

Public Hearing
Ordinance 443 Amending West Salem Fire
Protection District Ordinance

March 20, 2012

Public hearing called to order at 6:50 p.m. by President Manthei. Trustees present: Engel, Iverson, Koelbl, Leicht, Schumacher, and Wehrs. Also present: Public Works Director Scott Halbrucker, County Board Supervisor Ray Ebert, Police Chief Charles Ashbeck, Coulee News Special Correspondent Emily Staed, Recreation Director Michelle Czerwan, and Village Administrator Teresa Schnitzler.

Ordinance No. 443, if approved, will amend the West Salem Fire Protection District Ordinance to include policies and procedures for collecting costs on qualifying fire calls and seeking reimbursement from the State of Wisconsin for fire calls on highways maintained by the State of Wisconsin.

There were no citizens present to speak against the Ordinance.

Trustee Merlin Wehrs excused himself from his Village Trustee position in order to speak as a private citizen of the Village of West Salem and West Salem Fire Protection District. Mr. Wehrs stated he and his wife own two vehicles and maintaining liability insurance coverage on his motor vehicles is mandatory in the State of Wisconsin. Mr. Wehrs contacted his insurance agent, and he was told the liability portion of his insurance policy provides coverage for vehicle fires. Mr. Wehrs is in favor of the ordinance.

Motion by Trustee Leicht, seconded by Trustee Engel to adjourn the public hearing at 6:54 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator

Regular Board Meeting

March 20, 2012

Meeting called to order at 7:00 p.m. by President Manthei. Trustees present: Engel, Iverson, Koelbl, Leicht, Schumacher, and Wehrs. Also present: Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Public Works Director Scott Halbrucker, Recreation Director Michelle Czerwan, County Board Supervisor Ray Ebert, and Village Administrator Teresa Schnitzler.

Minutes

Motion by Trustee Engel, seconded by Trustee Leicht to approve the minutes of the March 6, 2012, Regular Board meeting as written. Roll call vote: Unanimous aye.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$30,073.01
<u>Water Utility:</u>	\$8,435.44
<u>Sewer Utility:</u>	\$8,561.86
<u>Storm Water Utility:</u>	\$137.60

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

Ordinance No. 443 Amending West Salem Fire Protection District Ordinance

An ordinance to amend the West Salem Fire Protection District to include policies and procedures for collecting costs on qualifying fire calls and seeking reimbursement from the State of Wisconsin for fire calls on highways maintained by the State of Wisconsin was reviewed and discussed by the Board. A “qualifying event” is defined to include (a) responding to extinguish a fire on a vehicle, structure, or vegetation; (b) responding to handle gasoline or other hazardous materials; and (c) responding to a request for extrication equipment to remove or attempt to remove individuals trapped in vehicles as the result of a crash on an eligible highway. The Board discussed response by the fire department to a car fire which is later deemed to be not an actual fire and response to a structure or vegetation fire caused by a vehicle. Ordinance No. 443 is different from an ordinance considered in 2010 which specified if the fire department responded to a call for fire services during which water was discharged through the hoses or hand held fire extinguishers are actually used by the fire department, the District would utilize the fire call charge system. Ordinance No. 443 does not specify what fire department action or response qualifies for reimbursement under Wis. Stat. Sec. 61.65(8). In January of 2012, a Village Board motion was approved stating if the West Salem Fire Protection District adopts a formal procedure for reimbursement for qualifying fire calls and the participating municipalities approve ordinances authorizing the charge, and the District agrees to an administrative fee being retained by the Village of West Salem, the Village Board authorizes the Village Clerk to seek reimbursement for qualifying fire calls on behalf of the West Salem Fire Protection District. Ordinance No. 443 does not propose an administrative fee to be retained by the Village of West Salem.

Motion by Trustee Wehrs, seconded by Trustee Iverson to approve Ordinance No. 443 as presented. Roll call vote: Engel, Koelbl, Leicht, and Schumacher – nay; Iverson, Manthei, and Wehrs – aye. Motion failed.

Ordinance No. 441 Street Privilege Permit

Motion by Trustee Leicht, seconded by Trustee Koelbl to approve Ordinance No. 441 Street Privilege Permit as presented. Roll call vote: Unanimous aye.

Property Maintenance Ordinance and Enforcement

Citizen complaints continue regarding several properties in the Village of West Salem. Residents have complained about scrappers doing business at their residences, accumulation of personal property and junk at residences, devaluation of neighboring properties, and blighted buildings and premises in the Village. A prior ordinance introduced mandating property maintenance standards was rejected by the Village Board as being too intrusive and specific. Ordinances from other municipalities would be helpful to review.

Motion by Trustee Engel, seconded by Trustee Koelbl to refer the maintenance of property standards to the Street Committee to draft a proposed Ordinance for the Village Board to review. Roll call vote: Unanimous aye.

Application for Temporary Class "B"/"Class B" Retailer's License

Motion by Trustee Leicht, seconded by Trustee Koelbl to approve a temporary Class "B"/"Class B" retailer's license to the West Salem Volunteer Fire Department for its annual firefighters dance scheduled for May 5 and May 6, 2012. Roll call vote: Unanimous aye.

Alcohol Beverage License

Motion by Trustee Koelbl, seconded by Trustee Iverson to approve an operator's license application to Karanda L. Dockerty. Roll call vote: Unanimous aye.

West Salem Area Tourism Ad Hoc Committee

Trustee Leicht reported on the West Salem Area Tourism Ad Hoc Committee meeting held on March 5, 2012. The joint effort of the Friends of Lake Neshonoc and West Salem Tourism had a very successful Derby. Over sixty tagged fish were caught out of the 200 that were tagged by the DNR. The community support and the positive responses from the community were shared with the Committee. The Welcome to West Salem Signage project was approved Fall 2011, but funding will come out of the 2012 Budget. Sign should be installed by May 1. In 2010, the Committee worked with the West Salem Snowmobile Alliance and installed signage from the La Crosse River Trail. A large economic impact was seen the winter of 2010-2011. Unfortunately, due to lack of snow and the trail closed the majority of this winter, the economic impact was minimal. Mr. Kindschy gave the Committee an update on 2011 activities of the West Salem Tourism Center. Over 300 visitors came through in 2011. The Center is seeking volunteers for this year to help work at the Center. A letter from Dave Clements with a 2011 Recap of the French Island Welcome Center was distributed to the Committee. The West Salem Area Tourism Ad Hoc Committee will work again with the Friends of Lake Neshonoc on this year's derby. The Derby runs from Memorial Day thru Labor Day. The Town of Hamilton will be collecting a 1% Room Tax on the Cabin Rentals at Neshonoc Campground. This room tax will be given to the Village of West Salem Tourism Account. The Committee will be working with the Village of West Salem in putting together a new brochure. We are out of inventory with the old brochures, and the brochures and content needs to be updated (last done approx. 20 years ago). Once pricing is obtained for a new brochure, the Committee will submit to Village Board for approval. There is a small inventory left of the "Discover West Salem" postcards from four years ago. Steve Plenge will distribute the cards to local Tourism Stops

around the area. We will not be doing a remake of the postcard, but instead, focus on the new brochure. The next meeting of the committee will be announced at a future date.

Motion by Trustee Leicht, seconded by Trustee Koelbl to approve the minutes of the March 5, 2012, West Salem Area Tourism Ad Hoc Committee meeting. Roll call vote: Unanimous aye.

Planning Commission

President Manthei reported on the March 13, 2012, Planning Commission public hearing and meeting. The public hearing concerned a Conditional Use Permit Application submitted by Dan Carr on behalf of Harter DC, Inc. for property located on Buol Road. Applicant is applying for a Conditional Use Permit for non-metallic mining of shale and sand in an area currently zoned Business, but which the Applicant will apply to have re-zoned Conservancy if Conditional Use Permit is approved. There were no citizens present to speak for or against the Conditional Use Permit Application. The Commission reviewed the Conditional Use Permit Application and accompanying documentation provided by Harter DC, Inc. Attorney Klos informed the Commission he had met with Village Engineer Dave Sauer to review preliminary mapping and cross-sections of the proposed excavation area as prepared by Fred Hilby, La Crosse Engineer. Mr. Sauer summarized information the Commission needs to consider and his recommendations regarding the proposed project.

- The existing hill side slopes generally range from 1:1 to 10:1 to even some flat sections. A 4:1 slope is considered to be maintainable by mowing grass. The proposed cut slopes for this project will leave the area with much steeper slopes, and the top slopes have no safety ledge proposed. Mr. Sauer recommends that the slopes at the top provide a safety ledge or a flatter slope to protect public safety.
- Storm water volumes will be increased with the proposed mining project, and there is no definitive storm water control plan proposed yet. Storm water control plans need to be addressed in detail should the project move forward.
- With the proposed steep slopes, it would seem impossible to maintain the side slopes. Dependent upon the exposed rock material at the surface, there could be future slope failures as time erodes these slopes, and the developer should address this issue.
- State Statutes require the protection of groundwater supplies as does Village Ordinance Chapter 9. Section 9.17 is the Wellhead Protection Ordinance for Wells 2 and 3. The proposed western limit of the excavation area appears to be approximately 850 feet from Well No. 2. Mining is prohibited within the wellhead protection area.

Engineer Fred Hilby confirmed he will put together specifications for a lip or wall along the top of the hill for public safety concerns. Dan Carr stated it has not been determined yet whether sand located below grade is worthwhile or useable. Harter applied for below grade in anticipation of below grade sand being useable. Mr. Carr agreed storm water issues have been addressed but more can be done. The Commission expressed concern for public safety at the top of the slopes; raised the question of whether the whole mining operation area should be fenced off; potential future slope failure; clarification for wellhead protection purposes; hours of excavation and trucking operations; and the number of loads of project anticipated per day. La Crosse County

Highway Commissioner Ron Chamberlain informed the Commission his department is tabulating current traffic counts and reviewing pavement ratings on Buol Road and Neshonoc Road. Mr. Chamberlain also has concerns regarding access and traffic control at that intersection. It is recommended Engineer Dave Sauer and Engineer Fred Hilby work together on a mutually satisfactory plan to move this application forward. The Commission then reviewed a Petition for Change of Zone filed jointly by Fossum Management, LLC. and the Village of West Salem for lands located at 136 East Elm Street, 140 South Mill Street, Memorial Drive, and 175 South Leonard Street. It has been jointly requested that the zoning be amended from the Industrial District to the Business District. The Commission recommended scheduling a public hearing on the Petition for Change of Zone for 6:30 p.m. on Monday, April 16, 2012, with a Planning Commission meeting to follow to consider the Petition for Rezone and to further act on the Conditional Use Permit submitted by Harter DC.

Motion by Trustee Koelbl, seconded by Trustee Schumacher to approve the Planning Commission public hearing and meeting minutes of March 13, 2012. Roll call vote: Unanimous aye.

Motion by Trustee Koelbl, seconded by Trustee Leicht to schedule a public hearing on a proposed Petition to Rezone for Monday, April 16, 2012, at 6:30 p.m. Roll call vote: Unanimous aye.

Trustees Koelbl, Schumacher, and Iverson volunteered to attend the Petition for Change of Zone public hearing on April 16, 2012.

Motion by Trustee Wehrs, seconded by Trustee Leicht to adjourn the meeting at 7:54 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator