

## REGULAR TOWN BOARD MEETING, March 20, 2019

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, March 20, 2019, at the Town Hall. Proper notice was given as the agenda was posted at the town hall and on the town's website on March 14, 2019. The Pledge of Allegiance was said. Present by roll call were Chairman Frank Behning, supervisors Katie Appel, Mike Dorsey, Sharon Kelly and Gary Koecher. Also present were town treasurer Maxine Spiess, town clerk Janet Krueger, zoning administrator Jim Alt, public works employee Steve Jacobs and legal counsel Adam Jarchow. Others in attendance were Joyce McKenzie, Steve Palmer and Mark Adams. Appel/Dorsey **moved** to approve the agenda; **motion carried**. Appel/Koecher **moved** to approve the minutes as printed for the February 20, 2019, town board meeting; **motion carried**.

Public comment: Joyce McKenzie said keep up the good work. Steve Palmer stated he does not feel he received a reasonable response from the Town regarding his complaint dated December 12, 2018. Mr. Palmer would like to know if the buildings 2091 US Highway 8 will be connected as per the 2017 land use permit application; why was a sign permit not issued and if issued why was no fee paid; will the sign permit be enforced as it appears the sign is about three feet in the road right-of-way; where was the same theory used for other nonconforming structures; who and how will answers for these questions be given; and 170<sup>th</sup> Avenue is in passable and the town might want to consider closing the road.

Committee, Commission and Employee Reports: Ms. Spiess gave the treasurer's report. Receipts for the period ending February 28, 2019, amounted to \$387,163.75, cash balance on February 28, 2019, was \$451,568.95. Ms. Spiess presented twelve month and eighteen month CD interest rates. Ms. Spiess was asked to obtain new rates before next month's meeting for the board to consider. Kelly/Koecher **moved** to receive the treasurer's report; **motion carried**. Mr. Jacobs gave the highway report. Mr. Jacobs asked if toilets could be put out at the boat landing mid April; stated he would like to remove the sander from the one ton the beginning of April; stated road restrictions will be going up tomorrow (March 21<sup>st</sup>); and asked is cable type chains could be purchased for the front of the dump truck. Mr. Jacobs was asked to put a sign up on 170<sup>th</sup> Avenue for no thru traffic. Ms. Krueger presented the clerk's report. Kelly/Dorsey **moved** to approve payment of vouchers 19-055 through 19-082 amounting to \$21,133.89; **motion carried** on a unanimous roll-call vote, 5-0. The 2019 year to date budget summaries were reviewed. The building permit/building inspection log was reviewed. Mr. Alt gave the zoning administration report. Mr. Alt stated the property owner at 160<sup>th</sup> Avenue and 200<sup>th</sup> Street was still interested in purchasing part of the town property. There were no supervisor or chairman reports.

New Business: The clerk presented insurance quotes. Consensus of the Board was to renew with existing insurance carrier. Ordinance 19-02 amending the town zoning ordinance was reviewed and the second reading was had. Kelly/Appel **moved** to approve Resolution 19-06 adopting Ordinance 19-02; **motion carried** on a unanimous roll-call vote, 5-0.

### Resolution 19-06

#### A RESOLUTION ADOPTING ORDINANCE 19-02 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; October 17, 2018; January 16, 2019; 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 I - Special Exceptions, 7 adding that commercial design guidelines may be required for commercial type projects in any district; Chapter II - Definitions adding a definition for church; Chapter III - Section C. 2 - Agricultural District identifying specific uses that can be applied for as a special exception; Chapter IV - Highway Setbacks and Access, Section D, clarifying when a structure is permitted within the setback lines in the residential district; and Chapter V - Sign Regulations and Restrictions, Section D. 2 adding language for when an abandoned sign structure does not need to be removed; and

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on the proposed amendments on March 13, 2019, the first reading of the proposed amendments was had on February 20, 2019, and a second reading was held on March 20, 2019.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 19-02 amending Zoning Ordinance No. 1; Chapter I, I, 7; Chapter II; Chapter III C, 2, f; Chapter IV, D, 7; and Chapter V, D, 2; 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 amendments; and

BE IT FURTHER RESOLVED that Ordinance 19-02 become effective upon passage and publication and/or posting according to Wisconsin State Statute.

**Ordinance 19-02  
AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE"  
ORDINANCE 19-02**

**Section 1: Purpose**

The purpose of this ordinance is to amend Chapter I - Administration and Enforcement, Section I – Special Exceptions, 7. – Conditions, with the addition of n. to read as follows:

***n. Commercial Design Guidelines may be required for Commercial type projects in any district.***

And

Amend Chapter II – Definitions, with the addition of:

***Church – A building used for public worship.***

And

Amend Chapter III – General Zoning, Section C – Districts, 2. – Agricultural District, f. – Special Exceptions, with the following deletions and additions.

1. ~~Any use not listed in the permitted uses or prohibited uses may be applied for as a special exception.~~
2. ***Cemetery***
3. ***Child Care Facility***
4. ***Churches***
5. ***Commercial Stables***
6. ***Concrete or hot mix plants engaged in public highway related projects provided that such operations are of a temporary nature not exceeding one hundred-twenty (120) days.***
7. ***Event Center***
8. ***Feedlot, dairying, and livestock raising of herds over four hundred (400) animal units, with one contiguous acre available for grazing, feed production, and waste disposal for each animal unit in the combined herd.***
9. ***Feed Mill***
10. ***Governmental uses such as police or fire stations, town halls, highway storage garages, solid waste disposal and sewage treatment plants, schools, public parks and campgrounds, public recreational use, or airports or landing strips.***
11. ***Health Care Facility***
12. ***Implement Dealer***
13. ***Kennels, when located not less than three hundred (300) feet from any lot line shared with premises devoted to residential use, nor closer than one thousand (1,000) feet from any residential building other than that of the owner of the kennel, his agent or employee.***
14. ***Licensed game management as set forth in Chapter 29 of Wisconsin State Statutes.***
15. ***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 separated 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.***
16. ***Non Metallic mining subject to Chapter I.I.10***
17. ***One additional single family dwelling when occupied by persons earning a substantial livelihood from the single entity owned farm operation.***
18. ***Renting any property, or portion of any property, as a transient lodging. In this section, transient means any person residing for a continuous period of less than seven (7) days in a hotel, motel, or other furnished accommodations available to the public.***
19. ***Restaurants, wineries, taverns, brew pubs, or similar establishments.***
20. ***Utility installations.***

And

Amend Chapter IV – Highway Setbacks and Access, Section D. – Structure Permitted within Setback Lines, amending 7 as follows:

7. Where buildings are proposed to be erected or moved between buildings existing at the time of the adoption of this chapter and having setback lines less than those established by this section, which existing buildings are located not more than ~~one hundred fifty (150)~~ ***two hundred fifty (250)*** feet apart, the Zoning Administrator may issue a permit for such proposed building, providing that the setback of such building shall not be less than the average of the setbacks of the nearest adjoining existing buildings on either side of the locations of the proposed building. ***In the residential District only, where buildings are proposed to be erected or moved next to or between one or more buildings existing at the time of the adoption of this chapter and having setback lines less than those established by this section, which has an existing building within one hundred fifty (150) feet on one side of property, the Zoning Administrator may issue a permit for such proposed building providing that the setback of such building shall not be less than the setback of the nearest adjoining existing building on either side of the location of the proposed building.***

And

Amend Chapter V – Sign Regulations and Restrictions, Section D – Removal and Disposition of Signs, amending 2

as follows:

2. Abandoned Signs.

All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when lease payment and rental income are no longer provided. ***If the sign structure meets all current regulations for size and setbacks the structure will not need to be removed, provided the structure is not deteriorated or dilapidated.*** If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice the Town of St. Croix Falls may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

**Section 2: Effective Date**

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

Kelly/Koecher **moved** to amend resolution 19-07 to read April 2020; **motion carried** on a unanimous roll-call vote, 5-0. Kelly/Koecher **moved** to adopt Resolution 19-07 as amended appointing Board of Review alternates; **motion carried** on a unanimous roll-call vote, 5-0.

**Resolution 19-07**

**A RESOLUTION APPOINTING ALTERNATE MEMBERS TO  
THE BOARD OF REVIEW FOR THE TOWN OF ST. CROIX FALLS**

WHEREAS one of the changes to Wisconsin Statute Section 70.47 authorized the removal of Board of Review members for individual cases under specific circumstances, and

WHEREAS Section 70.47 (6m)(c) authorizes the appointment of alternate members to serve on the Board of Review when standing members are removed from individual cases, and

WHEREAS a standing member of the Board of Review may voluntarily remove himself/herself due to a possible conflict of interest or unable to serve for any other reason;

THEREFORE BE IT RESOLVED that the Town Board for the Town of St. Croix Falls, pursuant to Wisconsin Statute section 70.47 (6m)(c) and Section 70.46 (1), hereby appoints the following electors of the Town of St. Croix Falls as alternate Board of Review members:

Alternate 1: Maxine Spiess, and

Alternate 2: James K. Nelson

BE IT FURTHER RESOLVED that these appointments be effective immediately and run through the Monday before the third Tuesday of April 2020.

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Croix Falls authorizes the per diem for the alternate members attending the Board of Review be set at eight dollars (\$8.00) per hour.

Discussion was had regarding the new commercial electrical rules that have occurred through the release of the Wisconsin Administrative Code Chapter SPS 316. Dorsey/Appel **moved** to start the process with the State for local jurisdiction over commercial electrical inspections; **motion carried**. Discussion was had regarding removal of abandoned signs. Mr. Alt will bring quotes or rates for the removal of the abandoned signs to next month's meeting. Legal counsel stated Brian Hobbs, Polk County Health Inspector was willing to inspect unlivable or inhabitable structures in the town should the town adopt an ordinance. Legal counsel and the zoning administrator will draft an ordinance for condemning or deeming structures unlivable/inhabitable.

Closing public comment: Ms. McKenzie suggested an addition source to consider for CD interest rates.

Next town board meeting is scheduled for April 17, 2019. Future agenda items: Consider interest rates for CD; Consider rates/quotes for removing abandoned signs; and review ordinance language on enforcement for condemning or deeming a structure unlivable/inhabitable.

There being no further business, Kelly/Koecher **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 7:16 p.m.

Minutes prepared by Janet Krueger, town clerk.