

Public Hearing
Proposed 2012 Operating Plan

December 6, 2011

Public hearing called to order at 6:30 p.m. by President Manthei. Trustees present: Engel, Iverson, Koelbl, Leicht, and Schumacher. Absent: Wehrs. Also present: Public Works Director Scott Halbrucker, County Board Supervisor Ray Ebert, Village Attorney Bryant Klos, Coulee News Special Correspondent Emily Staed, Peyton Czerwan, Recreation Director Michelle Czerwan, Police Chief Charles Ashbeck, Walter Baltz IV, Walter Baltz III, and Village Administrator Teresa Schnitzler.

This hearing was held for the purpose of hearing any taxpayer or citizen comments or questions pertaining to the proposed Village Operating Plan for 2012. There were no citizens present to speak for or against the proposed 2012 operating plan.

Motion by Trustee Engel, seconded by Trustee Leicht to adjourn the public hearing at 6:33 p.m. Roll call vote: Unanimous aye.

Teresa L. Schnitzler, Village Administrator

Public Hearing
Ordinance No. 442
Prohibition on Open or Concealed Carry of Weapons

December 6, 2011

Public hearing called to order at 6:45 p.m. by President Manthei. Trustees present: Engel, Iverson, Koelbl, Leicht, Schumacher, and Wehrs. Also present: Coulee News Special Correspondent Emily Staed, Police Chief Charles Ashbeck, Public Works Director Scott Halbrucker, County Board Supervisor Ray Ebert, Village Attorney Bryant Klos, Peyton Czerwan, Recreation Director Michelle Czerwan, Walter Baltz IV, Walter Baltz III and Village Administrator Teresa Schnitzler.

This hearing pertains to Ordinance No. 442, which, if adopted, will delete and recreate Section 2.01(B) of the Code of Ordinances to prohibit open or concealed carry of weapons.

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

Walter Baltz III spoke in opposition of the proposed Ordinance. Mr. Baltz cited the Second Amendment right of the people to keep and bear arms. He stated the Village of Bangor tabled a concealed carry ordinance, and the Village of Holmen repealed entirely their ordinances regarding weapons. Mr. Baltz informed the Board of various

requirements and aspects of the new Wisconsin concealed carry law. Mr. Baltz stated there are liability implications for a municipality if it adopts an ordinance prohibiting concealed carrying of weapons, and, under the new law, property owners that do not prohibit individuals from carrying a concealed weapon on their property are immune from any liability arising from its decision.

Motion by Trustee Leicht, seconded by Trustee Koelbl to adjourn the public hearing at 6:55 p.m. Roll call vote: Unanimous aye.

Teresa L. Schnitzler, Village Administrator

Regular Board Meeting

December 6, 2011

Meeting called to order at 7:00 p.m. by President Manthei. Trustees present: Engel, Iverson, Koelbl, Leicht, Schumacher, and Wehrs. Also present: Police Chief Charles Ashbeck, Village Attorney Bryant Klos, Coulee News Special Correspondent Emily Staed, County Board Supervisor Ray Ebert, Public Works Director Scott Halbrucker, Peyton Czerwan, Recreation Director Michelle Czerwan, Walter F. Baltz IV, Walter F. Baltz III, and Village Administrator Teresa Schnitzler.

Public Comment

County Board Supervisor Ray Ebert informed the Board West Salem's request for ownership of Lewis's Point has been approved at committee level. The full County Board is expected to approve the transfer.

Minutes

Motion by Trustee Engel, seconded by Trustee Leicht to approve the minutes of the November 15, 2011, Regular Board meeting as written. Roll call vote: Unanimous aye.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$37,706.16
<u>Water Utility:</u>	\$6,955.01
<u>Sewer Utility:</u>	\$10,696.42
<u>Storm Water Utility:</u>	\$304.02

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

Proposed 2012 Operating Plan

Motion by Trustee Engel, seconded by Trustee Leicht to approve the 2012 operating plan, which calls for total expenditures of \$2,953,717 and a levy of \$1,066,907. Roll call vote: Unanimous aye.

Ordinance No. 442

Attorney Bryant Klos explained various aspects and requirements of the new Wisconsin concealed carry law. Mr. Klos reviewed legal opinions and law review articles regarding liability with the concealed carry law. Mr. Klos stated there are liability implications for a municipality if it adopts an ordinance prohibiting concealed carrying of weapons, and, under the new law, municipalities and property owners that do not prohibit individuals from carrying a concealed weapon on their property are immune from any liability arising from its decision. Mr. Klos also discussed potential liability issues with regard to prohibiting employees from carrying weapons.

Motion by Trustee Leicht, seconded by Trustee Iverson to take no action on Ordinance No. 442 Prohibition on Open or Concealed Carry of Weapons. Roll call vote: Unanimous aye.

Operator's License Applications

Motion by Trustee Wehrs, seconded by Trustee Koelbl to approve operator's licenses for Michelle Marie Elson and Jane M. Wells. Roll call vote: Unanimous aye.

Planning Commission

President Manthei reported on the November 30, 2011, Planning Commission meeting. The purpose of the Planning Commission meeting was to review for public hearings three conditional use permit applications. The Planning Commission reviewed the conditional use permit application submitted by Shon Jordan for his existing business building at 114 South Leonard Street. Mr. Jordan would like to reside in the back portion of the business building. Building Inspector Randy Sullivan confirmed proposed exits meet State Building Codes. The Planning Commission scheduled a public hearing on Mr. Jordan's conditional use permit application for Monday, December 19, 2011, at 7:00 p.m. Tracey Kuehl, Nathan Fries, and Lisa Talley presented their proposal for a licensed family daycare to be operated out of 620 Lee Drive. Ms. Kuehl and Mr. Fries own the property, and the daycare will be operated by Lisa Talley. Ms. Talley is licensed to care for a maximum of eight children between the ages of zero to 12 years old. The lot has an outdoor, fenced-in yard. The daycare will be conducted on the first floor of the home until the finished basement is remodeled to meet State Codes for ingress and egress. The basement presently has a play area and will have a kitchen constructed later. The planned hours of operation are from 5:30 a.m. to 5:30 p.m., Monday through Friday. The Planning Commission recommended a condition of the conditional use permit be that the permit applies only to the present owners of this property and scheduled a public hearing on the application for a conditional use permit for a licensed family daycare use in a residential zone for Monday, December 19, 2011, at 7:05 p.m. Attorney Bryant Klos explained to the Commission the background leading up to the conditional use permit application submitted by Harter DC. Harter DC has been developing the area south of Interstate 90 for years. Excavating, erosion control, and stock piling issues have been dealt with in the past by the Village and La Crosse County. Recent non-metallic mining activities are in violation of the Village Zoning

Code, and, therefore, operations have ceased. Attorney Klos explained Harter's desire for a conditional use permit for a non-metallic mining operation, a gravel and sand pit and quarry, including washing and grading the products for use in an area currently zoned Business. Harter's would apply to have the area re-zoned to Conservancy if the conditional use permit application is approved. Harter's are requesting that the conditional use permit be granted subject to a condition that it only goes into effect if the property is successfully re-zoned Conservancy. The current appearance and condition of the area will remain as is unless applicants are allowed to finish the excavation work, close the mining operation, and complete the landscaping work on the area. Danny Carr appeared before the Board on behalf of Harter DC to present their plans for closing out the work in the area. Mr. Carr explained the plan is to excavate the hill behind the BP Station another 350 feet to open up more area behind the gas station and down to the motel to the west. Excavation activities will be kept 250 feet away from the lot line on top of the hill, and berms will be constructed on top to keep water from flowing down the hill side. After excavation and mining activities are complete, vegetation will be planted to cover the face of the hill. There will be no explosives used in this operation and will use machinery only. Mr. Carr is in negotiations with a business based in Winona, and it is undecided at this point if a washing operation will take place on site or if the materials will be trucked to Winona or another location for processing. The Commission felt a decision on whether a washing operation will take place on site is vital to the Commission and public's acceptance of the Harter application. The Commission directed Mr. Carr to begin preparation of preliminary engineering plans, make a decision on the washing operation, and contact the Village Administrator or Village Attorney with any updates and questions. The Commission agreed to a tentative meeting date of January 10, 2012, at 6:30 p.m. to review additional information submitted in support of the conditional use permit application. Village Administrator Teresa Schnitzler informed the Commission of a recently filed Application for a Conditional Use Permit to replace an existing football field light pole at the West Salem High School Football field with a new light pole with telecommunications capacity in a Residential Zone. The Commission will review the telecommunications tower conditional use permit application on December 19, 2012, at 7:15 p.m.

Motion by President Manthei, seconded by Trustee Koelbl to approve the minutes of the November 30, 2011, Planning Commission meeting as written. Roll call vote: Unanimous aye.

Motion by Trustee Iverson, seconded by Trustee Wehrs to appoint Trustees Koelbl and Leicht to attend the Planning Commission public hearings on December 19, 2011. Roll call vote: Unanimous aye.

Motion by Trustee Wehrs, seconded by Trustee Leicht to adjourn the meeting at 7:43 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator