

Regular Board Meeting

September 1, 2015

Meeting called to order at 7:00 p.m. by President Manthei. Trustees present: Brown, Deal, Hennessey, Lautz, Leicht, and Schumacher. Also present: Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Recreation Director Michelle Czerwan, Public Works Director Scott Halbrucker, Village Attorney Bryant Klos, and Village Administrator Teresa Schnitzler.

Public Comment

Trustee Leicht, speaking as Chair of the Neshonoc Lake District, addressed the Village Board with regard to a resolution recently adopted by the La Crosse County Board of Supervisors. The County Board authorized a letter of interest to lease County property for a Northern States Power Company solar project. The solar project would involve leasing approximately 10 acres of County farmland for a period of 25 years. Mr. Leicht contacted La Crosse County Community Development Specialist Brian Fukuda to convey the Lake District's opposition to the project for a number of reasons and stressing the importance of future dredging of Lake Neshonoc. Mr. Leicht stated he informed Mr. Fukuda County proposals for use of land in the Village need to be communicated with sister units of government such as the West Salem Village Board and the Lake Neshonoc Protection and Rehabilitation District.

Minutes

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the minutes of the August 18, 2015, Regular Board meeting as written. Roll call vote: Unanimous aye.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$25,221.35
<u>Water Utility:</u>	\$44,456.56
<u>Sewer Utility:</u>	\$11,278.49
<u>Storm Water Utility:</u>	\$537.83

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

School Bus Warning Lights

Motion by Trustee Leicht, seconded by Trustee Deal to approve the list submitted by the West Salem School District dated August 21, 2015, of West Salem School District bus stops as locations where school bus operators are directed to use their flashing red warning lights when stopping to load or unload persons pursuant to Wis. Stat. Sec. 349.21(1) and West Salem Ordinance 6.16. Roll call vote: Unanimous aye.

Mobile Home Sanitary Sewer Manhole Replacement

One bid was received for the mobile home park sanitary sewer manhole replacement project. Pember Companies submitted a total bid price of \$72,316.50. The engineer's estimate and sewer utility approved budget amount for this project was \$45,000. Given the fact the Village only received one bid and the bid was far over budget, Engineer Dave Sauer has recommended rejection of the bid and re-bid the project next year with the possibility of adding another manhole replacement.

Motion by Trustee Leicht, seconded by Trustee Lautz to reject the bid received from Pember Companies and consider rebidding the project in 2016. Roll call vote: Unanimous aye.

Certified Survey Map

Pursuant to the terms of Development Agreement between Fossum Management and the Village of West Salem executed for the purposes of a proposed land swap and alley abandonment, a certified survey map was required in order to effectuate the land transfers. Coulee Region Land Surveyors prepared a certified survey map, and the map has been reviewed and approved by Fossum Management and Village legal counsel. The certified survey map corrected an error in the measurements included on Exhibits attached to the Development Agreement, thus creating an ambiguity in the Agreement. Attorney Klos drafted a proposed Amendment to the Development Agreement agreeing that the certified survey map should be a complete substitution for Exhibit "B" of the Development Agreement.

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve the certified survey map as presented contingent upon Fossum Management, LLC. signing the Amendment to Development Agreement. Roll call vote: Unanimous aye.

Alcohol Beverage License Application

Motion by Trustee Schumacher, seconded by Trustee Leicht to approve the issuance of an Alcohol Beverage License to Beth A. Kirchner. Roll call vote: Unanimous aye.

Law Enforcement Committee

Trustee Lautz reported on the August 18, 2015, Law Enforcement Committee meeting. The purpose of the meeting was to review for recommendation to the Village Board an Application to Exceed Pet Limit, review for recommendation an ordinance prohibiting social hosting, and review for possible recommendation Section 11.08(D)(3) of the Code of Ordinances relating to barking dogs. The Committee reviewed an Application to Exceed Pet Limit submitted by Brian Elsen, 510 Lakewood Street. The Elsens presently keep a neutered, male Teddy Bear and a neutered, male Miniature Schnauzer in their home. They wish to add a female Havanese puppy to their family as the two present dogs are aging. All three animals are current with rabies vaccinations and will primarily be kept indoors. The Administration Office received no public comment on the Application, and the police department has had no contact with the Elsens regarding their dogs. The Committee recommended approval of the Application to Exceed Pet Limit submitted by Brian Elsen. The Committee then reviewed a proposed Ordinance Prohibiting Social Hosting as revised by Attorney Klos. The purpose of the ordinance is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and it intends to hold persons civilly responsible who host gatherings where persons under twenty-one years of age possess or consume

alcohol regardless of whether the person hosting the gathering supplied the alcohol. Past issues raised by the Committee concerned the possibility of a child sneaking alcohol and sharing it with friends. The current ordinance as drafted would not place any liability on the parents at the house unless the parents actually know that this action is going on or have actual knowledge that it will occur in the future. The Cities of La Crosse and Onalaska ordinances do require knowledge. Under Wis. Stat. Sec. 800.08(3), to be convicted, the prosecutor must prove this knowledge by evidence that is clear and convincing. If there is no evidence of knowledge, the citation would not be issued nor the person convicted. Chief Ashbeck reiterated social hosting is not a significant issue in West Salem, but the ordinance would give the police department an additional avenue of enforcement if a situation warrants it and provides uniformity among municipalities in the County. The penalties associated with the proposed ordinance would encourage adults to think twice before violating the ordinance by hosting events and serving alcohol to underage persons, and it also emphasizes the importance of this issue by sending a strong message that West Salem does not condone the behavior. The Committee recommended Ordinance No. 466 Prohibiting Social Hosting to the Village Board for review. The Village Board referred Section 11.08(D)(3) of the Code of Ordinances relating to barking dogs to the Law Enforcement Committee for review with possible revisions. The Ordinance states:

(3) (a) No owner shall keep or allow to be kept about the owner's premises any dog which shall repeatedly by barking, howling, or other noise disturb the peace and quiet of any person or persons in the vicinity thereof.

(b) It shall be unlawful for any person to keep or house a dog outside the primary residence, between the hours of 10:30 p.m. and 7:00 a.m. when the owner of the dog has been notified of three (3) verified complaints within any six-month (6) period made to the Police Department of frequent or habitual barking, howling, or other noise.

Attorney Klos reviewed ordinances adopted in other municipalities and found most other ordinances are similar to the West Salem ordinance. The Village of Mazomanie's ordinances states:

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls, or yelps, or any cat which habitually cries or howls, to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared a public nuisance. A dog or cat is considered to be in violation of this section when two formal, written complaints are filed with the Village Board or Chief of Police within a four week period.

The Village of Holmen's ordinance is similar to Mazomanie's except it does not include the last sentence. Attorney Klos felt the Village of Holmen ordinance is more applicable to West Salem because under the Mazomanie ordinance, technically, two written complaints are a violation and a determination of ordinary sensibilities could be problematic if the complainant is simply acting vindictive. The City of Fitchburg's ordinance is simpler, but allows more discretion. The Holmen ordinance defines "neighborhood" as being within 300 feet of the property line of the location of the animal. Chief Ashbeck cited issues with documenting the 300 feet of the property line, the Committee discussed the location of the police officer in relation to the complainant and location of the animal, and defining ordinary sensibility and habitual. The Committee tabled this matter until the next Law Enforcement Committee meeting.

Motion by Trustee Lautz, seconded by Trustee Leicht to approve the minutes of the August 18, 2015, Law Enforcement Committee meeting as presented. Roll call vote: Unanimous aye.

Application to Exceed Pet Limit

Motion by Trustee Lautz, seconded by Trustee Deal to approve the Application to Exceed Pet Limit submitted by Brian Elsen, 510 Lakewood Street. Roll call vote: Unanimous aye.

Ordinance No. 466 – Prohibiting Social Hosting

The Board reviewed a proposed ordinance to prohibit social hosting. The Board discussed the possibility of a child sneaking alcohol and sharing it with friends, whether this is a significant issue in West Salem, how the ordinance would give the police department an additional avenue of enforcement if a situation warrants it, and provides uniformity among municipalities in the County. The first section of the proposed ordinance sets forth findings of the Village Board:

(1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) years are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

(2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

(3) Alcohol is an addictive drug, which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

(4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.

(5) A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

The Board agreed this section appears to merge a resolution into an ordinance, citing opinions and declarations that could or could not be fact. Chapters 12 and 13 of the Village Ordinances also contain alcohol-related sections, and the suggestion was made to amend the ordinances to place those sections into the same Chapter.

Motion by Trustee Leicht, seconded by Trustee Hennessey to schedule a public hearing on Ordinance No. 466 Prohibiting Social Hosting for Tuesday, October 20, 2015, at 6:45 p.m. Roll call vote: Unanimous aye.

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