

REGULAR TOWN BOARD MEETING, October 17, 2018

The regular meeting of the Town Board of the Town of St. Croix Falls was called to order by Chairman Frank Behning at 6:00 p.m. on Wednesday, October 17, 2018, at the Town Hall. Proper notice was given as the agenda was posted at the town hall and on the town's website on October 12, 2018.

The Pledge of Allegiance was said. Present by roll call were Chairman Frank Behning, supervisors Katie Appel, Mike Dorsey and Sharon Kelly. Supervisor Gary Koecher arrived shortly after roll call. Also present were town treasurer Maxine Spiess, town clerk Janet Krueger, zoning administrator Jim Alt and legal counsel Adam Jarchow. Others in attendance were Mark Adams, Steve Palmer, Brian Anderson, Mia Anderson, Robert Carlson and Ben Campbell. Kelly/Koecher **moved** to approve the agenda; **motion carried**. Dorsey/Kelly **moved** to approve the minutes as printed for the September 19, 2018, town board meeting; **motion carried**.

Public comment was had. Steve Palmer read a letter to the town chairman requesting that before any payments on the 170th Avenue road project are made that the board consider requiring Polk County Land and Water certify that the road was built according to the plan that was engineered (which I question how they can since they changed the gravel specifications and eliminated the silt fence); have Polk County Land and Water answer the following questions: 1)Why were they allowed to eliminate the 2500' of silt fence, 2)Were the best practices for erosion control used and if so were the ditch checks in the plan, 3)Do they have the receipts for the materials and quantities specified in the plan, 4)When it was required to have weight slips for all loads why was the contractor allowed to have one weight slip for every ten loads, 5&6)What happens if plow truck or vehicles go off the steep edge on north side of road near the west end and who is liable if a death occurs, 7)Was the low area on the east end of the road overlooked, the town can hardly expect to have a lake across the road every time it rains, 8)Why does water stand in the ditch on an incline, 9)Why isn't there ditching along the entire road, 10)Where do road edges start and stop, 11)Were the ditch bottoms and side and back slopes built property, 12)Did the project manager oversee and verify the gravel depths and road widths, and 13)Why wasn't the black dirt stock piled and saved to re-use rather than getting mixed in with the gravel, would this have made a difference; as a tax payer I feel the county really took advantage of the town on this project; as a contractor for thirty-five years I have never seen a situation as poorly designed and executed as this one; further more I have never seen or heard of a contractor being paid for a project before it was verified that it was built to engineered specifications; would the town except a road like this from a developer and will the state accept it and pay road aid; and if accepted how much is it going to cost the town to get the road safe and functional? Rob Carlson stated the town has a real problem with the 170th Avenue project; stated there were issues in the bidding process; and commented he could have built a better road with Tonka trucks.

Committee, Commission and Employee Reports: Ms. Spiess gave the treasurer's report. Receipts for the period ending September 30, 2018, amounted to \$28.38, cash balance on September 30, 2018, was \$443,834.93. Dorsey/Koecher **moved** to receive the treasurer's report; **motion carried**. Mr. Jacobs gave the highway report. Mr. Jacobs stated a portion of the bank along River Road washed out during the heavy rains and was repaired with the assistance from the Town of Eureka and the Town of Osceola; signs were installed/reinstalled along the rebuilt portion of 170th Avenue; the tractor was brought in for repair due to a rear bearing going out; and the Deer Lake dock will be pulled out around November 1. Ms. Krueger presented the clerk's report. Kelly/Koecher **moved** to approve payment of vouchers 18-243 through 18-265 amounting to \$29,981.23; **motion carried** on a unanimous roll-call vote, 5-0. Chairman Behning inquired if Sonya Ketcham had applied for dog licenses as required per the animal control officer due to a dog complaint. Ms. Krueger informed the board the County is proposing to cancel the counties contract with Arnell Humane Service; limit claim amounts from the dog license fund; and disburse dog license funds per State Statute to municipalities; and a public hearing is scheduled for proposed amendments to the Polk County Comprehensive Land Use, Subdivision and Shoreland Protection Zoning Ordinances on Wednesday, October 24, 2018 at 10:00 am. Mr. Alt gave the zoning administration report and stated work will

begin on amendments to the residential, agricultural and transitional uses in the zoning ordinance. The zoning enforcement log and land use permit log were reviewed. The building inspection log and permit status was reviewed. There were no supervisor or chairman reports.

New Business: Mr. Alt presented a special exception request for a restaurant at 1984 US Highway 8. Dorsey/Koecher **moved** to adopt Resolution 18-32 granting a special exception to Brian Anderson to operate a restaurant in the commercial district at 1984 US Highway 8; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 18-32

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO BRIAN ANDERSON TO OPERATE A RESTAURANT IN THE COMMERCIAL DISTRICT

WHEREAS Brian Anderson filed an application with the Town of St. Croix Falls Zoning Office to operate a restaurant at 1984 US Highway 8, located in the NW ¼ of NW ¼ of Section 35, T34N, R18W, and identified as Tax Parcel No. 044-00978-0000, and

WHEREAS Chapter III, Section C, 3. Commercial District, c. (3) changes of use in non-conforming structures or property requires a Special Exception; and

WHEREAS the Plan Commission did conduct a public hearing on the matter and did recommend approval on October 10, 2018, for the special exception with conditions to operate a restaurant in the NW ¼ of NW ¼ of Section 35.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does hereby concur with the Town Plan Commission to grant a special exception to Brian Anderson to operate a restaurant at 1984 US Highway 8, located in the NW ¼ of NW ¼ of Section 35 and identified as tax parcel #044-00978-0000 subject to the following conditions:

1. The special exception shall terminate upon the sale or transfer of ownership of either the parcel of land or the business itself.
2. Any formal complaint lodged against the use in the first year of operation will lead to an automatic review of the Special Exception by the Plan Commission and/or Town Board at the next possible meeting.
3. The Business will obey all laws and maintain all proper licenses and permits.
4. The Special Exception permit is contingent on town receipt of a change of use permit or a written statement from the building inspector confirming occupation and use of the property.

BE IT FURTHER RESOLVED that this special exception is conditioned on the applicants obtaining the necessary and required permits, if any, from Polk County and various agencies of the State of Wisconsin, and

BE IT FURTHER RESOLVED that this special exception must be exercised by application for the necessary permits within twelve (12) months of the date of this Resolution.

A site plan for a land use permit request for 1983 US Highway 8 was reviewed for compliance with the Town's Commercial Design Guidelines. Dorsey/Kelly **moved** to approve the site plan for 1983 US Highway 8; **motion carried** on a unanimous roll-call vote, 5-0. Ben Campbell presented his services for building inspections. Ordinance 18-04 amending the town's zoning ordinance was reviewed and the second reading was had. Kelly/Koecher **moved** to approve Resolution 18-33 adopting Ordinance 18-04 amending the town's zoning ordinance; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 18-33

A RESOLUTION ADOPTING ORDINANCE 18-04 AMENDING ZONING ORDINANCE No. 1

WHEREAS the Town Board of the Town of St. Croix Falls has village powers under Section 60.10(2)(c), Stats., that grants police powers as set forth in Section 61.34(1), Stats., to act for the good order of the Town, for its commercial benefit and for the health, safety, and welfare of the public; and

WHEREAS the Town of St. Croix Falls adopted Zoning Ordinance No. 1 on August 5, 1965, amended in its entirety on May 12, 1994 and subsequent amendments including the amendments on March 20, 2001; January 16, 2008; February 18, 2009; May 20, 2009; October 21, 2009; March 17, 2010; April 21, 2010; August 18, 2010; March 16, 2011; April 20, 2011; October 19, 2011; November 16, 2011; August 21, 2013; March 18, 2015; March 15, 2017; June 20, 2018; and

WHEREAS the Town Board of the Town of St. Croix Falls deems it advisable and necessary to amend Zoning Ordinance No. 1, Chapter I, Administration and Enforcement, Section G to establish when an applicant can reapply after a denial/revocation of a special exception permit; and amend Chapter III, General Zoning, Section C.3 with the addition and deletion of permitted uses; and identifying specific uses that can be applied for as a special exception.

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on the proposed amendments on October 10, 2018, the first reading of the proposed amendments was had on September 19, 2018, and a second reading was held on October 17, 2018.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 18-04 amending Zoning Ordinance No. 1; and

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Croix Falls hereby petitions the Polk County Board of Supervisors to concur and ratify the amendment; and

BE IT FURTHER RESOLVED that Ordinance 18-04 become effective upon passage and publication and/or posting according to Wisconsin State Statute.

Ordinance 18-04
AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE"
ORDINANCE 18-04

Section 1: Purpose

The purpose of this ordinance is to amend Chapter I - Administration and Enforcement, Section G – Town Plan Commission, 4. – Procedures, c. – Make and Give Notice of Decision Made with the addition of:

The Commission shall make a decision on any matter brought before it in a timely manner, and make a written report of their decision or recommendation available to the applicant, the Zoning Administrator and the Town Board within thirty (30) days of any hearing held. ***Any special exception application that is denied cannot be reapplied for twelve (12) months from denial. Any special exception permit that is revoked cannot be reapplied for twenty-four (24) months from revocation.***

And amend Chapter III – General Zoning, Section C – Districts, 3 – Commercial District, b. – Permitted Uses, to amend by deleting the following uses:

~~Mini storage. A series of bays, no wider than 20 feet, no longer than 40 feet, connected to each other with common walls and separate overhead doors with no utilities. No commercial or retail uses other than the original lease of space is permitted. The retail sale of storage, packing and moving supplies by the owner/operator of the mini storage facility is permitted in the facility office area.~~

And

~~Nonresidential day care facility.~~

Amend the following use to read as follows:

Sporting goods and athletic shops/***Indoor gun range or archery range.***

And the addition of the following uses:

- ***Marine sales and service***
- ***Museum***

And amend Chapter III – General Zoning, Section C – Districts, 3 – Commercial District, c. – Special Exceptions by deleting the following:

~~Any use in a Commercial District not listed as a permitted use.~~

And the addition of the following:

- ***Antique store***
- ***Brewery/Brew Pub/ Winery***
- ***Car washes***
- ***Non residential day care***
- ***Feed mill***
- ***Fireworks stand***
- ***Funeral home***
- ***Laundromat***
- ***Light manufacturing/distribution/and warehousing***
- ***Mini storage. A series of bays, no wider than twenty (20) feet, no longer than forty (40)***

feet, connected to each other with common walls and separate overhead doors with no utilities. No commercial or retail sale of storage, packing and moving supplies by the owner/operator of the mini storage facility is permitted in the facility office area.

- **Motel/hotel**
- **Outdoor Storage facility**
- **Ski resort**
- **Small engine repair**
- **Tattoo shop**
- **Truck stop**

Section 2: Effective Date

This ordinance shall take effect from and after its passage, Polk County Board of Supervisors approval and legal publication.

An amendment to the town's building code ordinance was reviewed and the first reading was had. Appel/Kelly **moved** to change the meeting date for the November town board meeting to 6:00 pm, Tuesday, November 20, 2018; **motion carried**. Dorsey/Koecher **moved** to adopt Resolution 18-34 setting the date, time and location for the public hearing of the 2019 proposed budgets and to call a special town meeting of the electors on Tuesday, November 20, 2018; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 18-34

A RESOLUTION TO SET DATE, TIME, AND LOCATION OF PUBLIC HEARING ON THE PROPOSED 2019 BUDGET FOR THE TOWN OF ST. CROIX FALLS AND TO CALL A SPECIAL MEETING OF THE ELECTORS OF THE TOWN OF ST. CROIX FALLS

WHEREAS, Wisconsin Statute 65.90 requires a public hearing on the annual budget for a Town; and

WHEREAS, Wisconsin Statutes requires the calling of a special Town meeting to approve and adopt the tax levy;

THEREFORE BE IT RESOLVED, that the Town Board of the Town of St. Croix Falls, Polk County, pursuant to Wisconsin Statute 65.90 calls a public hearing on the proposed 2019 budget for the Town of St. Croix Falls in Polk County to be held on 20th day of November, 2018, commencing at 7:00 p.m. at the Town Hall;

BE IT FURTHER RESOLVED, that the Town Board of the Town of St. Croix Falls Calls pursuant to Wisconsin Statutes 60.12(1)(c) a special town meeting of the electors on 20th day of November, 2018, to begin immediately following completion of the public hearing on the proposed 2019 Budget, for the following purposes;

1. To approve the 2018 town tax levy to be collected in 2019 pursuant to 60.10(1) (a) of Wisconsin Statutes.
2. To approve the disposal of town property through sale.

Legal Counsel presented a couple ordinances pertaining to condemning or deeming a structure unlivable/inhabitable. Board members will review the ordinances for discussion at next month's town board meeting. Discussion was had on inspection responsibilities if the town contracts with a different building inspector in 2019. Consensus of the board was that permits issued by the building inspector under contract at the time of issuance will perform inspection until completion of project. Chairman Behning informed the board he was contacted by the Department of Natural Resources regarding permits for the 170th Avenue project and concerns over the recent damage caused by heavy rains and the lack of adequate erosion control. Discussion was had and direction will be given to the project manager.

Closing public comment: Steve Palmer appreciated the discussion on 170th Avenue; stated in the private sector if you have an engineer design a project and the design fails the engineer is responsible, if the contractor does not follow the plan the contractor is responsible and in this case you had a county employee oversee a county design who allowed deviations to the plan, the town should hold Polk County Land and Water accountable. Mark Adams agreed with Mr. Palmer and suggested the town look at a middle step for garbage houses where items with a five hundred dollar value or more be stored.

Future agenda items: Second reading on building code ordinance amendments; discussion on potential ordinance for unlivable/inhabitable structures; building inspection contract; and discussion on issues relating to sanitary district.

There being no further business, Kelly/Koecher **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 8:41 p.m.

Minutes prepared by Janet Krueger, town clerk.