

REGULAR TOWN BOARD MEETING, September 19, 2018

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, September 19, 2018, at the Town Hall. Proper notice was given as the agenda was posted at the town hall and on the town's website on September 14, 2018. 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 and legal counsel Adam Jarchow. Others in attendance were Kyle Yunker, Robey Lathe, Rick Wester, Dale Wester, Dennis Dirks, Steve Palmer, Rick Roth, Troy Sohrer, Josh Hansen, Mark Adams, David McCullough and Brad Hansen. Kelly/Koecher **moved** to approve the agenda; **motion carried**. Appel/Dorsey **moved** to approve the minutes as printed for the August 15, 2018, town board meeting and the September 11, 2018, special town board meeting; **motion carried**.

Public comment was had. Rick and Dale Wester both spoke regarding who authorized the highway maintenance employee to mow their crops that were located in the road right-of-way; questioned why the mowing started at the back edge of the right-of-way and not from the road edge back; and had concerns on invasive weeds in the road right-of-ways. Steve Palmer presented questions to the board regarding the 170th Avenue road project as follows: Has the construction administrator/inspector verified all aspect of the project including grades, ditching, and materials; did the construction administrator/inspector really allow one contractor to use non-specified gravel and not notify other bidders; what happened to the silt fence, was it not needed, and if so why was his plan drawn to include it and not use it as I am sure the other bidders planned on using it; are you really considering applying the silt fence money to gravel overages that haven't been verified by weight slips; verify weight slips by requesting the paid invoices from Kramer for amount purchased; did the bid specifications say to remove and haul away brush and stumps and if so why was the contractor allowed to burn and burry that in the right-of-way; is the construction administrator/inspector willing to sign and stamp his approval that all aspects of his plan were met; and what type of insurance does the Engineer-construction administrator carry if the road has any type of failures?

Committee, Commission and Employee Reports: Ms. Spiess gave the treasurer's report. Receipts for the period ending August 31, 2018, amounted to \$140,356.15, cash balance on August 31, 2018, was \$502,443.67. Appel/Koecher **moved** to receive the treasurer's report; **motion carried**. Chairman Behning presented the highway report and stated Paragon Excavating dug out the ditch near fire #1708 on River Road due to silt washing down the hill which continues to be an ongoing issue. Ms. Krueger presented the clerk's report. Dorsey/Kelly **moved** to approve payment of vouchers 18-214 through 18-242 amounting to \$67,502.86; **motion carried** on a unanimous roll-call vote, 5-0. The 2018 year-to-date budget summaries were reviewed. Mr. Alt gave the zoning administration report and stated work continues on amendments to the zoning ordinance and an application has been received for a special exception. The zoning enforcement log and land use permit log were reviewed. The building inspection log and permit status was reviewed. There were no supervisor or chairman reports.

New Business: Mr. Alt presented a special exception request for auto repair and sales in the commercial district. The applicant Rick Roth introduced himself and stated he ran a business in Forest Lake for nineteen years and has relocated to Wisconsin and looks forward to moving his business into the town. Dorsey/Koecher **moved** to adopt Resolution 18-29 granting a special exception to Richard Roth to operate automobile sales and repair business in the commercial district; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 18-29

A RESOLUTION GRANTING A SPECIAL EXCEPTION

TO RICHARD LEE ROTH TO OPERATE AN AUTOMOBILE SALES & REPAIR BUSINESS IN THE COMMERCIAL DISTRICT

WHEREAS Richard Lee Roth filed an application with the Town of St. Croix Falls Zoning Office to operate an automobile sales and repair business at 2005 US Highway 8, located in the SE¼ of SE¼ of Section 27, T34N, R18W, and identified as Tax Parcel No. 044-00769-0000, and

WHEREAS Chapter III, Section C, 3. Commercial District, c. (2) any use in the commercial district not listed as a permitted use requires a Special Exception; and

WHEREAS the Plan Commission did conduct a public hearing on the matter and did recommend approval on September 12, 2018, for the special exception with conditions to operate an automobile sales and repair business in the SE ¼ of Section 27.

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 Richard Lee Roth to operate an automobile sales and repair business at 2005 US Highway 8, located in the SE¼ of SE¼ of Section 27 and identified as tax parcel #044-00769-0000 subject to the following conditions:

1. 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;
2. The special exception shall terminate upon sale or transfer of ownership of either the business or the parcel of land; and
3. The proposed use must obtain and maintain all proper permits to operate from any and all government agencies.

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.

Mr. Alt presented a special exception request to operate a business selling storage sheds in the commercial district. The applicant Dennis Dirks stated he has been an Old Hickory dealer and has had sales on numerous lots. Dorsey/Kelly **moved** to adopt Resolution 18-31 granting a special exception to Dennis Dirks to operate a business selling storage sheds in the commercial district; **motion carried** on a unanimous roll-call, 5-0.

Resolution 18-30

A RESOLUTION GRANTING A SPECIAL EXCEPTION
TO DENNIS DIRKS TO OPERATE A BUSINESS SELLING STORAGE SHEDS
IN THE COMMERCIAL DISTRICT

WHEREAS Dennis Dirks filed an application with the Town of St. Croix Falls Zoning Office to operate a business selling storage sheds at 193X US Highway 8, located in the NW ¼ of NE ¼ of Section 35, T34N, R18W, and identified as Tax Parcel No. 044-00963-0000, and

WHEREAS Chapter III, Section C, 3. Commercial District, c. (2) any use in the commercial district not listed as a permitted use requires a Special Exception; and

WHEREAS the Plan Commission did conduct a public hearing on the matter and did recommend approval on September 12, 2018, for the special exception with conditions to operate a business selling storage sheds in the 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 Dennis Dirks to operate a business selling storage sheds 193X US Highway 8, located in the NW ¼ of NE ¼ of Section 35 and identified as tax parcel #044-00963-0000 subject to the following conditions:

4. 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;
5. The special exception shall terminate upon sale or transfer of ownership of either the business or the parcel of land; and
6. All storage buildings places on the property must meet building setbacks as set forth in both Chapter III and also Chapter IV of the Town Zoning Ordinance.

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.

Kelly/Dorsey **moved** to adopt Resolution 18-31 approving additional operator licenses for the year ending June 30, 2019; **motion carried** on a unanimous roll-call vote, 5-0.

Resolution 18-31

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 a operator licenses pursuant to Sections 125.32(2) and 125.68(2) of the Wisconsin Statutes for the year ending June 30, 2019, 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:

Babock, Dena Marie 1073 30th Avenue, Amery WI 54001, 2019-58

Sederstrom, Dawn Marie 385 Briar Lane, Taylors Falls, MN 55084, 2019-59

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

Discussion was had on the requirement of building permits for accessory buildings and the State's exemption of a permit for accessory buildings being used exclusively for farming. Consensus of the town board was to draft an amendment to the building code ordinance requiring building permits for all structures except accessory buildings. Amendments to the Town's Zoning Ordinance No. 1 were reviewed and the first reading was had. Chairman Behning informed the board that a CSM or legal description of the reconstructed portion of 170th Avenue was needed in order to submit that segment of road for transportation aid. Dorsey/Koecher **moved** to hire Josh Yunker to create a legal description for 170th Avenue in the amount of one hundred dollars; **motion carried** on a unanimous roll-call vote, 5-0. Discussion was had on creating a social media site. Dorsey/Appel **moved** to approve a social media site for the town; **motion carried**. Discussion was had on building inspection services and creating a new contract for the first of the year. Dorsey/Appel **moved** to notify the town's building inspector that the town will be terminating the existing contract as of December 31, 2018, **motion carried**. Discussion was had on a procedure/process for condemning or deeming a structure unlivable/inhabitable. Legal counsel will work on a procedure/process. The adjacent property owner to town property located at the intersection of 160th Avenue and 200th Street is interested in purchasing the approximate acre on the west side of 200th Street. Mr. Alt will follow up with the property owner regarding the potential cost to move the property line between the two parcels. The next step is to obtain town elector approval on the sale of town property. Mr. Geddes submitted a cost breakdown for the 170th Avenue project. No receipts for material were submitted as requested. Chairman Behning stated property owners have expressed concerns that the excavating went past the right-of-way. Legal Counsel confirmed it is the property owner's responsibility to prove the excavator damaged property outside of the right-of-way.

Closing public comment: Rick Roth stated to avoid future issues with projects the town should approve and pay for change orders immediately. Brad Hansen, new property owner of Rock Creek, introduced himself and stated he will look into potential encroachment onto his property during the construction of 170th Avenue. Steve Palmer stated it was not right that the construction administrator was informing some contractors during the bid process they could use unspecified gravel without weight slips and expect the other contractors bidding the project be happy; if the engineer was working through the county, the county bears some liability if the project is not done properly; and stated the town should at the least have the engineer/construction administrator stamp the plan that the project meets the specifications. Rick Wester inquired on how to get an agenda item to discuss the ditch mowing.

Chairman Behning called for a five minute recess before going into closed session at 7:50 p.m.

The chairman read the call for executive session per Wisconsin Statute 19.85(1) (c) for employee performance review and to review applications for the occasional part-time highway employee. Appel/Kelly **moved** to adjourn to closed session at 7:55 p.m.; **motion carried** on a unanimous roll-call vote, 5-0.

The Town Board reconvened in open session at 8:39 p.m. with the board members, and legal counsel being present.

The Chair announced there was a salary adjustment approved for a town employee.

Future agenda items: Discussion on mowing town right-of-way to be placed on the December town board meeting agenda.

Future meetings: town board meeting October 17, 2018; budget workshop (special town board meeting) October 24, 2018, and special town meeting and 2019 budget hearing November 20, 2018.

There being no further business, Koecher/Dorsey **moved** to adjourn the meeting; **motion carried** and the meeting was adjourned at 8:42 p.m.

Minutes prepared by Janet Krueger, town clerk and Sharon Kelly, town board supervisor.