

Public Hearing
Ordinance No. 513 Regulation of ATV/UTV on Public Streets

March 21, 2023

Public hearing called to order at 6:30 p.m. by Village President Scott Schumacher. Trustees present: Curtis, Lautz, Leicht, and Twining. Trustee Hennessey arrived later as noted below. Also present: Police Chief Kyle Holzhausen, Village Attorney Bryant Klos, Public Works Director Loren Schwier, and Village Administrator Teresa DeLong.

Ordinance No. 513, if adopted, will allow the use of ATV/UTV's on all streets in the Village of West Salem, subject, however, to State Statutes and State Administrative Code Sections.

Camille Lusk addressed the Village Board neither for nor against the proposed Ordinance. Mrs. Lusk cited Wisconsin Department of Natural Resources fatality and casualty statistics and her concerns regarding alcohol use. She stated ATV/UTV's are recreational vehicles, and there is no proper trail system in the Village. The businesses downtown open on weekends are the six bars.

Timothy Degenhardt spoke in favor of the proposed Ordinance. He stated an ATV/UTV machine is a different mode of transportation. Municipalities east of West Salem are all open to ATV/UTV use, and opening the Village streets up to ATV/UTV use would encourage riders to do business here. Mr. Degenhardt believes the increase in fatalities is due to the growth of this hobby.

Kat Anderson addressed the Village Board as president of the Coulee Cruisers UTV Club in support of the proposed Ordinance. Use of ATV/UTV's around West Salem has increased, and the Coulee Cruisers UTV Club follows all rules of the road and State laws. Allowing use on Village streets will help with business, and she states users are safer on an ATV than on a motorcycle.

Trustee Hennessey arrived at 6:39 p.m.

Rhonda Peterson addressed the Village Board also speaking in favor of the proposed Ordinance. Ms. Peterson is a member of the Tri-County Club, and she has worked to open other areas for ATV/UTV use. She stated the newer machines will not go over five miles per hour unless the seatbelts are engaged. Ms. Peterson read a newspaper article to the Board supporting ATV/UTV use as a mode of transportation.

Other residents filing public comment forms in favor of the proposed Ordinance were Russell McClintock, Jeremy Weber, Kathy Morgan, Rick Morgan, Tim Peterson, and Dana Heider.

Motion by Trustee Leicht, seconded by Trustee Twining to adjourn the public hearing at 6:46 p.m. Motion approved by voice vote.

Teresa L. DeLong, Village Administrator

Regular Meeting

March 21, 2023

Regular meeting called to order at 7:00 p.m. by Village President Scott Schumacher. Trustees present: Curtis, Hennessey, Lautz, Leicht, and Twining. Also present: Police Chief Kyle Holzhausen, Village Attorney Bryant Klos, Municipal Engineer for Cedar Corporation Joseph Pingel, Public Works Director Loren Schwier, and Village Administrator Teresa DeLong.

Public Comment

Erika Nelson and Shay Jilek of Lynxx Networks updated the Board on the Village-wide build out of fiber optic internet. Information was distributed and questions were answered.

Minutes

Motion by Trustee Twining, seconded by Trustee Curtis to approve the minutes of the March 7, 2023, meeting as written. Roll call vote: Unanimous aye. Motion approved.

Claims

Claims were presented for payment totaling \$111,149.07. Motion by Trustee Leicht, seconded by Trustee Hennessey to approve the payment of all claims as listed. Roll call vote: Unanimous aye.

Ordinance No. 513

The Village Board discussed proposed Ordinance No. 513 which would regulate use of ATV/UTVs on Village streets. Trustee Lautz expressed concern regarding visibility, added enforcement work for the police department, and noise. He stated West Salem is a growing and vibrant community, and he asks if this will be a good thing for the Village in the long-term or a detriment. ATV/UTV users he has observed in other municipalities are not following the laws and rules. Trustee Leicht asked if the ordinance could be amended to include a clause stating the Village Board will review the ordinance after one year, and Attorney Klos stated the Village Board can review any ordinance any time and make changes.

Motion by Trustee Leicht, seconded by Trustee Curtis to approve Ordinance No. 513 as presented. Roll call vote: Lautz – nay; remainder of Board – aye. Motion approved.

Storm Water Management Plan and MS4 Storm Water Annual Report

Village Engineer Joseph Pingel of Cedar Corporation presented the March 2023 draft of the Storm Water Management Plan along with the 2022 Annual Report and Other Compliance Documents for Municipal Separate Storm Sewer System (MS4) Permits.

Ordinance No. 515

The Village Board reviewed proposed Ordinance No. 515 to amend Chapter 16 Stormwater and Erosion Control sections of the Village Code of Ordinances. If adopted, the Ordinance will add requirements to stormwater and erosion control submittals as follows:

All digital modeling, including CAD files, WinSLAMM, and Volume Control Modeling, is to be submitted for the approved design and as-constructed conditions.

Village Attorney Bryant Klos recommended adding additional language to each section:
. . .before any Erosion Control Permit, Storm Water Management Permit, or building permit is granted.

Motion by Trustee Curtis, seconded by Trustee Leicht to approve adoption of Ordinance No. 515 as amended. Roll call vote: Unanimous aye. Motion approved.

Class B Beer and Reserve Class B Liquor License

Motion by Trustee Lautz, seconded by Trustee Hennessey to approve the issuance of a Class B Beer Reserve Class B Liquor License to J Slusser LLC for Features Fieldhouse at 220 County Road M. Roll call vote: Unanimous aye. Motion approved.

Ordinance No. 516 Amending Chapter 8

Motion by Trustee Leicht, seconded by Trustee Curtis to schedule a public hearing on proposed Ordinance No. 516 for Tuesday, April 18, 2023, at 6:55 p.m. Roll call vote: Unanimous aye. Motion approved.

Referendum Yard Sign Expenditure

Motion by Trustee Twining, seconded by Trustee Hennessey to authorize President Schumacher to expend up to \$350 for 25 "VOTE TUESDAY" yard signs. Roll call vote: Unanimous aye. Motion approved.

Law Enforcement Committee

Trustee Lautz reported on the March 7, 2023, Law Enforcement Committee meeting. The purpose of the meeting was to review for recommendation to the Village Board an Application to Exceed Pet Limit submitted by Lance Hutzenbuhler in order to add a third dog to their home. The residents presently keep two, spayed indoor cats, seven and eight years old and also two, spayed dogs which are one and three years old. The residents would like to adopt a neutered four-month old Corgi-mix rescue dog. The animals are up-to-date with licenses and vaccinations. The Hutzenbuhlers have a large, fenced-in backyard. There have been no calls for law enforcement at the Hutzenbuhler residence. One neighbor submitted an objection stating "I vote no since it's an ordinance. May prompt others to do the same". The Committee recommended the Village Board approve the Permit to Exceed Pet Limit contingent upon submission of current rabies vaccination and current dog licensing.

Motion by Trustee Lautz, seconded by Trustee Leicht to approve the minutes of the Law Enforcement Committee meeting held on March 7, 2023, as presented. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Lautz, seconded by Trustee Hennessey to approve the issuance of a Permit to Exceed Pet Limit to Lance Hutzenbuhler contingent upon submission of current rabies vaccination and current dog licensing. Roll call vote: Unanimous aye. Motion approved.

Planning Commission

President Schumacher reported on the Planning Commission public hearing and meeting held on March 16, 2023. The public hearing concerned a Conditional Use Permit Application submitted by Shirley Alexander in order to create a zero lot line townhome at 122 and 124 Susan Court. There were no citizens present to speak for or against the Conditional Use Permit Application. The Planning Commission meeting was then called to order. The Commission reviewed an Application for Conditional Use Permit submitted by Shirley Alexander to create a zero lot line townhome at 122 and 124 Susan Court. The parcel is presently a duplex, and the owner would like to convert the structure to a separate ownership townhome. A certified survey map has been prepared for review by the Commission in conjunction with the conditional use permit application. The Commission noted confirmation has been received that the duplex was constructed with the required firewall in place from the basement to the roof deck, and a proposed Common Wall Maintenance Agreement was submitted with the Application. The Planning Commission recommended to the Village Board approval of Conditional Use Permit No. 57 as presented. The Commission then reviewed a Certified Survey Map for 122 and 124 Susan Court, which was also recommended for approval by the Village Board. An Application for a Conditional Use Permit was submitted by Lamar Advertising in order to add a backside digital panel to the existing digital billboard sign at 1425 West City Highway 16. The Planning Commission scheduled a public hearing on the Conditional Use Permit Application for Monday, April 10, 2023, beginning at 5:00 p.m. with a Planning Commission meeting immediately following. The Commission then reviewed a Petition for Change of Zone submitted by Coulee Region Christian School Association, Inc., in order to change the zone of 701 Industrial Drive from Business to Residential Zoning. Speaking on behalf of Coulee Region Christian School Association, Inc., Attorney Dan Arndt stated it is the intent to place 6th through 12th grade students in the building at 701 Industrial Drive, and this will help the traffic going to the facility. Attorney Arndt stated the comprehensive plan is in conflict with the request to rezone, but the comprehensive plan is now being updated so this would be the time to address this parcel. The Conditional Use Permit Application submitted by Coulee Region Christian School requests the permit in order to locate a new school on the parcel. The Commission scheduled a public hearing on the Petition for Change of Zone and the Conditional Use Permit Application for April 10, 2023, immediately following the previous public hearing. The Planning Commission reviewed and discussed the draft Village of West Salem Comprehensive Plan 2023-2043 and accompanying maps. After discussion, the Commission scheduled a public hearing on the updated comprehensive plan for Tuesday, April 25, 2023, beginning at 5:00 p.m. with a Planning Commission meeting immediately following.

Motion by President Schumacher, seconded by Trustee Lautz to approve the minutes of the Planning Commission meeting held on March 16, 2023, as presented. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Lautz, seconded by Trustee Twining to approve Conditional Use Permit No. 57, as presented. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Leicht, seconded by Trustee Lautz to approve the Certified Survey Map as recommended by the Planning Commission. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Hennessey, seconded by Trustee Leicht to convene in closed session at 8:22 p.m. pursuant to Wis. Stat. Sec. 19.85(1)(e) to deliberate or negotiate for purchase of public properties, investment of public funds, or conduct of other specific public business whenever competitive or bargaining reasons require a closed session, i.e., real estate purchase agreement. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Leicht, seconded by Trustee Hennessey to reconvene in open session at 8:28 p.m. Unanimously approved by voice vote.

Motion by Trustee Twining, seconded by Trustee Leicht to adjourn the meeting at 8:29 p.m. Approved by voice vote.

Teresa L. DeLong, Village Administrator