

Regular Board Meeting

June 4, 2013

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

Minutes

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the minutes of the May 21, 2013, Regular Board meeting as written. Roll call vote: Unanimous aye. Motion approved.

Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$27,682.60
<u>Water Utility:</u>	\$7,947.33
<u>Sewer Utility:</u>	\$10,710.41
<u>Storm Water Utility:</u>	\$505.86

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

Resolution 5.13

Motion by Trustee Schumacher, seconded by Trustee Lautz to approve Resolution 5.13 Compliance Maintenance Annual Report as presented. Roll call vote: Unanimous aye.

Law Enforcement Committee

Trustee Wehrs reported on the May 22, 2013, Law Enforcement Committee meeting. The Committee met in closed session for considering employment, promotion, compensation, or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility regarding a citizen complaint investigation report. The Committee recommended accepting Investigator McAlpine's report and releasing the report to Police Chief Charles Ashbeck, Police Officer Robert Schuppel, and Dr. Paula Harvatine.

Motion by Trustee Wehrs, seconded by Trustee Leicht to approve the minutes of the May 22, 2013, Law Enforcement Committee meeting as presented. Roll call vote: Baltz – abstain; remainder of Board – aye. Motion approved.

Motion by Trustee Wehrs, seconded by Trustee Leicht to accept and release the investigation report. Roll call vote: Baltz – abstain; remainder of Board – aye. Motion approved.

Planning Commission

President Manthei reported on the May 28, 2013, Planning Commission Public Hearings and Meeting. The first public hearing concerned a Petition for Change of Zone filed by Judith E. Manske for tax parcel number 16-721-0 and located at 501 East Jefferson Street. The Petitioner is requesting the zoning be amended from Agriculture to Business to allow for construction of storage units. The nearly 3-acre parcel is presently used as cropland. There were no citizens present to speak for or against the Petition. The second public hearing concerned a Conditional Use Permit Application filed by Judith E. Manske for construction of storage units on the north side of tax parcel number 16-721-0 at 501 East Jefferson Street. This land is currently being considered by rezone from Agriculture to a Business Zone. There were no citizens present to speak for or against the Conditional Use Permit Application. The Commission discussed the Petition for Change of Zone filed by Judith E. Manske. The rest of the property located at 501 East Jefferson Street and listed as tax parcel numbers 16-722-0 and 16-722-1 is zoned Business. The Petition for Change of Zone is for Tax Parcel No. 16-721-0, which parcel is split by East Jefferson Street (County Trunk Highway B). The Commission discussed the need for an easement through this parcel for future sanitary sewer and water extensions to East Jefferson Street. Attorney Klos presented a proposed Utility Easement Agreement granting the Village a 35-foot wide easement to run between the proposed storage buildings. The Commission recommended approval of the Petition for Change of Zone for Tax Parcel No. 16-721-0 from Agriculture to Business. The Commission reviewed the Conditional Use Permit Application submitted by Judith E. Manske for construction of storage units at 501 East Jefferson Street on the north portion of Tax Parcel No. 16-721-0. Attorney Klos presented a proposed Conditional Use Permit setting forth three conditions as follows:

1. The exact location, number, and sizes of the buildings and units within the legal found as Exhibit "B" would be as depicted on Exhibit "C".
2. The owner of the land would execute and grant the Village a sanitary sewer and water main easement over the property in the form as attached as Exhibit "D" and which is consented to by any lien holders and which easement is recorded with the Real Estate Declaration of Covenants, Conditions and Deed Restrictions required hereby.
3. The land is zoned "Business".

The Commission recommended Conditional Use Permit No. 14 and recommended an additional Condition be added to the Conditional Use Permit that the construction of the storage units be completed within 24 months.

Motion by President Manthei, seconded by Trustee Baltz to approve the minutes of the Planning Commission meeting of May 28, 2013, as presented. Roll call vote: Unanimous aye.

Motion by Trustee Baltz, seconded by Trustee Lutz to approve the Petition for Change of Zone for Tax Parcel No. 16-721-0 from Agriculture to Business. Roll call vote: Unanimous aye.

The Board discussed the Conditional Use Permit recommended by the Planning Commission. Questions regarding storm water runoff and management, landscaping and building appearance, proposed driveway entrance, and signage were discussed.

Motion by President Manthei, seconded by Trustee Baltz to approve Conditional Use Permit No. 14 as presented. Roll call vote: Baltz, Manthei and Wehrs – aye; remainder of Board – nay. Motion failed.

The Village Board requested the applicant present more information based on the comments made by the Board.

Street Committee

Trustee Koelbl reported on the May 31, 2013, Street Committee meeting. The purpose of the meeting was to review and discuss for possible recommendation to the Village Board speed and traffic concerns on Lewis Street and split sequencing considerations on the upcoming Youlon Street project. Item No. 4 of the Village Engineer Dave Sauer's Bid Analysis for the Youlon and Griswold Streets Reconstruction Project included provisions that Youlon Street have only binder asphalt placed this year with final asphalt placed in May of 2014. The Committee discussed the fact the project could cost \$3,800 less if the asphalt paving was completed in 2013. The Committee recommended following the recommendation of the Village Engineer based on further analysis of compaction on future projects. The Committee discussed speed and traffic concerns residents brought to the Police Chief and Committee. The residents are still concerned about speed and the street is still too dangerous. The Committee felt the issues remain parental issues in keeping children out of the street. Village Attorney Bryant Klos advised the Committee by letter that the Village clearly has the authority to place a stop sign or stop signs at any intersection of a road that is not a through highway. The Village also has the ability to post areas around intersections as no parking areas. In addition, by State Statutes, no parking is allowed within ten feet of a fire hydrant, four feet of a driveway, or fifteen feet of a crosswalk or any other area posted as no parking. The Village also has the authority to fix a lower speed limit on a portion of this street. While both reduced speed limits and stop signs will require some enforcement effort to try to slow traffic down in this area, a speeding conviction really could, in all likelihood, only be obtained by a police officer's observation and use of radar. Stop sign violations, on the other hand, could be issued and convictions obtained based on eye witness reports of citizens living in the area. Without a police officer present, a citizen could observe a vehicle not stopping at the stop sign and if that citizen can identify the driver by sight could then file a report with the police department. A citation could then be issued. Attorney Klos also addressed the issue of children playing in the streets. There are a number of existing statutes and a Village ordinance that would provide some enforcement ability to reduce the amount of pedestrian use of the roadway. A violation of state statutes and/or the Village ordinance regarding excessive use of the street as a playground could result in the issuance of a citation by the Village. The Committee reviewed a proposal submitted by Larry Arentz for stop signs and a painted yellow curb at Lewis Street and Saddlewood Court. The Committee recessed and reconvened on Lewis Street. Painting crosswalks at Saddlewood Court and Lewis Street was discussed. This course of action would require ADA compliant sidewalk ramps. The Committee and residents present discussed painting the curblines along Lewis Street and Saddlewood for no parking. Mr. Halbrucker stated yellow no parking paint on the curblines is unenforceable without signage and an ordinance change. Erecting "children at play" signs, stop signs, and continued educating of children not to play in the street was discussed. Residents discussed excessive

vehicular speed and squealing of tires with the Committee. Several residents still believe a stop sign is the best option as the sign will prompt drivers to reduce their vehicle's speed. The Committee recommended directing the Public Works Director to paint yellow indicating "no parking" curb areas on Lewis Street and Saddlewood Court and Greenwood Court and install two "children at play" signs. A motion was made to install two stop signs at Lewis and Saddlewood, but the motion was not seconded.

Motion by Trustee Koelbl, seconded by Trustee Leicht to approve the minutes of the May 31, 2013, Street Committee meeting. Roll call vote: Baltz – present; remainder of Board – aye. Motion approved.

The Board discussed the need for better understanding of compaction testing for future street projects and possibly revising street standards.

Motion by Trustee Schumacher, seconded by Trustee Baltz to approve the Street Committee's recommendation on the Youlon Street reconstruction project. Roll call vote: Unanimous aye.

Trustee Koelbl stated he had received emails from residents in the Lewis Street area that the action recommended by the Street Committee at its meeting is now not acceptable to the residents. The emails indicated the residents had discussed the matter over the weekend and now state they would like stop signs erected on Lewis Street. Attorney Klos stated if the Village paints the curbs yellow for no parking beyond the footages stated in State Statutes, signage must also be installed. Trustee Lautz requested information on how the majority of the residents in that area feel about traffic controls in the neighborhood, and he suggested a survey be conducted. The Board discussed additional issues that could present if stop signs are installed, setting precedent for possible future requests, and maintenance of traffic controls and liability issues if maintenance is not performed.

Motion by Trustee Baltz, seconded by Trustee Wehrs to refer this matter back to the Street Committee for further consideration. Roll call vote: Koelbl, Leicht and Manthei – nay; remainder of Board – aye. Motion approved.

Motion by Trustee Koelbl, seconded by Trustee Leicht to adjourn the meeting at 8:09 p.m. Approved by voice vote.

Teresa L. Schnitzler, Village Administrator