

REGULAR TOWN BOARD MEETING, July 19, 2017

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, July 19, 2017, at the Town Hall. Proper notice was given as the agenda was posted on the Town's website on July 14, 2017. 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 James Alt and legal counsel Gary Bakke. Others present were Bob and Karen Lang, Ron and Debra Micek and Joel and Sarah Fuerst. Dorsey/Koecher **moved** to approve the agenda; **motion carried**. Koecher/Dorsey **moved** to approve the meeting minutes as printed for the June 21, 2017, town board meeting; **motion carried**.

Public Comment: Mr. and Mrs. Lang and Mr. and Mrs. Micek address concerns over transient lodging at a neighboring property and asked the special exception be revoked. Mr. Fuerst addressed some of the complaints.

Committee, Commission and Employee Reports: Ms. Spiess presented the treasurer's report and stated all personal property taxes have been paid. Receipts for the period ending June 30, 2017, amounted to \$3,894.01; cash balance on June 30, 2017, was \$278,700.94.

Kelly/Koecher **moved** to receive the treasurer's report; **motion carried**. Chairman Behning gave the highway report. Mr. Hein was in yesterday and will be in tomorrow to clean up brush and replace down signs. Chairman Behning will have Mr. Hein contact Scott Construction regarding time line for chip sealing. Tire quotes for the one ton truck were reviewed.

Kelly/Koecher **moved** to purchase six Hercules tires from TMS in the amount of nine hundred forty-two dollars (\$942.00); **motion carried** on a unanimous roll-call vote 5-0. Ms. Krueger presented the clerk's report. Dorsey/Appel **moved** to approve payment of vouchers 17-166 through 17-190 amounting to \$50,184.90; **motion carried** on a unanimous roll-call vote, 5-0. The 2017 year-to-date budget summaries were reviewed. Discussion was had on copier connection issues. Ms. Krueger will contact EO Johnson Companies for input. Mr. Alt presented the zoning administrator's report and stated there are two ongoing enforcement issues along US Highway 8. Mr. Alt stated a variance request had been received and there are currently no items for the August plan commission meeting. No building inspector report was received. There were no supervisor reports. Chairman Behning reminded the Board of the upcoming Polk County Towns Association meeting on July 27, 2017, 7:00 p.m. at the Polk County Government Center and stated he is unable to attend and encouraged other board members to attend.

New Business: Mr. Alt presented a special exception request for a bed and breakfast at 2263 Maple Drive. Dorsey/Kelly **moved** to approve Resolution 17-32 granting a special exception to Cynthia Anderson to operate a bed and breakfast in the transitional district; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 17-32

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO CYNTHIA ANDERSON  
TO OPERATE A BED AND BREAKFAST IN THE TRANSITIONAL DISTRICT

WHEREAS Cynthia Anderson, owner, filed an application with the Town of St. Croix Falls Zoning Office to operate a Bed and Breakfast at 2263 Maple Drive, located in the NW ¼ of the NE ¼ of Section 29, T34N, R18W, and identified as Tax Parcel No. 044-00804-0000, and

WHEREAS Chapter III, Section C, 5. Transitional District, f. (11) requires a special exception for a bed and breakfast establishment in compliance with Chapter 50, Section 50 of the Wisconsin Statutes; and

WHEREAS Chapter I, Section 4 requires the Town Plan Commission hold a public hearing and make recommendation to the Town Board, and

WHEREAS the Plan Commission did conduct a public hearing on the matter and did recommend approval on July 12, 2017, to allow a bed and breakfast with conditions in the NE ¼ of Section 29.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls does hereby concur with the Town Plan Commission to grant a special exception to Cynthia Anderson to operate a Bed and Breakfast at 2263 Maple Drive, located in the NW ¼ of NE ¼ of Section 29, T34N, R18W, and identified as

Tax Parcel No. 044-00804-0000 subject to the following conditions:

1. The special exception shall terminate upon the sale or transfer of ownership of either the parcels 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; 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; various agencies of the State of Wisconsin; and various agencies of the Federal Government; 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.

Mr. Alt presented complaints received from property owners living near a transient lodging rental and information obtained from the July 12, 2017, public hearing held to consider revision or revocation of the transient lodging special exception for 1385A Bay View Drive. Discussion was had. Dorsey/Koecher **moved** adopt Resolution 17-33 revoking the special exception to Joel and Sarah Fuerst for the operation of transient lodging at 1385A Bay View Drive; **motion carried** on a unanimous roll-call vote, 4-0, with Supervisor Kelly abstaining.

### Resolution 17-33

#### A RESOLUTION REVOKING THE SPECIAL EXCEPTION TO JOEL AND SARAH FUERST FOR THE OPERATION OF TRANSIENT LODGING IN THE RESIDENTIAL DISTRICT

WHEREAS on April 19, 2017, the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, approved a Special Exception to allow Joel and Sarah Fuerst to operate transient lodging on their property at 1385A Bay View Drive located in the NW ¼ of the NW ¼ of Section 25, T34N, R18W and identified as Tax Parcel No. 044-00637-0200, and

WHEREAS the Special Exception was granted with the following conditions:

4. No more than one (1) group of renters consisting of no more than six (6) people are allowed to stay at the property;
5. Quiet hours between 10:00 p.m. and 7:00 a.m. shall be followed;
6. Property address will be clearly marked off private road and at property and all property boundaries will be clearly marked;
7. Property owners 24 hour contact information shall be provided to other property owners in the area;
8. Property owner shall report any known citations relating to the property or renters to the town zoning administrator;
9. Special exception will automatically be revoked upon issuance of any citation to renters and/or property owners;
10. There will be a two year probationary period from approval during which any complaint will trigger a review of the permit and/or conditions by the Plan Commission and/or Town Board;
11. The special exception shall terminate upon the sale or transfer of ownership of either the parcel of land or the business itself.

WHEREAS Zoning Ordinance No. 1, Chapter I, Section M, 6(a) states where such conditions are not complied with, the Plan Commission shall follow procedures similar to those followed in considering the granting of the special exception and findings of noncompliance with the conditions originally imposed shall be grounds for revocation, and

WHEREAS the Plan Commission did conduct a public hearing on July 12, 2017, and made no recommendation for revision of conditions or revocation of the special exception; and

WHEREAS the Town Board of the Town of St. Croix Falls has determined from complaints received and information obtained at the public hearing that Joel and Sarah Fuerst have not complied with the original conditions of the special exception, specifically:

- No more than one (1) group of renters consisting of no more than six (6) people are allowed to stay at the property;
- Quiet hours between 10:00 p.m. and 7:00 a.m. shall be followed; and
- Property address will be clearly marked off private road and at property and all property boundaries will be clearly marked.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin deems it necessary to revoke the special exception to Joel and Sarah Fuerst for the operation of transient lodging at 1385A Bay View Drive located in the NW ¼ of NW ¼ of Section 25, T34N, R18W and identified as Tax Parcel No. 044-00637-0200.

BE IT FURTHER RESOLVED that the revocation of the special exception to Joel and Sarah Fuerst for the operation of transient lodging takes effect immediately.

The clerk presented Ordinance 17-04 amending the Temporary Vendor Ordinance and a second reading was had. Kelly/Dorsey **moved** to approve Resolution 17-34 adopting Ordinance 17-04 amending the Temporary Vendor Ordinance; **motion carried** on a unanimous roll-call vote, 5-0.

### Resolution 17-34

A RESOLUTION ADOPTING ORDINANCE 17-04  
AMENDING THE TEMPORARY VENDOR ORDINANCE

WHEREAS the Town Board for 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 a Temporary Vendor Ordinance on March 18, 2015;  
and

WHEREAS the Town Board of the Town of St. Croix Falls deems it advisable and necessary to amend the Temporary Vendor Ordinance by increasing the number of consecutive days from sixty days to one hundred-twenty days before a special exception would be required; and

WHEREAS the Town Board held a first reading on June 21, 2017, and a second reading was held on July 19, 2017.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 17-04 amending the Temporary Vendor Ordinance; and

BE IT FURTHER RESOLVED that Ordinance 17-04 become effective upon passage and publication and/or posting according to Wisconsin State Statute.

Ordinance 17-04

**AMENDING TEMPORARY VENDOR ORDINANCE ORDINANCE 17-04**

**Section 1: Purpose**

The purpose of this ordinance is to amend Section IV, Temporary Vendor Permit Restrictions, B to read as:  
**Sales of items for more than ~~60~~ 120 consecutive calendar days in a given year will be required to obtain a special exception.**

And amend Section V, Revocation, A-4 to read as:

**Temporary vending activity exceeds ~~60~~ 120 days in a given year.**

**Section 2: Effective Date**

This ordinance shall take effect from and after its passage and legal publication.

Revisions to the Town's employee handbook were reviewed. Kelly/Koecher **moved** to amend the language in work week, stipend, and retirement sections and delete the benefits paragraph; **motion carried**. The clerk presented additional operator license applications. Kelly/Koecher **moved** to adopt Resolution 17-35 approving additional operator licenses for the year ending June 30, 2018; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 17-35

A RESOLUTION APPROVING ADDITIONAL OPERATOR'S LICENSE  
FOR THE YEAR ENDING JUNE 30, 2018

WHEREAS the individuals listed below have made application to the Town Clerk requesting operator licenses pursuant to Sections 125.32(2) and 125.68(2) of the Wisconsin Statutes for the year ending June 30, 2018, and

WHEREAS the applications appear to be complete and the required fees have been paid;

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

Chwialkowski, Jennifer L 129 Hiaheah Street, Unit 1, Osceola WI 54020, 2018-51

Clayton, Maggie D 1016 River Road, Osceola, WI 54020, 2018-52

Lessard, Joanna L 7330 Borman Avenue E, Inver Grove Heights, MN 55076, 2018-53

Riehle, Benjamin C 1163 240<sup>th</sup> Street, Dresser, WI 54009, 2018-54

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

The clerk presented an amendment regarding 170<sup>th</sup> Avenue to the road agreement between the Village of Centuria and the Town. Kelly/Koecher **moved** to approve the amended road agreement with the Village of Centuria; **motion carried**. Chairman Behning stated that bid specifications for 170<sup>th</sup> Avenue will be reviewed next month. Chairman Behning asked for board members to think of potential road work that could be applied for under the Local Road Improvement Program (LRIP), discussion will be had next month.

Closing public comment was had: Mr. Lang, Ms. Micek and Mr. Micek made additional comments regarding the transient lodging including Mr. Lang requesting the town consider revising the town ordinance.

The chairman read the call for executive session per Wisconsin Statute 19.85(1) (c) to consider employment options for the vacant highway maintenance position. Kelly/Dorsey **moved** to

recess open session and convene in closed session per Wisconsin Statute 19.85(1) (c) to discuss employment for the highway maintenance position; **motion carried** on a unanimous roll-call vote, 5-0 and the meeting recessed at 7:30 p.m.

The Town Board reconvened in open session at 8:14 p.m. with the board members, clerk and legal counsel being present.

The Chair announced the highway maintenance position will be offered to a potential candidate and if denied a notice for employment will be placed in the newspaper.

Other Items: Supervisor Appel presented salt and trap rock prices from Boss Equipment. This item will be placed for consideration on next month's agenda. The next scheduled town board meeting is August 16, 2017. There being no further business, Kelly/Appel **moved** to adjourn; **motion carried** and the meeting adjourned at 8:28 p.m.

Minutes prepared by Janet Krueger, Town Clerk