

Public Hearing
Ordinance No. 483
Creating Nuisances Prohibited and Minimum Property Maintenance Standards

June 5, 2018

Public hearing called to order at 6:30 p.m. by Village President Dennis Manthei. Trustees present: Brown, Hennessey, Lautz, and Schumacher. Absent: Leicht. Excused: Wee. Also present: Village Attorney Bryant Klos, Police Chief Charles Ashbeck, Recreation Director Tony DeGaetano, and Village Administrator Teresa Schnitzler.

The public hearing was to hear citizen comments with regard to proposed Ordinance No. 483 creating nuisances prohibited and minimum property maintenance standards. There were no citizens present to speak against the proposed Ordinance.

Melissa Ertz, 337 North Leonard Street, addressed the Board in favor of adopting the Ordinance. Ms. Ertz distributed several pictures of properties in the Village that could be addressed with this ordinance. There are several homes where the residents are not cleaning up around the property. Ms. Ertz lives near 120 East Garland Street where self-capping gutter nails are always laying in the alley, and she has had to pay for many tire repairs due to this issue. Ms. Ertz has her home for sale, and the lack of property maintenance around her property has affected her property value. Another home on East Hamilton Street has junk all over the yard, and a home at the corner of West Hamilton and Youlon Street has had a tent in the yard since March and people are sleeping in it. This home is in poor repair with junk all over the yard.

Rhonda Yeiter, 112 East Garland, also complained about the property at 120 East Garland, where the owner is operating a gutter business and scrap materials are stored all over the property. Trucks, trailers, and cars park in the alley behind this home, and she has had five patches in her tires due to the self-capping gutter nails in the alley. Property values are affected by the condition of this residence.

Tim Degenhart, 165 South Clark Street, also spoke in favor of the ordinance, citing properties on Brickl Road, West Elm Street, and Hamilton Street where junk and abandoned vehicles are continually stored. Rats and feral cats are an issue in the Village due to lack of maintenance at many properties.

Motion by Trustee Schumacher, seconded by Trustee Hennessey to close the public hearing at 6:44 p.m. Approved by unanimous voice vote.

Teresa L. Schnitzler, Village Administrator

Public Hearing
Ordinance No. 484
Weights and Measures

June 5, 2018

Public hearing called to order at 6:50 p.m. by Village President Dennis Manthei. Trustees present: Brown, Hennessey, Lautz, and Schumacher. Absent: Leicht. Excused: Wee. Also present: Village Attorney Bryant Klos, Police Chief Charles Ashbeck, Recreation Director Tony DeGaetano, Public Works Director Scott Halbrucker, and Village Administrator Teresa Schnitzler.

The public hearing was to hear citizen comments with regard to proposed Ordinance No. 484 Weights and Measures, which creates a weights and measures program in the Village of West Salem.

There were no citizens present to speak for or against the proposed Ordinance.

Motion by Trustee Schumacher, seconded by Trustee Brown to adjourn the public hearing at 6:53 p.m. Approved by unanimous voice vote.

Teresa L. Schnitzler, Village Administrator

Public Hearing
Ordinance No. 482
Amending Official Zoning Map

June 5, 2018

Public hearing called to order at 6:55 p.m. by Village President Dennis Manthei. Trustees present: Brown, Hennessey, Lautz, Leicht, and Schumacher. Excused: Wee. Also present: Village Attorney Bryant Klos, Police Chief Charles Ashbeck, Recreation Director Tony DeGaetano, Public Works Director Scott Halbrucker, and Village Administrator Teresa Schnitzler.

The public hearing was to hear citizen comments with regard to proposed Ordinance No. 482 amending the Village official zoning map. There were no citizens present to speak for or against the proposed Ordinance.

Motion by Trustee Leicht, seconded by Trustee Lautz to adjourn the public hearing at 6:58 p.m. Approved by unanimous voice vote.

Teresa L. Schnitzler, Village Administrator

Regular Meeting

June 5, 2018

Meeting called to order at 7:00 p.m. by Village President Dennis Manthei. Trustees present: Brown, Hennessey, Lautz, Leicht, and Schumacher. Excused: Trustee Wee.

Also present: Richard Barbour, Public Works Director Scott Halbrucker, Recreation Director Tony DeGaetano, Police Chief Charles Ashbeck, Village Attorney Bryant Klos, and Village Administrator Teresa Schnitzler.

Minutes

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the minutes of the May 15, 2018, Regular Board meeting as presented. Roll call vote: Unanimous aye.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$174,668.58
<u>Water Utility:</u>	\$89,403.78
<u>Sewer Utility:</u>	\$68,762.83
<u>Storm Water Utility:</u>	\$17,516.70

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

Ordinance No. 483

Motion by Trustee Lautz, seconded by Trustee Leicht to approve adoption of Ordinance No. 483 Creating Nuisances Prohibited and Minimum Property Maintenance Standards as presented. Roll call vote: Brown – nay; remainder of Board - aye. Motion approved.

Ordinance No. 484

Motion by Trustee Schumacher, seconded by Trustee Brown to approve adoption of Ordinance No. 484 Weights and Measures. Roll call vote: Unanimous aye.

Ordinance No. 482

Motion by Trustee Lautz, seconded by Trustee Schumacher to approve Ordinance No. 482 Amending Village of West Salem Official Zoning Map. Roll call vote: Unanimous aye.

West Salem Fire Protection District Purchase of Truck

Trustee Lautz reported on the West Salem Fire Protection District special meeting held on May 31, 2018. The Fire District Board reviewed the quote received from Reliant Fire Apparatus, Inc. for a new Pierce Velocity 110' ascendant platform truck in the total amount of \$1,061,636. Purchasing the truck for cash allows a discount of \$41,651. The Fire District is proposing to contribute \$100,000 from its sinking fund, leaving a total cost to the three municipalities of \$919,985. Funding options discussed were if one municipality decides to hold a binding referendum, each municipality's portion of the cost of the truck will then be based on each municipality's percentage of the total 2019 equalized value of the Fire District. If all three municipalities agree to borrow for the truck, the Fire District Board recommended using a five-year average of the equalized

values for the years 2018 through 2017. The Village's estimated portion of the cost would be \$477,178. The Fire District has recommended each municipality borrow for the truck in order to take advantage of the cash discount. West Salem has officially stated it supports the Fire District purchase of the new truck. The Towns of Hamilton and Barre will meet this month to decide to either hold binding referendums or borrow for their portions of the cost. Trustee Lautz requested the Finance and Personnel Committee meet before the next Village Board meeting to recommend a financing option to the Village Board.

Amendment to West Salem Fire Protection District Agreement

The Village Board reviewed a First Amendment to the Second Amendment of West Salem Fire Protection District Agreement wherein the stated quarterly meetings section of the Agreement was changed from the second Thursday in the months of January, April, July, and October to a date mutually agreeable to the Fire District Board.

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the amendment. Roll call vote: Unanimous aye.

Alcohol Beverage License Application

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve the issuance of an Alcohol Beverage License to Ever Xiong. Roll call vote: Unanimous aye.

Law Enforcement Committee

Trustee Lautz reported on the Law Enforcement Committee meeting held on May 15, 2018. The Committee reviewed an Application to Exceed Pet Limit submitted by Catherine Story, who is moving soon to 828 Saddlewood Court. Ms. Story is moving to West Salem from Palm Springs, California, once her home in California is sold. Ms. Story presently keeps a ten-year old, spayed jack Queensland heeler, a neutered, four-year old terrier mix, a spayed, nine-year old poodle mix, and a two-year old, neutered dachshund mix. Once Ms. Story has moved into her new home, she will install a privacy fence to enclose her property. All four dogs are kept primarily indoors. On behalf of Ms. Story, Pat Anderson explained all four dogs are kept primarily indoors except for walks and for bathroom breaks and when Ms. Story is present. Phillips Fencing has been contacted to install a privacy fence. Ms. Anderson stated all four dogs are good dogs. Responses to the notice of this meeting were received from neighbors Dan Cronk, Linda and Larry Arentz, and Karen and Jerry Quackenbush. The Quackenbush's are concerned about the lack of dog dropping cleanup in the neighborhood and in Zanter Park already, and they do not support anyone having four dogs in the neighborhood. Linda and Larry Arentz have no objection to the application if the dogs are contained and the dogs do not bark. Dan Cronk's bedroom window is directly over the backyard of 828 Saddlewood, and he is concerned about the new dogs barking. He stated there are many dogs in the neighborhood, and when one dog barks, all of the neighborhood dogs start barking. Mr. Cronk has not met the applicants and he does not know the dogs. However, the ordinance is in place for a two-dog limit, and he feels this should be considered. Ron Black recommended the Committee approve the Application, but also consider a requirement that when one or two of the dogs pass away, they cannot be replaced. The Committee informed Mr. Black that if a permit is approved, the permit is specific to the dogs listed on the application and is not a permit for four dogs. The police department has responded to a couple of barking dog

complaints over the last two years in this neighborhood. The Committee asked Ms. Anderson if the privacy fence will be installed before Ms. Story moves here, and she responded it will be installed shortly after she moves here. Her home in California has not sold yet, and the privacy fence is a considerable expense to take on now if the move does not work out. The Committee recommended to the Village Board approval of the Application to Exceed Pet Limit submitted by Catherine Story with the requirement a privacy fence be installed within sixty days of the dogs arriving and that Ms. Story understands this permit can be rescinded if there are complaints received about the dogs.

Motion by Trustee Lautz, seconded by Trustee Leicht to approve the minutes of the Law Enforcement Committee held on May 15, 2018, as presented. Roll call vote: Unanimous aye.

Application to Exceed Pet Limit

Motion by Trustee Hennessey, seconded by Trustee Leicht to approve the Application to Exceed Pet Limit submitted by Catherine Story with the requirement a privacy fence be installed within sixty days of the dogs arriving. Roll call vote: Unanimous aye.

Planning Commission

President Manthei reported on the May 29, 2018, Public Hearings and Planning Commission meeting. The first public hearing concerned Resolution 1.18 which will cancel and void Conditional Use Permit No. 2. The Conditional Use Permit allowed a basement apartment in a business use building on land that is zoned Business located at 102 North Leonard Street. There were no citizens present to speak for or against the proposed Resolution. The second public hearing concerned Resolution 2.18 Cancelling and Voiding Conditional Use Permit No. 4, which allowed an owner-occupied single apartment on the ground floor in a business use building on land zoned Business and located at 114 South Leonard Street. There were no citizens present to speak for or against the proposed Resolution. The third public hearing was to receive public comment on a Petition for Change of Zone filed by RB Development of West Salem LLC to rezone Tax Parcel No. 16-771-0 located west of South Oak Street, bordered by Interstate 90 to the south and the La Crosse River Bike Trail to the north from Industrial Zone to Planned Unit Development. Mr. Barbour distributed a conceptual plan to show the location of the parcel, and Code-required plans and planned unit development restrictive covenants will be submitted to the Planning Commission once the rezone has been approved. The entrance to the residential development will be north of the present Indus building. Mark Horihan, 511 West Elm Street, asked if there will be a plan for storm water retention. Mr. Barbour assured the Commission and Mr. Horihan that Wisconsin Department of Natural Resources storm water management practices will be followed in this development. The Planning Commission reviewed and recommended to the Village Board Resolution 1.18 Cancelling and Voiding Conditional Use Permit No. 2 and Resolution 2.18 Cancelling and Voiding Conditional Use Permit No. 4. The Planning Commission reviewed Resolution No. 3.18. This Resolution will recommend to the Village Board approval of a Petition for Change of Zone filed by RB Development of West Salem LLC to rezone 15.02 acres of land from Industrial Zone to Planned Unit Development. The developer is proposing high-density residential and condominiums for this location. The Planning Commission recommended approval of Resolution 3.18 to the Village Board. Ben Sprain representing ABEN Properties requested the Planning

Commission consider amending the conditional use permit issued to him in October of 2016. Construction did not begin on the project until October of 2017, and he is requesting the completion dates be extended to May 31, 2020. Mr. Sprain stated the current schedule for completion is the first two, 8-unit buildings will be completed and occupied by October 1, 2018. Phase 2, which is two additional 8-unit buildings, will begin June 2018 and be occupied by May 1, 2019. Phase 3 is the remaining 19 units and is set to begin June 2019 with an anticipated completion date of May 20, 2020. After the issuance of Conditional Use Permit No. 25, the decision was made to individually meter each unit in the development instead of installing one large meter. Mr. Sprain requested this condition also be amended. A public hearing was scheduled on the Amendment to Conditional Use Permit No. 25 for Monday, June 18, 2018, at 5:00 p.m. with a Planning Commission meeting to follow. Allied Cooperative submitted a Certified Survey Map for review and recommendation by the Planning Commission to the Village Board. Allied owns Lot 2 located behind its Lot 8 fronting on Commerce Street. Lot 2 is landlocked, and in order to construct a building on this lot, a certified survey map was prepared combining Lots 2 and Lot 8 into one larger parcel. Lot 2 is zoned Industrial, and Lot 8 is zoned Business. Therefore, Allied has submitted a Petition to change the zone of Lot 2 to Business. The Petition will be reviewed at the next Planning Commission meeting. The Commission recommended to the Village Board approval of the Certified Survey Map submitted by Allied Cooperative.

Motion by President Manthei, seconded by Trustee Schumacher to approve the minutes of the Planning Commission meeting of May 29, 2018, as presented. Roll call vote: Unanimous aye.

Motion by Trustee Schumacher, seconded by Trustee Lautz to approve Resolution 1.18 as presented. Roll call vote: Unanimous aye.

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve Resolution 2.18 as presented. Roll call vote: Unanimous aye.

Motion by Trustee Hennessey, seconded by Trustee Lautz to approve Resolution 3.18 Change of Zone. Roll call vote: Unanimous aye.

Motion by Trustee Lautz, seconded by Trustee Schumacher to approve the Certified Survey Map submitted by Allied Cooperative. Roll call vote: Unanimous aye.

Motion by Trustee Schumacher, seconded by Trustee Leicht to convene in closed session at 7:59 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, or conduct of other specific public business, whenever competitive or bargaining reasons require a closed session, to-wit: Possible Land Sale/Purchase. Roll call vote: Unanimous aye.

Motion by Trustee Lautz, seconded by Trustee Leicht to reconvene in open session at 8:23 p.m. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Schumacher to adjourn the meeting at 8:24 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator