

Public Hearing
Ordinance No. 429
Ordinance to Amend Chapter 12 and to
Create Quotas on Beer and Liquor Licenses

September 16, 2008

Hearing called to order at 7:15 p.m. by President Manthei. Trustees present: Engel, Hanson, Harold, Hoffman, Leicht, and Wehrs. Also present: Public Works Director Scott Halbrucker, Joel Jansky, Eric Jansky, Brad Bryan, and Village Administrator Teresa Schnitzler.

This hearing pertains to Ordinance No. 429, which, if adopted, will create liquor and beer license quotas, compliance standards, and procedures and guidelines for exceeding license quotas. In addition, this Ordinance, if adopted, will place conditions on license approvals, address inoperative or unissued licenses, delinquent payments, and set forth procedures for hearings for suspension, revocation, and nonrenewal of licenses.

Eric Jansky spoke against the Ordinance, if it would affect his license application in any way. Mr. Jansky felt the more choices people have, the more people will come to downtown West Salem. People like choices.

There were no citizens present to speak for the proposed Ordinance.

Motion by Trustee Leicht, seconded by Trustee Harold to adjourn the public hearing at 7:21 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator

Regular Board Meeting

September 16, 2008

Meeting called to order at 7:30 p.m. by President Manthei. Trustees present: Engel, Hanson, Harold, Hoffman, Leicht, and Wehrs. Also present: Public Works Director Scott Halbrucker, Joel Jansky, Eric Jansky, Brad Bryan, Charles Ashbeck, Dave Hunt, and Village Administrator Teresa Schnitzler.

Minutes

Motion by Trustee Engel, seconded by Trustee Hoffman to approve the minutes of the September 2, 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>	\$40,239.91
<u>Water Utility:</u>	\$89,105.39
<u>Sewer Utility:</u>	\$6,866.16

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

Application for "Class B" Combination Liquor License

The Board reviewed an application for a "Class B" Combination Liquor License submitted by Joel Jansky to operate LaScher's on Leonard, 102 North Leonard Street. The Board discussed several concerns and questions, including the business plan for the liquor license, hours of operation, lack of parking concerns, conditions for approval of the liquor license, and the owners' investment in the building and business.

Motion by Trustee Harold, seconded by Trustee Engel to approve the issuance of a Reserve "Class B" Combination Liquor License to Joel Jansky. Roll call vote: Hanson and Leicht – nay; remainder of Board – aye. Motion approved.

2008 Tax Referendum Question

Motion by Trustee Engel, seconded by Trustee Wehrs to approve the following question as the official language for placement on the November 4, 2008, General Election Ballot. Roll call vote: Hanson – nay; remainder of Board – aye. Motion approved.

Under State law, the increase in the levy of the Village of West Salem for the tax imposed for the next fiscal year (2008) is limited to 2%, which results in a levy of \$988,919. Shall the Village of West Salem be allowed to exceed this limit and increase the tax levy for the next fiscal year (2008) by a total of 12%, which results in a levy of \$1,085,870?

YES _____
NO _____

Ordinance No. 429

The Board reviewed proposed Ordinance No. 429 to Amend Chapter 12 and to Create Quotas on Beer and Liquor Licenses. The Board addressed several issues contained in the Ordinance and agreed the Ordinance needs further review.

Street Committee

Trustee Leicht reported on the September 2, 2008, Street Committee meeting. Recent tree and brush disposal practices have resulted in complaints from the public and an area business. The Street Committee was asked to review present tree and brush disposal procedures and make recommendations to the Village Board. Presently, curbside tree and brush chipping is conducted twice a month, April through October,

and the chips are disposed of with the grass and leaves. The major area of concern for the Public Works Department is trees and brush coming to the dumpsite from other areas and from business contractors. Without off-hours supervision at the drop off site, brush is being brought in from other communities, and contractors are utilizing the area off hours and weekends. The Committee agreed the public appreciates the 24/7 access and convenience of the drop off site. The Committee discussed additional signage, more policing of the area, security camera installation, and discussed fencing off the dump site. Teresa Schnitzler and Scott Halbrucker met with Department of Natural Resources Recycling and Solid Waste Specialist Paul Wiegner last month. Mr. Wiegner made several recommendations, one of which was to begin composting grass, leaves, and chipped materials from trees and brush. Mr. Halbrucker talked with Erv Nuttleman, owner of the site where tree and brush material is presently stored, and Mr. Nuttleman has no issue with the Village creating a compost area on his land. The Committee recommended moving forward with composting grass, leaves, and chipped materials at the Nuttleman site. The Committee also recommended Scott Halbrucker work with the Police Department on security cameras and enforcement at the brush drop off site and consider staff schedule adjustments to monitor off-hours dumping. Renting a tub grinder for on-site disposal of trees and brush would ultimately be a 2009 budget item for consideration.

Dean Olson addressed the Committee with background information on his design approach to the Wagon Drive sidewalk project. Mr. Olson assured the Committee the installed sidewalks do meet ADA requirements as far as slope, and ADA requirements apply more to handicap ramps. During the design of the Wagon Drive sidewalk, decisions had to be made regarding the elevation of the sidewalk. The decision was made to try and design the sidewalk to match the existing grade as much as possible rather than use retaining walls to create the flatter, typical street section profile. An estimated cost for retaining walls to accomplish this was over \$18,000 and that cost did not include the additional grading costs to create the flatter section. There were also a number of obstructions that were taken into consideration in establishing the alignment of the walk. Most of the driveways along that portion of the street were steep and placing a sidewalk through the driveway with a cross slope not to exceed four percent made transitioning back into the existing pavement a challenge. Each driveway was examined individually to minimize the construction costs and create the best alternative. In most cases, constructing a sidewalk in conformance with the typical street section would have required the full reconstruction of the entire driveway from curb line to garage door. Residents in attendance asked questions of the Committee and expressed their concerns regarding arched sidewalks, the inability to use their new driveways, removal of trees, slope of the boulevards, liability for falls on the new sidewalk, lack of notification to the residents that there was going to be a variation of the sidewalk ordinance on Wagon Drive, lot measurements, and the issue of administrative costs. Dean Olson agreed to meet with each resident regarding their individual concerns. The Committee will review present ordinances and policies with regard to new sidewalk installation.

Motion by Trustee Leicht, seconded by Trustee Wehrs to approve the minutes of the September 2, 2008, Street Committee meeting. Roll call vote: Unanimous aye.

Operator's License Application

Motion by Trustee Hanson, seconded by Trustee Leicht to delay action on an application for an operator's license submitted by Peggy Ekern. Roll call vote: Unanimous aye.

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

Teresa L. Schnitzler, Village Administrator