

## Regular Board Meeting

February 5, 2008

Meeting called to order at 7:48 p.m. by President Manthei. Trustees present: Engel, Hanson, Harold, Hoffman, Leicht, and Wehrs. Also present: Ray Ebert, Lester Hanson, Wade Peterson, and Teresa Schnitzler.

### Minutes

Motion by Trustee Engel, seconded by Trustee Leicht to approve the minutes of the January 15, 2008, Regular Board meeting as written. Roll call vote: Unanimous aye.

### Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$78,499.82
<u>Water Utility:</u>	\$41,395.42
<u>Sewer Utility:</u>	\$17,225.69
<u>Storm Water Utility:</u>	\$600.00

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

### Ordinance No. 425 – Floodplain Zoning Ordinance

Motion by Trustee Wehrs, seconded by Trustee Harold to schedule a public hearing on Ordinance No. 425 Floodplain Zoning Ordinance for 7:20 p.m. on Tuesday, March 4, 2008, at 7:15 p.m. Roll call vote: Unanimous aye.

### Extension of Sewer and Water Lines Beyond Village Limits

Trustee Hanson requested input from the Board on the extension of sewer and water lines beyond Village limits in the form of a Water and Sewer District. The District would be created to provide services without annexation at no expense to the Village. The Board generally agreed the proposal should be reviewed.

### Resolution 2.08 re Appointment of Special Registration Deputy

Motion by Trustee Harold, seconded by Trustee Leicht to approve Resolution 2.08 to Appointment a Special Registration Deputy at the West Salem High School. Roll call vote: Unanimous aye.

**WHEREAS**, pursuant to Sec. 6.26(1) Wis. Stats., the Municipal Clerk or the board of election commissioners of each municipality shall administer elector registration within the municipality in accordance with the procedures prescribed under Sec. 6.26(3), Wis. Stats.; and

**WHEREAS**, pursuant to Sec. 6.26(2)(a), Wis. Stats., a qualified elector of the State may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy for the purpose of registering electors of the municipality prior to the close of registration, and an applicant may be appointed by more than one municipal clerk or board of election commissioners to serve more than one municipality; and

**WHEREAS**, pursuant to Sec. 6.28(2)(a), Wis. Stats., public high schools shall be used for registration for enrolled students and members of the high school staff; and

**WHEREAS**, pursuant to Sec. 6.28(2)(b), Wis. Stats., the school board and the municipal clerk shall agree upon the appointment of at least one (1) qualified elector at each high school as a special school registration deputy; and

**WHEREAS**, the Village Board of Trustees of the Village of West Salem does hereby provide that any of the registration duties of inspectors under Sec. 6.55(2), Wis. Stats., may be carried out in the Village of West Salem by special registration deputies appointed by the Village Administrator at any polling place or other registration location whenever the Village Administrator determines the process for registration provided in Sec. 6.55(2), Wis. Stats., will be facilitated thereby. The deputies so appointed shall be specially appointed by the Village Administrator for each election to conduct elector registration;

**NOW, THEREFORE, BE IT RESOLVED**, the Village Board of Trustees for the Village of West Salem and the Village Administrator hereby determines the registration process will be more effectively facilitated if a special registration deputy is appointed at the West Salem High School to register enrolled students and members of the school district staff; and

**BE IT FURTHER RESOLVED** the Village of West Salem hereby appoints West Salem High School Instructor Jeff C. Maves as special registration deputy at the West Salem High School.

**THIS RESOLUTION** was passed and adopted by the Village Board of the Village of West Salem this 5th day of February, 2008.

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

(SEAL)

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

Resolution 3.08 – Opposition to 2007 Assembly Bill 649

Motion by Trustee Hanson, seconded by Trustee Engel to approve Resolution 3.08 in Opposition to the Passage of 2007 Assembly Bill 649. Roll call vote: Unanimous aye.

**WHEREAS**, the Village of West Salem provides water utility service to all its residents, including owners of real estate property and tenants of rental real estate property; and

**WHEREAS**, under current law, a municipal utility is allowed to collect arrears for utility service provided to lots or parcels of real estate by providing, annually on October 15, a written notice of payment due to the owner or occupant of the real estate. If payment is not received, the arrearage amount

and any penalties thereon become a lien on the property to be collected as a tax on the property; and

**WHEREAS**, also under current law, a municipality providing water service to a rental dwelling unit may use the arrearage collection procedure described above if certain additional procedures are followed for notifying both the owner and the tenant about any payments that are past due; and

**WHEREAS**, 2007 Assembly Bill 649 prohibits a municipal utility that provides water service to a rental dwelling unit from using the arrearage collection procedure described above if the owner has provided the municipal utility with written notification of the name and address of the owner, as well as the tenant who is responsible for paying for the water service. After the owner has provided written notice of the owner's and tenant's name and address, the municipal utility may not use the arrearage collection procedure; and

**WHEREAS**, current law provides municipal utilities the most efficient and effective means of collecting past due utility charges from a class of residents well known to be transient in nature and very difficult to pursue or trace for payment of utility charges once the tenants have moved from the municipality; and

**WHEREAS**, the leasing of rental real estate property is a business venture for owners of rental property, and assurance of payment of all utilities provided to the property rests entirely with the owner of such property by whatever means are available, including the proper financial background investigation of a prospective tenant of the owner's rental real estate; and

**WHEREAS**, the vast majority of owners of rental real estate require a security deposit or other means of down payment prior to the leasing of rental real estate; and

**WHEREAS**, although allowed by the Wisconsin Public Service Commission, the Village of West Salem Water Utility does not currently require a security deposit or prepayment of any amount prior to providing water service to any rental real estate property; and

**WHEREAS**, if 2007 Assembly Bill 649 were enacted by the State of Wisconsin, municipal utilities would now be forced to take whatever measures are necessary to ensure payment of all possible past due utility charges on all rental property, such as equipment deposits, service hook-up charges, security deposits, or such other and further charges as allowed by the State of Wisconsin Public Service Commission; and

**WHEREAS**, the provision of water utility service and the billing and collection of charges for such service is already a burdensome and time-consuming process for municipal-owned utilities, and 2007 Assembly Bill 649 only adds additional burden to the municipality for the costs of and time required for collection of water utility arrearages, including attorneys' fees, investigation and pursuit, court costs, loss of revenue to provide water utility service, and all other material costs to a municipality for same, and could ultimately increase the charges for water utility service to all users of the system as a result;

**NOW, THEREFORE, BE IT RESOLVED** that the Village of West Salem strongly urges the State of Wisconsin Legislature to oppose the passage of 2007 Assembly Bill 649 as it transfers additional undue hardships to local governments and municipal-owned utilities; and

**BE IT FURTHER RESOLVED** that copies of this Resolution be forwarded to Wisconsin League of Municipalities, State Assembly Representatives, and Governor Jim Doyle for their consideration in voting on the proposed Bill.

**DATED** this 5<sup>th</sup> day of February, 2008.

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

(VILLAGE SEAL)

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

Treatment of Reserve Liquor License Fee Payment Received

The Village recently received the statutory \$10,000 Reserve Class B Liquor License Fee from Stewart Higdon for a new sports bar and grill Breakers. President Manthei requested input from the Board on treatment of the fee received.

Motion by Trustee Leicht, seconded by Trustee Engel to designate the \$10,000 to the downtown revitalization fund. Roll call vote: Hanson – nay; remainder of Board – aye. Motion approved.

Utilities Committee Meeting of January 17, 2008

Trustee Engel reported on the Utilities Committee meeting of January 17, 2008. The Committee reviewed a certified survey map submitted by La Crosse County for the County Highway Facilities Department alternate entrance. The proposed road would connect the County Highway Facility to County Highway M. The total costs to the Village are approximately \$20,000, all of which will be assessed back to the benefiting property owners. The Committee felt the street construction specifications should meet Village requirements. The Committee also discussed assigning a street name to the right-of-way between Valley View Ford and Premier Auto. Since the street directly aligns with Heritage Lane, the Committee recommended the assigned name is "Heritage Lane". The Committee also reviewed material outlining capital expenditure requirements for both the water storage facility and the iron filtration project. The Committee reviewed present revenues, projected revenues, long-term and short-term borrowing options and interest rates, anticipated water impact fees, and required water rate increases. Discussion was also had on in-house equity transfers and funding the projects from Village funds. The Committee decided to contact the local banking institutions for details on borrowing money and at what interest rate and to contact the Safe Drinking Water Fund for more details and discuss West Salem's potential for receiving a low-interest loan from the State.

Motion by Trustee Engel, seconded by Trustee Harold to approve the Utilities Committee meeting minutes of January 17, 2008. Roll call vote: Unanimous aye.

Utilities Committee Meeting of January 22, 2008

Trustee Engel reported on the Utilities Committee meeting of January 22, 2008. County Highway Commission Dennis Osgood addressed the Committee regarding the proposed road construction specifications for the alternate entrance road for the County Highway Facilities Department shown on the certified survey map submitted by the

County. Mr. Osgood stated the road will have 9 inches of compacted gravel and a matting to keep the crushed rock from settling. The street will be 37 feet back-to-back, with 3 inches of bituminous and 9 inches of compacted instead of the 6 inches specified in the Village requirements. Eight inches of breaker run will not be used. Mr. Osgood stated a mountable curb will be installed on the north side of the road, and regular, vertical curbs with driveway cuts on the south side. The Committee recommended approval of the Certified Survey Map. The Committee then discussed a Certified Survey Map prepared by Foth Infrastructure setting forth the proposed location of the new water storage facility. Mr. Peterson also reviewed the reservoir plans with the Committee, asking the Committee to consider color and whether to bid the project with an alternate bid option for a logo or picture on the tower. Bids will be let in March or April pending award of the La Crosse County economic development grant. Mrs. Engel reported she had contacted the three local banks and the credit union requesting details on borrowing approximately \$2,000,000 on a one-year construction loan. The three banks are willing to work together on a participation loan with Union State Bank acting as the "lead" bank. Discussion was had on in-house equity transfers and funding the projects from Village funds. The Committee recommended Foth Infrastructure go forward with applying for the Safe Water Drinking Fund loan, and also directed Teresa Schnitzler to prepare a financial plan for funding the two projects from combined internal sources, short-term financing, and the low-interest State loan program.

Motion by Trustee Engel, seconded by Trustee Hoffman to approve the Utilities Committee meeting minutes of January 22, 2008. Roll call vote: Unanimous aye.

#### Utilities Committee Meeting of January 31, 2008

Trustee Engel reported on the January 31, 2008, Utilities Committee meeting. The Committee reviewed a proposed financial plan setting forth proposed monthly payments, funds proposed, and expected financing options. Springsted provided four bonding scenarios for review by the Committee as well. Chairperson Engel prepared a comparison of different project bond amounts at varying interest rates. Foth Infrastructure will begin work on a water rate increase application to the Public Service Commission. The Committee recommended going forward with short-term borrowing to the Water Utility from First National Bank, Fortress Bank, and Union State Bank, with Union State Bank serving as lead bank, for the construction of a water storage facility and installation of iron/manganese filtration on Wells 2 and 3, which loan will be for \$2,000,000 for up to one-year not to exceed 4.66% interest with no interest or principal payback until the conclusion of the loan. The Committee also recommended a transfer of \$250,000 between the enterprise funds. The Committee will meet again on Thursday, February 14, 2008, at 8:00 a.m.

Motion by Trustee Engel, seconded by Trustee Leicht to approve the Utilities Committee meeting minutes of January 31, 2008, except for the \$250,000 equity transfer between the enterprise funds. Roll call vote: Unanimous aye.

#### Memorandum of Understanding

President Manthei updated the Board on various developments over the last ten days with regard to the Leasum/Heider farm area and several discussions with a local developer regarding the Lusk farm. Because of new information, President Manthei

requested the Board take no action on the Memorandum of Understanding until clarification and more information can be obtained.

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

Teresa L. Schnitzler, Village Administrator