

Regular Meeting

September 5, 2023

Regular meeting called to order at 7:00 p.m. by Village President Scott Schumacher. Trustees present: Anderson, Curtis, Hennessey, Lautz, Leicht, and Twining. Also present: Public Works Director Loren Schwier, Police Chief Kyle Holzhausen, Recreation Director Tony DeGaetano, Shane Wehrs, Village Attorney Bryant Klos, and Village Administrator Teresa DeLong.

Minutes

Motion by Trustee Leicht, seconded by Trustee Hennessey to approve the minutes of the August 15, 2023, meeting as written. Roll call vote: Unanimous aye. Motion approved.

Claims

Claims were presented for payment totaling \$313,800.69. Motion by Trustee Leicht, seconded by Trustee Curtis to approve the payment of all claims as listed. Roll call vote: Unanimous aye.

Special Event Application

Motion by Trustee Lautz, seconded by Trustee Twining to approve the issuance of a Special Event Permit to Big Boar Barbecue and Catering in order to hold a “give back to the community” event in the Village Park on Saturday, September 16, 2023, from Noon until 3:00 p.m. Roll call vote: Unanimous aye. Motion approved.

Special Event Application

Motion by Trustee Curtis, seconded by Trustee Anderson to approve the issuance of a Special Event Permit to the West Salem High School in order to hold the homecoming parade on Friday, September 22, 2023, beginning at 2:15 p.m. Roll call vote: Unanimous aye. Motion approved.

Ordinance No. 523

Motion by Trustee Hennessey, seconded by Trustee Anderson to schedule a public hearing on proposed Ordinance No. 523 which would amend a Charter Ordinance creating the office of Village Administrator to Consolidate Administrative Functions and Creating the Office of Village Clerk/Treasurer for Tuesday, October 3, 2023, at 6:45 p.m. Roll call vote: Unanimous aye. Motion approved.

Ordinance No. 524

Motion by Trustee Lautz, seconded by Trustee Leicht to schedule a public hearing on proposed Ordinance No. 524 which will amend Chapter 3 regarding the height of residential fences in the R-1 and R-2 Residential Districts for Tuesday, October 3, 2023, beginning at 6:50 p.m. Roll call vote: Unanimous aye. Motion approved.

Law Enforcement Committee

Trustee Lautz reported on the August 15, 2023, Law Enforcement Committee meeting. The Committee reviewed an Application to Exceed Pet Limit submitted by a resident in order to keep a third dog. The residents presently keep a Pekingese and a poodle mix, and they wish to add a Yorkshire terrier that a friend could not keep. The Committee

received a negative response to the required notification mailing from a neighbor of the applicants stating that while there is a fenced-in yard, it is full of junk. There is no room for anything else. The neighbor stated the junk spills out of the garage and back yard on both sides of the house. The neighbor also stated the applicant does walk the dogs in the park but asserts she does not clean up after the dogs. This complaint is the second complaint received by the West Salem Police Department. Since at least 2020, the Village has received complaints about the personal property being stored outside at the applicant's residence along with unregistered and not operable vehicles parked on the property. Code enforcement efforts have not been successful. West Salem Police Department issued a written warning on July 18, 2023, under Ordinance No. 2.01(F)(4) giving the applicants ten days to correct the violations. On July 21, 2023, the applicant requested a 30-day extension stating he works construction and is often working out of town. As of August 15, 2023, there has been some clean up progress, but not all of the violations have been addressed yet. There is a white truck on the property that does possess current and up-to-date Wisconsin registration, but it appears not to have moved since July 18, 2023. This would likely be a violation of 2.01(F)(1). The applicants do have until August 17, 2023, to correct the violations. The Committee tabled the Application until the code violations have been addressed.

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

Planning Commission

President Schumacher reported on the Planning Commission public hearings and meeting of August 23, 2023. The first public hearing concerned a Conditional Use Permit Application submitted by Shane Wehrs in order to replace the 70-foot high ground sign with a 120-foot high ground sign in order to be visible from Interstate 90 over the Wisconsin Department of Transportation right-of-way vegetation. There were no citizens present to speak for or against the Application. The second public hearing was then called to order. This public hearing concerned a Petition for Change of Zone submitted by Marcie Culver of Marcie's Pet Spa. Ms. Culver would like to rezone the 6.88-acre parcel located south of Prince of Peace Church on Church Road from La Crosse County Zoning to West Salem Business District in order to construct a pet grooming, retail, and pet training business. There were no citizens present to speak for or against the Petition for Change of Zone. The final public hearing was regarding a Conditional Use Permit Application also submitted by Marcie Culver in order to provide pet daycare and pet boarding in a Business District. 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 proposed Conditional Use Permit No. 60, which if approved, would allow replacement of the present ground sign pole with a 120-foot high ground sign with illuminated signs advertising BP and Subway and gas and diesel prices, all for on premise advertising on land zoned "Business". The following conditions must be incorporated into a Real Estate Declaration of Covenants, Conditions and Deed Restrictions in recordable form and must be executed by the legal owner and leasehold interest holder of said real estate with authority for the same and notarized and recorded with the Register of Deeds of La Crosse County within 90 days after the Village of West Salem's final approval of these conditional uses and a copy of the recorded document must be delivered to the West Salem

Village attorney for review within said time period. Failure to follow this procedure to its completion means the conditional use does not become effective.

1. The exact location of the sign within the legal found as Exhibit B would be the 35' by 35' sign easement area reserved on the lot adjoining to the east located adjacent to the northeast corner of the subject premises as depicted on the photo at Exhibit C where the black marker identifies sign.

2. The east and west side of the BP and SUBWAY signage would allow for a directly illuminated sign and an approval for an electronic digital GAS and DIESEL price signs as depicted on Exhibit D.

3. The size of the signs would be: BP
sign - 16' by 16' SUBWAY sign
- 5' by 20'

DIGITAL PRICE signs each - 9'8" by 6'

4. If the brand of gasoline and diesel is changed, a new sign with the new brand may be placed in the same spot on the pole with a sign no larger than existing.

5. If the brand of restaurant is changed, a new sign with the new brand may be placed in the same spot on the pole with a sign no larger than existing.

6. The location of the signs on the pole would be as depicted on Exhibit D.

7. A legal Wisconsin Traffic STOP sign must be acquired by land owner or leasehold interest holder and placed approximately in each of the two locations marked by a black marker as the STOP sign locations on Exhibit C before this permit goes into effect and maintained in place during the existence of the permit. (The Village Police Chief will designate the exact location after conferring with La Crosse County.)

8. The sign must not overhang the right-of-way of Buol Road, and the owner and leasehold interest holder must verify this before construction as La Crosse County Highway Commissioner and the Village of West Salem have indicated neither would have any tolerance for such an overhang. If it is determined after construction that there is such an overhang, the sign would have to be removed.

9. The existing 100' monopole with signage shall be removed.

The Planning Commission recommended to the Village Board approval of Conditional Use Permit No. 60, as presented. The Planning Commission then reviewed the Petition for Change of Zone submitted by Marcie Culver. Jason Skifton, Commercial Design Consultant for Brickl Bros, distributed a revised site plan wherein William Heider, property owner to the west of the subject parcel, has agreed to grant an easement to Marcie Culver to install a road off Church Drive to access her new building site. This is a revision of the previous intent to access her property through the Prince of Peace Church property due to storm water issues that would likely occur. If the Petition for Change of Zone and accompanying Conditional Use Permit Application are approved, Marcie Culver plans to construct a pet grooming, retail sales, pet training, pet daycare, and pet boarding business on the 6.88 acres. The Planning Commission approved Resolution 3.23, as presented. The Commission then reviewed proposed Conditional Use Permit No. 61 requesting approval to provide animal daycare and overnight boarding in a Business District. The following conditions must be incorporated into a Real Estate Declaration of Covenants, Conditions and Deed Restrictions in recordable form as attached and must be executed by the legal owner of said real estate with authority for the same and notarized and recorded with the Register of Deeds of La Crosse County within 90 days

after the Village of West Salem's final approval of these uses and a copy of the recorded document must be delivered to the West Salem Village Attorney for review within said time period. Failure to follow this procedure to its completion means the use does not become effective.

1. Hours of operation (open to public) for grooming, retail and pet daycare Monday through Friday 6:30 am to 6:30 pm; 8:00 am to 5:00 pm Saturday.
2. Hours of operation (open to public) for pet boarding Monday through Friday 6:30 am to 6:30 pm; 8:00 am to 5:00 pm Saturday and on Sunday from 2:00 pm to 7:00 pm.
3. At all times any dog outside on premises must either be leashed or carried or located within the fenced area. Any time a dog is in the fenced in area an employee must be outside in the fenced in area with the dog or dogs. Any dog within the fenced in area which starts to bark must immediately be taken inside. The entire fenced in area must be monitored 24 hours a day 7 days a week by video cameras with audio recording. All video and audio recordings taken on premises must be saved and stored for a period of 14 days before being destroyed or recorded over. The video and audio recordings must be made available to the Village of West Salem Administrator and Chief of Police immediately upon verbal or written request for review and potentially for duplication or to be held as evidence of noncompliance with the conditions of this deed restriction.
4. All solid animal waste, whether initially deposited indoors or outside in the fenced area shall be picked up immediately by employees and placed in two enclosed receptacles located both inside the building and in the fenced in outdoor area and lined with plastic commercial grade bags. Each day the bags will be removed and tied shut and placed into an enclosed dumpster, which dumpster lid will be closed at all times, and which will be delivered to the La Crosse County landfill twice a week. The dumpsters shall be located within the fenced in area. Upon written request of the Village Administrator, the business shall provide copies of dumpster and landfill records to prove the dumpsters are being emptied at least twice a week.
5. The fenced in area shall be bermed such that no water runoff from the fenced in area shall leave the fenced in areas.
6. The tenant shall take steps in its operational procedures that unleashed animals shall not exit the building or fenced in area.
7. Lot must be re-zoned Business.
8. State of Wisconsin approved building, plumbing and HVAC plans will need to be obtained before a building permit is issued.
9. The proposed building plans contain provisions for bathroom facilities which would require sewer service and water service. The area where the proposed building is to be located is a significant distance from any current Village of West Salem sanitary mains or water mains. Therefore, the Village is not going to require a current hookup to sanitary sewer and water. As part of this conditional use permit, the bathroom facilities may be installed as long as private well and private septic system is installed for the same compliant with the state plumbing and sanitary code. No building permit shall be issued until the La Crosse County Department of Health issues a sanitary and well permit. No occupancy permit shall be issued for the building until the private well and sanitary sewer is installed pursuant to said state

plumbing and sanitary code and a certificate of compliance for the same is obtained from La Crosse County. All costs of certification shall be paid by the applicant before an occupancy permit is issued.

As part of this conditional use permit, the owner of the land described on Exhibit "B" shall be obligated within 2 years of the placement of a Village sanitary sewer main within the right-of-way immediately adjacent to the West or South boundaries of the land described in Exhibit B or right-of-way of Church Road or Hardie Road to any point South of Highway 16 and West of the East boundary of Hardie Road to the West boundary of the intersection of Church Road and Hardie Road to hook up the facilities depicted on Exhibit "C" to the sanitary sewer main at the land owner's cost and abandon the existing septic system as required by law.

As part of this conditional use permit, the owner of the land described on Exhibit "B" shall be obligated within 2 years of the placement of a Village water main within the right-of-way immediately adjacent to the West or South boundaries of the land described in Exhibit B or right-of-way of Church Road or Hardie Road to any point South of Highway 16 and West of the East boundary of Hardie Road to the West boundary of the intersection of Church Road and Hardie Road to hook up the facilities depicted on Exhibit "C" to the water main at the landowner's cost and abandon the existing well as required by law.

Failure to timely effectuate said sewer and water lateral installation and hookup at the landowner's cost shall be the basis for the immediate revocation of this conditional use permit. Nothing in the granting of this conditional use permit shall serve as a waiver or estoppel of the Village's right to assess any of the lands described herein with its share of costs related to any sewer or water main extensions into this area to serve this area.

The Planning Commission recommended approval of Conditional Use Permit No. 61. Finally, the Commission reviewed a Conditional Use Permit Application submitted by La Crosse County in order to construct an emergency services radio tower in an Industrial District zone on Industrial Drive between the Gundersen property and the Amerhart property. David Steinberg, La Crosse County Emergency Services Administrator, explained that beginning in 2016, La Crosse County initiated a radio tower upgrade project to better serve all emergency services of La Crosse County municipalities. Presently, towers have been added in Mindoro and Holmen, a tower was rebuilt in the Town of Farmington, the County acquired the 14/61 tower from the City of La Crosse, partnered on the Mississippi Valley Conservancy tower with the City of La Crosse, and it has upgraded the microwave system. The County now has ten towers, and this last tower in the project plan would support West Salem and Bangor. The tower the County is proposing would be a 240-foot high, standalone tower with a 60' X 60' footprint on the 1.43-acre lot referred to as "Homeplate". A public hearing was scheduled for the Conditional Use Permit Application for Monday, September 11, 2023, beginning at 5:00 p.m.

Motion by President Schumacher, seconded by Trustee Twining to approve the Planning Commission meeting minutes of August 23, 2023, as presented. Roll call vote: Unanimous aye. Motion approved.

Motion by President Schumacher, seconded by Trustee Leicht to approve Conditional Use Permit No. 60. Roll call vote: Unanimous aye. Motion approved.

Motion by President Schumacher, seconded by Trustee Curtis to approve the Petition for Change of Zone and Conditional Use Permit No. 61. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Leicht, seconded by Trustee Hennessey to adjourn the meeting at 7:42 p.m. Approved by voice vote.

Teresa L. DeLong, Village Administrator