

TOWN OF TROY
654 GLOVER ROAD
Hudson, WI 54016

REGULAR TOWN BOARD MEETING: JUNE 14, 2018.

CALL TO ORDER: Chairperson, Dan Pearson convened the regular Town Board meeting on Thursday, June 14, 2018 at 7:00 p.m. Supervisors Suzanne Van Mele, Lowell Enerson and Jan Cuccia were present; Cliff Jennings was excused. He announced a public hearing would not be held during the meeting and people who wished to speak could do so during the public comment portion of the meeting.

Staff present: Jill Berke, Rob Jones, Wendy Sander, and Ron Siler.

The following people signed the attendance sheet: Karla Solberg, David Solberg, Shar Moe, Sue Mitchell, Sean Coffey, Anjanette Conway, Teresa (Terri) Johnson, James D. Johnson, Melissa Thomas, John Sias, Mary Sias, Adam Nigon, Jodie Duntley, Beth Gallagher, Jason Gallagher, Tom Burns, Brent Wernlund, Kyle Norman, Matt Hieb, Donna Burger, Dan Braley, Pat Cernohous, Cyril Cernohous, Chris Dyke, Nick Iverson, Hitomi Iverson, Ley Wie. Others were present that did not sign the attendance sheet.

PLEDGE OF ALLEGIANCE: Chairperson Pearson led the pledge of allegiance.

APPROVE MINUTES: Supervisor Enerson requested a change in the minutes from May 10, 2018 to include discussion was held with Senator Schachtner regarding the concern for safety at the intersection of Highway 35 and Glover Road, the need for improvements and safety were noted, and she stated she was interested in learning more about the situation.

MOTION by Enerson, second by Van Mele to approve the board minutes of Town of Troy from May 10, 2018 with the change noted.

Supervisor Cuccia also requested an amendment in the minutes on page two under the Farmland Preservation topic to say "The committee would like the Town's assistance in submitting an application to the a State to join the Agricultural Enterprise Area (AEA) that would allow farmers to be eligible for up to \$10/acre tax credit."

MOTION AMENDED by Enerson and seconded by Van Mele to also include the change recommended by Cuccia in the May 10, 2018 meeting minutes. **MOTION CARRIED**, all ayes (4).

PUBLIC COMMENT: Brent Wernlund 290 Cove Road spoke regarding his concerns about the road work that was done and noted the run off and erosion problems that are still occurring near is property. He requested the problems be addressed. Chairperson Pearson responded that he was aware and that a site visit was being planned. He also noted it is not always possible to address concerns during public comments but in this situation he was able to.

John Sais, 520 Coulee Trail, spoke regarding the recent Plan Commission meeting that was held and the number of people who expressed opposition about a request for a Conditional Use Permit (at 488 Coulee Trail). He stated if major changes to the proposal are being considered, there should be a new application. He also asked the Board to represent the majority of the constituents in opposition to the application.

Nick Iverson, 484 Coulee Trail spoke regarding his concerns about the same Conditional Use Permit application and the information that the location of the driveway was being changed since the Plan Commission meeting to be located nearer his property now. He stated he moved here for the rural aspect of his neighborhood; a dream location for his family and wants that protected. He shared many examples regarding his concerns for safety and noted potential problems the venue could cause.

Sean Coffey, 510 Orchard Dr., also spoke against the same Conditional Use permit and noted the number of people who spoke against the application at the Plan Commission meeting on June 7, 2018 and that the Board voted unanimously against approval of the application. He expressed concern for setting a precedent if approved.

Ben Fochs expressed his concerns about the address of his property.

Chairperson Pearson called for any other public comments, none were given.

PARK BOARD AND PLAN COMMISSION REPORTS: J. Berke provided the May Park Board report. She noted the increased activity and the Cove Boat ramp, the need to re-stripe parking stalls; increased activity at Glover Park, playground improvements, donations to the project fund for a multipurpose building; the opening of Pemble's Access and concerns and issues regarding monitoring use and patrolling and signage improvements. Discussion was held regarding parking, potholes, and trespassing.

Supervisor Cuccia provided information regarding the Plans Commission meeting held June 7, 2018 and noted the draft minutes from the meeting were included in the Town Board meeting packet and two items are on the agenda and will be discussed by the Board at the meeting.

PARK RANGER, HUMANE OFFICER & SHERIFF REPORTS: Copies of the Park Ranger, Sheriff's Department and Humane Officer reports were distributed and reviewed by the board. J. Berke shared information from the Park Ranger's and Sherriff's reports. Supervisor Van Mele noted the Sheriff's responded to the Troy Beach was included on their report but is a County Park.

ZONING ADMINISTRATOR REPORT: Wendy Sander with Cedar Corporation provided a written and verbal report.

MEADOW RIDGE – DISCUSS AND CONSIDER DEVELOPERS REQUEST FOR EXTENSION OF 2005 DEVELOPERS AGREEMENT AND PRILIMINARY PLAT APPROVAL: Chairperson Pearson stated the Plan Commission recommended approval of the developer's request for an extension of the 2005 developer's agreement and preliminary plat approval for Meadow Ridge of Troy. Matt Hieb from Auth consulting & Associates provided background information regarding the request and shared their proposed plans. He noted they are requesting a five year extension for the proposed roadway and stated it would be done in three phases.

Rob Jones from Cedar Corporation provided additional information about the proposal and components of the project, outlined in his memo dated June 7, 2018. He also reminded the Board the entire process that needs to be followed and the request for final approval of the plats will come back to the Board for consideration.

MOTION by Cuccia, second by Van Mele to extend the time for the submission of the final plat of Meadow Ridge of Troy for DCCI Investments until June 7, 2023 provided that the second addendum to the 2005 Meadow Ridge Developer's Agreement be drafted by the Town Attorney to detail that extension as well as the revised phasing plan in a manner consistent with the original agreement, also providing that the developer shall not commence any construction activity without first obtaining this approved second addendum to the Agreement. All Ayes (4) MOTION CARRIED.

CONDITIONAL USE PERMIT – JOHN CERNOHOUS, 488 COULEE TRAIL:

Chairperson Pearson introduced the topic of the application for a Conditional Use Permit (CUP) by John Cernohous at 488 Coulee Trail. He stated the topic was an agenda item at the Town's Plan Commission meeting on June 7, 2018, a Public Hearing was held, and letters from the public were received. He noted the Board would hear comments from the applicant, staff, and the Board but that no further public comments would be heard at the meeting.

John Cernohous was invited to speak by Chairperson Pearson. Mr. Cernohous stated he would present evidence and arguments in support of their CUP application, address public input and the Plan Commission's comments and recommendation. He reviewed the motion made at the Plan Commission meeting where it was voted on to deny the Conditional Use Permit application.

Mr. Cernohous stated he felt the conditional use permit application does meet the purpose of the AG-RES District. He provided examples regarding the agricultural use of the property, addressed the location of the proposed driveway and set-backs, noted a 75% approval rating from the land owners within the 300' guideline, and stated there were no actual comparisons in the Township to validate an argument that the existence of an event center would decrease property values. He shared additional information regarding other event centers operating in the Town and stated no applicable calls were found in reports at the Sheriff's office for the past five years regarding the four event centers he referred to. A detailed explanation was provided by Mr. Cernohous concerning home occupation guidelines and standards and how he felt they are met. He also stated they are willing to move the access, parking and building if required by the Town.

Rob Jones from Cedar Corporation provided the Board with a document containing technical criteria to review in consideration of granting a CUP for the proposed venue. He noted it is ultimately up to the Town Board's decision but that the Plan Commission's recommendation should hold a fair amount of weight. A timeline for review of the application was noted including the recommendation from the Plan Commission and review of Chapter 170-V 2(a) from the Town's municipal code book.

Mr. Jones stated if substantial changes are made to the application, it deserves to have another Public Hearing. He provided information regarding the facilities at the YMCA and Settlement Hills and the need for them to have the appropriate and approved CUP's from the town. Possible wording for a motion based on Plan Commission's recommendation was provided to the Board for their consideration. Wendy Sander from Cedar Corporation responded about the size of the parcel owned by the applicant.

The Town Board members spoke about their positions regarding the CUP application and their support of the Plan Commission's review and recommendation. Concerns were raised about home-based occupation, number of people attending events, delivery trucks, hours of operation, changes to the application, properties with similar activities, and zoning. Chairperson Pearson also complimented participants who spoke during the process, he appreciated how well they treated each other. Supervisor Cuccia asked if the applicant was interested in withdrawing their application; if not, she supported the Board taking action on the application presented.

MOTION by Cuccia, second by Van Mele to follow the Plan Commission's recommendation and deny the Conditional Use Permit application of John Cernohous, 488 Coulee Road for the following reasons:

1. The proposed use does not meet the purpose as the Ag-Residential District as described in Chapter 170, Section E, 1, because it does not maintain, preserve and enhance the agricultural and rural residential lands.
2. The proposed use would be incompatible with allowed uses and become a nuisance to the neighbors, as prohibited by Chapter 170, Section R 5 (c), because having an unacceptable amount of traffic go through the residential area and disrupting the quiet nature of the residential area would not protect the public health, safety and welfare.
3. The proposed use would not comply with the requirement that home occupations shall be located within three hundred feet of a pre-existing neighboring residence as required by Chapter 170, Section R, 5(d)(1). The proposed parking areas are clearly within 300 feet of a neighboring residence.
4. The proposed use would not be clearly secondary and incidental to the residential use of the premises and not compatible with residential uses as required by Chapter 170, Section R, 2 (b).
5. The proposed use is not proposed to be conducted within a principal dwelling unit, an existing attached garage or other permitted structure as required by Chapter 170, Section R, 2(g). The applicant is instead proposing to construct a new structure.

6. The application does not meet the definition and intent of Ag Tourism, Chapter 170, Section A 9(a)(6), which states that enterprise or business must be a farm-based and combine elements and characteristics of both agriculture and tourism. All ayes (4) MOTION CARRIED.

Chairperson Pearson called for a brief recess of the meeting at 8:52 p.m. The meeting reconvened at 9:00 p.m.

DISCUSS AND CONSIDER RESOLUTION 2018-06, AG ENTERPRISE AREA FOR FARMLAND PRESERVATION: Chairperson Pearson introduced the proposal regarding Ag Enterprise Area and the Farmland Preservation Program, Resolution 2018-06 and provided a brief history of the concept. He noted a committee is being formed to consider two aspects (ag. enterprise area and zoning) of the plan and the State is part of the process now; the Town Board may choose to support the concept by adopting the proposed Resolution 2018-06.

Rob Jones from Cedar Corporation provided additional information regarding the proposal and shared information about boundaries. He stated it would allow farmers to become eligible for tax credits if they don't develop property. It was noted the proposal is not a Town project and the Town allowed Cedar Corporation to assist with the mapping and consulting services. Clarification was provided that there would be a penalty for early withdrawal from the program if farmers had been previously committed.

MOTION by Cuccia, second by Enerson to approve Resolution 2018-06 to support the creation of the Town of Troy Agricultural Enterprise Area (AEA).

*TOWN OF TROY RESOLUTION 2018-06
RESOLUTION SUPPORTING THE CREATION OF THE TOWN OF TROY
AGRICULTURAL ENTERPRISE AREA (AEA)
Town of Troy
St. Croix County*

WHEREAS, the Department of Agriculture, Trade and Consumer Protection is accepting petitions for the designation of Agricultural Enterprise Areas throughout the State of Wisconsin, and

WHEREAS, agriculture is an important component of the Town economy, landscape, and rural character, and

WHEREAS, the Town adopted exclusive agricultural zoning and has consistently supported the agricultural industry, and

WHEREAS, the Town Comprehensive Plan adopted May 22, 2014 identifies the protection and preservation of agricultural land as a goal of the Plan, and

WHEREAS, the Town believes that establishment of an Agricultural Enterprise Area (AEA) will further protect agricultural land and enhance the local agricultural economy, and

WHEREAS, the Town has determined, based on petitioner support and meetings where Agricultural Enterprise Areas were discussed, that there is public support for the AEA, and

WHEREAS, agriculture is an important land use in the Town and worthy of preservation and support,

THEREFORE, BE IT RESOLVED that the Board hereby supports the establishment of the (AEA) within the Town of Troy.

Roll call vote taken, all ayes (4) MOTION CARRIED. Resolution on file in the Clerk's office.

REVIEW AND AWARD 2018 SEALCOAT BIDS: Discussion was held regarding two bids that were received for the 2018 sealcoating project. MOTION by Van Mele, second by Cuccia to accept the bid for the 2018 sealcoating project from Scott Construction, Inc. in the amount of \$130,968.00.

Roll call vote taken, all ayes (4) MOTION CARRIED.

APPROVE 2018/2019 ALCOHOL BEVERAGE LICENSE APPLICATIONS: MOTION by Cuccia, second by Van Mele to approve Class B Liquor and Class B Beer licenses to Kilkarney Hills Golf Club, Troy Burne, LLC, and a Class B (wine only) Winery License for Cracked Barrel Winery, LLC. All ayes (4), MOTION CARRIED.

TEMPORARY CLASS “B”/”CLASS B” RETAILERS LICENSE APPLICATIONS:

MOTION by Van Mele, second by Enerson to approve Temporary Class “B”/”Class B” Retailers Licenses to Carpenter Nature Center for Art Festival, Royal Credit Union Foundation for Camp St. Croix Prairie Burn Festival, River Falls FFA Alumni for FFA Truck and Tractor Pull, River Falls FFA Alumni benefit for Travis Ostby, and St. Croix Valley Collector’s Association for Threshing Bee. All ayes (4), MOTION CARRIED.

APPROVE 2018/2019 APPLICATION FOR CIGARETTE AND TOBACCO PRODUCTS RETAIL LICENSE:

MOTION by Enerson, second by Cuccia to approve a Cigarette and Tobacco Products Retail License to Troy Burne, LLC. All ayes (4), MOTION CARRIED.

APPROVE 2018/2019 OPERATOR’S LICENSES: MOTION by Pearson, second by Cuccia to approve 29 Operator’s Licenses (the list is on file in the Clerk’s office.) All ayes (4), MOTION CARRIED.

APPOINTMENT OF ELECTION INSPECTOR(S): MOTION by Cuccia, second by Van Mele to approve Unaffiliated Election Inspectors, Nancy Korson and Sonja McGill for the 2018-2019 election cycle. All ayes (4) MOTION CARRIED.

UTILITY PERMITS: Rob Jones from Cedar Corporation provided an update on Utility Permits, he reported one application was received from St. Croix Gas to install a gas lateral, it was approved. Discussion was held regarding the number of permit applications that have been received compared to previous years.

BUILDING/DRIVEWAY PERMITS:

<u>PERMIT #</u>	<u>APPLICANT</u>	<u>ADDRESS</u>	<u>PROJECT</u>
17-162	Daniel Schnacky	406 Glen Ridge Road	Deck
18-126	Jeremy Lukens	306 South Glover Rd	Storage Shed
18-128	Gary Heimann	413 Coulee Trail	Addition
18-131	Amos Pederson	403 Red Brick Road	Alteration
18-132	Chris Gruber	571 German Court	Deck
18-133	Joseph Schulz	357 County Road F	Alteration
18-134	Adam Wilson	466 Dylan Court	Alteration
18-135	Michael Gilles	449 Sunrise Circle	Deck
18-136	Thomas Vick	332 St. Anne’s Parkway	Deck
18-137	Reed Sponsler	325 Townsvalley Road	Addition
18-138	AT&T	705 Tower Road	Non-Building St
18-140	Richard Larsen	240 Legacy Court	Pool
18-141	Jason Adam	360 Meadow Valley Trail	Deck
18-142	Thomas Hecht	69 West Woodridge Drive	Deck
18-143	Joe Madigan	436 Coulee Trail	Alteration
18-144	Andrew Burton	289 St. Andrew’s Drive	Alteration
18-147	Garold Sumner	130 Paulson Road	Storage Shed
18-148	Ryan Tietz	332 Lindsay Road	Pool
18-149	Delta Construction	526 Olivia Court	New Home

18-151	Amos Pederson	403	Red Brick Road	Alteration
18-152	Heath Tille	244	Legacy Court	Alteration
18-154	Cody Johnson	531	Nordic Lane	Storage Shed

DRIVEWAY PERMITS:

18-109 Delta Construction 526 Olivia Court

CLERK/TREASURER REPORT: Copies of the bank account reconciliations, the budget versus actual summary, the profit and loss detail, impact fee summary, legal & engineering fees, 2018 budget to actual summary reports were distributed and reviewed by the board. It was announced the Clerk-Treasurer will be attending the annual WMCA conference. Discussion was held concerning the park improvements budget and allocating funds.

APPROVE BILLS: MOTION by Van Mele, second by Cuccia to approve First National Bank disbursements (for the time period May 11, 2018 to June 14, 2018) in the amount of \$564.15. Roll call vote taken, all ayes (4) MOTION CARRIED.

MOTION by Van Mele, second by Cuccia to approve disbursements from Citizens State Bank disbursements (for the time period May 11, 2018 to June 14, 2018) in the amount of \$70,197.27. Roll call vote taken, all ayes (4) MOTION CARRIED.

CORRESPONDENCE: Correspondence was reviewed by the board.

COMMITTEE REPORTS: Supervisor Enerson reported on a meeting he attended concerning bike trails at St. Croix County and he said he also spoke with the Highway Engineer regarding the Highway 35 and Glover interchange. He noted his concerns and recommended continuing discussions with representatives. He also asked about the stirpes painted for the bike lanes and noted they need attention.

Supervisor Cuccia reported the fire well added near Relander Drive recently tested by the River Falls Fire Department went very well. The tankers were able to be filled quickly.

Supervisor Van Mele attended the River Falls Rural Fire Association meeting. Topics of discussion included controlled burns, there is a four-minute window for cancellation of a fire call, and that they are looking for a Fire Chief to fill the position due to retirement of the current Chief. She also attended a meeting at the City of Hudson regarding the possibility of the emergency departments relocating to a different building and that the Town of Troy may have to help share expenses. Van Mele also attended an Ad Hoc committee meeting for the St. Croix EMS; staffing, billing services, ambulance vehicle remounting, and call volume were discussed.

ADJOURN: L. Enerson moved to adjourn the meeting, second by J. Cuccia. All ayes (4) MOTION CARRIED.

The meeting was adjourned at 10:12 p.m.

These minutes were taken at a meeting of the Troy Town Board on the 14th day of June, 2018.

Nancy Korson, Deputy Clerk-Treasurer

Daniel Pearson, Town Chairperson