

**VILLAGE OF TURTLE LAKE BOARD MEETING
REGULAR MEETING PROCEEDINGS
MAY 15, 2006**

The Village Board for the Village of Turtle Lake, Wisconsin held a regular meeting on Monday, May 15th at 6:30pm in Village Hall located at 114 Martin Avenue East, Turtle Lake, Wisconsin.

CALL TO ORDER: Village President Laurie Tarman called the meeting to order at 6:30pm.

ROLL CALL:

Present: Board members Tarman, Hall, Outcalt, Ahlberg, Pabst, Flottum, and Haselhuhn.

Absent: None.

Others Present: Village Administrator Bill Bell; Police Chief Al Gabe; Public Works Director Katie Goin; Village Attorney John Schneider; Dave Slack of Halco Press; Jeff Lauck; Gary Strand of Cooper Engineering.

CONSENT AGENDA: It was moved by Flottum and seconded by Haselhuhn to approve the consent agenda as presented.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

PUBLIC COMMENT: None.

COMMITTEE REPORTS:

Tourism – Ken Ahlberg mentioned the recent purchase of advertisement display racks to be located in local businesses, the soon to be completed Bi-County Recreational Map, and the downtown Logo/Banner design options, which were all discussed at a recent Tourism Committee meeting.

DEPARTMENTAL REPORTS:

Administration – Village Administrator Bill Bell presented several communication items to the Board including an update on the 2006 St. Croix Casino Business Expo, an informational flyer distributed by Assembly candidate Dari McDonald, notification of Municipal Clerk's Week April 30-May 6, and an article on Levy Limits and Tax Increment Financing compatibility. Bell also reminded the Board that Polk County will be offering a Hazardous Waste Cleanup program on Monday, May 22nd from 2:00p-5:00pm and on Tuesday, May 22nd from 10:00am-1:00pm at the Polk County Recycling Center in St. Croix Falls.

Legal – None.

Police – Police Chief Al Gabe presented the Board with the monthly Police Activity Report and commented on three recent juvenile sexual assault cases that have been keeping the department busy as of late. Gabe also mentioned the "Click it or Ticket" campaign that will take place across the state in May and he reminded the Board of National EMS Week and announced an Open House to take place at the Turtle Lake Fire Hall on Thursday, May 18th at 4:00pm. Gabe mentioned that a deceased person was found in a parked car in the Casino Parking Lot last week. Tarman asked if the Casino has their own patrol to handle their parking lots and Gabe said that they do.

Jean Pabst asked how the Police Department keeps track of the mileage driven to serve the Village of Almena. Gabe responded by saying that service to Almena is primarily carried out in the Almena Squad Car and we can somewhat monitor the mileage that way.

Public Works – Public Works Director Katie Goin presented information on the Test Well status and said that the diggers are down to approximately 800feet. We are awaiting soil and water sample results from the site to determine how we should proceed on the project. Skinaway Dam was opened to lower the water level of Skinaway Lake over the past couple of weeks, as we were over the recommended water level in the lake due to weather patterns this past winter. Goin also mentioned that Biermann Boulevard in the new Heron's Landing Subdivision will be paved sometime in June according to our developer's agreement with Biermann Homes. Goin informed the Board that the department will be experiencing some overtime to run the centrifuge more frequently as a result of the heavy loadings being sent to the plant by the industries and this additional cost will be billed to the

industries according to their waste contribution levels. Goin also mentioned that the treatment plant is suffering because of these heavy loadings and the dissolved oxygen levels are decreasing rapidly, which will eventually suffocate the good bugs at the plant. The department is now submitting the monthly reports to the DNR electronically, which will save time for the staff members, thus resulting in monetary savings for the department. Goin also commented on the large number of stray cats and dogs being transported to the Humane Society in Barron from the Village of Turtle Lake

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Welcome to our Newest Board Member, Jean Pabst – Village President Laurie Tarman made a few welcoming remarks to newly elected Boardmember, Jean Pabst. Pabst stated that she was looking forward to serving the Turtle Lake community.

Committee Reorganization for 2006-2007 – Tarman presented the Board with an updated list of committee members for 2006-2007 for consideration.

It was moved by Hall and seconded by Ahlberg to approve the reorganization chart as presented by Laurie Tarman.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

6:45pm Public Hearing to Consider Conditional Use Application by Budget Home & Auto, 301-303 Pine Street North - Bell presented the Board with a conditional use application made by Warren Hodge of Budget Home & Auto to operate a B-2 Highway Commercial Business in a Conservancy Zone. Warren Hodge was in attendance at the meeting via telephone conference.

It was moved by Hall and seconded by Haselhuhn to open a public hearing at 6:45pm to discuss a conditional use application as submitted by Warren Hodge of Budget Home & Auto to operate a B-2 Highway Commercial Business in a Conservancy Zone.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

Discussion: John Andersen, State of WI Fire Protection Coordinator, presented results of his recent inspection of the Budget Home & Auto property located at 301-303 Pine Street North, Turtle Lake, WI 54889, which included comments related to the potential for fire hazards on said property. Mr. Andersen did state that his original interpretation of Wisconsin Administrative Code Section 14.21(3)(c) apparently does not apply to this property, as the Code does not specifically apply to Commercial Sales Lots. However, Wisconsin Statute Section 101.14(2)(b) does apply to the property, which grants the local Fire Chief the authority to consider the property a “Fire Hazard” and to require action to mitigate the risk associated with said condition.

Mr. Andersen commented on the current condition of the property by saying that there are not adequate fire lanes placed throughout the property to allow emergency and fire fighting equipment proper and safe access in the case of a severe fire. Mr. Andersen recommended paving the lanes and widening them to ensure the safety and effectiveness of the fire fighters during an emergency situation. The minimum required fire lanes would be 10', however 15'-20' is preferred and this would be between each home and auto unit on the lot.

Mr. Andersen also stated that his professional recommendation to the Turtle Lake Fire Department would be to fight the fire from above if possible, without entering the heart of the property until adequate safety measures have been taken on the part of the land owner to separate these units. He went on to say that the Turtle Lake Fire Department should not be held responsible if a fire does occur and extensive damage takes place, as the owner should assume this liability until property safety changes have been made.

A PowerPoint presentation was shown by Mr. Andersen on a recent fire taking place near Eau Claire, Wisconsin on a very similar property. The presentation illustrated the risk factors associated with commercial sales lots.

Joy Almstead of Budget Home & Auto stated that it is her understanding that the Conditional Use Permit was approved contingent upon meeting all State and Local Fire Codes, and therefore the permit should be approved because the State of Wisconsin Administrative Code does not apply to their property. Ms. Almstead also stated that Budget Home & Auto would be willing to assume all liability for fire hazards on the property and would hold harmless the Village of Turtle Lake and the Turtle Lake Fire Department in the case of a future fire on the property.

Mr. Andersen responded by saying that although the Administrative Code did not apply, the WI Statute Section 101.14(2)(b) related to Fire Chief authority does apply. Warren Hodge asked what kind of injuries occurred in the Eau Claire fire. Mr. Andersen stated that he thought there were 2 fire fighters injured in this recent fire.

Jean Pabst asked if the Wisconsin Statutes outrank the local code related to Fire Protection and Mr. Andersen responded by saying that the Statutes always prevail, but local codes can be more detailed and restrictive than the State Code, depending on the wishes of the municipality.

Jean Pabst asked what the average turnaround time was for the home units on the property and Almstead stated that it really depends upon the particular unit and the time of year, etc. She did say that several units have been on the property for a very long time.

Fire Chief Al Gabe stated that there is added fire risk to the neighboring and adjacent properties because units are being stored right up to the property lines. Gabe would like to see at least a 10' setback from all property lines and 10' between all home and auto units. Gabe also recommended that the autos be kept in one area and the homes be kept in another to promote uniformity throughout the lot.

Village Attorney John Schneider stated that the next steps to ensure fire safety on this property would be for Fire Chief Al Gabe to formally deem the property as a fire hazard under his statutory authority and then take action against the property if it is not brought into a safe condition.

Mr. Hodge commented by saying that he feels that his property is being singled out for enforcement and the other properties that are violating fire codes throughout the Village are not being contacted. Mr. Hodge feels that he is being discriminated against by the Fire Chief and the Village Board.

It was moved by Haselhuhn and seconded by Ahlberg to close this public hearing at 7:48pm.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

Tom Flottum read item #3 on the list of Conditional Use requirements for the group: “Reorganize homes and structures to allow for maneuvering, transport, and access for emergency and fire vehicles and to be in compliance with all State and Local Fire Codes applicable to a commercial sales business.”

Ray Hall commented by saying that the Fire District and the Fire Chief should get together to determine if the property is arranged in a manner to safely fight a fire if one should occur and take the appropriate measures to resolve the firefighting issues.

Mr. Hodge said that they could arrange any future units in a safe manner, but it would be cost prohibitive to rearrange all existing homes to allow 10' clearance between units.

It was moved by Hall and seconded by Flottum to approve the Conditional Use Permit with the encouragement that the Fire Chief work with Mr. Hodge to make it safe for fire fighters in the case of an emergency and safe for the operation of emergency vehicles and equipment throughout the property, with immediate action to be taken to begin the rezoning process to change this property from Conservancy to B-2 Highway Commercial.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

8:05pm Public Hearing to Consider Conditional Use Permit Application by Jeff Lauck to operate a Pawn Broker business in a B-2 Highway Commercial Zone at 220 US Hwy 8 –

It was moved by Haselhuhn and seconded by Ahlberg to open a Public Hearing at 8:05pm to discuss an application for Conditional Use made by Jeff Lauck to operate a Pawn Broker business in a B-2 Highway Commercial Zone at 220 US Hwy 8.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

Discussion: Jean Pabst asked Mr. Lauck if they had already purchased their inventory software necessary to track their consignments according to Wisconsin law. Mr. Lauck said that the software was not yet purchased until receiving the Board's decision on the conditional use.

It was moved by Hall and seconded by Pabst to close this public hearing at 8:08pm.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

It was moved by Hall to approve this conditional use permit application to allow the operation of a Pawn Broker business at 220 US Hwy 8 in a B-2 Highway Commercial Zone, with the understanding that this conditional use shall expire with a change in ownership or a change in property use at said premises.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

8:10pm Public Hearing to Consider Conditional Use Permit Application by Gary Swager of Newlite, Inc. to construct Two-family residential structures within an R-3 Single Family Residential Zone to be located at 123, 125, 127, and 129 Ash Street –

It was moved by Hall and seconded by Haselhuhn to open a Public Hearing at 8:10pm to discuss the aforementioned application for Conditional Use as submitted by Gary Swager of Newlite, Inc.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

Discussion: Laurie Tarman mentioned the recent Planning Commission meeting at which this issue was discussed in great detail and stated that it was the general consensus of the adjacent landowners and the recommendation of the Planning Commission to reject this application for Conditional Use based on several potentially negative consequences such as increased traffic, parking, noise, etc. Tarman mentioned Administrator Bell's comments related to the potential for absentee landlord rental of these properties should the Board refuse to allow this owner-occupied conditional use.

Ray Hall encouraged the other Village Board members to attend the Planning Commission meetings because most of the residents and adjacent property owners attend those meetings to voice their concerns rather than through the attendance of formal Board meetings. Hall also voiced concerns over marketability of these lots at this price range and would encourage the contractor to lower the asking price for the homes, rather than building rental units in the basements of the properties. Hall was also concerned with the small lot sizes that barely meet the minimum requirements for single family residential, let alone dual-family rentals.

Tom Flottum mentioned his recollection of the original site plan review made by the Village Board several years ago, where these issues were brought up with the original applicant, Red Swager. The problems associated with a small lot size in this development such as drainage, parking, marketability, etc. were discussed in great detail during the site plan review process and the idea was to build small, inexpensive homes for purchase by first-time home buyers, young families, etc.

Bill Bell reiterated his concern with the potential for absentee landlord single family rentals in this development and stated that his preference would be to include an "owner-occupied" stipulation with the approval of one basement rental unit per property. This would help to insure property maintenance and general upkeep of the lots with the owner living on the premises.

It was moved by Ahlberg and seconded by Haselhuhn to deny this application for Conditional Use submitted by Gary Swager for the construction of two-family residential structures within an R-3 Single Family Residential Zone located at 123, 125, 127, and 129 Ash Street.

Roll call vote: Yeas – Ahlberg, Outcalt, Pabst, Flottum, Haselhuhn. Nays – none.
Abstentions – Hall due to conflict of interest. Motion carried.

Public Fire Protection Direct Billing Method – Bell presented the Board with a detailed report on the results of the change from Property Tax billing to direct water billing for public fire protection charges. Bell stated that the change met the expectations of equalizing the billing system, as some users' bills increased and some decreased, along with several properties now being charged for the first time who were not taxable in the past.

Tom Flottum thanked Mr. Bell for his explanation, which helped to eliminate much of his concern with the new system by validating the fact that the change did result in a more equalized and fair billing system.

Ken Ahlberg mentioned that he would like to offer the Village some form of payment in lieu of taxes to pay for his fire protection since he is not a customer of the Village utility system. Jean Pabst also voiced a desire to do so. Bell will look into this issue and provide them each with a dollar figure equal to equivalent sized services within the Village limits.

Request for Water Billing Exemption, Turtle Lake Fire District – Bell presented the Board with a request from the Turtle Lake Fire District to negotiate water and fire protection billing due to the nature of their service provision. Fire Chief Al Gabe informed the Board that it was not in the department's budget for this year and he would have to work with the Fire Board to figure out a way to pay for this new fee. Bell stated that the Public Service Commission does not allow the Village to grant any type of permanent exemption for a particular customer and therefore the charges must apply to everyone or no one.

CONSIDERATION OF BILLS & CLAIMS:

It was moved by Haselhuhn and seconded by Tarman to approve the bills and claims as presented.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

ADJOURNMENT:

It was moved by Hall and seconded by Ahlberg to adjourn this meeting of the Turtle Lake Village Board at 8:56pm.

Roll call vote: Yeas – all present. Nays – none. Motion carried.

Prepared By:
William E. Bell, M.P.A.
Village Administrator