

## Regular Board Meeting

December 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: Police Chief Charles Ashbeck, Public Works Director Scott Halbrucker, and Village Administrator Teresa Schnitzler.

### Minutes

Motion by Trustee Engel, seconded by Trustee Leicht, to approve the minutes of the December 2, 2008, Regular Board meeting as written. Roll call vote: Unanimous aye.

### Claims

Claims from the following funds were presented for payment:

General Fund: \$33,841.16

Water Utility: \$38,207.03

Sewer Utility: \$27,512.89

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

### Buildings and Grounds Committee

Trustee Harold reported on the December 9, 2008, Buildings and Grounds Committee meeting. The purpose of the meeting was to review for recommended changes, additions, and updates Village Ordinance No. 430 Amending Destruction of Noxious Weeds and Weed and Grass Cutting, and to discuss ownership of land the West Salem School District baseball fields are constructed on. Chair Helen Harold presented proposed changes to the noxious weed and grass cutting ordinance as follows:

- Add definition of noxious weeds: "Physically harmful plants, such as poison ivy."
- Add definition of weeds: "A plant of no value, such as Creeping Charlie, that tends to choke out more desirable plants."
- Modify Section 2, to read: "13.25 Weed and Grass Cutting. It shall be the duty of every owner, possessor, or occupier of land within the Village, or of every person having charge of any such lands, including undeveloped lots and piles of dirt, to cut or cause to be cut all weeds and grass or other such growth, as often as may be necessary before growth is to a height of more than eight (8") inches. The exceptions to the eight (8") inch height are decorative grasses, such as pampas grass, grown on a developed lot and which does not obstruct view of the street or cause a safety or traffic hazard for neighbors, vehicles or pedestrians. "

- Add: "A rain garden may be established on a lawn if such rain garden has been approved by the Public Works Director prior to beginning the project."

The Committee approved recommending Ordinance No. 430 be presented to the Village Board with the changes and additions presented. The Committee will be meeting with the West Salem School District Buildings and Grounds Committee later in the meeting. Attorney Bryant Klos presented information regarding the land owned by the Village and leased to the School District for baseball fields. The property was originally purchased from La Crosse County in 1947 for \$1,251.25. The land is also subject to a number of restrictive covenants. The first covenant is the Village shall only use the land for educational and recreational purposes. If the land is used for any other purpose, La Crosse County may re-enter upon the property and re-acquire title by payment of \$1,251.25. A second covenant states the Village agrees if it ever desired to dispose of the property for any reason, the Village would first give notice to La Crosse County and offer to re-sell the property to the County for \$1,251.25. La Crosse County would have thirty days to exercise its right to re-purchase the property for that amount. The Committee recommended the request for land ownership be denied at this time. At 5:00 p.m. the Joint Committee meeting with the West Salem School District Buildings and Grounds Committee was called to order by Chair Helen Harold. School District attendees were: Nancy Burns, Mark Ledman, Henry Althoff, Tom Ward, Scott Scafe, and Jamie Olson. Mrs. Burns indicated the question was raised as to why the School District does not have ownership of the baseball field land given the investments and commitments by the School District and the Friends of Baseball. The School District did not intend to purchase the property from the Village. Attorney Bryant Klos presented information regarding the land owned by the Village and leased to the School District for baseball fields. Both Committees agreed the matter could be reviewed again in the future.

Motion by Trustee Harold, seconded by Trustee Wehrs to approve the minutes of the December 9, 2008, Buildings and Grounds Committee meeting. Roll call vote: Unanimous aye.

#### Ordinance No. 430

Ordinance No. 430, if adopted, would amend portions of Section 13.24 and Section 13.25 of the Code of Ordinances pertaining to the height at which noxious weeds and grass must be cut. The Ordinance changes the height from ten inches to eight inches, and the Ordinance defines noxious weeds and weeds, includes undeveloped lots and dirt piles to enforcement areas, and provides an exception for decorative grasses and rain gardens. Trustee Harold recommended Section 13.24 be further modified to include prevention of the accumulation of brush piles.

Motion by Trustee Engel, seconded by Trustee Harold to schedule a public hearing on proposed Ordinance No. 430 for Tuesday, January 20, 2009, at 7:15 p.m. Roll call vote: Unanimous aye.

#### Utilities Committee

Trustee Engel reported on the Utilities Committee meeting held on December 12, 2008. Teresa Schnitzler informed the Committee the Public Service Commission has

determined to weight more of the water rate increase on public fire protection (also known as hydrant rental charge) and less on the general service portion. The public fire protection charge recovers the costs related to the capacity of the system available to fight fires within the Village's water service area. These costs include a portion of the wells, pumps, storage facilities, water mains, hydrants, and an estimated quantity of water used for this purpose. Public Service Commission Analysts will propose public fire protection be slightly less than \$173,000. Municipal charges for public fire protection are budgeted at \$112,000 for 2009. Therefore, the Public Service Commission has recommended the West Salem Municipal Joint Water and Sewer Utility collect the remainder of public fire protection expenses through a direct charge on utility bills based on equivalent meter size. A direct charge based on equivalent meter size is the most common method of recovery. This method keeps property taxes lower, includes tax exempt properties in the charge system, and the charge does not count toward the municipality's levy limit. The public hearing for the rate increase is scheduled for Tuesday, January 13, 2009, at 1:00 p.m. Once the Public Service Commission has issued its ruling on the rate increase, new rates and the direct charge will be effective January 26, 2009. The new rates would then appear on the May 1, 2009, regular utility billing. Public Service Commission Analysts have proposed rates to fully recover the balance of public fire protection charges through the direct charge system. The direct charge rates proposed will collect slightly more than remainder required, but the Public Service Commission favors the Utility earning more rather than less. A resolution must be recommended by the Committee and approved by the Village Board before the Utility is authorized to recover these costs through a direct charge method. The Committee recommended approval of Resolution 20.08 electing direct charge of public fire protection. Engineer Dean Olson met with Linda and Gary Berg to discuss obtaining a permanent easement for stormwater management for the Faye Drive storm water ditch. The Bergs are amenable to negotiating such an easement, and they have inquired on utility service extensions to their property. Utility services to the Berg property would have to extend from the Lori and John Hammes property at a rough estimated cost of \$20,000. Mr. Olson will meet with Lori and John Hammes to review where the utility services are on their property and discuss an extension to the Berg property from their property. Mr. Olson will also determine estimated costs to extend utilities to the Berg property. The Committee would like to prepare a proposal to the Harter family before the end of December.

Motion by Trustee Engel, seconded by Trustee Hoffman to approve the minutes of the Utilities Committee meeting of December 12, 2008. Roll call vote: Unanimous aye.

#### Resolution 20.08 – Electing Direct Charge of Public Fire Protection

Motion by Trustee Engel, seconded by Trustee Harold to approve Resolution 20.08 Electing Direct Charge of Public Fire Protection. Roll call vote: Hanson – nay; remainder of Board – aye. Motion approved.

**WHEREAS**, the Village of West Salem, La Crosse County, Wisconsin (the "Municipality") owns and operates the West Salem Municipal Joint Water and Sewer Utility (the "Utility") as a public utility; and

**WHEREAS**, the Municipality provides public fire protection for the benefit of the public health, safety, and well-being of its residents; and

**WHEREAS**, the Utility is authorized by the Wisconsin Public Service Commission to recover the cost of providing and maintaining fire hydrants used for public fire protection; and,

**WHEREAS**, the Municipality has determined it is in the public interest to change the manner in which public fire protection fire charges are paid from a municipal charge (via tax roll) basis to a combination of municipal charges and a direct charge on water utility bills, thus, allowing for the collection of public fire protection charges from property owners not presently subject to property taxes; and,

**WHEREAS**, the Wisconsin Public Service Commission cost of service study results tentatively indicate a total public fire protection charge of \$172,809 for 2009; and,

**WHEREAS**, in accordance with Wis. Stat. Sec. 196.03(3)(b), the Utility has requested authorization to direct charge a specific dollar amount for public fire protection in conjunction with its application to increase water utility general service and public fire protection rates;

**NOW, THEREFORE, BE IT RESOLVED**, that the new basis for public fire protection shall be \$112,000 through annual municipal charges via tax roll collection and the remainder shall be collected through direct charges on quarterly utility bills for public fire protection based on an equivalent meter basis, as follows:

Cost of Public Fire Protection Service:	\$172,809
Public Fire Protection Revenues	
Through Municipal Charge:	\$112,000
Public Fire Protection Revenues	
Through Direct Charges per Quarter:	<u>61,427</u>

<b>Meter Sizes</b>	<b>Present Quarterly Charges</b>	<b>Proposed Quarterly Charges</b>
5/8	\$0.00	\$7.65
3/4	\$0.00	\$7.65
1	\$0.00	\$18.90
1 1/4	\$0.00	\$27.90
1 1/2	\$0.00	\$37.80
2	\$0.00	\$60.30
2 1/2	\$0.00	\$0.00
3	\$0.00	\$114.00
4	\$0.00	\$189.00
6	\$0.00	\$378.00
8	\$0.00	\$603.00
10	\$0.00	\$906.00
12	\$0.00	\$1209.00

**BE IT ALSO RESOLVED** that this change shall be effective upon review and approval by the Public Service Commission of the State of Wisconsin. **ADOPTED AND APPROVED** this 16<sup>th</sup> day of December, 2008.

/s/

\_\_\_\_\_  
Dennis Manthei, Village President

(SEAL)

/s/

\_\_\_\_\_  
Teresa L. Schnitzler, Village Administrator

#### Planning Commission

President Manthei reported on the December 15, 2008, Planning Commission meeting. Attorney Bryant Klos informed the Commission of the proceedings leading up to this meeting. Wes-Sal-E.S.T., William and Dorrene Heider, Roger and Sara Manke, and Prince of Peace Church have filed Petitions for Direct Annexation to the Village of West Salem. A normal procedure followed by the Village on review of annexation petitions is to wait for the State of Wisconsin Department of Administration advisory review opinion. After the annexation was filed with the State and the Village, the City of Onalaska filed objections to the petitions with the Department of Administration. West Salem responded with a letter to the State clarifying various issues raised by the City of Onalaska. The City of Onalaska has consistently demanded that the Village of West Salem meet for boundary agreement negotiations and the City has threatened litigation. The Wisconsin Department of Administration issued its advisory review on November 25, 2008. The review states the annexation is a "balloon on a string" type annexation, and, as such, the Petitions do not meet the minimum standard for contiguity. The Department believes this annexation as filed is against the public interest. In the fall of 2007, the Village approved funding for a utility study on all areas west of the Village and south of Highway 16. Engineer Dave Sauer completed the requested study this fall. The study also reviewed the area included in the petitions for annexation. West Salem reviewed the feasibility of extending the Village's sanitary sewer and water utility service area west of the existing Village limits. The future land use of the sewer service area was studied for future feasibility of sanitary sewer and water main extensions based on alignments that would connect to the existing force main in Veterans Park. The extensions were analyzed based on the anticipated flow and the topography of the planning area. The study also looked at the impact on existing services. Annexation Petitioner William Heider addressed the Commission. Mr. Heider queried whether anyone has asked the City of Onalaska to look at their proposed natural ridge boundary line. Mr. Heider stated both he and the Mankes would like their properties annexed to the Village of West Salem. Annexation Petitioner Ted Thompson asked the Commission if the tracts to be annexed were larger, would the State and Commission be more favorable to the petitions. Mr. Thompson inquired about the zoning designations of the annexed land, property tax impact, West Salem's control of the land, and municipal services, including garbage pickup. The Commission convened in closed session at 7:14 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: Consideration of legal counsel advice. The Commission reconvened in open session at 8:16 p.m, and recommended taking the petitions for annexation under advisement for 90 days. The Commission also recommended directing the Village Attorney to advise the petitioners that they need to solve the

“balloon on a string” issue as determined by the Department of Administration, and directing the Village Attorney to ask the developer to provide a rough outline of what their development plans are for the annexed property and a timeline for potential development.

Motion by President Manthei, seconded by Trustee Engel to approve the minutes of the December 15, 2008, Planning Commission meeting. Roll call vote: Hanson – nay; remainder of Board – aye. Motion approved.

Motion by Trustee Leicht, seconded by Trustee Engel to adjourn the meeting at 7:57 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator