

REGULAR TOWN BOARD MEETING, December 16, 2020

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, December 16, 2020, at the Town Hall. Proper notice was given as the agenda was posted at the town hall and on the town's website December 11, 2020. The Pledge of Allegiance was said. Present by roll call were Chairman Frank Behning, supervisors Katie Appel, Will Bergmann, Mike Dorsey and Sharon Kelly. Also present were town clerk Janet Krueger, zoning administrator Jim Alt, public works employee Steve Jacobs and legal counsel Adam Jarchow. Others in attendance were Rick Mastell, Scott Teiger, Steve Skoglund, Brad Hansen, Steve Palmer, Norval Valleen, John Beckfield, Kyle Yunker, Jeremy Hall, Brian Nodolf, Jon Mast, Ron Harmon and Justin Hansen. Treasurer Maxine Spiess was absent. Kelly/Appel **moved** to approve the agenda; **motion carried**. Bergmann/Kelly **moved** to approve the minutes as printed for the November 18, 2020, town board meeting; **motion carried**.

Public comment – Mr. Valleen requested the town board take into consideration what the ordinance states and stated the racetrack has not always been a good neighbor. Mr. Nodolf attorney for Dancing Dragonfly Winery would like the town board to reconsider the plan commission's proposed language regarding special exceptions for racetracks or consider an overlay district for racetracks in the agricultural district. Mr. Palmer spoke regarding the access road request from Kwik Trip and asked the town board to consider the town's official map of frontage roads that were created using the Wisconsin Department of Transportation's requirements and encouraged the town to contact the Wisconsin Department of Transportation and remind them of what they have been telling the town regarding existing and future accesses. Mr. Palmer also requested the town board reconsider the plan commission's proposed language for special exceptions for racetracks. Chairman Behning stated he had received numerous phone calls and two emails requesting that the town board follow the plan commission's recommendation for racetracks and read a letter he received from Erick Vitalis.

Committee, Commission and Employee Reports: The treasurer's report was reviewed. Receipts for the period ending November 30, 2020, amounted to \$15,030.02, cash balance on November 30, 2020, was \$313,889.42. Appel/Dorsey **moved** to receive the treasurer's report; **motion carried**. Mr. Jacobs gave the highway report. Ms. Krueger gave the clerks report. Bergmann/Kelly **moved** to approve payment of vouchers 20-305 through 20-326 amounting to \$25,846.81; **motion carried** on a unanimous roll-call vote, 5-0. The 2020 year to date budget summaries were reviewed. The building permit/building inspection log was reviewed. Mr. Alt presented the zoning administration report. There were no supervisor or chairman reports.

The second reading was had on the zoning ordinance amendments. Kelly/Appel **moved** to approve the language adding the commercial design guidelines as part of the hearing procedures for the town plan commission; **motion carried** on a unanimous roll call vote, 5-0. Dorsey **moved** to adjust the twenty acre minimum to five acre minimum requirement for campgrounds; **motion failed** for lack of second. Kelly/Bergmann **moved** to approve the campground language as proposed; **motion carried** on a

unanimous roll-call vote, 5-0. Kelly/Dorsey **moved** to approve the plan commissions proposed language for special exceptions for racetracks in the Agricultural district; **motion carried** on a unanimous roll-call vote, 5-0. Dorsey/Bergmann **moved** to approve the proposed language for special exceptions for heliports in the Commercial District; **motion carried** on a unanimous roll-call vote, 5-0. Dorsey/Bergmann **moved** to amend the proposed language so that one storage container is allowed per parcel. Dorsey/Appel **moved** to amend the motion to one storage container per acre; **motion failed** on a roll-call vote; 4-1 (Yeas-Dorsey; Nays-Appel, Behning, Bergmann & Kelly). Dorsey/Appel **moved** to amend the proposed language for mobile storage containers to include the commercial district with the language for the industrial district; **the motion was withdrawn**. The proposed amendment for mobile storage units will be reviewed further by the plan commission and town board for a public hearing and passage at a future date. Appel/Dorsey **moved** to approve Resolution 20-29 adopting Ordinance 20-01 amending the town's Zoning Ordinance No. 1. Appel/Kelly **moved** to amend the resolution by adding the plan commissions proposed language regarding special exceptions for racetracks and strike the proposed language regarding mobile storage containers; the **motion amendment carried**. The **motion carried** on a unanimous roll-call vote, 5-0 on the amended Resolution 20-29.

Resolution 20-29

A RESOLUTION ADOPTING ORDINANCE 20-01 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; October 16, 2020: 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 – General Zoning, Section G – Town Plan Commission, 4 – Procedures, a to include a public hearing for review of Commercial Design Guidelines; Chapter 1 – General Zoning, Section I – Special Exceptions, 6 – Conditions to include conditions for campgrounds and heliports; Chapter III – General Zoning, Section C – Districts, 2 – Agricultural District, f – to include Campground and Racetrack as special exceptions provided however, no racetracks will be permitted on any parcel unless a racetrack was previously located on that parcel; Chapter III – General Zoning, Section C – Districts, 3 – Commercial District, c – to include Heliport as a special exception; and Chapter III – General Zoning, Section C – Districts, 5 – Transition District, f – to include Campground as a special exception; and

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on the proposed amendments on November 11, 2020, the first reading of the proposed amendments was had on November 18, 2020, and a second reading was held on December 16, 2020.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 20-01 amending Zoning Ordinance No. 1; Chapter I, G, 4; Chapter I, I, 6; Chapter III, C, 2, f; Chapter III, C, 3, c; and Chapter III, C, 5, f; 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 20-01 become effective upon passage and publication and/or posting according to Wisconsin State Statute and approval of Polk County Board of Supervisors.

Ordinance 20-01

AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE"

Section 1: Purpose

The purpose of this ordinance is to amend Chapter I – Administration and Enforcement, Section G – Town Plan Commission, 4 – Procedures a to read as follows:

- a. Hearings on Special Exceptions and Commercial Design Guidelines. Upon filing with the Plan Commission of an application for a special exception **or review of the Commercial Design Guidelines**, the Plan Commission shall hold a public hearing. The Commission shall fix a reasonable time for the hearing, give notice by mail to all property owners within 1000 feet of any portion of the property that utilizes the proposed use. Additional notices will be sent to any lake association for any use within 1000 feet of that lake, to any municipality that has property within 1000 feet of the proposed use, to the office of any state park if the use is within 1000 feet of the state park, and to the National Park Service for any use within 1000 feet of any park land, and publish a Class 2 notice under Chapter 985, Wisconsin Statutes. When the matter concerns shoreland or floodplain regulations the Commission shall submit to the County Zoning Administrator, a copy of the notice and application for a special exception, sufficiently in advance so that the County will receive at least ten (10) days notice of the hearing. At the hearing, any party may appear in person or by agent or attorney and present written and oral evidence for the record. It is the intention of this Ordinance that the decisions on a special exception, including any conditions attached to such special exception, not be appealable to the Board of Adjustments.

And amend Chapter I – Administration and Enforcement, Section I – Special Exceptions, 6 – Conditions with the addition of:

- o. For special exceptions involving campgrounds there is a minimum parcel size of 20 acres and a minimum camp site size of 40 feet by 80 feet.*
- p. For special exceptions involving campgrounds there shall be at least two (2) off street parking spaces per camp site.*
- q. For special exceptions involving campgrounds there shall be a minimum setback of 50 feet from any site to a property line, and buffers or screening may be required.*
- r. For special exceptions involving campgrounds, an approved traffic plan for inside the campground as well as ingress and egress to public roads shall be required.*
- s. For heliports, a copy of the FAA approval if it is needed.*
- t. For heliports, an aerial flight plan of projected flights.*
- u. Any other conditions as deemed necessary by the plan commission and/or Town Board.*

And amend Chapter III – General Zoning, Section C – Districts, 2 – Agricultural District, f – Special Exceptions with the addition of:

Campground; and
Racetrack; provided however, no racetracks will be permitted on any parcel unless a racetrack was previously located on that parcel

And amend Chapter III – General Zoning, Section C – Districts, 3 – Commercial District, c – Special Exceptions with the addition of:

Heliport

And amend Chapter III – General Zoning, Section C – Districts, 5 – Transition District, f – Special Exceptions with the addition of:

Campground

Section 2: Effective Date

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

Kelly/Bergmann **moved** to adopt Resolution 20-30 setting the date, time and location for the 2021 town caucus as January 20, 2021; **motion carried** on a unanimous roll-call vote, 5-0.

A RESOLUTION SETTING THE DATE, TIME, AND LOCATION OF THE 2021 TOWN CAUCUS
FOR THE TOWN OF ST. CROIX FALLS.

WHEREAS, the Town of St. Croix Falls uses the caucus method of nominating candidates to be placed on the 2021 Spring Election ballot, and

WHEREAS, Wisconsin Statutes requires the Town Board between December 1 and January 1 preceding this election to set the date, time, and location of the caucus and that the date set for the caucus be no sooner than January 2 and no later than January 21.

THEREFORE BE IT RESOLVED, that the 2021 caucus to nominate candidates for the 2021 Spring Election be held as follows:

Day: Wednesday
Date: January 20, 2021
Time: 7:00 p.m.
Town Hall

Dorsey/Appel **moved** to adopt Resolution 20-31 approving the secondhand article dealer/secondhand jewelry dealer license for Anderson Recycling for the year ending December 31, 2021; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 20-31

A RESOLUTION APPROVING A SECONDHAND ARTICLE DEALER/SECONDHAND JEWELRY
DEALER LICENSE

FOR THE YEAR ENDING DECEMBER 31, 2021 – ANDERSON RECYCLING

WHEREAS Wisconsin Statutes 134.71 requires the licensing of secondhand article and secondhand jewelry dealers to be by the local municipality, and

WHEREAS Rhonda Anderson doing business as Anderson Recycling at 1930 US Hwy 8, St. Croix Falls, Wisconsin, has made application for a license under the provisions of Wis.Stats. 134.71; and

WHEREAS the required license fee as specified in Statutes, has been received and deposited with the Town Treasurer; and

WHEREAS a criminal history check is being conducted pursuant to Wis.Stats.134.71(6);

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls approves the license application of Rhonda Anderson dba Anderson Recycling, 1930 US Hwy 8, St. Croix Falls, Wisconsin, contingent upon Polk County Sheriff's Department recommending approval based on the criminal history check; and

BE IT FURTHER RESOLVED that the Town Clerk be authorized to issue a secondhand article dealer/secondhand jewelry dealer license to the same for the year ending December 31, 2021, once recommended approval from the Polk County Sheriff's Department is received.

Kwik Trip representative Scott Teiger presented a proposal for the town to consider allowing a private easement/access road from the south east corner parcel of the round-about to the existing driveway located at 2046 US Highway 8. Discussion ensued. CBS Squared representative John Beckfield presented the plans for Fairgrounds Road from the city limits to Sunshine Street. Discussion ensued. The town board looked over the five year road plan and potential 2021 road work projects were reviewed. Dorsey/Appel **moved** to publish request for 2021 road work bids on road maintenance projects; **motion carried**. Kelly/Bergmann **moved** to hire Polk County Sheriff's Department for a removal order; **motion carried** on a unanimous roll-call vote, 5-0.

Closing public comment – Mr. Palmer commented that the reason the town's officially mapped frontage roads are located where they are is due to the stipulations given to the town from the Wisconsin Department of Transportation. Kyle Yunker asked the town board to consider future big retail development and any issues the private access road may cause and when considering mobile storage containers to remember they include semi trailers. Mr. Harmon has concerns about the traffic congestion with the development of the south east corner parcel of the round-about at 208th Street and US Highway 8 .

The next town board meeting is scheduled for January 20, 2021, at 6:00 p.m.

There being no further business, Bergmann/Kelly **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 8:40 p.m.

Minutes prepared by Janet Krueger, town clerk..