

REGULAR TOWN BOARD MEETING, October 16, 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, October 16, 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 October 11, 2019. The Pledge of Allegiance was said. Present by roll call were Chairman Frank Behning, supervisors Will Bergmann, Mike Dorsey and Sharon Kelly. Supervisor Katie Appel arrived at 6:10 p.m. Also present were town clerk Janet Krueger, town treasurer Maxine Spiess, zoning administrator Jim Alt, public works employee Steve Jacobs and legal counsel Adam Jarchow. Others in attendance were Mark Adams, Nathan Holdeman and Jason Lamminen. Dorsey/Kelly **moved** to approve the agenda; **motion carried**. Kelly/Bergmann **moved** to approve the minutes as printed for the September 18, 2019, town board meeting; **motion carried**.

No public comment was had.

Committee, Commission and Employee Reports: Ms. Spiess gave the treasurer's report. Receipts for the period ending September 30, 2019, amounted to \$6,356.46, cash balance on September 30, 2019, was \$438,556.86. Dorsey/Bergmann **moved** to receive the treasurer's report; **motion carried**. Mr. Jacobs gave the highway report. Mr. Jacobs stated working on the last mowing of ditches for the season and plans to remove the dock at the Deer Lake boat access the first week of November. Mr. Jacobs was asked to get quotes for hydraulic fluid before purchasing. Kelly/Dorsey **moved** to authorize Paragon Excavating LLC to replace the River Road culvert for the amount of three thousand dollars (\$3,000.00); **motion carried** on a unanimous roll-call vote, 5-0. Bergmann/Dorsey **moved** to approve four thousand eight hundred dollars (\$4,800.00) for tree trimming along town roads; **motion carried** on a unanimous roll-call vote, 5-0. Ms. Krueger presented the clerk's report. Bergmann/Kelly **moved** to adopt Resolution 19-34 amending the 2019 Budget; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 19-34

A RESOLUTION TO AMEND THE 2019 BUDGET FOR THE TOWN OF ST. CROIX FALLS

WHEREAS the Town of St. Croix Falls has had a significant increase of building in the Town creating an increase for building inspections payable from the "Building Inspection" expense account; and

WHEREAS the revenue receipted in the general operations bank fund for the building permits offsets the expense payable for the building inspections.

THEREFORE BE IT RESOLVED by the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, that the sum of three thousand dollars (\$3,000.00) is hereby transferred from the Contingency account to the Building Inspection account.

Kelly/Dorsey **moved** to approve payment of vouchers 19-259 through 19-282 amounting to \$44,377.93; **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 he has issued a citation for the camper/office on US Highway 8; a Board of Adjustment meeting has been scheduled for November 7, 2019; and the Plan Commission will be reviewing L&C Auto's special exception for compliance.

New Business: Mr. Alt presented a minor subdivision request for parcel 044-00519-0200.

Kelly/Bergmann **moved** to adopt Resolution 19-35 approving a minor subdivision for parcel 044-00519-0200; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 19-35

A RESOLUTION APPROVING A MINOR SUBDIVISION IN THE TOWN OF ST. CROIX FALLS – LAMMINEN PARCEL

WHEREAS Wayne Lamminen, owner of real property in the SW ¼ of SE ¼ of Section 21, T34N, R18W, identified as Tax Parcel No. 044-00519-0200 and located at 21xx 140th Avenue, and

WHEREAS the owner has proposed dividing the current 29.08 acres, more or less, into two parcels, new parcel consisting of 10.999 acres, and the remaining parcel consisting of 18.08 acres, more or less, and

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on October 9, 2019, and after reviewing the request recommends Town Board approval.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve the creation of a minor subdivision from Tax Parcel No. 044-00519-0200 into two

parcels, one parcel consisting of 10.999 acres, and the remaining parcel consisting of 18.07 acres, more or less; and

BE IT FURTHER RESOLVED that the Town Board authorizes a Town Representative to sign the "Polk County Subdivision Ordinance Town Board Check List", and

BE IT FURTHER RESOLVED that the Town Board requests the Polk County Land Information Office to review and approve the creation of this minor subdivision, and

BE IT FURTHER RESOLVED that the subdivider provide the Town with a copy of the Certified Survey Map after same has been recorded in the Polk County Register of Deeds Office.

Discussion was had on the recent violations of the special exception for storage shed sales on US Highway 8. Dorsey/Kelly **moved** to amend the special exception to Dennis Dirk's for the storage shed sales at 193x US Highway 8 to extend the probation period for an additional year ending September 19, 2020, in which any complaint will lead to an automatic review of the special exception and/or conditions by the Plan Commission and/or Town Board; **motion carried** on a unanimous roll-call vote, 5-0. The proposed amendments to the zoning ordinance were reviewed and the second reading was had. Kelly/Bergmann **moved** to approve Resolution 19-36 adopting Ordinance 19-05 entitled "Amending Zoning Ordinance No. 1"; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 19-36

A RESOLUTION ADOPTING ORDINANCE 19-05 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; March 20, 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 III – General Zoning, Section B – General Provisions on Height and Area, 2 amending the minimum square footage for dwellings and creating a minimum square footage for commercial buildings; Chapter V – Sign Regulations, Section K-2 clarifying sign size for integrated shopping centers, and deletion of Section L-2,c to no longer allow for special exceptions on signs in the commercial district; and change the title "Board of Appeals" to "Board of Adjustments" thru out the entire ordinance; and

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on the proposed amendments on October 9, 2019, the first reading of the proposed amendments was had on September 18, 2019, and a second reading was held on October 16, 2019.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 19-05 amending Zoning Ordinance No. 1; Chapter III, B, 2; Chapter V, K, 2 and L,2,c; and changing "Board of Appeals" to "Board of Adjustments" thru out the entire zoning ordinance; 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 19-05 become effective upon passage and publication and/or posting according to Wisconsin State Statute and approval of Polk County Board of Supervisors.

Ordinance 19-05

AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE" ORDINANCE 19-05

Section 1: Purpose

The purpose of this ordinance is to amend Chapter III – General Zoning, Section B – General Provision on Height and Area, 2 to read as follows:

~~Hereafter, every dwelling erected in the town shall provide not less than a minimum four hundred (400) eight hundred (800) square feet and a minimum width of said home shall be twenty-four (24) feet.~~ The square footage to be measured using the area of the first floor and all additional floors. The basement can be included if it has an entrance directly accessible to the outside, or least one (1) window that is not over four (4) feet above the basement floor. **Every Principal Commercial Structure erected in the town shall be a minimum eight hundred (800) square feet.**

And

Amend Chapter V – Sign Regulations and Restrictions, Section K – Integrated Shopping Center, 2 to read as follows:

One ground sign for shopping center identification with the height limitation of twenty-five (25) feet is permitted. If the shopping center is on a corner, either one (1) corner sign or two (2) signs, one on each street is permitted. If two (2) signs are installed, they must be placed at least two hundred (200) feet from the lot corner at the intersection. The area of such sign shall not exceed **the greater of one hundred (100) square feet per facing or have more than twenty-five (25) square feet per business in the integrated shopping center**, with a maximum of two (2) facings. No sign shall be closer than twenty (20) feet to a property line unless the adjacent

property is a residential, transition, agricultural or conservancy district in which case the sign shall be set back five hundred (500) feet and no sign shall be placed between the highway and the frontage road.

Amend Chapter V – Sign Regulations and Restrictions, Section L – District Regulations, 2 – Commercial District, with the deletion of:

~~e. **Special Exceptions** An affected party may apply for a special exception to allow additional signs per parcel or to allow for signs larger in square feet than the ordinance allows for on premise signs. The special exception will follow the procedure outlined for other special exceptions in this ordinance. Any other request for relief from any other portion of this chapter will be made as a variance request to the Town Board of Appeals.~~

And

Change the “Board of Appeals” with “Board of Adjustments” in the following locations:

Chapter I, Section C, 5

Chapter I, Section D, 2c, 2d, & 2g(1)(c)

Chapter I, Section F, 2b

Chapter I, Section G, 4a

Chapter I Section H title; 1; 2a, b, c & d; 3; 4a, b & f

Chapter I, Section I, 5

Chapter I, Section K, 1

Chapter I, Section M, 6a & b

Chapter II Board of Adjustments definition and in Variance definition

Chapter V, Section B, 4a & b

Chapter VI, Section C, 14

and any other location where the word Board of Appeals may exist and was missed.

Section 2: Effective Date

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

The clerk presented additional operator/bartender license applications. Kelly/Bergmann **moved** to adopt Resolution 19-37 approving additional operator licenses for the year ending June 30, 2020; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 19-37

A RESOLUTION APPROVING ADDITIONAL OPERATOR'S LICENSES

FOR THE YEAR ENDING JUNE 30, 2019

WHEREAS the individuals listed below have made application to the Town Clerk requesting an operator's licenses pursuant to Sections 125.32(2) and 125.68(2) of the Wisconsin Statutes for the year ending June 30, 2020, and

WHEREAS the applications appear to be complete and the required fee has been paid;

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls does approve and grant operator's licenses to:

Carlson, Mary Jean 29420 Glader Blvd, Lindstrom, MN 55045, 2020-65

Draxten, Janet Marie PO Box 219, Centuria, WI 54824, 2020-66

Hillstead, Lynell Marie 314 Meadow Lark Lane, Osceola, WI 54020, 2020-67

Larkin, Shari Lee 5174 207th Street N, Forest Lake, MN 55025, 2020-68

Lessard, Joanna Lynn 224714 211th Street, Luck, WI 54853, 2020-69

Nelson, Rachel Lee 6425 271st, Wyoming, MN 55092, 2020-70

Nye, Jordan Sara 357 Broadway Street E, Amery, WI 54001, 2020-71

BE IT FURTHER RESOLVED that the Town Clerk be authorized to issue the licenses as the case may be.

Discussion was had on a “court authorized notice” received regarding participation of all counties, parishes, and boroughs; and all incorporated places, including without limitation cities, towns, townships, villages and municipalities as a class member in the National Prescription Opiate Litigation. Consensus of the town board was to remain a class member in the litigation. The brochure supporting a tax levy increase was reviewed and amendments were made. The brochures will be available October 21st. Bergmann/Kelly **moved** to adopt Resolution 19-38 proposing exceeding the levy limit for the town; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 19-38

Resolution of Town Board to Propose Exceeding Levy Limits

Whereas, the State of Wisconsin has adopted levy limits on town, village, city and county levies for 2019 and thereafter under s. 66.0602 of Wis. Statutes;

Whereas, s. 66.0602 of Wis. Statutes limits the allowable local levy for 2019 to a percentage increase of no more than the greater of (a) 0% of the 2018 payable 2019 adjusted actual levy as calculated under the state's levy limit law* or (b) a percentage equal to the percent change in equalized value due to net new construction; which for the Town of St. Croix Falls is 0.898 percent;

Whereas, the Town Board of the Town of St. Croix Falls, Polk County believes that for the 2019 tax levy (collected in 2020) it is in the town's best interest to exceed the state levy limit as described above by a greater percentage than 0.898 percent.

Whereas, the Town of St. Croix Falls 2018 payable 2019 adjusted actual levy is \$388,279; and further whereas the state law would limit the increase to \$3,486 for an allowable town tax levy of \$391,765 before adjustments, for 2019, collected in 2020.

Now Therefore the Town Board of the Town of St. Croix Falls, Polk County does hereby resolve and order as follows:

1. The town board supports an increase in the town tax levy for 2019 that will exceed the state levy limit.
2. The town board directs that the question of increasing the town tax levy for 2019 (to be collected in 2020) by 25.53 percent, which would increase the town levy by \$100,000 for a total town tax levy of \$490,026, shall be placed on the agenda for the special town meeting to be held on November 20, 2019.

Appel/Dorsey **moved** to adopt Resolution 19-39 setting the date, time and location for the 2020 Budget Hearing and calling a special town meeting to consider increasing town levy over levy limit and approving the 2019 tax levy; **motion carried** on a unanimous roll-call vote, 5-0

Resolution 19-39

A RESOLUTION TO SET DATE, TIME, AND LOCATION OF PUBLIC HEARING ON THE PROPOSED 2020 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 2020 budget for the Town of St. Croix Falls in Polk County to be held on 20th day of November, 2019, 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, 2019, to begin immediately following completion of the public hearing on the proposed 2020 Budget, for the following purposes;

1. To consider the adoption of a resolution by the town meeting endorsing a town board resolution which proposes that the town levy exceed the state allowable levy limit under 66.0602 of Wisconsin Statutes, specifically a proposed tax levy which would exceed the allowable town tax levy for 2019 by 25.53 percent which would be a dollar increase of \$100,000.
2. To approve the 2019 town tax levy to be collected in 2020 pursuant to 60.10(1) (a) of Wisconsin Statutes.

Appel/Bergmann **moved** to adopt Resolution 19-40 approving the rental of town property for agricultural crop purposes; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 19-40

A RESOLUTION APPROVING THE RENTAL OF TOWN PROPERTY TO GUS KOECHER FOR
AGRICULTURAL CROP PURPOSES

WHEREAS the Town of St. Croix Falls owns property identified as parcel id # 044-00767-0300 in the SE ¼ of SE ¼ of Section 27 and located at 1305 200th Street; and

WHEREAS approximately 3.2 acres is crop land and most recently farmed by Gary Koecher; and

WHEREAS Gus Koecher would like to continue to rent and farm this crop land; and

WHEREAS the Town Board at this time does not have any plans for development of these lands.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin wishes to rent the approximately 3.2 acres of crop land located at 1305 200th Street and identified as parcel 044-00767-0300 in the SE ¼ of SE ¼ of Section 27 to Gus Koecher for an annual fee of one hundred fifty dollars (\$150.00); and

BE IT FURTHER RESOLVED that this rental agreement remain yearly in effect until cancelled by either of the parties.

Discussion was had regarding the enforcement of condemning or deeming a structure unlivable/inhabitable. Legal counsel will follow up with Polk County corporate counsel regarding potential enforcement. Chairman Behning informed the board that the occasional backup part-time helper has resigned due to other commitments. Dorsey/Kelly **moved** to authorize the chairman to negotiate a contract for highway services; **motion carried** on a unanimous roll-call vote, 5-0.

No closing public comment was had.

A request was made to review ordinance language regarding storage containers in the commercial district next month. The next town board meeting is scheduled for November 20, 2019, at 6:00 p.m. The 2020 Budget Hearing and a Special Town Meeting will be held November 20, 2019, at 7:00 p.m.

There being no further business, Kelly/Appel **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 7:22 p.m.

Minutes prepared by Janet Krueger, town clerk.