Town of Somerset
Town Board Meeting Minutes
Wednesday, May 3, 2023
(Not official until approved at next meeting.)

Chair Schachtner called the Town Board meeting to order at 7:00 p.m. Present were Demulling, Germain, Witzmann, Plourde, Schachtner and Mackenzie Campbell, attorney. The Pledge of Allegiance was recited. There was no public input.

Clerk and Treasurer's Report: *Motion by Demulling, seconded by Witzmann to approve the April 5, 2023 meeting minutes. Motion carried. Motion by Witzmann, seconded by Plourde to approve the April Treasurer's Report. Motion carried.*

Building Inspector's Report: *Motion by Witzmann, seconded by Germain to approve the April Building Inspector's Report. Motion carried.*

Animal Control Officer's Report: *Motion by Germain, seconded by Demulling to approve the April Animal Control Officer Report. Motion carried.*

Fire/Rescue Commission Report: Total for 2023 is 129 calls compared to 142 calls for April 2022.

Old Business-Update Disc Golf Project at Parnell Prairie Preserve: Witzmann reported the community group will be walking and performing some design work. Witzmann stated at the joint meeting it was agreed that the Parnell Prairie Preserve will be posted no hunting and no firearms discharge.

New Business-Review & Response to Any Written & Oral Comments on Partial Code of Ordinances & Consideration of Adoption of Ordinance #2023-02 for the Partial Code of Ordinances Chapters 2 Administration, Chapter 4 Alcohol, Chapter 10 Building & Building Regulations, Chapter 24 Offenses & Nuisances, Chapter 30 Roads, Streets, Sidewalks and Other Public Places, Chapter 34 Subdivision & Chapter 42 Noise Control: Schachtner stated there were some public comments at the public hearing that 45 decibels after 6 pm is too low and should be higher. Plourde asked how the numbers were derived. Witzmann stated it was modeled after Town of Hudson. Witzmann added the noise outside is different from inside and long measurements verses short-term measurements. Attorney Campbell stated that the decibel level that was arrived at was consistent with other communities and discussed at length. *Motion by Witzmann, seconded by Plourde to adopt Ordinance #2023-02 adopting the partial code of Ordinances Chapter 2 Administration, Chapter 4 Alcohol, Chapter 10 Building & Building Regulations, Chapter 24 Offenses & Nuisances, Chapter 30 Roads, Streets, Sidewalks and Other Public Places and Chapter 34 Subdivision & Chapter 42 Noise Control. Roll Call Vote: Demulling-yes, Witzmann-yes, Germain-yes, Plourde-yes and Schachtner-yes. Motion carried.*

Don Kinney 1648-85th Street Request to Move Driveway to 165th Avenue and a Variance for Separation: Don Kinney requested to move his driveway off 85th Street and put it on 165th Avenue due to the increased traffic volume of 85th Street. Schachtner advised checking with St. Croix County whether or not a Land Use Permit is needed and provide the Town a map with measurements. Demulling added he'd like a letter from the neighbor supporting the new location. *Motion by Demulling, seconded by Germain to postpone until next month. Motion carried.*

Appointment of Town Board Members to Committees-Parks/Rec & PC, Fire/Rescue & Transport & Facilities: Schachtner stated he received letters of interest from two people and he will keep those people in mind should there be any vacancies. The current members have stated they wish to be reappointed, therefore, Schachtner appointed Tabatha Hansen, Lenny Germain and Joe Jahnke to a 3-year term to the Parks, Rec & Planning Commission. Schachtner appointed Doug Plourde, Rita Lawson and Wally Neumann to Fire/Rescue

Commission. Schachtner appointed Shane Demulling and Tim Witzmann to Transportation & Facilities Committee.

Pea Soup Days Sponsorship Request and Consideration for Level of Funding: *Motion by Plourde, seconded by Demulling to donate $500 to Pea Soup Days. Motion carried.*

2022 Audit Report: Schachtner stated the 2022 Audit Report has been completed and distributed.

Parks, Rec and Planning Commission Report- Roger Newman & Tyler Kusz, Agent-Mark McClenathan Auth Consulting 2 Lot CSM at 657-200th Avenue, Lot #2=17.433 Acres & Lot #3=29.18 Acres: *Motion by Witzmann, seconded by Plourde to approve the 2 Lot CSM for Roger Newman at 657-200th Avenue. Motion carried. Park fee needs to be paid and driveway needs to be installed for Lot #2.*

Warren & Angela Cook /Ed Flanum Northland Surveying-1 Lot CSM off 155th Avenue 24.11 Acres: Ed Flanum stated the driveway location has been marked on the map per the Planning Commission's request. *Motion by Demulling, seconded by Plourde to approve the 1 Lot CSM for Warren & Angela Cook off 155th Avenue. Motion carried. Park fee has been paid. Driveway needs to be installed.*

Rick & Nancy Flandrick/Ed Flanum Northland Surveying-2 Lot CONCEPT CSM off 167th Avenue: Ed Flanum presented a ghost plat as requested by the Planning Commission. The access would be through Lot #9 of The Highlands off 167th Avenue. Demulling brought up the history of the access easement off 85th St. Flandrick stated the private easement can be terminated according to his attorney. Demulling stated he doesn't think a road could be built through that proposed easement shown, due to terrain. Schachtner stated the Town needs wetland and slope delineation to see if a road can be built where the easement is proposed. No action.

Conditional Use Permit Request: Greg & Laurie Powers, 1795-85th Street, New Richmond, Request to Operate a Wild Game Processing Facility from September-January Annually: Greg Powers asked for a recommendation for approval of a seasonal wild game processing. Planning Commission recommended approval. Demulling asked about the projected volume of customers. Powers stated from Sept-January probably 500 customers; busiest around Thanksgiving. Powers stated he will be inspected by the St. Croix County Department of Health-wild game only, no retail. Demulling requested if the Town can require a little wider driveway. Powers agreed to make the driveway wider to accommodate two cars. Witzmann requested working with St. Croix County on the regulations regarding the sign. *Motion by Demulling, seconded by Witzmann to recommend to St. Croix County approval of the Conditional Use Permit for Greg and Laurie Powers to operate a wild game processing facility at 1795-85th Street, New Richmond from Sept.-January annually, with as wide a driveway as possible recommended. Motion carried.*

Conditional Use Permit Request: Ben Peterson/Somerset Storage LLC, 500 County Road VV, Request to Install Temporary Batting Cages in Commercial Storage Shed Being Constructed: Ben Peterson stated he was approached by a group who wants to lease indoor batting cages in his newly-permitted commercial storage shed. Recommended approval from the Planning Commission. *Motion by Witzmann, seconded by Plourde to recommend to St. Croix County approval of temporary batting cages inside the commercial storage shed being constructed at 500 County Road VV for Ben Peterson/Somerset Storage LLC. Motion carried.*

Rezoning Request from R-1 & C-1 to C3 Commercial: Hideaway LLC Mike Kappers/James Johnson Attorney-Lommen Abdo, 4.70 Acres at 712-170th Avenue: Recommended approval of 4.70 acres from C1 to C3 by Planning Commission. James Johnson, attorney representing Mike Kappers, stated the request is to rezone 4.70 acres (formerly Apple Eatery site) from C1 to C3. Hideaway is pursuing three new Conditional Use Permits with St. Croix County and the Town's recommendation for Camping, Tubing and Concerts and conditions will be addressed. Witzmann stated the first thing he noticed is the documentation/request for rezoning is 41 acres and is there any other documentation. Mackenzie Campbell stated it was orally amended at the Parks, Rec & Planning Commission. Demulling stated we typically don't allow commercial access through

residential. Plourde stated the original rezone was a very small parcel, but it was rezoned in 2010 because the description for the parcel was wrong.

Motion to Convene into Closed Session per 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: *Motion by Schachtner, seconded by Demulling to convene into closed session per WSS 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Roll call vote: Demulling-yes, Witzmann-yes, Schachtner-yes, Germain-yes, Plourde-yes. Closed session with Attorney Campbell at 8:07 pm.*

Motion to Reconvene into Open Session: *Motion by Plourde, seconded by Demulling to reconvene into Open Session-Roll call vote: Demulling-yes, Germain-yes, Witzmann-yes, Plourde-yes, Schachtner-yes. Motion carried. Open session at 8:45 pm.*

Determinations/Action: *Motion by Plourde, seconded by Witzmann to recommend approval to rezone 4.70 acres to C3 (formerly Apple Eatery parcel) based upon the fact that liquor licenses have been issued in the past and that would be the continuation. Roll call vote-Demulling-no, Witzmann-yes, Plourde-yes, Germain-no, Schachtner-yes. Motion carried 3 to 2.*

Transportation & Facilities Committee-60th St. Project Update: Schachtner updated that the grant has to go back to WI DOT to request more funding as the road doesn't meet certain specifications. Witzmann reported he spoke to Angela Popenhagen and there was a change order to widen the shoulders and concern about the gravel base. Bill Lawson stated he would work with the Town for an offset cul-de-sac, if needed. Schachtner stated Chuck Schwartz/MSA wants to meet with the Town Board because of the discrepancies.

Town Roads Update -Nothing to report.

Machinery & Equipment Update: Over budget due to equipment repairs and maintenance.

Tree Removal on 165th Avenue: Witzmann met with residents and looked at two options-New Richmond Tree Service estimate $10,000 and Luedtke/Amery logger estimate $6,000 doing 15' on each side of 165th Ave. Eric Schumacher stated he compromised on taking down the first half of the first row, but he is concerned with the second row of pines. Witzmann stated the property owners want to compromise. Schachtner stated the trees block the sunlight from hitting the road and they are in the road right of way. Randall Schumacher addressed the Board regarding town highways laid out by order or unrecorded. Jeff Wroblewski stated he talked with most of the landowners and they are okay with the tree removal, but if the Town can save a few trees for Hoffman and Schumacher, that would be appreciated. *Motion by Demulling, seconded by Plourde to postpone so Town Board members can physically inspect. Motion carried.*

Twin Springs Park Paybox Permits: Witzmann requested daily park permits be raised to $10 and everybody pays online. *Motion by Demulling, seconded by Witzmann to raise the daily Twin Springs Park permit fee to $10 but keep the paybox onsite. Motion carried. Witzmann will work on changing the signage.*

Law Enforcement Patrol from County: Town will compile a schedule.

Announcements and Adjourn: *Meeting adjourned at 9:40 p.m.*

Jeri Koester, Clerk