

## Regular Meeting

April 5, 2022

Meeting called to order at 7:00 p.m. by Village President Scott Schumacher. Trustees present: Curtis, Lautz, Leicht, and Twining. Excused: Hennessey. Also present: Recreation Director Tony DeGaetano, Public Works Director Loren Schwier, Police Chief Kyle Holzhausen, Village Attorney Bryant Klos, Friends of West Salem Baseball Representatives Megan Weibel, Eric Schmidt, and Vinnie Pontius, Jason Slusser, Heather Antony, and Village Administrator Teresa DeLong.

### Minutes

Motion by Trustee Lautz, seconded by Trustee Curtis to approve the minutes of the Regular Board meeting held on March 15, 2022, as written. Roll call vote: Unanimous aye.

### Claims

Claims from the following funds were presented for payment:

General Fund:        \$165,660.01

Water Utility: \$194,766.62

Sewer Utility: \$376,922.73

Storm Water Utility: \$1,951.13

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

### Planning Commission

President Schumacher reported on the March 17, 2022, Planning Commission public hearings and meeting. The first public hearing concerned a conditional use permit application filed by 1<sup>st</sup> Community Credit Union and La Crosse Sign Company to construct an electronic changeable copy message center monument sign in a Business District at 1410 West City Highway 16. Joel House explained the new sign will simply update the organization's logo. It is the same height and in the same location. There were no citizens present to speak for or against the proposed conditional use permit. The second public hearing concerned a conditional use permit application submitted by Features Sports Bar & Grill to construct a gymnasium and concert venue and to include the bowling alley presently operated as a nonconforming use. There were no citizens present to speak for or against the conditional use permit application. The third public hearing was called to order and concerned an application for outdoor alcoholic beverage garden permit to bring the present outdoor alcoholic beverage garden into an approved use. There were no citizens present to speak for or against the outdoor alcoholic beverage garden permit application. Chair Scott Schumacher then called the Planning Commission meeting to order. The Commission reviewed for recommendation to the Village Board proposed Conditional Use Permit No. 51, which would allow 1<sup>st</sup> Community Credit Union to construct an electronic changeable copy

message center monument sign. Conditions included in the permit refer to exact locations, size and height of the pylon, and the electronic message sign. The Commission recommended to the Village Board approval of Conditional Use Permit No. 51 as presented. The Planning Commission then reviewed Conditional Use Permit No. 50 which would allow construction of a gymnasium and concert venue and bring into zoning compliance the present bowling alley. Owner Jason Slusser stated the new venue is 160' X 118' and would be used for various recreation and musical activities. Attorney Klos presented proposed Conditional Use Permit No. 50, including the following conditions that must be incorporated into a Real Estate Declaration of Covenants, Conditions and Deed Restrictions in the form as attached as Exhibit "C" and said Exhibit "C" must be executed by the legal owners of said real estate found at Exhibit "B" with authority for the same and notarized and recorded with the Register of Deeds of La Crosse County within 30 days after the Village of West Salem's final approval of Conditional Use Permit Number 50 for this Conditional Use Permit to go into effect:

1. Ownership of Tax Parcel Nos. 16-1285-0 and 16-1290-0 with legal descriptions as found on Exhibit "B" must be in the same persons or entity and a Certified Survey Map must be prepared which combines current Tax Parcel Nos. 16-1285-0 and 16-1290-0 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 said Certified Survey Map must be accepted by the Village of West Salem and recorded. The Conditional Use Permit terminates without notice if the new Lot 1 is ever subdivided due to probable non-compliance with parking requirements and other reasons.
2. Because the construction of the new Field House will eliminate the space currently established as an outdoor volleyball court adjacent to and included as part of the premises for which a Class B license has been issued, the outdoor space of the land will no longer allow for the outdoor possession or consumption of alcohol under Wisconsin Statute Section 125.07(3)(a)(3) except to the extent a new Outdoor Beverage Garden Permit is granted by the Village.
3. To the extent the new Field House is used in a way in which patrons are allowed to possess or consume alcohol in the new facility, because it is a standalone building separate from the existing building which fronts on State Highway 16 which has its own alcohol license, under State law an additional alcohol license must be applied for this Field House and granted and all possession and consumption of alcohol within the Field house must be in compliance with State law.
4. The new Field House must meet State and Village building and fire code requirements.
5. The new Field House must meet the following requirements: maximum building height 45 feet; front yard setback none; rear yard setback at least 9 feet; side yard setback at least 9 feet on each side.
6. No advertising or other signs are allowed on the properties which do not comply with the West Salem Code of Ordinances.
7. Marked parking spaces must be established per the Village Code in a

number determined as follows: Number of Bowling Lanes 8 times 5 plus, 8161 interior square footage of existing Features building on North side of premises fronting on State Highway 16 excluding the room with the bowling alley divided by 400 plus, 21,920 interior square footage of the First plus Mezzanine floor space in new Field House divided by 400; all of which requires a minimum of 115.2 parking spaces for both buildings.

8. The new Field House will be a rectangular building 118 feet by 160 feet for total ground floor square footage of 18,880 and second floor area of 19 feet by 160 feet for Mezzanine floor square footage of 3,040 and will have at least one Volleyball Court which is at least 9 meters by 18 meters.
9. The new Field House and parking areas, sidewalks, curb and gutter, parking lot markings, other landscaping shall be constructed as depicted and located in the Paragon Associates FEATURES SPORTS BAR AND GRILL site plan C100 dated 11-12-2021 on file with the Village. The new Field House shall be constructed of the materials and have the exterior appearance and interior floor plan as depicted on the Wieser Brothers/Sciart Studio 1/31/2022 4 page 4 side elevation views and the 1/26/2022 2 page first floor and mezzanine floor plans on file with the Village.
10. No building permit shall be issued for improvements to these lands until the new certified survey map is approved and recorded and the Exhibit "C" restrictions are signed by the owners and recorded.
11. During construction, a tracking pad must be installed and maintained until all construction is complete and all mud and/or dirt must be cleared off of Highway 16 and County Truck Highway M at least daily or more frequently as required by directive of La Crosse County or the State of Wisconsin.
12. Compliance with Village Storm Water Management Ordinance and all storm water retention areas, facilities, and improvements located on the premises shall be perpetually maintained by the owner of the property in the condition required as when initially constructed.
13. Any outdoor lighting installed, whether freestanding or attached to any of the buildings, shall be directed such that it illuminates Lot 1 and shall not shine directly at any of the residential lots to the south.
14. La Crosse County approval of conversion of residential entrance off of County Trunk M to a Business entrance and exit.
15. Construction and perpetual maintenance of both sides of a 10-foot high solid wood, no see through fence for sound deadening along the south boundary excluding the eastern 70 feet and along the south 60 feet of the western boundary.
16. All outdoor storage of refuse and items held for recycling shall be located within an area surrounded by a decorative cement block walled enclosure at least 6 feet high with an overhead roof and solid surface gates so that refuse cannot blow out.

The Commission recommended to the Village Board approval of Conditional Use Permit No. 50 as presented. The Commission then reviewed Outdoor Alcohol Beverage Garden Permit No. 6. The outdoor alcohol beverage garden permit issued hereunder allows the sale, service, and consumption of Class B intoxicating liquor and Class B

fermented malt beverage within the confines of the outdoor alcohol beverage garden as defined. Intoxicating liquor and fermented malt beverage may only be sold, served, consumed and possessed within the licensed premises and within the area of the outdoor alcohol beverage garden as defined herein. This permit would be issued pursuant to the provisions of Sec. 12.15 of the Village of West Salem Code of Ordinances which are incorporated herein by reference as if fully set forth herein. Feature's Inc shall not permit the consumption of nor may patrons have in their possession intoxicating liquor or fermented malt beverage on any portion of the premises except in the combination restaurant/bowling alley/sports bar building located at 1425 West City Highway 16 and operated as Features Sports Bar and Grill in the Village of West Salem and within the area of the outdoor alcohol beverage garden. The permit is granted subject to the following additional requirements:

1. The northern boundary of the OABG shall be the south wall of the licensed premises. The west boundary of the OABG shall be the east wall of the licensed premises. The south boundary of the OABG shall be a 20-foot long fence and gate constructed as appears on Exhibit "B". The east boundary of the OABG shall be a 30-foot long fence and gate constructed as appears on Exhibit "B". The fence material is iron and stands 4½ feet high. The east gate is 3½ feet wide and the south gate is 3½ feet wide. The south and east gates shall each have a sign posted which reads: "No Alcohol Beyond This Gate".
2. Two cameras shall be located in the OABG area and a camera monitor screen shall be located at the bar in the licensed premise so bartender has easy and instant access to view outside area. Additional monitors may be placed in office or other remote areas to view the OABG.
3. Cameras shall be in operation and recording to a digital video recorder so that footage of the OABG can be reviewed in the event an incident occurs. The recorder can be located anywhere on the premises.
4. In the event tables are placed in the OABG area and umbrellas are used, the placement of any umbrella should not block any view of both cameras, thus defeating the purpose of the cameras.
5. Proper lighting shall be maintained illuminating the OABG area when in use. Without proper lighting, the cameras will be useless and law enforcement's ability to view the activities of the patrons from the parking lot will be impossible.
6. Appropriate signs shall be installed on or near the exterior of both gates clearly indicating the OABG area is for patrons 21 years of age or older and on the interior on or near both gates shall be a sign indicating exit.
7. Both gates shall swing away from the OABG area, per fire code, and no gas grills are allowed. Both gates must be unlocked whenever Features Sports Bar is open for business. Propane heaters are allowed in form as shown on Exhibit "C"
8. All premises receiving OABG permits are required to comply with all of the following restrictions:
  - a. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the OABG area. This does not ban an outside television as long as its sound is not amplified. The sound from the television must be from the television's internal sound system.
  - b. Sales of alcohol beverages may occur in the OABG area.
  - c. The OABG area may only be open any time the licensed premises is allowed to sell alcohol by law.

- d. All employees with operator's license and the licensee if working on premises shall be responsible for policing the OABG area at all times it is open for operation to prevent nuisances described herein.
- e. The licensed premise's building capacity shall remain the same even with the addition of an OABG.
- f. A licensee shall not permit activities in the OABG area to constitute a nuisance which includes, but is not limited to, excessive noise, excessive light, minor on premises issues, fights, drug dealing and/or use, disorderly conduct, and littering of public areas and adjacent private properties caused by use of the OABG.
- g. A licensee shall comply with all other applicable State Statutes and Village Ordinances.
- h. Within 15 minutes after closing time the licensee must clear the OABG of all patrons and all glasses, cups, bottles and litter.
- i. The door and any service window from the building and into the OABG must be closed except when being actively use.

The Commission recommended the Village Board approve Outdoor Alcohol Beverage Garden Permit No. 6 as presented.

Motion by President Schumacher, seconded by Trustee Twining to approve the minutes of the March 17, 2022, Planning Commission meeting as presented. Roll call vote: Unanimous aye. Motion approved.

#### Conditional Use Permit No. 51

Motion by Trustee Leicht, seconded by Trustee Twining to approve the issuance of Conditional Use Permit No. 51 to 1<sup>st</sup> Community Credit Union for an electronic message display sign. Roll call vote: Unanimous aye. Motion approved.

#### Conditional Use Permit No. 50

Motion by Trustee Twining, seconded by Trustee Leicht to approve the issuance of Conditional Use Permit No. 50 to Jason and Jennifer Slusser and Heather Antony d/b/a Features Sports Bar & Grill. Roll call vote: Unanimous aye. Motion approved.

#### Outdoor Alcohol Beverage Garden Permit No. 6

Motion by Trustee Lautz, seconded by Trustee Curtis to approve the issuance of Outdoor Alcohol Beverage Garden Permit No. 6 to Jason Slusser and Features, Inc. Roll call vote: Unanimous aye. Motion approved.

#### Buildings and Grounds Committee

Trustee Curtis reported on the March 21, 2022, Buildings and Grounds Committee meeting. The purpose of the meeting was to discuss a proposal by the Friends of West Salem Baseball to convert 11,000 square feet of the West Salem Community Shelter to a year-round turf practice facility, shelter use agreement, and request for Village funding with possible recommendation to the Village Board of Trustees. The Friends of West Salem Baseball would like to better utilize the West Salem Community Shelter by providing an indoor practice location for not only baseball, but also for golf, soccer, track, and numerous West Salem Recreation Department programs. There are revenue-generating opportunities for the West Salem Recreation Department for rent of

the new facility. The Friends wish to donate nearly \$55,000 in materials and labor to the Village to create this facility. The remaining 10,000 square feet would still be available for the public to utilize for public and private events. The Buildings and Grounds Committee had met in July of 2021, and the Friends were to consult with the Village building inspector on permitting requirements, and once this information was obtained, a building plan would be created so a final use agreement could be drafted for review and approvals. This information has been obtained, and the Friends are prepared to move forward to obtain Village Board approval. The Friends are requesting a 10-year use agreement with the Village to include twenty hours per week of use by the Friends group. The Village is being asked to fund the building permit, exit signs for doors, fire extinguishers, Wi-Fi, security system, and floor inspection and repair (if needed). Those costs are not known at this time. Recreation Director Tony DeGaetano stated he would need a rough outline of the Friends' times of use, and he requested the facility be available by 6:00 p.m. for Recreation Department use. Proposed times of use by the Friends would be 3:00 p.m. to 6:00 p.m., Monday through Friday, and on Sundays for five hours. Utility cost share needs to be determined, and a 50/50 split was proposed for the first year and perhaps modified after first year costs are known.

Motion by Trustee Curtis, seconded by Trustee Lautz to approve the minutes of the Buildings and Grounds Committee meeting held on March 21, 2022, as presented. Roll call vote: Unanimous aye. Motion approved.

#### Friends of West Salem Baseball Community Shelter Concept Plan

The Village Board discussed the recommendation from the Buildings and Grounds Committee to approve the concept plan for conversion of the east half of the West Salem Community Shelter to a year-round turf practice facility. The recommendation was subject to a final use agreement and obtaining the costs for the building permit, fire extinguishers, Wi-Fi and security system, and changing the locks on the roll down doors around the new facility. The cost of the building permit will be \$1,102. Additional costs for four new fire extinguishers, four new exit signs and accompanying electrical upgrades, a keying system for the new separate uses of the building and shelter, new locks for the roll down doors on the east side, and any concrete work required were discussed.

Motion by Trustee Lautz, seconded by Trustee Leicht to give the Friends of West Salem Baseball permission to move forward with the proposal presented subject to a final use agreement and the Village funding the new roll down door locks, costs of a key system for both sides of the facility, costs of concrete repairs if needed, and the building permit fee. Roll call vote: Unanimous aye. Motion approved.

#### Law Enforcement Committee

Trustee Lautz reported on the March 28, 2022, Law Enforcement Committee meeting. The Committee met in closed session pursuant to Wis. Stat. Sec. 19.85(1)(g) to confer with legal counsel who either orally or in writing will advise the governmental body on strategy to be adopted with respect to current or likely litigation, i.e., police union grievance. The Committee convened in open session and agreed review the police union grievance in closed session with the Village Board on Tuesday, April 19, 2022.

Motion by Trustee Lautz, seconded by Trustee Leicht to approve the Law Enforcement Committee meeting minutes of March 28, 2022, as presented. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Leicht, seconded by Trustee Twining to convene in closed session at 7:50 p.m. pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, investment of public funds, and transfers of public properties, to-wit: possible land sale. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Lautz, seconded by Trustee Twining to reconvene in open session at 8:05 p.m. Motion approved by voice vote.

Motion by Trustee Twining, seconded by Trustee Lautz to adjourn the meeting at 8:06 p.m. Approved by voice vote.

Teresa L. DeLong, Village Administrator