

## Regular Meeting

April 16, 2019

Meeting called to order at 7:00 p.m. by Village President Dennis Manthei. Trustees present: Brown, Hennessey, Lautz, Leicht, Schumacher, and Wee. Also present: Public Works Director Scott Halbrucker, Police Chief Charles Ashbeck, Recreation Director Tony DeGaetano, Dave Hundt, Tiffany Epps, Rita Schmitz, and Village Administrator Teresa Schnitzler.

### Minutes

Motion by Trustee Lautz, seconded by Trustee Hennessey to approve the minutes of the April 2, 2019, Regular Board meeting as presented. Roll call vote: Unanimous aye.

### Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$74,343.10
<u>Water Utility:</u>	\$200,240.85
<u>Sewer Utility:</u>	\$23,740.49
<u>Storm Water Utility:</u>	\$10,050.56

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

### June Dairy Days

June Dairy Days President Rita Schmitz submitted a letter to the Village Board requesting use of the Village Park Shelter, the West Salem Community Shelter, Memorial Drive, South Mill Street, and temporary use of Leonard Street for the annual June Dairy Days parade and other activities from May 31 through June 2, 2019. Memorial Drive would be closed beginning at 12:00 a.m. on Thursday, May 30 for the carnival set up. June Dairy Days is also requesting use of the parking area adjacent to Memorial Drive and South Mill Street for carnival ride set up. The 6<sup>th</sup> Annual Car Show is planned for June 2 from 10:00 a.m. until 4:00 p.m. June Dairy Days is also requesting a waiver of the usual park closing times on Friday and Saturday nights, May 31 and June 1.

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the June Dairy Days requests. Roll call vote: Brown – abstain; remainder of Board – aye. Motion approved.

### Memorial Day Street Dance

Dave Hundt, Hunter's Last Chance, introduced Tiffany Epps, manager of the Silverado. Ms. Epps will be organizing future street dances. Dave Hundt submitted a Special

Event Application to hold a Memorial Day Street Dance on Sunday, May 26, 2019, from 5:00 p.m. to 11:00 p.m. on South Leonard Street from Memorial Drive to Elm Street. Proceeds from this event will be donated to the June Dairy Days fireworks event.

Motion by Trustee Schumacher, seconded by Trustee Hennessey to approve the Special Event Application submitted by Dave Hundt. Roll call vote: Brown – abstain; remainder of Board – aye. Motion approved.

#### 2019 East Avenue Street and Utility Improvements Project

Village Engineer Dave Sauer submitted a bid analysis for the East Avenue Street project. Six bids were received, and the low bidder is Mathy Construction Company in the amount of \$310,836.75. The engineer's estimate for this project at bid time was \$350,000. The project involves pulverizing the existing asphalt, mixing the pulverized material with the existing base stone, re-shaping and re-crowning the street, and then placement of a new asphalt surface. The schedule for completing the work is to start sometime after school is out for the summer and to complete the work before school begins in September. Total time for construction is expected to be approximately six weeks. Public Works Director Scott Halbrucker explained the storm sewer main is presently located under the sidewalk on the north side of East Avenue. This main will be moved into the street right-of-way. Mr. Halbrucker noted several West Salem School District laterals, including the new parking lot on East Avenue, are tied into the storm water main, and when the main is moved, the School District lines will have to be extended out to the new main.

Trustees questioned the statement in the bid analysis that East Avenue is a residential street with lower volumes of traffic, and the design will work well for many years. The West Salem Middle School's main entrance was moved to East Avenue this year, and this has increased traffic on East Avenue significantly. Mr. Halbrucker stated a traffic counter should be placed on East Avenue for use in reclassifying East Avenue so funding can be applied for in the future.

Motion by Trustee Lautz, seconded by Trustee Leicht to accept the low bid of \$310,836.75 submitted by Mathy Construction Company for the East Avenue Street and assess the West Salem School District the costs to extend its storm water lateral lines to the new storm water main. Roll call vote: Unanimous aye. Motion approved.

#### 2019-2020 Committee and Commission Appointments

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the 2019-2020 Committee and Commission Appointments as presented by President Manthei. Roll call vote: Unanimous aye. Motion approved.

#### Bank Depository

Motion by Trustee Hennessey, seconded by Trustee Wee to designate Union State Bank of West Salem the official bank depository. Roll call vote: Unanimous aye. Motion approved.

#### Alcohol Beverage License Applications

Motion by Trustee Schumacher, seconded by Trustee Brown to approve the issuance of an Alcohol Beverage License to Lisa K. Brickl. Roll call vote: Unanimous aye. Motion approved.

### Planning Commission

President Manthei reported on the April 3, 2019, Planning Commission public hearings and meeting. The first public hearing concerned a Petition for Change of Zone submitted by Kelly Murphy requesting property located at 1315/1317 Brickl Road be rezoned from R-1 Single-family Residential to R-2 Two-Family Residential. There was no one present to speak for or against the proposed rezone. Kelly Murphy explained her parents owned the duplex, moved away from West Salem, and it has been a rental duplex ever since. She and her brother purchased the duplex, and Ms. Murphy's intent is to move into one side of the duplex. The second public hearing concerned a Conditional Use Permit Application submitted by Harry Griswold to allow a residential apartment in his law office building at 134 North Leonard Street. There were no citizens present to speak for or against the Conditional Use Permit Application. The Planning Commission meeting was then called to order, and the Commission reviewed Planning Commission Resolution 1.19. Administrator Schnitzler explained the proposed resolution will officially recommend to the Village Board that the property at 1315/1317 Brickl Road be rezoned from R-1 Single-Family Residential District to R-2 Two-Family Residential District. The West Salem Building Inspector investigated the property in order to determine if the dwellings were adequately separated according to the Wisconsin Uniform Dwelling Code for two-family dwelling unit separation with a zero lot line. The Building Inspector has determined the property substantially conforms to the Code, and he recommended approval of the unit separation with the provision that the electrical receptacles be fire-stopped. Bahr Electric completed this work on March 12, 2019, and the Building Inspector as approved the work. The Commission recommended to the Village Board approval of Planning Commission Resolution No. 1.19 as presented. The Commission then reviewed a certified survey map submitted for 1315/1317 Brickl Road which, when recorded, will officially divide this lot into two separate parcels. The Commission recommended the Village Board approve the certified survey map as presented. The Commission then reviewed proposed Conditional Use Permit No. 41 which would permit a residential apartment in the business use building at 134 North Leonard Street. The proposed permit includes the following conditions:

1. The first floor apartment must pass the inspection of the West Salem Building Inspector for such use, and, if remodeling is required, it must be constructed pursuant to plans drawn by a Wisconsin licensed architect and approved by the State of Wisconsin, if so required. If State approval is not required, the first floor apartment must be constructed pursuant to the terms of the State Building Codes and West Salem Ordinances as required by the West Salem building inspector.
2. Any plans must be submitted to West Salem building inspector, and, upon his approval, a building permit shall be issued and the plans filed with Conditional Use Permit No. 41
3. Construction for residential area must be completed by December 31, 2019.

Building Inspector William Mandt inspected the building, and he has stated that in order for a building to be altered as the applicant wishes to, it must meet safety and building standards required of mixed-use occupancies. Occupancy of more than 25,000 cubic

feet requires State-approved plans for an alteration of this type. Mr. Mandt expressed concerns regarding the separation between occupancies, differences in fire protection system threshold requirements, means of egress and accessibility requirements, and occupant loading with corresponding toilet facilities. The building may not be altered such that the building becomes less safe than was required in its existing condition. Mr. Mandt further stated if the owner of the building wishes to proceed with altering the building to a mixed-use occupancy, it will have to comply with all applicable codes where alterations are taking place. If the building is found to be more than 25,000 cubic feet, the State will need to review and approve the plans before any construction can take place. The Commission recommended approval of Conditional Use Permit No. 41 contingent upon determination of the total cubic feet of the building and submission of State approved building plans or plans approved by the West Salem Building Inspector.

Motion by President Manthei, seconded by Trustee Schumacher to approve the minutes of the Planning Commission meeting held on April 3, 2019, as presented. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve Planning Commission Resolution 1.19 as presented. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve the Certified Survey Map for 1315/1317 Brickl Road as presented. Roll call vote: Unanimous aye. Motion approved.

Conditional Use Permit No. 41 which would permit a single-family apartment on the first floor in a business use building at 134 North Leonard Street was then reviewed. Concerns have been brought to a Village Board Trustee's attention regarding black mold issues at 134 North Leonard. Several present and past tenants have experienced symptoms of black mold exposure, including coughing, stuffy nose, runny nose, and red, itchy eyes. This matter has been brought to the owner's attention, but investigation and/or abatement has not taken place.

Motion by Trustee Lautz, seconded by Trustee Hennessey to refer Conditional Use Permit No. 41 back to the Planning Commission for reconsideration after a black mold inspection and determination has been completed. Roll call vote: Unanimous aye. Motion approved.

#### Finance and Personnel Committee

Trustee Leicht reported on the April 10, 2016, Finance and Personnel Committee meeting. The Committee discussed formation of an ad hoc committee to work on size, design, and timelines for construction of a new law enforcement building planned for the corner of Crestwood Avenue and County Highway M. It was agreed representatives from the various community and civic organizations should be considered along with members of the public. Trustees Schumacher and Lautz will be considered as members of the ad hoc committee as well. The 2020 and 2021 operating plans should include funds for public education regarding the future law enforcement center. Public Works Director Scott Halbrucker submitted written notification on April 2, 2019, that he is resigning his position effective April 20, 2019. He has accepted a position with the

Village of Palmyra. The Committee accepted the resignation of Scott Halbrucker effective April 20, 2019. Teresa Schnitzler presented a draft job description for the public works director position along with a draft advertisement for the position. The Committee felt the job description should be paired down for posting, and a salary range was added to the position advertisement. Interim public works director duties and Village projects in progress and planned for this year were discussed. Teresa Schnitzler will meet with public works department personnel to discuss same.

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the minutes of the April 10, 2019, Finance and Personnel Committee meeting. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Leicht, seconded by Trustee Schumacher to adjourn the meeting at 7:44 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator