

Public Hearing
Ordinance No. 453 Amending Traffic Chapter VI

August 6, 2013

Public hearing called to order at 6:50 p.m. by President Manthei. Trustees present: Baltz, Koelbl, Leicht, Schumacher, and Wehrs. Absent: Lautz. Also present: Public Works Director Scott Halbrucker, Police Chief Charles Ashbeck, and Village Administrator Teresa Schnitzler.

The public hearing concerns proposed Ordinance No. 453 Amending Traffic Chapter VI. The proposed Ordinance, if adopted, will reduce the speed limit on Lewis Street located to the east of its intersection with North Mark Street, along with Saddlewood Court and Greenwood Court, all located in the Village of West Salem to 15 miles per hour and properly mark said streets.

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

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

Teresa L. Schnitzler, Village Administrator

Regular Board Meeting

August 6, 2013

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

Minutes

Motion by Trustee Leicht, seconded by Trustee Lautz to approve the minutes of the July 16, 2013, Regular Board meeting as written. Roll call vote: Unanimous aye.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$39,328.89
<u>Water Utility:</u>	\$13,099.04
<u>Sewer Utility:</u>	\$12,996.58

Storm Water Utility:

\$1,727.40

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

Ordinance No. 453

Motion by Trustee Leicht, seconded by Trustee Koelbl to approve Ordinance No. 453 amending traffic Chapter VI. Roll call vote: Unanimous aye.

Dinosaur Skeleton Sculptures

At the July 2, 2013, the Village Board was informed the three steel dinosaurs standing south of the Interstate are in need of sanding and painting due to the amount of rust on the sculptures. Discussion was had on whether a local civic group would be interested in taking on responsibility and maintenance of the sculptures, whether the dinosaurs should be offered for sale or give away, if the Village keeps the dinosaurs that they should be cleaned and maintained, and whether or not to scrap the sculptures. The Village Board voted to put an announcement out to see if there is an organization that wants to adopt the dinosaurs and take care of them per an agreement, and if no one wants to take care of them then ask the Riniker family if they want the dinosaurs, and if they do not want them back, then offer them up to be taken away. Teresa Schnitzler shared responses received from the Riniker family and other contacts received offering to remove the dinosaurs.

Trustee Wehrs informed the Board he is sponsoring Andreas Huber, a 16-year old German student, at his home for the month of August. Trustee Wehrs and Mr. Huber viewed the dinosaurs, and they would like to sand and paint the sculptures. They would supply the labor, and the Village would supply the necessary materials.

Motion by Trustee Lautz, seconded by Trustee Koelbl to contact Gary Horstman and let him take the dinosaurs to his windmill hill. Roll call vote: Koelbl and Lautz – aye; remainder of Board – nay. Motion denied.

Motion by Trustee Baltz, seconded by Trustee Leicht to accept Merlin Wehrs' gracious offer to have Andreas Huber sand and paint the dinosaurs with the Village supplying the materials. Roll call vote: Lautz – nay; remainder of Board – aye. Motion approved.

School Bus Warning Lights

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve the list and map of West Salem School District bus stops as locations where school bus operators are directed to use their flashing red warning lights when stopping to load or unload persons pursuant to Wis. Stat. Sec. 349.21(1) and West Salem Ordinance 6.16. Roll call vote: Unanimous aye.

Special Event Application

Dave Hundt submitted a Special Event Application for a street dance to be held on Sunday, September 1, 2013, from 5:00 p.m. until midnight to benefit the West Salem Historical Society. The application also includes a request for South Leonard Street to be closed from Memorial Drive to Elm Street.

Motion by Trustee Koelbl, seconded by Trustee Leicht to approve the special event application and the requested street closing. Roll call vote: Unanimous aye.

Special Event Application

The Board reviewed a Special Event Application submitted by Teresa Schnitzler for an 18th annual Rose Street block party to be held on Saturday, August 17, 2013, from 5:00 p.m. until midnight at the 100 block of Rose Street North. The application also includes a request for the 100 block of Rose Street North to be closed from East Hamilton to East Franklin Street.

Motion by Trustee Koelbl, seconded by Trustee Leicht to approve the special event application and the requested street closing. Roll call vote: Unanimous aye.

Alcohol Beverage License Applications

Motion by Trustee Schumacher, seconded by Trustee Wehrs to approve the issuance of alcohol beverage licenses to Michelle Rae Herman, Mary Ann Kessel, Mary K. Wiedemann, and Theresa Maria Burnette. Roll call vote: Baltz – abstain; remainder of Board – aye. Motion approved.

Buildings and Grounds Committee

Trustee Lautz reported on the July 16, 2013, Buildings and Grounds Committee meeting. The purpose of the meeting was to meet with La Crosse County Health Department representatives regarding an ordinance addressing outdoor wood boilers in the Village of West Salem. Jim Steinhoff and Dave Geske distributed literature explaining that an outdoor wood boiler is any furnace, stove, or boiler designed to burn wood, where the unit is not located within a building intended for habitation by humans or domestic animals. Outdoor wood boilers or water stoves typically look like a small utility building with a smoke stack and provide heating and/or hot water to a single residence. The basic design of an outdoor wood-fired furnace includes a firebox enclosed in a water jacket, surrounded by insulation, and vented through a chimney stack. The combustion of wood heats the water in the reservoir. Heated water is carried through underground pipes to heat a home, farm building, swimming pool, hot tub, or to produce domestic hot water. Outdoor wood boilers are more popular in rural areas. The basic design encourages a slow, cooler fire to maximize the amount of heat transferred from the fire to the water. Slow, cooler fires, however, burn inefficiently and create more smoke and creosote than higher temperature fires. Health officials worldwide have only recently begun to understand the health problems seen in people who regularly cook or work around wood fires. Negative impacts on human health include coughing and difficult or painful breathing, increased susceptibility to respiratory illness like pneumonia and bronchitis, eye and nose irritation, hospitalization for heart or lung disease, and premature death. La Crosse County regulates outdoor wood-fire furnaces at Section 11.54 of its Code. The Committee reviewed La Crosse County's Ordinance. The Committee discussed how a similar Village Ordinance would affect outdoor fire pits and inside home woodstoves. Mr. Steinhoff informed the Committee that La Crosse County's ordinance does not regulate fire pits, grills, or indoor woodstoves as these types of fires are completely different than the fire in an outdoor wood boiler. La Crosse County's ordinance also "grandfathers" outdoor wood boilers in place at the time the ordinance was enacted. The Committee recommended referring

La Crosse County's ordinance to Attorney Klos as a template for a West Salem ordinance and clearly infer 1) West Salem does not want outdoor wood boilers, and 2) West Salem will grandfather outdoor wood boilers in place at this time. The Committee discussed existing outdoor wood boilers in the Village and how much expense and effort it would take to bring the existing wood boilers to the new code. Mr. Geske stated the existing wood boilers are not safe for neighbors.

Motion by Trustee Lautz, seconded by Trustee Koelbl to approve the minutes of the Buildings and Grounds Committee meeting held on July 16, 2013. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Koelbl to schedule a public hearing for Ordinance No. 455 to Prohibit Outdoor Furnaces for Tuesday, September 3, 2013, at 6:50 p.m. Roll call vote: Unanimous aye.

Planning Commission

President Manthei reported on the July 23, 2013, Planning Commission public hearing and meeting. The public hearing concerned a Conditional Use Permit Application filed by Marsha and Brad Jahnke. The Jahnkes would like to convert their single-family home located at 504 East Garland Street back to a duplex home. A two-family dwelling is a conditional use in a Residence District, single-family (R-1). There were no citizens present to speak for the Conditional Use Permit Application. Marilyn Bahr, 324 North Lincoln Street, spoke in opposition to the Conditional Use Permit and requested the Permit be denied. Weighing the pros and cons of the conditional use, Mrs. Bahr stated there are more cons than pros. Lois Elliott, 342 North Lincoln Street, also spoke in opposition to the Permit. Mrs. Elliott stated if the duplex is not owner-occupied, the owner does not see what is going on at the property the majority of the time. Homes are better taken care of if the owner is living on the property, but there is never a guarantee the owner will occupy the premises. Bob Elliott, 342 North Lincoln Street, stated years ago the property was an owner-occupied premise. Duplex rental units tend to decrease property values, and he is also opposed to the conditional use permit application. The Commission meeting was convened, and Village Attorney Bryant Klos explained the Planning Commission needs to consider whether it favors a duplex in an area that is zoned for single-family residences. The proposed Conditional Use Permit is drafted to run with the title to the property and be binding upon all successors in title. Attorney Klos stated this is the most effective way to grant the conditional use permit. A condition can be added to the permit mandating the duplex be owner-occupied, but municipal enforcement would be difficult. The Commission reviewed a letter received from Ann and Ron Amann, 319 North Lincoln. The Ammans also oppose the conditional use permit application stating they wish to maintain the quiet, friendly, neat, and family-oriented neighborhood. They wrote when rental property takes over a single family dwelling, the value of all property in the area goes down. The Planning Commission recommended to the Village Board denial of Conditional Use Permit No. 15.

Motion by President Manthei, seconded by Trustee Koelbl to approve the minutes of the July 23, 2013, Planning Commission meeting as presented. Roll call vote: Unanimous aye.

Motion by President Manthei, seconded by Trustee Baltz to deny Conditional Use Permit No. 15, as recommended by the Planning Commission. Roll call vote: Unanimous aye.

Street Committee

Trustee Koelbl reported on Street Committee meeting held on August 2, 2013. The purpose of the meeting was to review with possible recommendation to the Village Board an amendment to the boulevard condition ordinances. In June of 2012, the Street Committee and the Village Board discussed boulevard changes, exceptions, and restrictions arising from complaints received pertaining to a property on North Van Ness Street. At that time, there were approximately 43 violations of one or more sections of the Village Code of Ordinances. The Street Committee requested the Ordinance be modified and revised to be less restrictive on the distance from mailboxes, traffic signs, trees, or utility poles but maintain pedestrian and traffic vision lines of sight. The Committee directed height restrictions should remain in place, but plantings should be allowed along carriage walks and driveways as well. Attorney Klos drafted the requested amendment, and the Committee reviewed and discussed the changes made in the amendment. The revised Ordinance maintains all existing evergreen trees and all shrubs must be removed. In areas at least 25 feet from a curb corner at an intersection, plants are allowed within 5 lineal feet measured along the curb line on either side of a mailbox, traffic sign, tree, utility pole, carriage walk, or driveway. This 5 lineal feet can be all on one side or split between both sides of the mailbox, traffic sign, tree, utility pole, carriage walk, or driveway. Low growing shrubs are also allowed within the 5 lineal feet, if their natural mature height is 5 inches or less. Allowed plants shall not exceed the height of 36 inches from the height of the curb and shall not contain grasses or noxious weeds. If plantings are done within this 5-foot planting area, the boulevard area within this 5-foot area may be covered with washed river rock or decorative rock matching the same located in adjacent front lot, or with decorative mulch matching the same located in adjacent front lot. This would be the only substitute allowed besides grass. The revised Ordinance adds an avenue to apply for a variance to the boulevard exceptions. A request for a variance would be made to the Street Committee with complete scale drawings and a list of the plantings and other changes the adjacent property owner wishes to make. An application would be accompanied by a fee, and, if granted, would be valid for one year. A yearly renewal fee would be required in order to continue the variance. The renewal variance may be denied by the Street Committee if it is determined the boulevard changes have not been done in a way that enhances the appearance and the value of the property and neighborhood. The Committee discussed enforcement of the Ordinance, and it was suggested the Village Administrator send notification letters to the property owners in violation. If after two letters the violation is not corrected, the public works department would enforce the ordinance by removal of the violating plantings. The Committee recommended the Village Board schedule a public hearing for Ordinance No. 456.

Motion by Trustee Koelbl, seconded by Trustee Leicht to approve the minutes of the August 2, 2013, Street Committee meeting as presented. Roll call vote: Unanimous aye.

Motion by Trustee Koelbl, seconded by Trustee Wehrs to schedule a public hearing for proposed Ordinance No. 456 for Tuesday, September 3, 2013, at 6:45 p.m. Roll call vote: Unanimous aye.

Utilities Committee

Trustee Schumacher reported on the August 2, 2013, Utilities Committee meeting. The purpose of the meeting was to review for possible recommendation to the Village Board storm water drainage options and costs received for a storm water drainage issue on North Mark Street in Neshonoc Lake Addition. Storm water from two Mark Street curb inlets currently discharges into a drainage easement area to the east of Mark Street over land owned by Chris and Dan Cronk. As directed by the Committee at its May 16, 2013, meeting, Scott Halbrucker requested bids from area contractors, and three contractors responded with costs. Three options were proposed for the improvements. Option 1 connects the 15" storm sewer to the 36" storm sewer outside of the Mark Street pavement area. Option 2 connects the existing storm inlets on Mark Street to the 36" storm sewer within the street area of Mark Street. Option 3 is a repair of the existing rip rap ditch channel within the easement area going to the lake. Engineer Dave Sauer noted in his project bid analysis that Option 3 will need to be completed since the existing channel has severe erosion. Option 1 or Option 2 will reduce the storm water volume to this ditch area and will improve the long-term use of the ditch channel. Mr. Sauer stated Options 1 and 2 should be considered, but they are not required to be completed. Mr. Sauer's analysis stated the low bidder for Option 3 is Niebuhr Construction at \$3,528.76 to \$6,000.00. This cost is based on estimated quantities for fill and rip rap and landscaping. Gerke Excavating is the lowest bid proposal for Options 1 and 2. Option 2 involves patching the asphalt in Mark Street, which Mr. Sauer stated is not desirable. Gerke Excavating also proposed an Option 4 which is a modified version of Option 1. Gerke's Option 4 sets a manhole at the current 15" pipe outfall and extends a 15" pipe to the lake along an alignment that is parallel to the 36" pipe. This new 15" pipe would be covered with soils and be fairly shallow, according to Gerke Excavating. This cost for this option ranges from \$14,690 to \$15,890 depending upon the use of concrete pipe or HDPE pipe. This option would add a new discharge pipe directly to the lake and would then require a Chapter 30 permit from the Department of Natural Resources. An alternative to Option 4 would be to connect the 15" pipe into the 36" storm sewer rather than running the 15" pipe to the lake. Although we do not have a written cost for this alternative, Gerke Excavating informed the Committee the cost would be approximately \$2,000 less. The estimated location of this connection would be about 90 feet from the lake. Gerke Excavating also provided an Option 3A for the existing ditch channel repair using E-mat P300 material instead of rip rap. Mr. Sauer felt this option was less permanent than rip rap, and, if selected, will likely require future repairs more often than using rip rap. If Option 4 is selected, the use of the E-mat P300 may work better for the ditch channel since the channel will only see surface drainage water and not storm sewer water. Gerke's cost for this option is \$6,322.25. Mr. Sauer recommended that the rip rap ditch work be completed by Niebuhr Construction. He also recommended that if additional improvements are chosen, that Gerke Excavating's Option 4 with a connection to the 36" storm sewer be considered. This would, however, require a new easement and approval by the Cronks. The Committee discussed whether there is an easement on record from La Crosse County for the 36" pipe coming from Lakeview Healthcare. Attorney Klos will research this. The Committee requested that Gerke Excavating

supply the Village with a new bid for the modified Option 4 to include landscaping and direct Attorney Klos to research the La Crosse County easement issue.

Motion by Trustee Schumacher, seconded by Trustee Koelbl to approve the minutes of the August 2, 2013, Utilities Committee meeting as presented. Roll call vote: Unanimous aye.

Motion by Trustee Koelbl, seconded by Trustee Leicht to adjourn the meeting at 8:08 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator