

Regular Board Meeting

April 17, 2012

Meeting called to order at 7:00 p.m. by President Manthei. Trustees present: Iverson, Koelbl, Lautz, Schumacher, and Wehrs. Excused: Leicht. Also present: Police Chief Charles Ashbeck, Public Works Director Scott Halbrucker, Recreation Director Michelle Czerwan, Village Attorney Bryant Klos, Coulee News Special Correspondent Emily Staed, William Bright, Dan Carr, Nathan Schnick, Randy Sanford, and Village Administrator Teresa Schnitzler.

Minutes

Motion by Trustee Wehrs, seconded by Trustee Iverson to approve the minutes of the April 3, 2012, Regular Board meeting as written. Roll call vote: Unanimous aye. Motion approved.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$93,370.92
<u>Water Utility:</u>	\$209,360.30
<u>Sewer Utility:</u>	\$334,003.18
<u>Storm Water Utility:</u>	\$271.84

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

Pathways Downtown Revitalization Project Update

Randy Sanford, Short Elliott Hendrickson, updated the Board on the Pathways Project. Referencing a map, Mr. Sanford outlined Pathways project improvements and Village-funded improvements. New streetlights will be placed on Leonard Street from the railroad tracks to Garland Street and bicycle pavement markings painted. Memorial Drive will become a one-way street and bicycle/pedestrian trail. South Mill Street from Elm Street to Memorial Drive will also be improved. The Village will make necessary sewer, water, and storm water improvements. A temporary limited easement has just been acquired from Lee Enterprises for Village work on East Hamilton Street, and once that easement is reviewed and approved by KJohnson, the project schedule will be finalized. A tentative schedule has been agreed on between Short Elliott Hendrickson and KJohnson. Advertising for bids for the project will be in May, bid opening and approval in June, and construction would begin early July. Substantial completion should be in September and final completion in November.

Temporary Easement Agreement Approval

Motion by Trustee Koelbl, seconded by Trustee Iverson to authorize the Village to enter into a temporary easement agreement with Lee Enterprises to acquire a temporary

construction easement on East Hamilton Street of approximately 498 square feet for \$200 for the purpose of Pathways street and sidewalk improvements. Roll call vote: Unanimous aye.

2012 Community Development Block Grant

Attorney Klos informed the Board a developer would like to create a mixed use planned unit development east of Neshonoc Road on County Trunk Highway B on the former Hawg Pasture property. The development would involve light manufacturing open to the public with mixed retail. A portion of the project will involve extension of sewer and water utilities. The cost is estimated at \$450,000 to \$500,000, of which the developer will fund most of the cost. Sanitary sewer can be extended utilizing Jefferson Street or Industrial Drive. If the extension is made off Industrial Drive, the Village may be asked to fund some of the cost, but ultimately the Village would then avoid a costly \$200,000 lift station. The developer has requested the Village apply for a community development block grant for public facilities for economic development funds to cover a portion of the utility extension costs. The grant is based on the number of new jobs created by the developer. A development agreement is being drafted wherein the developer would be responsible for any penalties if the number of new jobs created is not maintained.

Motion by Trustee Koelbl, seconded by Trustee Schumacher to schedule a publication hearing on the proposed application for 2012 community development block grant funds for Tuesday, May 1, 2012, at 6:45 p.m. Roll call vote: Unanimous aye.

2012-2013 Committee Appointments

Motion by Trustee Koelbl, seconded by Trustee Iverson to approve the 2012-2013 committee appointments as recommended by Village President Dennis Manthei. Roll call vote: Unanimous aye.

2012 - 2013 STANDING COMMITTEES

Board of Trustees
Village of West Salem

FINANCE AND PERSONNEL

James Leicht, Chairperson
Scott Schumacher
Marvin Iverson

UTILITIES COMMITTEE

Scott Schumacher, Chairperson
Merlin Wehrs
John Lautz

LAW ENFORCEMENT

Merlin Wehrs, Chairperson
Marvin Iverson
James Leicht

STREETS

James Koelbl, Chairperson
James Leicht
John Lautz

BUILDINGS AND GROUNDS

John Lautz, Chairperson
James Koelbl
Merlin Wehrs

LIBRARY COMMITTEE

Marvin Iverson, Chairperson
James Koelbl
Scott Schumacher

THE ABOVE COMMITTEES ARE ONE (1) YEAR TERMS. ALL EXPIRE APRIL 15, 2013.

PLANNING COMMISSION

Dennis Manthei, Chairman

2nd of 2 year term, expires April 15, 2013

Judy Long

3rd of 3 year term, expires April 15, 2013

James Morzinski

1st of 3 year term, expires April 20, 2015

Walter F. Baltz III

3rd of 3 year term, expires April 15, 2013

Diana Engel

1st of 3 year term, expires April 20, 2015

John Johnson

2nd of 3 year term, expires April 14, 2014

Scott Guthrie

2nd of 3 year term, expires April 14, 2014

RECREATION COMMITTEE (3 citizens with 3 year staggered terms)

(2 trustees with terms coinciding with official terms of office)

Jennifer Stenberg, 541 Lewis Street – (608) 393-9071

1st of 3 year term, expires April 20, 2015

Michael Glassmaker, 513 Lark Lane – 786-0015

2nd of 3 year term, expires April 14, 2014

Steve Kastenschmidt, 737 East Avenue – 786-1219

3rd of 3 year term, expires April 15, 2013

Scott Schumacher, Trustee, 442 West Franklin Street - 792-9852

1st of 2 year term, expires April 16, 2014

John Lautz, Trustee, 420 East Tilson Street, 786-1340

1st of 2 year term, expires April 16, 2014

(Chairperson to be elected by Committee at first meeting for 1 year term)

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Sharon Fuller, Chairperson, 420 North Tilson Street – 786-0886

2nd of 3 year term, expires April 14, 2014

Dave Evenson, 760 Lewis Street – 786-3375

1st of 2 year term, expires April 14, 2014

John Lautz, 420 East Tilson Street, 786-1340

1st of 2 year term, expires April 14, 2014

Helen Harold, 519 North Youlon Street - 786-0856

1st of 3 year term, expires April 20, 2015

Merlin Wehrs, Trustee, 616 Birchwood Lane – 786-1348

1 year term – expires April 15, 2013

James Koelbl, Trustee, 527 North Youlon Street – 786-9044

1 year term – expires April 15, 2013

BOARD OF APPEALS

Carl Wallace, Chairperson, 740 East Avenue – 786-0714

1st of 3 year term, expires April 20, 2015

Joe Hesselberg, 520 Lakewood Street - 786-0967

1st of 3 year term, expires April 20, 2015

Ray Walter, 528 North Youlon Street - 786-0496
2nd of 3 year term, expires April 14, 2014
Keith Schmig, 238 West Avenue North – 786-1743
3rd of 3 year term, expires April 15, 2013
John Diekroeger, 450 North Youlon Street - 786-0847
2nd of 3 year term, expires April 14, 2014

FAIR HOUSING COMMITTEE (5 year staggered terms)

Orin Nyseth, 521 West Garland Street - 786-1268
4th of 5 year term, expires April 21, 2014
Dave Geske, 341 West Garland Street – 786-4759
5th of 5 year term, expires April 15, 2013
Gerald Van Oss, 468 Campfire Drive - 786-0299
1st of 5 year term, expires April 17, 2017
Merlin Wehrs, Trustee, 616 Birchwood Lane – 786-1348
2nd of 5 year term, expires April 18, 2016
John Wittenberg, 910 Brickl Road - 786-2996
3rd of 5 year term, expires April 20, 2015

LAKE DISTRICT REPRESENTATIVE

Dennis Manthei, 1 year term, expires April 15, 2013

SENIOR CITIZEN REPRESENTATIVE

Miriam Wuensch, 134 West Hamlin Street – 385-9832
1 year term, expires April 15, 2013

LA CROSSE AREA PLANNING COMMISSION

Dennis Manthei, 1 year term, expires April 15, 2013
Marvin Iverson, 1 year term, expires April 15, 2013

BOARD OF REVIEW

Dennis Manthei, 527 West Garland Street, - 786-0971
David Huebsch (ex-officio), W16941 Pow Wow Lane, Galesville - 582-1147
Teresa Schnitzler, 210 North Rose Street - 786-3121
Ray Ebert, W3763 Hidden River Road - 786-1046

BOARD OF REVIEW ALTERNATES

Lill Twining, 310 North Leonard Street – 786-1651
Fran Noffke, 441 North Leonard Street – 786-0527

FIRE DISTRICT BOARD

Merlin Wehrs – 1st of 3 year term, expires April 16, 2015
David Tauscher – 2nd of 2 year term, expires April 15, 2013

COULEE REGION JOINT MUNICIPAL COURT COMMITTEE

Teresa Schnitzler, 175 South Leonard Street - 786-1858
Charles Ashbeck, Alternate, 175 South Leonard Street – 786-0407

WEST SALEM AREA TOURISM AD HOC COMMITTEE

Steve Plenge, Chairperson, Americinn, 125 Buol Road – 786-3340
Chuck Deery, W3891 Hickory Terrace, La Crosse – 787-6226
Patsy Hofer, 171 South Oak Street – 786-0750
Nick Miller, LeCoulee Cheese Castle, 112 South Leonard Street – 786-2811
Vernon Romskog, 329 North Leonard Street – 786-0583
Richard Schomberg, W3679 County Road C – 786-1196
Karen Gilster, 4330 County Road B, La Crosse – 786-1759
Jim Cox, N4311 CTH M – 786-2327
Margaret Cox, N4311 CTH M – 786-2327
James Leicht, 520 North Tilson Street – 786-0513

ONALASKA UTILITY COMMISSION

Marvin Iverson, 404 West Garland Street – 786-0276

BICYCLE AND PEDESTRIAN AD HOC COMMITTEE

Joseph Belling, W3839 Western Hills Drive – 786-0637
Carl Wallace, 740 East Avenue - 786-0714
Sharon Fuller, 420 North Tilson Street – 786-0886
Monte Wick, 125 West Hamlin Street – 786-0169
Tim Tiber, 800 West Franklin Street, #10 – 786-3357
Lisa Gerke, W4521 Pioneer Court – 769-7207
Rick Cline, N6096 County Road ZZ, Onalaska – 786-4356
Helen Harold, 519 North Youlon Street – 786-0856
Jim Koelbl, Trustee, 527 North Youlon Street – 786-9044
Virginia Gates-Loehr, (ex-officio), SRTS Coordinator, 785-9833
Jackie Eastwood, (ex-officio), Transportation Planner, 785-6141

Official Bank Depository

Motion by Trustee Wehrs, seconded by Trustee Iverson to designate Union State Bank of West Salem as the official bank depository for the Village of West Salem. Roll call vote: Unanimous aye.

Law Enforcement Committee

Trustee Wehrs reported on the Law Enforcement Committee meeting held on April 5, 2012. The purpose of the meeting was to review and discuss an employee performance evaluation in closed session.

Motion by Trustee Wehrs, seconded by Trustee Koelbl to approve the minutes of the April 5, 2012, Law Enforcement Committee meeting. Roll call vote: Unanimous aye.

Planning Commission

President Manthei reported on the Planning Commission public hearing and meeting held on April 16, 2012. The public hearing concerned a Petition for Change of Zone submitted jointly by Fossum Management LLC and the Village of West Salem for lands located at 136 East Elm Street, 140 South Mill Street, Memorial Drive, and 175 South Leonard Street. The Petition jointly requests the zoning for the aforementioned lands be amended from the Industrial District to the Business District. There were no citizens

present to speak for or against the Petition. The Commission reviewed the Petition for Change of Zone as submitted by Fossum Management LLC and the Village of West Salem, and unanimously recommended approval of the change of zone. The Commission then opened discussion on a conditional use permit filed by Harter DC. Harter DC has submitted an application for a Conditional Use Permit to allow for non-metallic mining on property located on Buol Road. Village Engineer Dave Sauer shared his concerns with the Commission regarding protection of Well Nos. 2 and 3. Wisconsin State Statutes and Village Ordinance Chapter 9 require protection of groundwater supplies. The Harter DC conditional use permit application proposes the western limit of the excavation area to be approximately 850 feet from Well No. 2. Mining operations are prohibited within the wellhead protection area. Mr. Sauer referenced an aerial map locating the BP Station, Well No. 2, and Well No. 3, noting the 1,200-foot wellhead protection area and elevations. The area proposed to be changed is 4.5 to 5 acres. Mr. Sauer is concerned about groundwater contamination. Attorney Klos reported the Wisconsin Department of Natural Resources indicates the blanket prohibition of mining within the wellhead protection zone is not found in the Wisconsin Administrative Code. The provision was suggested by the DNR on the original pro forma wellhead protection ordinances proposed to various municipalities. Mining operations in general are hazardous to protection of the aquifer because there are typically unprotected stores of petroleum for use in the machinery and other hazardous substances used in blasting. There are also operations that typically cause excavations below grade which have the potential to collect dirty water and seep into the aquifer. Attorney Klos presented additional conditions that could be incorporated into a conditional use permit that would minimize the wellhead protection issue:

1. Prohibit any blasting as part of the operation.
2. Prohibit the storage of any petroleum or hazardous substances on site.
3. Require all machinery used on the project to be stored in a yet to be defined area on the very eastern edge of the project well outside the wellhead protection zone whenever not in use.
4. Prohibit any excavation much below the current grade at the BP Amoco station.
5. Require a groundwater plan where all groundwater is drained to the east with no significant holding ponds behind or to the west of the BP Amoco.
6. Require a very significant amount of liability insurance for both the owner and operator of this mine, which insurance provides coverage for accidental petroleum spills and to be occurrence policies.

Engineer Dave Sauer believes the suggested conditions are acceptable, but he would prefer the conditions be also restrictions for any excavation to the east of Neshonoc Road extended south through the site. He is not supportive of any excavation to the west of Neshonoc Road extended south. Mr. Sauer states the Village's wells in this area are not deep water wells. They are only sunk down 100 feet or so into the sandstone and above the granite base. Therefore, we are drawing from a rather shallow aquifer, all of which is in the sandstone. Sandstone is very porous, and any spill has the potential of contaminating the Village's water source. Engineer Fred Hilby stated future uses of the area will more than likely involve paving which will literally cap the area. La Crosse County Highway Commissioner Ron Chamberlain submitted a condition for review by the Commission. In the interests of clarity, Mr. Chamberlain asked that a condition be included stating: "Prior to commencing mining operations the

operator must enter into a road use/maintenance agreement with La Crosse County as provided for in Wisconsin Statutes 349.16(1)(c).” This provision would allow the Highway Department to handle the issues necessary on the County Trunk Highways without further involving the Village. The Commission recommended approval of the conditional use permit application contingent upon the six conditions specified by Attorney Klos, the considerations outlined by Engineer Sauer, and including the request of the La Crosse County Highway Department on a roll call vote of 4 aye and 3 nay. Keith Carlson, Real Estate Manager for Olympus Media, presented a conditional use permit application to change an existing static face billboard to an electronic digital billboard. Olympus Media is seeking the conditional use permit to have changeable messages with 7½-second hold time per advertising ad. This will allow eight advertisements in one minute. The size of the sign and the face size of the sign will be the same as it is now. The only change would be from a static billboard to an electronic message unit sign. Mr. Carlson distributed a photograph of the present sign located on Indus property accessed off South Oak Street. The current sign advertises the La Crosse Area Convention and Visitors Bureau. Mr. Carlson supplied eight other views of the current sign from different areas of travel and locales. He stated the sign would meet all state and federal standards. The County of La Crosse new billboard sign requirements will also be met by the new sign. Olympus Media would also be willing to donate five hours of community service space for the Village per month. The Village could advertise community public service announcements, and Olympus would work with emergency management as well. The Commission recommended scheduling a public hearing for Wednesday, May 16, 2012, at 6:30 p.m. The Commission reviewed the conditional use permit application submitted by U.S. Cellular and the West Salem School District for replacement of an existing football field light pole with a new light pole with telecommunications capacity. Attorney Klos informed the Commission that this conditional use permit as originally requested could not be granted because it is a request for a conditional use permit in an area zoned Residential. Under the Village zoning code, this request is not an approved conditional use in an area zoned Residential. The Planning Commission had previously agreed to take a review of additional information with the potential of not acting on the current application, but to actually take a look at amending the Village Code and then have U.S. Cellular reapply under the amended Code. However, because the FCC has a 150-day shot clock rule requiring definitive action on cell tower requests filed within that period of time, the Planning Commission must move forward now to deny the original application. The Village can still move forward with obtaining more information from U.S. Cellular with the idea the Village may consider amending its zoning code in the future. This would require U.S. Cellular to submit a new application. The Commission approved Planning Commission Resolution No. 1.12 denying U.S. Cellular’s application for a conditional use permit.

Motion by Trustee Koelbl, seconded by Trustee Iverson to approve the minutes of the April 16, 2012, Planning Commission meeting. Roll call vote: Unanimous aye.

Motion by President Manthei, seconded by Trustee Wehrs to approve the change of zone filed jointly by Fossum Management LLC and the Village of West Salem from Industrial Zone to Business District Zone. Roll call vote: Unanimous aye.

Motion by Trustee Koelbl, seconded by Trustee Schumacher to refer the conditional use permit application filed by Harter DC back to the Planning Commission in order to obtain reclamation plans, topographical plans, specifications, an engineering layout of the area, water runoff control plans, documentation on what the area will look like once the mining operation is completed, a recommendation from the Planning Commission on amending the wellhead protection ordinance, and an agreement from Harter DC to monitor the groundwater while the project is in progress. Roll call vote: Unanimous aye.

Motion by President Manthei, seconded by Trustee Koelbl to schedule a public hearing for Wednesday, May 16, 2012, at 6:30 p.m. on a conditional use permit submitted by Olympus Media LLC for an electronic digital billboard on property owned by Indus Real Estate. Roll call vote: Unanimous aye.

Motion by Trustee Schumacher, seconded by Trustee Koelbl to approve Resolution 3.12 denying a conditional use permit submitted by U.S. Cellular for a new telecommunications pole. Roll call vote: Unanimous aye.

Motion by Trustee Wehrs, seconded by Trustee Koelbl to adjourn the meeting at 8:18 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator