

Regular Board Meeting

May 19, 2009

Meeting called to order at 7:30 p.m. by President Manthei. Trustees present: Engel, Hanson, Iverson, Koelbl, Leicht, and Wehrs. Also present: La Crosse County Board Supervisor Ray Ebert, Coulee News Special Correspondent Brad Bryan, Police Chief Charles Ashbeck, Public Works Director Scott Halbrucker, Village Attorney Bryant Klos, and Village Administrator Teresa Schnitzler.

Minutes

Motion by Trustee Engel, seconded by Trustee Leicht to approve the minutes of the May 5, 2009, Regular Board meeting as written. Roll call vote: Unanimous aye.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$57,223.02
<u>Water Utility:</u>	\$18,064.29
<u>Sewer Utility:</u>	\$16,808.15
<u>Storm Water Utility:</u>	\$138.00

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

Applications for Temporary Class "B" Retailers License

Motion by Trustee Leicht, seconded by Trustee Iverson to approve the issuance of Temporary Class "B" Retailers Licenses for the June Dairy Days Association for Riverview Park, Village Park baseball field area, and Village Park for June 5, 6, and 7, 2009. Roll call vote: Unanimous aye.

Applications for Temporary Operator's Licenses

Teresa Schnitzler reported applications had not been received for Rob Molling, Rob Kneifl, Marilyn Johnson, and Brian Babiash. Therefore, approvals should be denied until complete applications are received.

Motion by Trustee Leicht, seconded by Trustee Koelbl to approve temporary operator's licenses for Mark Powell, Tim Degenhardt, and Duane Luethe. Roll call vote: Unanimous aye.

Application for Operator's License

Motion by Trustee Engel, seconded by Trustee Iverson to approve an operator's license for Jill M. Davidson. Roll call vote: Unanimous aye.

Buildings and Grounds Committee Meeting

Trustee Koelbl reported on the May 5, 2009, Buildings and Grounds Committee meeting. The purpose of the meeting was to discuss options, assessment, prevention, and an inventory of Ash trees due to the Emerald Ash Borer issue. Chair James Koelbl reported he had talked with Steve Huntziker of UW-L Extension. Essentially, there are only two measures that can be taken now: 1) drench trees in an attempt to prevent or control the Emerald Ash Borer; or 2) hire professionals to inject all Ash trees. A bottle of insect control treatment is \$60 and will treat a 40-foot high tree. Treatment must be continued for two years. A professional injection is approximately \$600 per tree. There is no guarantee with either option. In order to know the extent and number of Ash trees that could be affected by an infestation, the Village should have an estimate of the number of Ash trees in the Village, both public and private trees. Mr. Koelbl spoke with a representative of the Girl Scouts, and the group is not interested in conducting an inventory of Ash trees. Staff of Girl Scouts may be interested, however. Lynne Browne, Guidance Counselor at West Salem High School, has given the idea to the Juniors in need of subjects for their senior exit project. Ms. Browne will know if anyone is interested in taking on the project by May 22. Mr. Koelbl also contacted the area Boy Scout Group in case a Scout is looking for an Eagle Scout project. The Committee recommended including Emerald Ash Borer information on the West Salem website with an invitation for all homeowners to report the number of Ash trees on their property, propose an ordinance to eliminate Ash trees as a boulevard tree planting option, and to start adding different varieties of trees to the Village tree inventory.

Motion by Trustee Koelbl, seconded by Trustee Leicht to approve the May 5, 2009, Buildings and Grounds Committee meeting minutes. Roll call vote: Unanimous aye.

Ordinance No. 431

Motion by Trustee Leicht, seconded by Trustee Iverson to schedule a public hearing on proposed Ordinance No. 431 Tree Planting and Boulevard Care for Tuesday, June 16, 2009, at 7:25 p.m. Roll call vote: Unanimous aye.

Bicycle and Pedestrian Ad Hoc Committee Meeting

The minutes of the May 11, 2009, Bicycle and Pedestrian Ad Hoc Committee meeting submitted by Member Helen Harold were reviewed by the Board. The meeting was opened by Tom Faella, Executive Director of La Crosse Area Planning Commission. Jackie Eastman then described proposed bicycle and pedestrian routes in La Crosse County. Discussion was held regarding routes around the bridges on Highway M and Vets Park. Proposed bicycle treatments by roadway and recommendations for the West Salem area from the La Crosse Area Planning Commission were reviewed, and input was given from those in attendance. Changes to the proposed plan can be viewed at www.LAPC.org. No actions were taken by this Committee. The next meeting will be June 15, 2009, at 7:00 p.m.

Motion by Trustee Engel, seconded by Trustee Leicht to approve the minutes of the Bicycle and Pedestrian Ad Hoc Committee meeting of May 11, 2009. Roll call vote: Hanson – nay; remainder of Board - aye. Motion approved.

Trustee Engel expressed concern over the large number of no parking on both sides of streets recommendations, striping and paving various areas, and signage additions.

Trustee Engel felt there are areas in the Village where no parking on one side has caused concerns for residents.

Motion by Trustee Engel, seconded by Trustee Wehrs to refer the list of bicycle treatments by roadway to the Street Committee for review along with the present no parking on West Elm Street. Roll call vote: Unanimous aye.

West Salem Area Tourism Ad Hoc Committee

The minutes of the May 12, 2009, West Salem Area Tourism Ad Hoc Committee were reviewed by the Board. Pat Hofer updated the Committee on the Octagon/Tourism Center. Pat is getting bids for a sign. This Committee supported the idea of doing a "Welcome to West Salem" and a "Palmer-Gullickson Octagon House" sign as one. The Committee is gathering information on the existing "Welcome to West Salem" sign that is located adjacent to Octagon Property. This Committee is awaiting final approval by the West Salem Historical Society on the bids. This Committee will recommend to the Village to fund this project with the Tourism Budget when final details and amount are approved. The Committee is also looking into gathering information on the "Welcome to West Salem" sign located along Highway 16, east bound, by the Cemetery. This Committee would like to redo the existing sign or relocate further West along Highway 16, near the Village Limits. Motion passed to request to Village Board postage not to exceed \$100.00 for our Spring Post Card Mailing. We have the postcards and mailing labels already. Just need postage. Next Meeting: Tuesday Aug. 4, 2009 at 5:30pm at AmericInn Motel.

Motion by President Manthei, seconded by Trustee Koelbl to approve the minutes of the May 12, 2009, West Salem Area Tourism Ad Hoc Committee meeting. Roll call vote: Hanson – nay; remainder of Board – aye. Motion approved.

Planning Commission Meeting

President Manthei reported on the May 13, 2009, Planning Commission meeting. David Birdd, XLT, Ltd. submitted a Petition for Change of Zone for property located at 920 West City Highway 16 from Residential District to Business District. The parcel is presently vacant. David Birdd appeared personally and reviewed the fact the property is bordered on two sides by business properties already and is well-suited for a Business zone. Mr. Birdd indicated that based on the assessed value of the property, it should be zoned Business. Commission members and Attorney Klos asked questions of Mr. Birdd on various issues, and Mr. Birdd provided the following additional information:

- The property only has one Department of Transportation approved access onto Highway 16.
- Mr. Birdd has no definite current plans for development at this time, but he has had inquiries from entities wanting to acquire the property for use as retail and fast food, but those discussions ended as soon as they were informed the property was still zoned Residential.
- Mr. Birdd has also considered developing a strip mall on this lot.
- Mr. Birdd pointed out that he owns a number of lots contiguous with the property being petitioned for rezoning to Business. These properties lie north of the subject property and front on Branding Iron Road. Mr. Birdd suggested potential access from the business property back into the residential district. Attorney Klos

questioned whether business access would be an appropriate use of a lot zoned residential and not included within the request for business rezoning.

Attorney Klos pointed out to the Commission and David Birdd that the Village has concerns about storm water management, and the Village would not be in a position to allow storm water drainage to the north. Storm water would have to be managed to the south into the storm water sewer and Highway 16. Attorney Klos also pointed out that development would have to comply with DNR runoff management rules with regard to capture of solids and limitation of discharge into the Village storm water system.

Commission member Judy Long expressed concerns regarding potential lighting and other conflicts between the business use and the neighboring residential use and the potential requirement of the Village requiring fencing between the business and residential properties as allowed pursuant to Village Ordinances on a Business rezone from Residential. Commission member Scott Guthrie pointed out if the rezone was granted, the Planning Commission could only require conditions allowed under the current Village zoning code.

The Commission recommended scheduling a public hearing for 6:30 p.m. on Tuesday, June 23, 2009, to consider the Petition for Change of Zone submitted by David Birdd, XLT, Ltd., for the property located at 920 West City Highway 16.

The Commission then reviewed for further action Petitions for Direct Annexation filed by William and Dorrene Heider, Roger and Sara Manke, Prince of Peace Church, and Wes-Sal E.S.T., LLC for territory presently in the Town of Hamilton south of Highway 16 lying contiguous to the Village of West Salem. General questioning by Planning Commission members and Village Attorney Bryant Klos of Ted Thompson and William Heider resulted in the following disclosures and reaffirmation of prior statements by the Petitioners:

- The Petitions are for annexation only. The request for annexation is not contingent on the Village approval of any zoning change or development plan.
- The Petitioners understand that if the Village moves forward with annexation, the Planning Commission is considering that the property would retain its original zoning classifications as it currently stands under La Crosse County zoning, which is primarily Agriculture with a conditional use approval for the Heiders.
- William Heider intends to continue operating his excavation and earth movement business off of his farm property under the conditional use permit granted to him by the County of La Crosse. The annexation would allow for all parties to continue using the land as they have in the past.
- If the annexation is approved, the tentative timing of any development proposals the Petitioners intend to bring to the Village are roughly 15 to 20 years for the Wes-Sal E.S.T. property (former Lusk farm), 10 to 15 years for the Heider 80 acres located directly adjacent to their homestead, and the Manke 80 acres located directly adjacent to their homestead with a 5 to 10 year development plan for the property located nearest the river.
- The Petitioners are aware of Village Engineer Foth Infrastructure's preliminary study outlining some of the potential developer cost requirements for any sewer and water extensions to the area and the fact the Village's current sewer plan

and well and storage systems all have sufficient capacity to service this area without additional construction.

- The current economic climate dictates there are no current firm development plans pending.
- One of the Petitioner's concerns stalling any development directly west of the La Crosse River of property they now own, but which was previously annexed, is the exact route of connection of sewer and water from the Village of West Salem to this area. The Petitioners were informed the Village currently has made no direct commitment as to any route of said connection.

Commission member Scott Guthrie stressed to the Petitioners that, based on the request for annexation only with no current development plan and no request for rezoning, if the Petition is granted, any future rezoning from its primarily agricultural zoning to any other use would be subject to future decisions of the West Salem Planning Commission and the Village Board, both with regards to any change of use and the timing of that change of use. Mr. Guthrie also pointed out the Planning Commission was in the process of revising and providing more detail to the Village's long-range comprehensive plan for this area with regards to conservancy district requirements. Village Board Trustee James Leicht expressed concerns that any development in this area would have to move very slowly with the Village's first priority in making sure it contains any and all Village costs with regards to the development. Village Board Trustee James Koelbl expressed concerns that the purpose of any annexation is, obviously, future development, and he is concerned about the costs this sort of development would bring to the Village.

The Commission recommended scheduling a public hearing for review and recommendation of an ordinance approving the Petitions for Direct Annexation filed by William and Dorrene Heider, Roger and Sara Manke, Prince of Peace Church, and Wes-Sal E.S.T., LLC. for territory presently in the Town of Hamilton south of Highway 16 and lying contiguous to the Village of West Salem for Tuesday, July 28, 2009, at 6:00 p.m.

Motion by President Manthei, seconded by Trustee Koelbl to schedule a public hearing for the Petition for Change of Zone for Tuesday, June 23, 2009, at 6:30 p.m. Roll call vote: Unanimous aye.

Motion by President Manthei, seconded by Trustee Engel to schedule a public hearing for review and recommendation of an ordinance approving the Petitions for Direct Annexation for Tuesday, July 28, 2009, at 6:00 p.m. Roll call vote: Hanson and Koelbl – nay; remainder of Board – aye. Motion approved.

Motion by President Manthei, seconded by Trustee Engel to approve the minutes of the May 13, 2009, Planning Commission meeting. Roll call vote: Hanson – nay; remainder of Board – aye. Motion approved.

Finance and Personnel Committee Meeting

Trustee Wehrs reported on the May 14, 2009, Finance and Personnel Committee meeting. The purpose of the meeting is to interview candidates for the part time office assistant position. The Committee voted to convene in closed session pursuant to Wis. Stat. Sec. 19.85(c) for considering employment, promotion, compensation or

performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, to-wit: part time office assistant interviews. In open session, the Committee recommended to the Village Board to hire Bonnie Waide for the part time position of office assistant at a pay rate of \$11.00 per hour. The Committee also recommended that if the position becomes available within twelve months that the Committee consider the second and third finalists from this interview process. Trustee Wehrs reported since the meeting, Bonnie Waide has declined to accept the position. Therefore, the Committee recommended offering the position to Virginia Daniel. Pending Village Board approval, Ms. Daniel will accept the position.

Motion by Trustee Wehrs, seconded by Trustee Engel to approve the minutes of the May 14, 2009, Finance and Personnel Committee meeting. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Iverson to offer the part time office assistant position to Virginia Daniel. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Wehrs to convene in closed session at 8:12 p.m. for conference with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved as authorized by Wis. Stat. Sec. 19.85(1)(g), to-wit: Review potential zoning violation and enforcement options.

Motion by Trustee Hanson, seconded by Trustee Leicht to reconvene in open session at 8:20 p.m. Roll call vote: Unanimous aye.

Motion by Trustee Hanson, seconded by Trustee Leicht that the Village Board authorize the Village Attorney to issue a letter demanding Harter DC, Inc. cease and desist all non-compliant activities. Roll call vote: Unanimous aye.

Motion by Trustee Leicht, seconded by Trustee Koelbl to adjourn the meeting at 8:32 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator