

REGULAR TOWN BOARD MEETING, May 19, 2021

The regular meeting of the Town Board of the Town of St. Croix Falls was called to order by Chairman Mike Dorsey at 6:00 p.m. on Wednesday, May 19, 2021, at the Town Hall. Proper notice was given as the agenda was posted at the town hall and on the town's website May 14, 2021. The Pledge of Allegiance was said. Present by roll call were Chairman Mike Dorsey, supervisors Katie Appel, Will Bergmann, Jeremy Hall and Sharon Kelly. Also present were town clerk Janet Krueger, public works employee Steve Jacobs and legal counsel Adam Jarchow. Absent was treasurer Maxine Spiess. Others in attendance for portions of the meeting were F. Thomas Reynolds, Jackie Reynolds, Rick Katzmark, Jack Houliston, Ben Campbell, Josh Hansen, Steve Palmer, Kathie Bennett, Steve Roehrs, Pam Lunde, Don Hawkins, Dan Gregg and Kevin Rector. Appel/Bergmann **moved** to approve the agenda; **motion carried**. Kelly/Appel **moved** to approve the minutes as printed for the April 21, 2021, town board meeting; **motion carried**.

Public comment: Rick Katzmark spoke against the mini storage being located on US Highway 8. Don Hawkins stated per the Wisconsin Department of Transportation mini storages have the lowest traffic counts; the buildings will be attractive and fenced with security cameras. Tom Reynolds stated he is not opposed to the campground but is against it being seen from State Road 87. Jack Houliston was against the campground. Jackie Reynolds stated she has an issue with the visibility and location of the proposed campground. Steve Palmer appreciates the good quality development at 1306 200th Street and would like to see the same development standards applied to 1982 and 1984 US Highway 8 by enforcement of the commercial design guideline standards. Dan Gregg stated he has tried to sell his property for the last twenty years and saw an opportunity for development with mini storage.

Committee, Commission and Employee Reports: The treasurer's report was reviewed. Receipts for the period ending April 30, 2021, amounted to \$43,151.71, cash balance on April 30, 2021, was \$539,630.66. Appel/Kelly **moved** to receive the treasurer's report; **motion carried**. Mr. Jacobs gave the highway report. Mr. Jacobs inquired on pulling the grader's V-plow from storage, paint it, put the Town of St. Croix Falls emblem on it and use it as a lawn ornament. The board agreed with the plan. Ms. Krueger presented the clerks report. Hall/Bergmann **moved** to approve payment of vouchers 21-098 through 21-114 amounting to \$29,107.34; **motion carried** on a unanimous roll-call vote, 5-0. The 2021 year to date budget summaries were reviewed. The building permit/building inspection log was reviewed. The zoning administrator report was reviewed. Supervisor Kelly stated while the Polk County legal counsel is in agreement that the proposed shoreland resolution is following the law, Polk County would like the town to work with county zoning on a resolution aligning the county districts with the town districts and not eliminate the county's ability to also regulate uses in the town shoreland. There was no chairman report.

New Business: Chairman Dorsey presented a special exception request for a campground on two parcels located at 1674 State Road 87. Kelly/Hall **moved** to adopt Resolution 21-15 approving the campground with the amendment to the condition for

screening to state “screening along State Road 87 with a five foot berm with four feet pine or spruce trees by the end of summer” and add “Be It Further Resolved that the campground shall have up to sixty four camp sites; **motion carried** on a unanimous roll-call vote, 4-1 (Yeas – Appel, Hall, Kelly, Dorsey; Nays - Bergmann).

Resolution 21-15

A RESOLUTION GRANTING A SPECIAL EXCEPTION
TO BIG ROCK CREEK LLC TO OPERATE A CAMPGROUND
IN THE TRANSITIONAL DISTRICT

WHEREAS Josh Hansen, Big Rock Creek LLC filed an application with the Town of St. Croix Falls Zoning Office to operate a campground located at 1674 State Road 87, to be placed on parcel 044-00140-0000 located in the SW ¼ of SE ¼ of Section 6; and parcel 044-00144-0000 located in the NW ¼ of NE ¼ of Section 7, T34N, R18W; and

WHEREAS Chapter III, Section C, 5. Transitional District, f. a campground requires a Special Exception; and

WHEREAS the Plan Commission did conduct a public hearing on the matter and did recommend approval on May 12, 2021, for the special exception with conditions to operate a campground on parcel 044-00140-0000 in the SW ¼ of SE ¼ of Section 6 and parcel 044-00144-0000 in the SW ¼ of NE ¼ Section 7.

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 Big Rock Creek LLC to operate a campground at 1674 State Road 87, located on parcel 044-00140-0000 in the SW ¼ of SE ¼ of Section 6; and parcel 044-00144-0000 in the NW ¼ of NE ¼ of Section 7, T34N, R18W subject to the following conditions:

1. Quiet Time Hours 10:00 p.m. to 7:00 a.m.;
2. Screening along State Road 87 consisting of a five foot berm with four foot pine or spruce trees by end of Summer;
3. There will be a two year probationary period during which any complaint will lead to an automatic review of the special exception and/or conditions by the Plan Commission and/or Town Board;
4. The special exception shall terminate upon the sale or transfer of ownership of either the parcel of land or the business itself; and
5. The Business must obtain and maintain all proper permits.

And including without limitation the conditions set forth in the zoning ordinance:

1. Minimum camp site of 40 feet by 80 feet;
2. At least two off street parking spaces per camp site(located in the 40' X 80' camp site);
3. Minimum setback of 50 feet from any site to a property line; and

BE IT FURTHER RESOLVED that the campground shall have up to sixty four camp sites; and

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.

Chairman Dorsey presented a special exception request for a retail business at 2018 US Highway 8. Kelly/Bergmann **moved** to adopt Resolution 21-16 approving a retail business at 2048 US Highway 8; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 21-16

A RESOLUTION GRANTING A SPECIAL EXCEPTION
TO STEVEN ROEHRS AND KATERINE BENNETT
FOR A RETAIL BUSINESS IN THE COMMERCIAL DISTRICT

WHEREAS Steven Roehrs and Katherine Bennett filed an application with the Town of St. Croix Falls Zoning Office for a retail business of gifts and boutiques at 2048 US Highway 8, located in the NW ¼ of NE ¼ of Section 34, T34N, R18W, and identified as Tax Parcel No. 044-00927-0000, and

WHEREAS Chapter III, Section C, 3. Commercial District, c. (2) changes of use in non-conforming structures or property requires a Special Exception; and

WHEREAS per Chapter I, Section I, (3) the Plan Commission did conduct a public hearing on the matter and did recommend approval on May 12, 2021, for the special exception with conditions for a retail business in the NW ¼ of NE ¼ of Section 34.

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 Steven Roehrs and Katherine Bennett to operate a retail business of gifts and boutiques at 2048 US Highway 8, located in the NW ¼ of NE ¼ of Section 34 and identified as tax parcel #044-00927-0000 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 and/or conditions by the Plan Commission and/or Town Board at the next possible meeting; and
3. The Business will obey all laws and maintain all proper licenses and permits;

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.

Chairman Dorsey presented a special exception request for a storage facility located on US Highway 8 at State Road 35 North intersection. Appel/Hall **moved** to adopt Resolution 21-17 approving a mini storage on parcel #044-00961-0400 located on US Highway 8 at the intersection of State Road 35 North. Hall/Dorsey **moved** to amend the two year probationary period to a one year probationary period; **motion carried** on a roll-call vote, 4-1 (Yeas - Appel, Hall, Kelly, Dorsey; Nays - Bergmann). Motion to approve the special exception with amendment carried on a unanimous roll-call vote, 4-1 (Yeas – Appel, Hall, Kelly, Dorsey; Nays – Bergmann).

Resolution 21-17

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO GREG ENTERPRISES LLC TO OPERATE A STORAGE FACILITY IN THE COMMERCIAL DISTRICT

WHEREAS Don Hawkins, agent for Gregg Enterprises LLC has filed an application with the Town of St. Croix Falls Zoning Office to construct and operate a mini storage facility on US Highway 8, located in the NE ¼ of NE ¼ of Section 35, T34N, R18W and identified as Tax Parcel #044-00961-0400, and

WHEREAS Chapter III, Section C, 3. Commercial District, c. outdoor storage facility requires a Special Exception; and

WHEREAS the Plan Commission did conduct a public hearing on the matter and did recommend approval on May 12, 2021, for the special exception with conditions to operate storage facility in the NE ¼ of NE 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 Gregg Enterprises LLC to operate a storage facility on US Highway 8, located in NE ¼ of NE ¼ Section 35 and identified as Tax Parcel #044-00961-0400 subject to the following conditions:

1. No outdoor storage allowed on the property;
2. Fence around the building with a key pad entry required;
3. Approval of the Storm Water Plan by Polk County and/or Department of Natural Resources;
4. The special exception is conditioned on meeting the plan and drawings submitted with the application;
5. The business will be on a one year probationary period during which any complaint will lead to an automatic review of the special exception and/or conditions by the Plan Commission and/or Town Board;
6. The special exception shall terminate upon the sale or transfer of ownership of either the parcel of land or the business itself; and
7. The Business must obtain and maintain all proper permits.

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.

Ben Campbell, town building inspector was present to discuss and review the building permit procedures. Appel/Kelly **moved** to adopt Resolution 21-18 appointing plan commission members to fill vacant terms; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 21-18

A RESOLUTION APPOINTING KEVIN RECTOR AND GUS KOECHER AS REGULAR PLAN COMMISSION MEMBERS TO THE TOWN OF ST. CROIX FALLS PLAN COMMISSION

WHEREAS regular plan commission member Jeremy Hall was elected town board supervisor at the April 6, 2021, spring election leaving his remaining term which expires June 30, 2023, vacant; and

WHEREAS regular plan commission member Dave Robinson resigned leaving his remaining term which expires June 30, 2021, vacant; and

WHEREAS the Town Chairperson has nominated "alternate member" Gus Koecher to fill the vacant "regular member" term which expires June 30, 2021; and

WHEREAS the Town Chairperson has nominated Kevin Rector to the vacant "regular member" term which expires June 30, 2023.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, appoints to the Town of St. Croix Falls Plan Commission Gus Koecher as a regular member with a term ending June 30, 2021; and Kevin Rector as a regular member with a term ending June 30, 2023.

Kelly/Appel **moved** to adopt Resolution 21-19 approving the 2021 Reimbursement Agreement with the Deer Lake Improvement Association for the Deer Lake interns; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 21-19

A RESOLUTION APPROVING THE 2021 REIMBURSEMENT AGREEMENT WITH THE DEER LAKE IMPROVEMENT ASSOCIATION FOR THE DEER LAKE INTERN POSITION(S)

WHEREAS, the Deer Lake Improvement Association has received an Invasive Species Education and Protection grant under the Clean Boats, Clean Waters program to conduct certain educational and prevention programs at Deer Lake; and

WHEREAS, the Deer Lake Improvement Association desires to avoid the expense and inconvenience of directly hiring the interns and managing payroll and other activities associated with paying the interns who will conduct the grant activities; and

WHEREAS, the Town of St. Croix Falls has the capability to hire the interns and provide payroll services.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, will provide payroll services for the Deer Lake Clean Boats, Clean Waters program in accordance with the 2021 Reimbursement Agreement Between the Deer Lake Improvement Association and the Town; and

BE IT FURTHER RESOLVED that the 2021 Reimbursement Agreement between the Deer Lake Improvement Association and the Town be effective upon signing and become part of this enacting resolution.

**Reimbursement Agreement
Between Deer Lake Improvement Association and
the Town of St. Croix Falls
For the Deer Lake Intern Position**

This REIMBURSEMENT AGREEMENT ("Agreement") is made and entered into effective as of this 19th day of May, 2021 ("Effective Date") by and between the Town of St. Croix Falls, Wisconsin ("Town") and the Deer Lake Improvement Association ("Association").

WHEREAS, the Association has received an Invasive Species Education and Protection grant ("Grant") under the Clean Boats Clean Waters program in order to conduct certain educational and prevention programs at Deer Lake ("Grant Activities");

WHEREAS, the Association will use the Grant funds to, among other things, reimburse the Town, which will hire interns to conduct the Grant Activities;

WHEREAS, the Association desires to avoid the expense and inconvenience of directly hiring the interns and managing payroll and other activities associated with paying the interns who will conduct the Grant Activities ("Services");

WHEREAS, the Town has the capability to hire the interns and provide the Services;

WHEREAS, the Association desires the Town to hire the interns and provide the Services and the Town is willing to hire the interns and provide the Services upon the terms and conditions set forth in this Agreement;

NOW, THEREFORE, in consideration of the matters set forth above, the promises made by the parties herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. Employment of Interns. The Town agrees that unless such employment is earlier terminated by the Town (at its discretion), during the Term (as hereinafter defined), the Town will employ the interns to conduct the Grant Activities; provided, however, it is acknowledged and agreed that this Agreement is not, and does not constitute, an employment agreement between the Town and any such intern.

2. Provision of Services. During the Term of this Agreement, the Town agrees to provide the Services to the Association upon the terms and conditions set forth in this Agreement.

3. Term and Termination. The term ("Term") of this Agreement shall commence on the Effective Date and shall end upon the earlier of (a) the date on which the Association is no longer conducting the Grant Activities during the summer of 2021; or (b) September 30, 2021. Either party may terminate this Agreement upon ten (10) days prior written notice to the other party. The Association's payment obligations under Section 4 below, the acknowledgement and agreement of the Association set forth in Section 4 below and the Indemnification set forth in Section 5 below shall all survive the termination or expiration of this Agreement.

4. Payment for the Services. The Association shall pay the Town for providing the Services in an amount equal to \$27.00 per hour of time spent by Town personnel providing the Services. In addition, the Association shall provide to the Town no later than thirty (30) days from invoice date for the amounts sufficient to pay all interns

their wage for that pay period and all taxes and other expenses related to such payment. The Association shall reimburse the Town for all reasonable costs and expenses incurred by the Town in connection with providing the Services, including any increase in the Town's insurance expense related to the this Agreement.

5. Indemnification. The Association agrees to indemnify, defend and hold the Town and its officers, board members, employees, agents, representatives and contractors ("Indemnified Parties") harmless from and against any loss, cost, expense, fee, liability, proceeding, litigation (including attorneys fees and costs) incurred or suffered by any of the Indemnified Parties arising from, or relating to, this Agreement, the Town's employment of the interns, the Services provided under this Agreement, and/or the conduct by the Association of the Grant Activities.

6. Governing Law. This Agreement shall be governed by, and construed in accordance with, the internal laws of the State of Wisconsin applicable to contracts executed and fully performed within the State of Wisconsin, without regard to the conflicts of laws provisions thereof.

7. Counterparts. This Agreement may be executed in counterparts, all of which shall be considered one and the same agreement and shall become effective when such counterparts have been signed by each of the parties and delivered to the other parties, it being understood that all parties need not sign the same counterpart.

IN WITNESS WHEREOF, the undersigned parties have signed this Agreement as of the date first written above.

Appel/Kelly **moved** to adopt Resolution 21-20 and Resolution 21-21 approving an alcohol beverage license and cigarette/tobacco retail license for the year ending June 30, 2021; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 21-20

A RESOLUTION APPROVING A ALCOHOL BEVERAGE LICENSE FOR THE YEAR ENDING JUNE 30, 2021

WHEREAS the corporation listed below has made application to the Town Clerk requesting a alcohol beverage license pursuant to Chapter 125 of the Wisconsin Statutes for the year ending June 30, 2021; and

WHEREAS the application appears to be complete and the required fee has been paid; and

WHEREAS publication of notice appeared in the Inter-County Leader on May 12, 2021, and was posted in the three designated locations in the Town on May 6, 2021, per Wisconsin State Statutes 125.04(3)(g).

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls does approve and grant a alcohol beverage license for the year ending June 30, 2021, to:

DIVERSIFIED MANAGEMENT GROUP, INC., a corporation dba Speedway #7482, Craig W. Deutsch, agent, for a Combination "Class A" beer and liquor license, NW ¼ Section 35, 1960 US Hwy 8, St. Croix Falls, WI 54024. ALB 2021-03

BE IT FURTHER RESOLVED that the Town Clerk be authorized to issue the license contingent upon the purchase of the establishment and surrender of the current license.

Resolution 21-21

A RESOLUTION APPROVING CIGARETTE AND TOBACCO LICENSES FOR THE YEAR ENDING JUNE 30, 2021

WHEREAS the corporation listed below has made application to the Town Clerk requesting a cigarette and tobacco license pursuant to Section 134.65 of the Wisconsin Statutes for the year ending June 30, 2021; and

WHEREAS the application appears 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 a cigarette and tobacco license to:
DIVERSIFIED MANAGEMENT GROUP, INC., **DBA** SPEEDWAY#7842,
KENNETH M. BUCK, AGENT, 1960 US HWY 8, ST. CROIX FALLS WI 54024, 715-483-9080, 456-1027140982-06, 27-3524206, 2021-05, Bar NO

BE IT FURTHER RESOLVED that the Town Clerk be authorized to issue the license contingent upon the purchase of the establishment and surrender of the current license.

Discussion was had on road work. Mr. Jacobs will work with the property owner on 208th Street to resolve a drainage issue. Appel/Kelly **moved** to approve building a turnaround at the dead end of 150th Avenue off Sunshine Street using four truck loads of class five trap rock and four hundred dollars for equipment rental contingent upon permission from the third property owner; **motion carried** on a unanimous roll-call vote, 5-0. Kelly/Bergmann **moved** to appoint Chairman Dorsey as the interim zoning administrator; **motion carried** on a unanimous roll-call vote, 5-0. The zoning administrator job description was reviewed. The clerk will place an help wanted add in the Inter County Leader and the weekend advertiser for a part time zoning administrator at twenty two dollars per hour depending on qualifications.

Closing public comment: Mr. Palmer appreciated the board looking into the non compliance at 1982 and 1984 US Highway 8 and stated his intent is not to shut down the business there but to enforce the requirements fairly to all the businesses.

The next town board meeting is scheduled for June 16, 2021, at 6:00 p.m. Agenda items to be considered are compliance issues at 1982 and 1984 US Highway 8; job applicants; update on zoning shoreland; zoning ordinance amendment regarding storage containers; and committee for a farmers market.

There being no further business, Kelly/ Hall **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 8:54 p.m.

Minutes prepared by Janet Krueger, town clerk.