

TOWN OF TROY
654 GLOVER ROAD

REGULAR TOWN BOARD MEETING – August 10th, 2017

D. Pearson convened the regular Town Board meeting on Thursday, August 10th, 2017 at 7:02 p.m. Supervisors S. Van Mele, R. Knapp and J. Cuccia were present. J. Kjos was absent.

Staff present: Wendy Sander, Rob Jones, Jill Berke and R. Roen, Gwen Kuchevar and Rory O’Sullivan.

The following people signed the attendance sheet: Patricia Muenich, Richard Muenich, Colette Ruemelle, Ann Robey, James “Darren” Robey and Jim Freund. Others were present that did not sign the attendance sheet.

APPROVE MINUTES – The July 13th, 2017 Regular Town Board meeting minutes were distributed to the board. S. Van Mele moved to approve the minutes. Seconded by J. Cuccia with the correction to add “to” in line 3 of the second motion for the Final Plat with Exception to Design Standards, Meadow Valley, DCCI Investments, Inc. Motion carried. R. Knapp abstained.

CITIZEN INPUT – Resident Jill Berke reported on her attendance at the Public Hearing of AB399 at the State Capitol. She is in support of Resolution 2017-06 and asked the Board to approve the Resolution.

Resident Richard Muenich shared his support of Resolution 2017-06, and the annexation lawsuit with the City of River Falls. He also shared with the board his concern with the amount of trash being left along South Cove Road, presumably from individuals using and leaving the boat launch. And lastly, he wanted to compliment the road crew on the snow plowing along South Cove Road.

PARK BOARD REPORT – Jill Berke provided the July Park Board report.

PLAN COMMISSION REPORT – J. Cuccia reviewed the minutes from the August 3rd, 2017 Plan Commission meeting.

PARK RANGER, HUMANE OFFICER & SHERIFF REPORTS – Copies of the Park Ranger, Humane Officer and Sheriff reports were distributed and reviewed by the board. Park Ranger Ron Roen reviewed the Park Ranger activity.

ZONING ADMINISTRATOR REPORT – Zoning Administrator Wendy Sander provided a written and verbal report of recent activity.

FIRE CALL APPEAL, COLETTE RUEMELLE – Colette Ruemelle spoke to the board and requested that \$400 of her \$800 fire call bill be waived. Colette stated that her CO2 alarm was beeping and she called the Fire Department. Two members of the fire department arrived within 3 minutes and found no evidence of CO2. She was told the alarm was old and the CO2 detector was removed. After 20 minutes, an additional four firefighters arrived. They checked the furnace which was found to be in working order. She feels that the additional firefighters were not necessary and that by paying the \$400, she was paying for the CO2 call and two responders.

J. Cuccia moved to sustain the fire call for Colette Ruemelle at 275 Cty Rd F and if it is her desire to work out a payment plan for the remaining balance. Seconded by R. Knapp. Motion carried.

CSM WITH EXCEPTION TO DESIGN STANDARDS – 336 SOUTH COVE ROAD, RICHARD AND PAT MUENICH. – R. Jones explained that the applicants submitted a CSM application for a subdivision of a 5.003-acre lot. The lot is zoned Agricultural Residential and generally would be required to maintain a dwelling density of not less than one unit for each three acres. However, the ordinance does meet the criteria for “the single lot split” exception defined in Section 135-7.C.

The original parcel was defined as 5.009 acres by a warranty deed in 1980. The proposed subdivision would create two lots with a minimum lot size of 2.006 acres and a density ration of one dwelling unit per 2.505 cares. The proposed subdivision would satisfy the single lot exception criteria.

The applicant is also requesting an Exception to Design Standards on Lot 6 to make the current structure compliant with Town setback requirements.

J. Cuccia moved to approve the CSM dated August 3rd, 2017 for Richard and Pat Muenich at 336 South Cove Road and to approve the Exception to Design Standards on Lot 6, reducing the 150’ front setback to 76’ and to 113’ as shown on the CSM. Seconded by R. Knapp. Motion carried.

CONDITIONAL USE PERMIT – JAMES AND ANN ROBEY, 580 CTY RD U – The applicant is requesting a Conditional Use Permit for a contractors storage yard to continue to operate a lawn care/landscaping/snow removal business.

J. Cuccia moved to grant the Conditional Use Permit for James and Ann Robey at 580 County Road U with the following conditions: 1) that the permit be limited to the existing business at the current gravel area and current size; 2) that the property be maintained in a neat and orderly manner; 3) that there be no signage; 4) that equipment and storage be screened by plants and fences; 5) that access be limited to the current driveway on the applicant’s property; 5) that the Conditional Use Permit be non-transferable; and 6) that the owner reside at the property and 7) that if the land to the North and West develops, additional screening be provided. The Applicant shall within 2 months of the granting of the Conditional Use Permit submit plans for screening that is acceptable to Staff and shall implement such plan within 1 year of the granting of the Conditional Use Permit. Seconded by S. Van Mele. Motion carried.

DISCUSS AND CONSIDER ZONING PUBLIC ORDINANCE PUBLIC HEARINGS - Currently, Chapter 170, Section X – Changes and Amendments, allows for the Town Board to delegate to the Plan Commission the responsibility to hold the public hearing required under this subsection.

R. Knapp moved to adopt Resolution 2017-07 allowing the PC the Plan Commission to hold Public Hearings for zoning changes and amendments. Seconded by J. Cuccia. Discussion followed. Roll call vote taken – R. Knapp – No, S. Van Mele – No, D. Pearson – Yes and J. Cuccia – No. Motion failed.

TDR SENDING AND RECEIVING PERMIT, DCCI LAND PLANNERS, INC. TO MEADOW VALLEY OF TROY – This item was not ready for action. Tabled to a later date.

DISCUSS AND CONSIDER SECOND ADDENDUM TO MEADOW VALLEY OF TROY DEVELOPERS AGREEMENT – J. Cuccia moved to approve the Second Addendum to the Meadow Valley of Troy Developers Agreement. Seconded by S. Van Mele. Motion carried.

DISCUSS AND CONSIDER CLASS B TEMPORARY RETAILERS LICENSES – R. Knapp moved to approve the Temporary Class B Liquor Licenses for the Carpenter Nature Center Art Festival to be held on August 26th from 10:00am – 5:00pm and the Camp St. Croix Prairie Burn Festival to be held September 16th from 12:00pm – 11:00pm. Seconded by J. Cuccia. Motion carried.

APPROVE OPERATORS LICENSES – R. Knapp moved to approve Operator Licenses for Scott Andrzejczak, Colleen McCready and Teresa McCready. Seconded by J. Cuccia. Motion carried.

DISCUSS AND CONSIDER RESOLUTION 2017-06, RESOLUTION IN OPPOSITION TO SENATE BILL 309 AND ASSEMBLY BILL 399 – J. Cuccia moved to adopt

*TOWN OF TROY RESOLUTION 2017-06
RESOLUTION IN OPPOSITION TO SENATE BILL 309 AND
ASSEMBLY BILL 399
STATE OF WISCONSIN
Town of Troy
St. Croix County*

***WHEREAS**, in 1968, the U.S. Congress enacted the Wild and Scenic Rivers Act (16 U.S.C. § 1271) to preserve and protect selected rivers because of their scenic beauty, recreational, geological, historic, culture, and other positive values; and*

***WHEREAS**, in 1972, the U.S. Congress enacted the Lower St. Croix River Act (16 U.S.C. § 1247(a)(9)) in order to include the 52-mile section of the St. Croix River below Taylors Falls to the confluence with the Mississippi River as part of the National Wild and Scenic River System; and*

***WHEREAS**, pursuant to the Lower St. Croix River Act enacted by the U.S. Congress, Wisconsin Statute § 30.27 was enacted to provide for protections of the Lower St. Croix River and directed the Wisconsin Department of Natural Resources to adopt guidelines and specific standards for riverway zoning ordinances; and*

***WHEREAS**, effective January 1, 1976, the Wisconsin Department of Natural Resources promulgated Wisconsin Administrative Code NR 118, standards for the Lower St. Croix National Scenic Riverway; and*

***WHEREAS**, effective January, 1976, St. Croix County amended its zoning Ordinance to include the St. Croix River Valley District in order to comply with Wis. Stat. § 30.27(3) and Wis. Admin. Code NR 118.02(3) and has continued to update its zoning ordinance to reflect subsequent changes by the Wisconsin Department of Natural Resources in NR 118; and*

***WHEREAS**, the regulations are currently contained in Chapter 17.36 of the St. Croix County Code of Ordinances entitled “Lower St. Croix Riverway Overlay District”; and*

***WHEREAS**, 2017 Senate Bill 309 and 2017 Assembly Bill 399 call for an amendment to Wis. Stat. §30.27(3) and to create Wis. Stat. § 30.27(2)(d) relating to zoning ordinances in the Lower St. Croix Riverway; and*

***WHEREAS**, the proposed bills create Wis. Stat. § 30.27(2)(d), which removes the authority of the Wisconsin Department of Natural Resources and a county from enforcing a guideline, standard, or ordinance against a property owner who wishes to have an event facility*

and lodging establishment in buildings that were previously used as a recreational campground; and

WHEREAS, *Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature without the knowledge or advisement by local officials in the towns or counties in whom the Lower St. Croix Riverway lies and in whom may be affected by the amendment of Wis. Stat. § 30.27(3) and creation of Wis. Stat. § 30.27(2)(d); and*

WHEREAS, *the proposed legislation targets the site of the former church camp, Camp Clearwater, in the Town of Somerset, which the landowner has developed into a wedding and event center; and*

WHEREAS, *the issue related to the use of the property affected by this legislation was addressed by St. Croix County in the case of St. Croix County vs. Family First Farms, LLC et al, St. Croix County Case No. 15CX08; and*

WHEREAS, *this special interest legislation was introduced only after the court confirmed that a wedding and event center is a prohibited use in the St. Croix Riverway Overlay District; and*

WHEREAS, *creation of Wis. Stat. § 30.27(2)(d) would allow for the commercial activity of an event facility and lodging establishment to take place on a parcel of land that is currently not zoned as commercial without any oversight or regulation of the parking areas, removal of trees, times of activity, number of people on the property, etc.; and*

WHEREAS, *the State has previously taken away local control of nonmetallic mining, livestock facility siting, wireless communication and shoreland regulation; and*

WHEREAS, *adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 removes local control from the county to regulate certain land use activities; and*

WHEREAS, *adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 erodes the purposes of the Wild and Scenic Rivers Act and the Lower St. Croix River Act; and*

WHEREAS, *the proposed legislation undermines the St. Croix Riverway Overlay District, especially the wild and scenic protections, which combined with the state rules under NR 118, provides numerous positive effects on water quality, fisheries, vegetation and wildlife; and*

WHEREAS, *the St. Croix Riverway Overlay District zoning regulations ensure continued high property values and a high quality of life to property owners along the Riverway, as well as positive impacts related to tourism; and*

WHEREAS, *the towns of Somerset and St. Joseph, St. Croix County and the Wisconsin Towns Association passed resolutions in opposition to Senate Bill 309 and Assembly Bill 399.*

THEREFORE, BE IT RESOLVED that the Town of Troy is strongly opposed to adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399; and

BE IT FURTHER RESOLVED the Town of Troy is requesting that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to property values, quality of life and tourism; and

BE IT FURTHER RESOLVED that the Town of Troy requests that the Legislature reject this attempt at the State engaging in the rezoning of property; and

BE IT FURTHER RESOLVED the Town of Troy directs the Town Clerk to send a copy of this resolution to the Wisconsin Towns Association, State Legislators, State of Wisconsin U.S. Legislators, and Governor Scott Walker.

Seconded by R. Knapp. Roll call vote taken – R. Knapp – Yes, S. Van Mele – Yes, D. Pearson – Yes and J. Cuccia – Yes. Motion carried.

DISCUSS AND CONSIDER ORDINANCE CHAPTER 74, INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES – Tabled until the September Town Board meeting.

DISCUSS AND CONSIDER ORDINANCE CHAPTER 102, OFFICERS AND EMPLOYEES – Tabled until the September Town Board meeting.

DISCUSS AND CONSIDER ORDINANCE CHAPTER 92, MOBILE HOMES AND MOBILE HOME PARKS – Tabled until the September Town Board meeting.

DISCUSS FUTURE RIVER FALLS AND HUDSON EMS AND FIRE CONTRACTS – At the request of the City of River Falls, the Town Board reviewed the Draft Agreement for Ambulance Services. The board is in support of the proposed changes.

R. Knapp also reported that the City of Hudson has formed an Adhoc Committee whose mission is to determine a way to have a City Ambulance Service that can financially self-sustain its services.

DISCUSS AND CONSIDER ADHOC PRESERVATION OF FARMLAND COMMITTEE APPOINTMENTS – D. Pearson moved to appoint Dan Pearson as Chairman, Cliff Jennings, Jason Kjos, Dave Wolf, Dean Albert and Mike Kinney to the Adhoc Preservation of Farmland Committee. Seconded by R. Knapp. Motion carried.

R. Knapp asked that D. Pearson provide a written description and specific mission of the group, and that any decision made by the committee come before the Town Board in the future.

BUILDING PERMITS –

<u>PERMIT #</u>	<u>APPLICANT</u>	<u>ADDRESS</u>	<u>PROJECT</u>
17-175	Mike Harmon	391 North Glover Road	New Home
17-177	Jason Adam	360 Meadow Valley Trail	Pool
17-178	Brian Ronningen	524 Trillium Lane	Addition
17-185	H&F of River Falls	155 Hwy 35	Alteration
17-186	Duane Hartfield	721 Crest Curve	Deck
17-187	Fred Sales	412 Red Brick Road	Addition

17-188	Great Rivers Wireless	556	Chinnock Lane	Non-building Structure
17-189	Keith Morris	249	Walnut Hill Way	Deck
17-190	Kent Mitchell	514	Orchard Drive	HVAC
17-191	Jason Fredrickson	216	Walnut Hill Way	Alteration
17-193	Joseph Schulz	357	County Road F	Deck
17-194	Bruce Anderson	565	Gilbert Road	Alteration
17-195	Kyle Grandahl	548	Nordic Lane	Deck
17-196	John Fraser	174	Cove Court	Alteration
17-198	Jeff Loomis	487	Omaha Road	Alteration
17-199	Jerome Nechville	19	Dry Run Road	Addition

DRIVEWAY PERMITS –

<u>PERMIT #</u>	<u>APPLICANT</u>	<u>ADDRESS</u>
17-115	Wes Kusilek	Carlson Lane

CLERK/TREASURER REPORT – Copies of the bank account reconciliations, impact fee summary, legal and engineering, and 2017 budget summary reports were distributed and reviewed by the board.

APPROVE BILLS – J. Cuccia moved to approve bills #28049 - #28094 and the Elan bill for \$974.67 for a total of \$135,031.50. Seconded by S. Van Mele. Roll call vote taken: R. Knapp – Yes; S. Van Mele – Yes; D. Pearson – Yes and J. Cuccia - Yes. Motion carried

CORRESPONDENCE – Correspondence was reviewed by the board.

COMMITTEE REPORTS – J. Cuccia reported on her attendance at the local unit of the WTA meeting.

The Town of Stanton is hosting a Wild Parsnip Workshop on August 15th, 2017. It was suggested that a member of the Road Crew and the Weed Commissioner (Dan Pearson) attend.

Gwen Kuchevar updated the board on her research into the ownership of Pemble’s Access. S. Van Mele will contact Attorney Ron Siler to request a title search be performed.

MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATE STATUTES §19.85(1)(g) TO CONFER WITH THE TOWN’S LEGAL COUNSEL WHO WILL RENDER ORAL OR WRITTEN ADVICE CONCERNING STRATEGIES TO BE ADOPTED BY THE TOWN BOARD WITH RESPECT TO THE TOWN’S LEGAL ACTION AGAINST THE CITY OF RIVER FALLS CONTESTING THE CITY’S ANNEXATION OF NONCONTIGUOUS LAND IN MANN VALLEY AND THE CITY’S REZONING OF A PORTION OF THE ANNEXED AREA FROM EXCLUSIVE AG TO AN INDUSTRIAL ZONE

– R. Knapp moved to go into closed session pursuant to Wisconsin State Statutes §19.85(1)(g) to confer with the Town’s legal counsel who will render oral or written advice concerning strategies to be adopted by the Town Board with respect to the Town’s legal action against the City of River Falls contesting the City’s annexation of noncontiguous land in Mann Valley and the City’s rezoning of a portion of the annexed area from Exclusive Ag to an Industrial Zone. Seconded by J. Cuccia. Roll call vote taken: R. Knapp – Yes; S. Van Mele – Yes; D. Pearson – Yes and J. Cuccia - Yes. Motion carried

RECONVENE INTO OPEN SESSION TO TAKE ACTION ON CLOSED SESSION ITEMS, AS NECESSARY – J. Cuccia moved to end closed session. Seconded by S. Van Mele. Roll call vote taken: R. Knapp – Yes; S. Van Mele – Yes; D. Pearson – Yes and J. Cuccia - Yes. Motion carried.

No action taken.

ADJOURN - J. Cuccia moved to adjourn. Seconded by J. Kjos. Motion carried.

The meeting adjourned at 10:42 p.m.

These minutes were taken at a meeting of the Troy Town Board on the 10th day of August 2017.

Jennifer Clark, Clerk/Treasurer

Dan Pearson, Town Chairman