Code Section updates, recommended adopting new uniform building code regulations, and submitted revisions and provided changes to the permit to build process, all in compliance with State law.

Motion by Trustee Schumacher, seconded by Trustee Koelbl to schedule a public hearing on Ordinance No. 461 for Tuesday, April 21, 2015, at 6:45 p.m. Roll call vote: Unanimous aye.

Ordinance No. 462

Ordinance No. 462 revises Chapter 3 Zoning Code to clarify and revise provisions for accessory and detached structures and revises the building requirements for the "Central Business District".

Motion by Trustee Schumacher, second by Trustee Koelbl to schedule a public hearing on Ordinance No. 462 for Tuesday, April 21, 2015, at 6:50 p.m. Roll call vote: Unanimous aye.

Ordinance No. 463

The Board reviewed proposed Ordinance No. 463, which, if adopted, will update Chapter 2 of the Code of Ordinances to address abandonment of enclosed appliances, boxes, or structures, sets forth disposal regulations regarding appliances, tires, and other large article items, and updates the garbage, refuse, and recycling ordinances to incorporate the use of an automated cart system for refuse disposal.

Motion by Trustee Schumacher, seconded by Trustee Koelbl to schedule a public hearing on Ordinance No. 463 for Tuesday, April 21, 2016, at 6:55 p.m. Roll call vote: Unanimous aye.

Alcohol Beverage License Applications

Motion by Trustee Schumacher, seconded by Trustee Koelbl to approve the issuance of alcohol beverage licenses to Aubrey Steven Kovacevich and Jennifer Beth Betsinger. Roll call vote: Baltz – abstain; remainder of Board – aye. Motion approved.

Planning Commission

President Manthei reported on the March 10, 2015, Planning Commission public hearings and meeting. The first public hearing was held to receive citizen comments with regard to a Conditional Use Permit Application submitted by Hetland-Jandt Rental Partnership to convert the first floor of 116 West Hamilton Street to residential use. There were no citizens present to speak for or against the Conditional Use Permit Application. The second public hearing was to receive citizen comments with regard to a Conditional Use Permit Application submitted by JFCM Properties, LLC. by James Finch to construct two 40'X160' mini-warehouse storage buildings at 507 East Jefferson Street. There were no citizens present to speak for or against the Conditional Use Permit Application.

The Planning Commission reviewed the Conditional Use Permit Application submitted by Hetland-Jandt Rental Partnership. The proposed Conditions in the Conditional Use Permit include:

1. The ground floor apartment must be constructed per the plan attached as Exhibit "C" and pursuant to the terms of the State Building Codes and Statutes and Administrative Code and West Salem Ordinances, as applicable.
2. During the construction of the first floor apartment, a second exit needs to be created for the second floor apartment to a balcony. This balcony must be constructed such that it maintains a 10-foot separation from the balcony area and the overhanging power lines per the specifications of the National Electric Code Section 230.24(b).
3. During the reconstruction, all utilities must be separated so that the utilities for the first floor are metered separately from the utilities to the second floor.
4. State Building Code required fire separation must be maintained between the upstairs and downstairs units as part of the final construction.

Jon Hetland stated he has no issues with the proposed Conditional Use Permit. Mr. Hetland met with Building Inspector Randy Sullivan, and he understands the requirements. The Commission inquired about tenant parking provisions, and Mr. Hetland stated Attorney Harry Griswold is willing to rent two parking spaces in his parking lot to Mr. Hetland, if parking becomes a problem. The Commission recommended approval of the Conditional Use Permit contingent upon receiving written confirmation from Attorney Griswold that he will rent two parking spaces in his parking lot to Mr. Hetland for tenant use.

The Commission then reviewed a proposed Conditional Use Permit allowing construction of two heated self-storage buildings on land located at 507 East Jefferson Street. The proposed conditions include:

1. State of Wisconsin approval of buildings and HVAC plans will need to be obtained before a building permit is issued, if any parts of the buildings are to be heated.
2. The buildings shall not contain any plumbed facilities or sewer or water service of any type.

3. At the time of the granting of this Conditional Use Permit, ownership of current Tax Parcel No. 16-722-2 fronts on County Road B (Jefferson Street). In the event legal ownership of any part of Tax Parcel No. 16-722-2 is no longer in the same identical owner, then this Conditional Use Permit shall automatically and without further notice be rescinded and revoked, unless each new parcel with different owners has at least sixty feet of owned frontage on County Road B (Jefferson Street) along with an approved driveway onto said roadway with said sixty feet of frontage.
4. The buildings depicted must be constructed within 24 months of the recording of the restrictive covenants. If the buildings are not constructed within 24 months, the Village has the right to rescind the Conditional Use Permit unless good cause is shown to extend the completion deadline.
5. There shall be no outside storage of anything with wheels or any other personal property on the portion of the site within 25 feet of the buildings approved herein.
6. All dirt storage piles located anywhere on the applicant's property must be entirely removed from the property before any building permit is issued. Any dirt or sand or gravel piled on the property in excess of two yards at any time in the future without a special permit from the Village of West Salem will subject this Conditional Use Permit to revocation.
7. The buildings shall not be used for residential use or overnight stays.
8. All Village of West Salem legal fees and costs incurred in the handling of this Conditional Use Permit must be paid in full by JFCM Properties, LLC., including any work on amending the Conditional Use Permit in the future.
9. Any use of the improvements, other than as storage, must be a permitted use for a Business District Zoning or an additional Conditional Use Permit must be obtained.
10. No building permit shall be issued until both buildings constructed pursuant to Conditional Use Permit No. 17 have been completed and all conditions in said Conditional Use Permit have been met to the satisfaction of the West Salem Building Inspector and West Salem Engineer, including, but not limited to, final compliance on Well Permit #32462, final compliance on State Sanitary Permit #564668, and a fully engineered storm water plan with a retention pond sized for Conditional Use Permit No. 17 and Conditional Use Permit No. 20.

Mr. Finch has no issues with the proposed conditions included in the Permit. The Commission recommended approval of Conditional Use Permit No. 20, as presented.

The Commission reviewed a Petition for Change of Zone submitted by La Crosse County for construction of a new healthcare facility east of the present Lakeview Health Care Center. La Crosse County would like to construct a new healthcare facility on a 30-acre parcel presently zoned under La Crosse County's Agriculture Zoning. Under West Salem Zoning Codes, in order to construct a nursing home facility, the parcel must be rezoned to Residential R-1 Single Family. A Conditional Use Permit is then required to permit a nursing home in a Residential Zoning District.

La Crosse County Facilities Director James Speropulos stated Badger Environmental and Earthworks was awarded the contract for extending East Garland Street, and the street construction was commenced in October of 2014. Mr. Speropulos stated the County has designed and bid construction for the replacement of the current Lakeview

facility with an 85,000-square foot, 90-bed care facility. Construction of the new building should be complete in August or September of 2016.

Village Engineer Dave Sauer submitted a Lakeview Health Center site plan review for consideration by the Planning Commission. Mr. Sauer's review includes street access onto East Garland Street, water supply, water supply well comments, sanitary sewer, and storm water control comments. La Crosse County's proposed plans show a new water well to be installed on site to be used for supplying water for cooling purposes for the proposed building complex. The location of the proposed well is approximately 1,400 feet from existing Village Well No. 4. The proposed well is to have a capacity of 150 gpm which requires Wisconsin Department of Natural Resources approval because it is classified as a high-capacity well. Village approval is also required per Village Ordinances 9.15 and 9.16. Village Well No. 4 has a capacity of approximately 500 gpm. Mr. Sauer has recommended the Village not approve the proposed private water supply well. He believes the proposed well may adversely impact Well No. 4 and will significantly lower current water sales to La Crosse County. La Crosse County also submitted an Application for a Conditional Use Permit in order to construct an institutional nursing home if the Petition for Change of Zone is approved.

The Commission also reviewed an application submitted Facilities Director James Speropulos for approval to change the land use of property within the Wellhead Protection for Village Well No. 4. Mr. Speropulos stated La Crosse County's purpose in proposing to construct a private well was to use water from the ground instead of municipal water at a cost savings for La Crosse County. The County has not applied for a well permit from the Village of West Salem as it will need a determination from the Wisconsin Department of Natural Resources first. The Planning Commission was not in favor of allowing a private well for the new Lakeview facility.

The Commission recommended scheduling a public hearing for Monday, April 13, 2015, at 6:30 p.m. on the Petition for Change of Zone submitted by La Crosse County for construction of a new healthcare facility east of the present Lakeview Health Care Center, and to recommend scheduling a public hearing on the same date and time on the Conditional Use Permit Application submitted by La Crosse County to construct an institutional nursing care facility if the Petition to Rezone from La Crosse County Agriculture to West Salem Residential (R-1) District is approved, and to act on a request to change the land use of property within the Wellhead Protection for Village Well No. 4.

Motion by President Manthei, seconded by Trustee Baltz to approve the minutes of the March 10, 2015, Planning Commission meeting as presented. Roll call vote: Unanimous aye.

Motion by Trustee Wehrs, seconded by Trustee Baltz to approve Conditional Use Permit No. 19 with an additional condition that the business signage be removed. Roll call vote: Unanimous aye.

Motion by Trustee Baltz, seconded by Trustee Koelbl to approve Conditional Use Permit No. 20 as presented. Roll call vote: Unanimous aye.

Motion by Trustee Schumacher, seconded by Trustee Koelbl to schedule public hearings for Monday, April 13, 2015, at 6:30 p.m. on the Petition for Change of Zone, Conditional Use Permit Application, and request for change of land use all submitted by La Crosse County. Roll call vote: Unanimous aye.

Trustees Koelbl, Leicht, and Schumacher volunteered to attend the public hearings scheduled for April 13, 2015 as required per Code Section 3.11(D).

Street Committee

Trustee Koelbl reported on the March 12, 2015, Street Committee meeting. The purpose of the meeting was to discuss with possible recommendations spring sidewalk inspection procedures, sidewalk snow and ice removal procedures, and downtown snow removal. Public Works Director Scott Halbrucker informed the Committee how the Public Works Department conducts annual sidewalk inspections. Currently, a public works employee utilizes a bicycle to inspect the forty miles of sidewalk in the Village of West Salem. Any sidewalk with a gap, crack, or trip hazard of more than $\frac{3}{4}$ " is marked with paint. A determination is then made on proper repair of the defect. The correction options are mud jacking the defective block, saw cutting the trip hazard to below $\frac{3}{4}$ ", or replacement of the sidewalk block. Notices are sent to the adjacent property owner giving the owner the option of fixing the sidewalk or the Village will fix the sidewalk. The issues the department is facing are when property owners indicate they will make the required repairs either the owner is not following through and making the repairs or the repairs are being done contrary to code. Mr. Halbrucker also noted several sidewalks in the Village are not concrete through the driveway. Many driveways are asphalt or other material, and a sidewalk has not been installed through the driveway. Mr. Halbrucker presented the Committee with the option to contract out for annual sidewalk inspection services. Safe Step would conduct sidewalk inspections according to criteria established by the Village. The company would not charge for the inspection services if Safe Step conducts saw cutting services. Safe Step charges by the inch-foot for its saw cutting services. The public works department would make any repairs requiring mud jacking or complete sidewalk replacement. The Committee directed Mr. Halbrucker to obtain more details on procedures and charges from Safe Step for further review by the Committee. Village Ordinances require all sidewalks to be cleared of ice and snow within 24 hours of a winter event. Many sidewalks were not cleared this past winter season requiring the public works department to clear snow and ice resulting in many complaints from property owners. Complaints received included lack of a notice from the Village each time the sidewalk was not cleared and was at risk of being shoveled by the Village, complaints about the \$75 statement received, and declarations that the snow on the sidewalk was not enough to have to clear the sidewalk. The Committee discussed changing the billed amount for Village clearing of snow and ice to include the statement plus a fine for second violations of the ordinance, changing the fee structure wherein sidewalk clearing is billed by the lineal foot and a set fee, and increasing the billed fee, all in an effort to motivate property owners to clear the snow and ice from the public sidewalks. Teresa Schnitzler informed the Committee she will be publishing a notice in the official newspaper on or about November 1 of each year which will state the snow and ice removal requirements and the penalties for failure to comply. This will serve as the only notice to the public. Failure to clear snow and ice from the downtown sidewalks was an issue this past winter. Several business owners raised this issue with Village staff and Village Board Trustees. The business owners stated due to the

number of elderly, disabled, and handicapped visitors to downtown businesses snow and ice removal should be guided by a more strict set of ordinances than what the ordinances are throughout the rest of the Village. Business owners were asked for suggestions and input on how to accomplish more timely removal of snow and ice in the downtown area, but no feedback or input was received by the Village prior to the meeting. The Committee discussed various options to obtain a more timely compliance with snow and ice removal. The Committee directed Attorney Klos to draft a revision to the sidewalk ordinances to include adding a fine for second violations of sidewalk snow and ice removal with consideration of options on how to accomplish more timely snow removal in the downtown area. State Statute references currently cited in the Village Ordinances need to be updated and corrected as well.

Motion by Trustee Koelbl, seconded by Trustee Schumacher to approve the minutes of the March 12, 2015, Street Committee meeting as presented. Roll call vote: Unanimous aye.

Motion by Trustee Koelbl, seconded by Trustee Lautz to adjourn the meeting at 8:00 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator