

Public Hearing  
Ordinance No. 461  
Amendments to Chapter VII Building Codes

April 21, 2015

Public hearing called to order at 6:45 p.m. by President Manthei. Trustees present: Brown, Deal, Hennessey, Lautz, and Schumacher. Absent: Leicht. Also present: Public Works Director Scott Halbrucker, Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Village Attorney Bryant Klos, Recreation Director Michelle Czerwan, Kenneth Garbers, Merlin Wehrs, La Crosse County Facilities Director James Speropulos, Donna and Jerry Beyer, Sandra and Donald Mattie, and Village Administrator Teresa Schnitzler.

Ordinance No. 461, if adopted, will update Wisconsin Statute and Administrative Code Sections adopted and incorporated into the building code ordinance, adopt updated Uniform Dwelling Codes, update references to State of Wisconsin departments, and renumber Chapter VII accordingly.

There were no citizens present to speak for or against Ordinance No. 461.

Motion by Trustee Schumacher, seconded by Trustee Lautz to adjourn the public hearing at 6:49 p.m. Motion unanimously approved by voice vote.

Teresa L. Schnitzler, Village Administrator

Public Hearing  
Ordinance No. 462  
Amendments to Chapter III Zoning Code

April 21, 2015

Public hearing called to order at 6:50 p.m. by President Manthei. Trustees present: Brown, Deal, Hennessey, Lautz, Leicht, and Schumacher. Also present: Public Works Director Scott Halbrucker, Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Village Attorney Bryant Klos, Recreation Director Michelle Czerwan, Merlin Wehrs, Kenneth Garbers, La Crosse County Facilities Director James Speropulos, Donna and Jerry Beyer, Sandra and Donald Mattie, and Village Administrator Teresa Schnitzler.

Ordinance No. 462, if adopted, will clarify and revise provisions for accessory and detached structures and revise the building requirements for the "Central Business District".

There were no citizens present to speak for or against Ordinance No. 462.

Motion by Trustee Schumacher, seconded by Trustee Leicht to adjourn the public hearing at 6:53 p.m. Motion unanimously approved by voice vote.

Teresa L. Schnitzler, Village Administrator

Public Hearing  
Ordinance No. 463  
Appliances, Tires, Large Article Items  
Garbage, Refuse, and Recycling

April 21, 2015

Public hearing called to order at 6:55 p.m. by President Manthei. Trustees present: Brown, Deal, Hennessey, Lautz, Leicht, and Schumacher. Also present: Public Works Director Scott Halbrucker, Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Village Attorney Bryant Klos, Recreation Director Michelle Czerwan, Merlin Wehrs, Kenneth Garbers, La Crosse County Facilities Director James Speropulos, Donna and Jerry Beyer, Sandra and Donald Mattie, and Village Administrator Teresa Schnitzler.

Ordinance No. 463, if adopted, will update Chapter II of the West Salem Code of Ordinances to address abandonment of enclosed appliances, boxes or structures, set forth disposal regulations regarding appliances, tires, and other large article items; and update the garbage, refuse, and recycling ordinances to incorporate the use of an automated cart system for refuse disposal.

There were no citizens present to speak for or against Ordinance No. 463.

Motion by Trustee Leicht, seconded by Trustee Schumacher to adjourn the public hearing at 6:58 p.m. Motion unanimously approved by voice vote.

Teresa L. Schnitzler, Village Administrator

Regular Meeting

April 21, 2015

Meeting called to order at 7:00 p.m. by President Manthei. Trustees present: Brown, Deal, Hennessey, Lautz, Leicht, and Schumacher. Also present: Public Works Director Scott Halbrucker, Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Village Attorney Bryant Klos, Recreation Director Michelle Czerwan, Merlin Wehrs, Kenneth Garbers, La Crosse County Facilities Director James Speropulos, Donna and Jerry Beyer, Sandra and Donald Mattie, and Village Administrator Teresa Schnitzler.

### Minutes

Motion by Trustee Lautz, seconded by Trustee Schumacher to approve the minutes of the April 7, 2015, Regular Board meeting as written. Roll call vote: Unanimous aye. Motion approved.

### Claims

Claims from the following funds were presented for payment:

General Fund: \$46,666.88

Water Utility: \$211,652.30

Sewer Utility: \$337,169.80

Storm Water Utility: \$702.63

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

### Application to Exceed Pet Limit – Ekern

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve an Application to Exceed Pet Limit submitted by Titia and Carl Ekern contingent upon the Ekerns properly licensing the third dog, providing a current rabies vaccination certificate for the third dog, and submitting a current photograph of the third dog. Roll call vote: Unanimous aye.

### Application to Exceed Pet Limit – Horihan

Motion by Trustee Leicht, seconded by Trustee Lautz to approve an Application to Exceed Pet Limit submitted by Rebecca and Patrick Horihan. Roll call vote: Unanimous aye.

### Application to Exceed Pet Limit – Mattie

Motion by Trustee Leicht, seconded by Trustee Lautz to approve an Application to Exceed Pet Limit for an additional 22 cats submitted by Sandra and Donald Mattie based upon the clean condition of the home, the fact the cats are well cared for, and there have been no complaints regarding the cats, but contingent upon the Matties not adding more cats or replacing cats as each passes away. Roll call vote: Unanimous aye.

### Request to Rescind Snow Removal Statement

The West Salem Fire Protection District Board voted at its quarterly meeting to appeal the snow removal charges invoiced to the District on March 25, 2015. The West Salem Fire Chief stated the sidewalks around the fire station were cleared on March 23, 2015. The snow shown on the picture provided by the Village of West Salem came off the awning on the north side of the fire station some time after the sidewalks were cleared on March 23, 2015. The Fire Department was not given adequate time to remove the

additional snow that slid off the awning before the Village took action. For this reason, the District is requesting consideration to reverse the snow removal charge.

Trustee Leicht stated because the Fire District is a sister unit of government, and he would like the Board to take into consideration the Fire District did try to remove the snow from the sidewalk. Public Works Director Scott Halbrucker informed the Board his department was following the Village Ordinances when it removed the snow from the public sidewalk. Trustee Lautz stated the Ordinances state the sidewalks should be cleared, and the Board has to trust the public works department judgment, although it does not appear from the picture that the snow fell off the awning as it was spread evenly on the sidewalk out to the street.

Motion by Trustee Leicht, seconded by Trustee Brown to rescind the snow removal statement issued on March 25, 2015, to the West Salem Fire Protection District for sidewalk snow removal by the Public Works Department on March 23, 2015. Roll call vote: Brown, Deal, Hennessey, and Leicht – aye; remainder of Board – nay. Motion approved.

Ordinance No. 461

Motion by Trustee Lautz, seconded by Trustee Schumacher to approve Ordinance No. 461 Amendments to Chapter VII Building Codes. Roll call vote: Unanimous aye.

Ordinance No. 462

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve Ordinance No. 462 Amendments to Chapter III Zoning Code. Roll call vote: Unanimous aye.

Ordinance No. 463

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve Ordinance No. 463 Appliances, Tires, Large Article Items and Garbage, Refuse, and Recycling. Roll call vote: Unanimous aye.

Alcohol Beverage Licenses

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve the issuance of alcohol beverage licenses to Timothy P. Degenhardt, Crystal R. Monn, and Brytani J. Shea. Roll call vote: Unanimous aye.

2015-2016 Committee Appointments

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the 2015-2016 committee and commission appointments as presented. Roll call vote: Unanimous aye.

**2015 - 2016 STANDING COMMITTEES**

Board of Trustees  
Village of West Salem

FINANCE AND PERSONNEL

James Leicht, Chairperson  
Scott Schumacher  
John Lautz

UTILITIES COMMITTEE

Scott Schumacher, Chairperson  
Leroy Brown  
Lee Deal

LAW ENFORCEMENT

John Lautz, Chairperson  
Kevin Hennessey  
James Leicht

STREETS

Lee Deal, Chairperson  
James Leicht  
Scott Schumacher

BUILDINGS AND GROUNDS

Kevin Hennessey, Chairperson  
John Lautz  
Leroy Brown

LIBRARY COMMITTEE

Leroy Brown, Chairperson  
Lee Deal  
Kevin Hennessey

***THE ABOVE COMMITTEES ARE ONE (1) YEAR TERMS. ALL EXPIRE APRIL 18, 2016.***

PLANNING COMMISSION

Dennis Manthei, Chairperson  
1<sup>st</sup> of 2 year term, expires April 17, 2017  
Judy Long  
3<sup>rd</sup> of 3 year term, expires April 18, 2016  
James Morzinski  
1<sup>st</sup> of 3 year term, expires April 16, 2018  
Walter F. Baltz III  
3<sup>rd</sup> of 3 year term, expires April 18, 2016  
Diana Engel  
1<sup>st</sup> of 3 year term, expires April 16, 2018  
John Johnson  
2<sup>nd</sup> of 3 year term, expires April 17, 2017  
Joseph Burke  
2<sup>nd</sup> of 3 year term, expires April 17, 2017

RECREATION COMMITTEE (3 citizens with 3 year staggered terms)

(2 trustees with terms coinciding with official terms of office)

Jennifer Stenberg, 541 Lewis Street – (608) 393-9071  
1<sup>st</sup> of 3 year term, expires April 16, 2018  
Michael Glassmaker, 513 Lark Lane – 786-0015  
2<sup>nd</sup> of 3 year term, expires April 17, 2017  
Steve Kastenschmidt, 737 East Avenue – 786-1219  
3<sup>rd</sup> of 3 year term, expires April 18, 2016  
Scott Schumacher, Trustee, 442 West Franklin Street - 792-9852  
2<sup>nd</sup> of 2 year term, expires April 18, 2016  
Lee Deal, Trustee, 610 North Mark Street, 780-1272  
1<sup>st</sup> of 2 year term, expires April 17, 2017  
(Chairperson to be elected by Committee at first meeting for 1 year term)

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Sharon Fuller, 420 North Tilson Street – 786-0886  
2<sup>nd</sup> of 3 year term, expires April 17, 2017  
Dave Evenson, 760 Lewis Street – 786-3375  
2<sup>nd</sup> of 2 year term, expires April 18, 2016

John Lautz, 420 East Tilson Street, 786-1340  
2<sup>nd</sup> of 2 year term, expires April 18, 2016  
Helen Harold, 519 North Youlon Street - 786-0856  
1<sup>st</sup> of 3 year term, expires April 16, 2018  
Kevin Hennessey, Trustee, 845 Winchester Street – 387-9430  
1 year term – expires April 18, 2016  
Lee Deal, Trustee, 610 North Mark Street – 780-1272  
1 year term – expires April 18, 2016

#### BOARD OF APPEALS

Carl Wallace, Chairperson, 740 East Avenue – 786-0714  
1<sup>st</sup> of 3 year term, expires April 16, 2018  
Joe Hesselberg, 520 Lakewood Street - 786-0967  
1<sup>st</sup> of 3 year term, expires April 16, 2018  
Ray Walter, 528 North Youlon Street - 786-0496  
2<sup>nd</sup> of 3 year term, expires April 17, 2017  
Keith Schmig, 238 West Avenue North – 786-1743  
3<sup>rd</sup> of 3 year term, expires April 18, 2016  
John Diekroeger, 450 North Youlon Street - 786-0847  
2<sup>nd</sup> of 3 year term, expires April 17, 2017

#### LAW ENFORCEMENT DISCIPLINARY COMMITTEE

Jeffrey S. Trotnic, Chief of Police, City of Onalaska,  
415 Main Street, Onalaska 54650 – 781-9550  
3<sup>rd</sup> of 3 year term, expires April 18, 2016  
Diana Engel, 480 Lark Lane – 786-1560  
1<sup>st</sup> of 2 year term, expires April 17, 2017  
Mark Johnson, P. O. Box 892, West Salem – 786-0296  
1<sup>st</sup> of 3 year term, expires April 16, 2018

#### FAIR HOUSING COMMITTEE (All 5 year terms)

Orin Nyseth, 521 West Garland Street - 786-1268  
Dave Geske, 341 West Garland Street – 786-4759  
James Leicht, Trustee, 520 North Tilson Street– 786-0513  
John Wittenberg, 910 Brickl Road - 786-2996  
Barbara Manthei, 527 West Garland Street – 786-1700

#### LAKE DISTRICT REPRESENTATIVE

Dennis Manthei, 1 year term, expires April 18, 2016

#### SENIOR CITIZEN REPRESENTATIVE

Miriam Wuensch, 134 West Hamlin Street – 385-9832  
1 year term, expires April 18, 2016

#### LA CROSSE AREA PLANNING COMMISSION

Dennis Manthei, 1 year term, expires April 18, 2016  
Scott Schumacher, 1 year term, expires April 18, 2016

### BOARD OF REVIEW

Dennis Manthei, 527 West Garland Street, - 786-0971  
David Huebsch (ex-officio), W16941 Pow Wow Lane, Galesville - 582-1147  
Teresa Schnitzler, W2820 Shorewood Court – 792-5186  
Ray Ebert, W3763 Hidden River Road - 786-1046

### BOARD OF REVIEW ALTERNATES

Lill Twining, 310 North Leonard Street – 786-1651  
Fran Noffke, 441 North Leonard Street – 786-0527

### FIRE DISTRICT BOARD

David Tauscher – 1<sup>st</sup> of 3 year term, expires April 16, 2018  
James Koelbl – 1<sup>st</sup> of 2 year term, expires April 17, 2017

### COULEE REGION JOINT MUNICIPAL COURT COMMITTEE

Teresa Schnitzler, 175 South Leonard Street - 786-1858  
Charles Ashbeck, Alternate, 175 South Leonard Street – 786-0407

### ONALASKA UTILITY COMMISSION

Leroy Brown, 103 North Lincoln Street – 498-1176

### WEST SALEM AREA TOURISM AD HOC COMMITTEE

Steve Plenge, Chairperson, Americinn, 125 Buol Road – 786-3340  
Chuck Deery, W3891 Hickory Terrace, La Crosse – 787-6226  
Patsy Hofer, 171 South Oak Street – 786-0750  
Nick Miller, LeCoulee Cheese Castle, 112 South Leonard Street – 786-2811  
Vernon Romskog, 329 North Leonard Street – 786-0583  
Richard Schomberg, W3679 County Road C – 786-1196  
Karen Gilster, 4330 County Road B, La Crosse – 786-1759  
Jim Cox, N4311 CTH M – 786-2327  
Margaret Cox, N4311 CTH M – 786-2327  
James Leicht, 520 North Tilson Street – 786-0513

### BICYCLE AND PEDESTRIAN AD HOC COMMITTEE

Joseph Belling, W3839 Western Hills Drive – 786-0637  
Carl Wallace, 740 East Avenue - 786-0714  
Sharon Fuller, 420 North Tilson Street – 786-0886  
Tim Tiber, 383 Driftwood Street – 786-3357  
Lisa Gerke, W4521 Pioneer Court – 769-7207  
Rick Cline, N6096 County Road ZZ, Onalaska – 786-4356  
Helen Harold, 519 North Youlon Street – 786-0856  
Lee Deal, Trustee, 610 North Mark Street – 780-1272  
Virginia Gates-Loehr, (ex-officio), SRTS Coordinator, 785-9833  
Jackie Eastwood, (ex-officio), Transportation Planner, 785-6141

### Street Committee

Trustee Leicht reported on the April 9, 2015, Street Committee meeting. The purpose of the meeting was to review requests for reconsideration of sidewalk snow and ice

removal policies and procedures with possible recommendations to Village Board and to review sidewalk trip hazard inspection and repair proposal options received from Safe Step, LLC, with recommendation to Village Board. Several property owners contacted Village officials to object to the sidewalk snow and ice removal work completed by the Public Works Department. The owner of 204 North Youlon Street objected to the \$75 statement sent to him, stating the date stamp was not correct on the picture taken of the sidewalk adjacent to the home and does not prove the sidewalk was not shoveled within the 24-hour time requirement, the amount of snow and ice was not enough to warrant the Village removal of the snow, and the property owner stated better solutions for notification should be used by the Village before the department removes snow and ice. The Committee discussed the sidewalk snow removal ordinances. James Leicht moved to rescind the \$75 statement sent to the property owner of 204 North Youlon Street. Motion failed for lack of a second. The Committee reviewed three sidewalk trip hazard inspection and repair proposals received from Safe Step LLC. All three options offer:

- Safe Step performs sidewalk audit for 2015 project area
- Identification and reporting of all sidewalk defects in accordance with Village criteria
- Detailed reporting of addresses where reportable conditions exist
- Estimated costs for saw cutting and detailed reporting
- G.I.S. deliverables
- Sidewalk marking performed on first pass
- All saw-cutting will be performed at a 12:1 slope
- Hazards that fit into  $\frac{3}{4}$ " – 1  $\frac{1}{4}$ " will be identified for shaving

Options 1 and 2 do not offer an avenue for residents to self-correct sidewalk trip hazards using their own contractor. Option 1 is \$70 per saw cut. Option 2 proposes a \$2.90 per square foot fee for  $\frac{3}{4}$ " to 1" hazards and a \$3.20 per square foot fee for all 1  $\frac{1}{8}$ " to 1  $\frac{1}{4}$ " trip hazards. Option 3 offers the option for residents to make their own trip hazard corrections, and if Safe Step performs the saw cutting, the price is \$3.20 per square foot for  $\frac{3}{4}$ " to 1" hazards and \$3.50 per square foot for 1  $\frac{1}{8}$ " to 1  $\frac{1}{4}$ " corrections. Mr. Halbrucker estimates most charges to residents will not be more than \$75. The Committee recommended to the Village Board acceptance of Safe Step Option 3 for 2015 sidewalk trip hazard corrections with a re-evaluation of the program for 2016. Scott Halbrucker informed the Committee the owner of Premier Catering at 102 North Leonard Street has requested the parking stalls on West Hamilton Street be changed to parallel parking instead of diagonal parking. Oftentimes trucks are loaded and unloaded on the West Hamilton side of the building, and Premier Catering would like parallel parking for this use. Currently, there are nine regular parking stalls and one handicapped parking stall. Changing the current diagonal parking to parallel parking would result in the loss of five parking spaces. The Committee agreed not to make any changes to the current parking arrangements.

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the Street Committee meeting minutes of April 9, 2015. Roll call vote: Unanimous aye.

Motion by Trustee Schumacher, seconded by Trustee Leicht to accept Safe Step Option 3 for 2015 sidewalk trip hazard corrections with a re-evaluation of the program for 2016. Roll call vote: Unanimous aye.



### Planning Commission

President Manthei reported on the April 13, 2015, Planning Commission meeting. Two public hearings and a Commission meeting were held. The first public hearing concerned a Petition for Change of Zone was filed by La Crosse County, Wisconsin. The Petition requests rezoning of approximately thirty acres of area located east of the present Lakeview Health Care facility. The 30-acre parcel is presently subject to La Crosse County Agriculture Zoning in effect as of June 7, 1974, and La Crosse County is requesting the parcel be re-zoned to "R-1 Residential District" in order to construct a new institutional nursing home facility. There were no citizens present to speak for or against the Petition for Change of Zone. The second public hearing concerned a Conditional Use Permit Application in order to construct an institutional nursing home if the Petition for Change of Zone from La Crosse County Agriculture to "R-1 Residential District" is approved. There were no citizens present to speak for or against the Conditional Use Permit Application.

The Commission then reviewed the Petition for Change of Zone filed by La Crosse County, Wisconsin. James Speropulos informed the Commission the Petition for Change of Zone includes only the thirty acres intended for La Crosse County's institutional nursing home facility project. Discussions have been had regarding construction of a 50-bed facility in the future, and there are still 90 acres remaining for development on the County farm. The Commission unanimously recommended to the Village Board approval of the Petition for Change of Zone filed by La Crosse County for approximately 30 acres of area located east of the present Lakeview Health Care Facility from La Crosse County Agriculture Zoning in effect as of June 7, 1974, to "R-1 Residential District". The Commission then reviewed the Conditional Use Permit Application filed by La Crosse County in order to construct an institutional nursing home facility. Attorney Klos drafted the proposed conditional use permit incorporating Village Engineer Dave Sauer's recommendations. Proposed conditions include:

1. The property must be re-zoned by the Village to Residential – Single Family R-1.
2. La Crosse County must complete the construction of the extension of East Garland Street located within Outlot 1 of Certified Survey Map filed in Volume 16, Page 28 as Document No. 1639199, La Crosse County Register of Deeds office, said land being located in the Village of West Salem, La Crosse County, Wisconsin, pursuant to the specifications found within the bid documents and contracts entered into in 2014 for said construction.
3. There will be three street accesses for the proposed site complex. The westernmost access is to be 18 feet wide with 2-foot wide gravel shoulders, which will be used for access to the parking area for the complex. The far easternmost street access will be a 30-foot wide street with 2-foot wide gravel shoulders and extends approximately 400 feet into the site where it then becomes an 18-foot wide street. The 18-foot wide street circles the outside of the proposed building area and connects with the westernmost street access. A third street access, 24-feet in width, is connected to the far eastern street access and appears to be a drop-off type access. The internal streets of this site must be constructed as described. The exact location for these three street accesses will require staking in the field by the County's representative during the

construction of East Garland Street and before the curb is poured as part of the project in the Spring of 2015.

4. There will be two, 8-inch diameter iron water main connections to East Garland Street which will serve the complex. One connection will be adjacent to the westernmost street access location and will extend 469 feet into the site. A single water hydrant will be located at the end of the water line to be used for water flushing. A second 8-inch diameter ductile iron water main connection to East Garland Street will be located adjacent to the east driveway access. This water service will extend 855 feet into the site and will have three hydrants located on it, one at the far end for water flushing. No looping is allowed off this water main through the site in accordance to WDNR requirements. These water main extensions are to be maintained by La Crosse County. The two water services within the right-of-way were installed as part of the East Garland Street project in the Fall of 2014. Connection of these two services to the proposed water main will need to be completed under the observation of Village representatives. Failure to do this coordination will result in having to re-connect these services under Village inspection.
5. The proposed plans show a new water well to be installed on site and 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 Well No. 4. The proposed well is to have capacity of 150 gpm which requires WDNR approval because it is classified as a high-capacity well. Village Well No. 4 has a capacity of approximately 500 gpm. Private wells in areas serviced by Village public water and on sites within the wellhead protection area are severely restricted and/or prohibited by Village Code. No well is allowed on this site.
6. There will be two, 8-inch diameter sanitary sewer connections to the sanitary sewer main on East Garland Street. These two services are adjacent to both street accesses for the proposed complex. These two services were installed along the sanitary sewer main within East Garland Street in the Fall of 2014. Connection of the two sanitary sewer services will require observation by Village representatives. Failure to do this will require the services to be uncovered and reconnected under Village observation.
7. The proposed storm water control for the proposed complex includes road side ditches which circle the site and which drain to a storm water control basin located on the northwest quadrant of the site. The storm water control pond discharges to an existing drainage ditch which flows to the west and into Neshonoc Lake. The WDNR has issued an approval for the plan dated November 2014. This approval is a requirement; however, Village approval of the plan is also required. The main concept of the proposed plan is to not discharge the site storm water toward the East Garland Street right-of-way, but to discharge storm water to Lake Neshonoc where the existing undeveloped land drains currently.

The proposed road side ditches within the complex range in elevation from 755.70 to 748.21. The first floor building elevations within the complex are proposed to be 756.50. The East Garland Street elevations between the three roads for the complex range from 759.30 to 754.00. The proposed storm water control pond discharges storm water beginning at elevation 747.50 through a 30-inch corrugated metal pipe to an existing drainage ditch. The proposed storm

water control pond has an area of 0.34 acres and has a bottom elevation of 743.00. As this pond fills, it will start releasing storm water at the 747.50 elevation. Under high storm events, storm water will raise to an elevation of about 749 to 750.

There are a number of conditions for the proposed storm water control plan. The storm water drainage system must be built per the proposed plans as described herein. The discharge from the storm water control pond is to discharge to an existing storm water drainage ditch. This ditch is located on West Salem School District property. Due to this, the County will need to secure a storm water easement for it to use the drainage ditch. This existing drainage ditch will have some re-grading on it. Due to this, several rip rap sediment checks must be installed along the 1,440-foot length of the existing drainage ditch. Conformation of a signed easement from West Salem School District will be required to be submitted to the Village as a condition of this approval.

The Commission reiterated its opposition to La Crosse County's proposed new well to supply water for cooling purposes. Mr. Speropulos stated the County is not seeking approval for a new well at this time. Leadership in Energy and Environmental Design (LEED) is a set of rating systems for the design, construction, operation, and maintenance of green buildings, homes, and neighborhoods. Mr. Speropulos stated the new structures will be "LEED-like" but not LEED certified. The new structures will have fire sprinkler systems. The Commission recommended to the Village Board approval of Conditional Use Permit No. 22 as presented. Donna and Jerry Beyer would like to construct a 1,944-square foot accessory building northwest of the present Big Boar Smokers restaurant on Commerce Street. In order to provide parking adjacent to the new building and to maintain a driving lane behind the present building, the Beyers wish to locate the new building as far in the rear of the lot as possible. The Beyers initially requested a corner of the new building be allowed 10 feet into the present 25-foot storm water easement. Village Engineer Dave Sauer prepared a storm water easement map laying out the location of the existing 42-inch storm sewer between Commerce Street and West Avenue North. Existing structures and the existing easement widths are included on the storm water easement map. The 42-inch storm sewer is 13 feet deep at the existing grade. The existing Big Boar building finished floor elevation is 5.1 feet higher than the existing grade at the storm sewer manhole rim. The Beyers plan to construct a retaining wall south of the storm sewer to allow his new building to be at the same elevation as the existing restaurant building and to allow continued access for the Village to maintain the storm sewer. Mr. Sauer made a recommendation that the existing 25-foot wide easement be reduced to 20 feet, but no less. The Beyers are agreeable to this. Mr. Sauer noted the storm water easement needs to be verified between Commerce Street and West Avenue North. The Commission unanimously recommended approval of the release of the southerly 5 feet of the 25-foot storm water easement subject to Village Engineer Dave Sauer's recommendations and conditioned upon making sure there is a utility easement with access rights off West Avenue North.

Motion by President Manthei, seconded by Trustee Schumacher to approve the minutes of the April 13, 2015, Planning Commission meeting as presented. Roll call vote: Unanimous aye.

Resolution 2.15 – Petition for Change of Zone

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve Resolution 2.15 Petition for Change of Zone as presented. Roll call vote: Unanimous aye.

**WHEREAS**, La Crosse County, Wisconsin, submitted a Petition for Change of Zone for construction of a new healthcare facility east of the present Lakeview Health Care Center; and

**WHEREAS**, La Crosse County, Wisconsin, has designed and bid construction plans for a 85,000-square foot, 90-bed healthcare facility on a 30-acre parcel presently zoned under La Crosse County’s Agriculture Zoning in effect as of June 7, 1974, and described as follows:

Lot 4 of Certified Survey Map filed in Volume 16, Page 28 as Document Number 1639199 La Crosse County Register of Deeds office, said land located in the SW¼ of the SW¼ of Section 35, Township 17 of Range 6 West, Village of West Salem, La Crosse County, Wisconsin; and

**WHEREAS**, under West Salem Zoning Codes, in order to construct a nursing home facility, the parcel must be rezoned to “R-1” Residential Single Family with a conditional use permit approved thereafter to permit a nursing home in a Residential Zoning District; and

**WHEREAS**, the West Salem Planning Commission held a public hearing on said Petition for Change of Zone on April 13, 2015, and there were no citizens present to speak for or against said Petition for Change of Zone; and

**WHEREAS**, at a properly noticed meeting of the West Salem Planning Commission, unanimous approval was given to recommend to the Village Board of Trustees approval of the Petition for Change of Zone filed by La Crosse County;

**NOW, THEREFORE BE IT RESOLVED** that the West Salem Village Board of Trustees hereby approves the Petition for Change of Zone filed by La Crosse County for approximately 30 acres of land located east of the present Lakeview Health Care Facility and described as:

Lot 4 of Certified Survey Map filed in Volume 16, Page 28 as Document Number 1639199 La Crosse County Register of Deeds office, said land located in the SW¼ of the SW¼ of Section 35, Township 17 of Range 6 West, Village of West Salem, La Crosse County, Wisconsin

from La Crosse County Agriculture Zoning in effect as of June 7, 1974, to “R-1 Residential District”.

**DATED** this 21<sup>st</sup> day of April, 2015.

/s/ \_\_\_\_\_  
Dennis Manthei, Village President

(VILLAGE SEAL)

/s/ \_\_\_\_\_  
Teresa L. Schnitzler, Village Administrator

Conditional Use Permit No. 22

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve Conditional Use Permit No. 22 as presented. Roll call vote: Unanimous aye.

Release of Storm Water Easement

Attorney Klos informed the Board he has drafted a rough draft Utility Easement Partial Release based on Village Engineer Dave Sauer's recommendations and the Planning Commission's recommendation. Verification of a utility easement running from the catch basin on the Big Boar property north to West Avenue has been received, and access is provided by this easement to the storm water basin. Attorney Klos was informed by Village Engineer Dave Sauer that it was his understanding that the retaining wall was to be placed south of the new north 20-foot wide easement line. Mr. Sauer indicated to Attorney Klos that his associate reported the retaining wall has been constructed already and that the retaining wall is well into the Village 20-foot wide easement area, contrary to Mr. Sauer's recommendation. Mr. Sauer felt the retaining wall constructed in this location may pose a substantial issue for the Village if it ever needed to dig this storm sewer up and replace it and also which entity would be responsible for the costs thereof and damage liability with regard to the new Beyer building. Attorney Klos stated the Planning Commission agreed a 20-foot wide easement in this area was needed with no building on it so the Village has sufficient area to excavate if it ever had to dig the 13 feet down to the storm sewer pipe and replace it. With a 5-foot stone block retaining wall and fill on top, this would make any excavation more challenging, and the entire retaining wall would have to be removed with associated costs. Attorney Klos informed the Village Board the proposed Utility Easement Partial Release would have to be modified, if the Board intended to approve narrowing the 25-foot easement to a 20-foot easement.

The Village Board reviewed the proposed easement partial release and the following changes were discussed for modification:

1. The terms of the partial easement release must now acknowledge the fact the retaining wall and fill are in the easement area.
2. Village Board approval is contingent upon Village Engineer review and approval of the changed terms and conditions.
3. The owner shall now indemnify the Village from and against all damage to property included in the agreement.
4. The Village now reserves the right to use the remaining easement area, and the approximate rock size and depth will be included in the agreement.
5. The owner must agree to bear all costs of removal of the retaining wall and replacement of the retaining wall should the Village ever need to excavate the storm sewer, and this covenant runs with the land. Said reimbursement costs must be paid within 120 days of issuance of a billing to the owner. Failure to reimburse the Village for the billed costs would entitle the Village to a restraining order preventing use of the building.
6. The owner must agree to bear the costs of legal services and engineering expenses associated with the partial release of the Village easement for his purposes.
7. Owner's mortgagor must consent to and execute Utility Easement Partial Release.
8. The fully executed Utility Easement Partial Release must be received by the Village before any building permits are issued by the Village.

Mr. Beyer is in agreement with all terms of the agreement as presented.

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the Utility Easement Partial Release as modified by the Village Board and upon verification of the retaining wall location by Village Engineer Dave Sauer. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Schumacher to adjourn the meeting at 8:21 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator