

# AGENDA FOR COUNCIL MEETING

## CITY OF NEW RICHMOND, WISCONSIN

MONDAY, NOVEMBER 14, 2016 - 7:00 P.M.

### AGENDA:

1. Call to Order
2. Clerk's Roll Call
3. Pledge of Allegiance
4. Adoption of Agenda

### PUBLIC COMMENT

### CONSENT AGENDA:

1. Approval of the Minutes from the Previous Regular Council Meeting, October 10, 2016
2. Application for License to Serve from Tori L. Kittelson, New Richmond
3. Application for Class "A" License to Sell Intoxicating Liquor and "Class A" License to sell Fermented Malt Beverages from Candice Howle, Agent for Evergreen Richmond LLC/DBA Freedom Value at 120 Meridian Drive
4. Applications for Run/Walk Permit from New Richmond Area Centre for the following dates:
  - a. Saturday, December 10, 2016 at 8:30 a.m.
  - b. Saturday, January 21, 2017 at 8:30 a.m.
  - c. Saturday, February 18, 2017 at 8:30 a.m.
  - d. Saturday, March 18, 2017 at 8:30 a.m.
  - e. Saturday, April 8, 2017 at 8:30 a.m.
5. Payment of VO#59901 through VO#60029 totaling \$1,065,651.45 plus electronic fund transfers of \$685,984.01 for a grand total of \$1,751,635.46

### DEPARTMENT REPORTS:

Administration  
Community Development  
Public Works  
Library  
Police  
Fire  
Airport

### UNFINISHED BUSINESS:

(Consideration and action on matters tabled, postponed or referred to a committee at a previous meeting)

### NEW BUSINESS:

(Action on newly introduced motions, ordinances, resolutions or other matters)

1. Ordinance Section 26-26 (c) Administrative Charges for False Alarms
2. Resolution #111601 – Amending the Schedule of Fees – Adding Police Department Fees

3. Ordinance Section 6-29(e) Class A License Quota
4. **Plan Commission Recommendations:**
  - a. Amendment to City of New Richmond Official Right-of-Way Map
  - b. Ordinance – Section 121-44 of the Zoning Ordinance Regulating Signs
  - c. Extra-Territorial Certified Survey Map from George & Betty Schmit
5. Plow Truck Purchase
6. Golf Course Capital Financing Proposal
7. No Work Session in November
8. Communications & Miscellaneous
9. Closed Session per State Statute 19.85 (1)(e)(g):
  - a. Litigation Updates for Borst, Dionisopoulos and WH ST. Croix
  - b. TIF #6
10. Open Session – Action on Closed Session Agenda
11. Adjournment

Frederick Horne, Mayor

***(THE ABOVE AGENDA IS NOT NECESSARILY IN ORDER OF PRESENTATION)***

\*\*Late Changes and Additions

***Posted: Civic Center and City Website***

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.

REGULAR COUNCIL MEETING OCTOBER 10, 2016 7:00 P.M.

The meeting was opened by announcing that this was an open meeting of the Common Council. Notice of this meeting was given to the public at least 24 hours in advance of the meeting by forwarding the complete agenda to the official City newspaper, The New Richmond News, and to all news media who have requested the same as well as posting. Copies of the complete agenda were available for inspection at the City Clerk's office and on the City's website at www.newrichmondwi.gov. Anyone desiring information as to forthcoming meetings should contact the City Clerk's office.

Roll call was taken.

Members Present: Mayor Horne, Alderman Kittel, Ard, Jackson, Montello, Volkert and Zajkowski.

The Pledge of Allegiance was recited.

Alderman Montello moved to adopt the agenda as presented, seconded by Alderman Ard and carried.

**Public Comment**

Sarah Yacoub introduced herself and is running for St. Croix County District Attorney.

**Consent Agenda**

1. Approval of the Minutes from the Previous Regular Council Meeting, September 12, 2016 and Special Council Meeting, September 28, 2016
2. Application for License to Serve from Taylor V. Spaulding, Osceola; Heather N. Siler, Clear Lake; Kristin S. Briggs, Hudson; Michelle R. Frame, New Richmond; Kaylee J. Langer, New Richmond; and Lance C. Cylkowski, New Richmond
3. Skate Park Donations:  
Tim Scott Law Firm: \$500  
Total Commitments: \$132,827.49  
Total Received: \$130,327.49
4. Payment of VO#59808 through VO#59900 totaling \$357,971.02 plus electronic fund transfers of \$1,609,618.24 for a grand total of \$1,967,589.26

General Fund	\$796,771.66
Impact Fees Fund	6,062.34
Cemetery Fund	4,963.90
Debt Service Fund	1,010,132.18
Capital Projects	19,610.49
Capital Replacement Fund	13,999.00
Landfill Cleanup Fund	2,914.33
TIF District #6	16,361.15
TIF District #8	34.08
Storm Water Utility	15,368.97
Park Land Trust Fund	63,217.34
Library Trust Fund	17,750.14
NR WI Armed Services	403.68

Alderman Montello moved to approve the consent agenda as presented, seconded by Alderman Ard and carried.

### **Department Reports**

**Administration** – Mike Darrow stated there will be two community engagement meetings regarding the 2017 budget, one will be before the October 24<sup>th</sup> work session and the other before the November 14<sup>th</sup> Council meeting. A press release will be sent out about this along with an update on facebook and twitter. There is a lot of excitement about the budget process including the short and long term financial needs of the City. The City's strategic plan will be presented in the next couple months and then we will look for feedback from the community. There will be a community conversation on October 19<sup>th</sup> at 5:00 p.m. in the Civic Center for the community commons master plan. Approval of this plan will hopefully be in November. The skate park is open and many people are using it. The official opening will be next spring.

**Community Development** – Beth Thompson stated that the Plan Commission recently approved the sign ordinance and this will come to the Council for final approval. The Dairy Queen had a ground breaking for their new location on September 26<sup>th</sup>. RFPs were sent out for the comprehensive plan and there was a meeting with potential consulting groups today to explain what the City is looking for. The deadline for proposals is November 1, 2016. The original group will meet to review the proposals and interview those selected. The process takes approximately one year. Absentee voting is happening in the Clerk's office. Polls will be open on November 8<sup>th</sup> from 7:00 a.m. to 8:00 p.m.

**Public Works** – Jeremiah Wendt gave an update on street projects. Paperjack, North Starr and East Hughes are mostly complete. Street trees have been planted and those are coming from the City's gravel bed nursery that was started in 2014. Pavement will be going down on North Shore Drive and then the final restoration will begin. Underground utilities are done on East and West River Drive and curb and gutter will get started later this week and early next week. All of the street projects are starting to wrap up. They are looking for feedback on these projects. Surveys will be sent out to residents living in those areas this week. Sidewalk construction is happening now and City staff is doing the restoration work for those. Next month the Council will discuss amending the official right-of-way map for the jug handle interchange. The Plan Commission has approved the design for the new right-of-way map. The final concept map was sent out to those property owners in that area.

**Police** – Craig Yehlik stated that the drug detective position is up and running as of today. Officer De La Cruz went through training regarding new drug prevention programs for schools and communities. We did not receive the COPS grant that was applied for to get a school resource officer. All of the money went to Milwaukee. Craig will look at other funding avenues for this position. Nick Cramlet and Jake Sather went to a crisis intervention conference. Veronica Koehler attended a training in background investigation. Adam Balow attended evidence technical training as well.

**Fire** – Mayor Horne stated that tonight is Fire Safety night at the Fire Hall and those who bring an item for the food shelf can get a ride on a fire truck.

### **Senior Center Lease**

Mike Darrow explained that the main aspects of the lease were discussed at the last work session in September. They will be open Monday through Thursday from 8:00 a.m. to 2:00 p.m. Alderman Ard moved to approve this lease with the change in days to read Monday through Thursday, seconded by Alderman Kittel and carried.

### **Emergency Management Coordinator**

Mayor Horne appointed Veronica Koehler to be the Emergency Management Coordinator. The Public Safety Committee met with Veronica and discussed the short and long term goals for the

new emergency process. Alderman Montello moved to confirm this appointment, seconded by Alderman Ard and carried.

#### **Naming Rights Policy**

Noah Wiedenfeld explained that the Park Board approved this policy a couple years ago, but it was never approved by Council. The policy provides general guidelines for naming parks. Discussion followed. Alderman Ard moved to approve the policy with the addition in Section 4.1 (C) and (D) and Section 4.4 of “Community, State or nation”, seconded by Alderman Zajkowski and carried. Names would be discussed by the Park Board first and then come to Council for approval.

#### **Skate Park Name**

Noah Wiedenfeld stated that the Park Board recommended naming the skate park the Irv and Mary Sather Skylark Skate Park. Skylark in literature is symbolic of freedom, joy and happiness. Alderman Montello moved to approve this name, seconded by Alderman Zajkowski and carried.

#### **Memorandum of Understanding for Canoe & Kayak Access at Nature Center**

Noah Wiedenfeld explained that this was discussed by the Park Board and the St. Croix County Resource Management Division. This MOU is required for applying for a grant for the canoe and kayak access. The conservation core will be clearing trees on the river from the Nature Center to the Boardman town hall. A group of volunteers will be here for one week to clear the trees. There are 25 barriers in the river on this section. Alderman Zajkowski moved to approve the MOU, seconded by Alderman Montello and carried.

#### **Croft Apartments Development Agreement**

Council, staff and the City Attorney toured the Croft Apartments and found several items to be addressed. Nick Vivian put together a development agreement that includes improvements to the main entry, the alarm system, landscaping plan, resident eligibility and screening. Rents will be reviewed on an annual basis. The agreement will be reviewed on an annual basis to insure compliance. Mike thanked all who were involved in the process. Discussion followed. Alderman Montello moved to approve the agreement, seconded by Alderman Zajkowski and carried. The deadline for the compliance in all areas is January 1, 2017. Sarah Skinner will report back to the Council and make a recommendation as to whether the collateral can be released.

#### **Police Gift Card – Pay it Forward**

Craig Yehlik stated that the Police Department has received 53 gift cards totaling \$265 for local businesses. The officers cannot accept gifts. Craig asked his staff how they think these should be utilized. They came up with a proposal to take the cards out, introduce themselves to the public and gather information from citizens and give them a gift card for their time. All of the donors have agreed with that type of a process. The Council requested to hear back from Craig on the information he receives from citizens. Alderman Ard moved to approve the Pay it Forward proposal, seconded by Alderman Volkert and carried.

#### **TIF #6 Farm Lease Amendment**

Jeremiah Wendt explained that the reason for the amendment is to remove the property recently sold to ESR. Alderman Montello moved to approve this amendment, seconded by Alderman Ard and carried.

#### **2017 Street & Utility Design Contract**

Jeremiah Wendt explained that this contract is for the design of the North Fourth Street project. The plan is to bid the project next spring. More detail will be provided on where the funds will come from to pay for the project. North Starr and Paperjack Drive were significantly under budget and the other two projects this year should be as well. The North Fourth Street project will include replacement of all water and sewer utilities. There will also be three public engagement meetings. Alderman Ard moved to approve the 2017 Street & Utility Design Contract, seconded by Alderman Kittel and carried.

**STH 64 Coalition Agreements**

Jeremiah Wendt stated that as part of the mitigation funds for the St. Croix River crossing project, all wastewater treatment plants are completing a facility plan to mitigate the impact of growth and plan for stormwater. The cost of this plan is \$49,500 paid for by the mitigation funds. Alderman Montello moved to approve this plan, seconded by Alderman Ard and carried.

Also as part of this St. Croix River crossing project we will be completing an erosion vulnerability assessment for agricultural lands to look at how to reduce phosphorus in the entire watershed area at a cost of \$21,423 to come from the mitigation funds as well. This project will identify areas where additional funding could be allocated. Alderman Montello moved to approve this agreement, seconded by Aldermen Ard and carried.

**Work Session on October 24, 2016 at 5:30 p.m.**

**Communications and Miscellaneous**

The VFW Auxiliary is sponsoring a candidate forum on October 13, 2016 at 7:00 p.m. at City Hall.

Alderman Ard moved to adjourn the meeting, seconded by Alderman Volkert and carried.

Meeting adjourned at 8:15 p.m.

Tanya Batchelor  
City Clerk

VOUCHERS PRESENTED TO THE COUNCIL November 14, 2016

VO #	PAYMENT TO:	AMOUNT
59901	A-1 EXCAVATING	580,847.10
59902	BENEFIT EXTRAS	489.75
59903	BERMAN, TAYLOR	1,997.36
59904	CITY OF NR - REVOLVING FUND	175.45
59905	CITY UTILITIES - INVOICES	13,271.34
59906	COUNTRY LIVING BUILDERS	370.00
59907	E O JOHNSON COMPANY	259.00
59908	FRONTIER COMMUNICATIONS	705.08
59909	ICMA	175.00
59910	MAIL FINANCE	1,366.50
59911	MSA PROFESSIONAL SERVICES INC	2,018.00
59912	PROFESSIONAL SERVICE INDUSTRIES, INC	12,228.28
59913	SKID STEER GUY LLC	17,563.39
59914	ST CROIX COUNTY SHERIFF'S DEPT	210.00
59915	STEPHENS SANITATION - REFUSE	487.15
59916	VANDERWYST, JAMES	46.59
59917	VILLAGE OF STAR PRAIRIE	46.30
59918	WI DEPT OF TRANSPORTATION	105.00
59919	WILLIAMSON & SILER S.C.	3,578.92
59920	CITY UTILITIES - 2ND BILLING	28,024.16
59921	CLAY, AARON	1,000.00
59922	CROSBY, GARY	112.00
59923	DOAR DRILL & SKOW S.C.	24.00
59924	ECKBERG LAMMERS BRIGGS WOLFF & VIERLING	4,064.94
59925	FRONTIER COMMUNICATIONS (2)	44.14
59926	GARIBALDI'S	250.00
59927	GIBBY'S INC	750.00
59928	GRAPHIC HOUSE INC	3,361.00
59929	HUSBY, JEFFREY	1,000.00
59930	J & S GENERAL CONTRACTING	66,595.25
59931	NR TREE SERVICE LLC	4,389.00
59932	NRSD - FAMILY SAFETY NIGHT	400.00
59933	TENDERHEART PHOTOGRAPHY	158.25
59934	WIEDENFELD, NOAH	492.54
59935	WOLD, DAVID	173.73
59936	XCEL ENERGY (2)	23.05
59937	COUNTY MATERIALS CORP	302.36
59938	ANDERSON, CAROLE	143.26
59939	ANDERSON, MARY LOU	125.60
59940	BALDWIN TELECOM	664.40
59941	BEHLKE PROPERTY MAINTENANCE, LLC	1,233.75
59942	BERENDS, KATHY	141.30
59943	BIBEAU, BEVERLY	125.60
59944	BRIDGE, MARY JANE	133.76
59945	BRINKMAN, SANDI	141.30
59946	COUNTRY LIVING BUILDERS	370.00
59947	FALL, SHARON	125.60
59948	FLEET ONE LLC	2,857.46
59949	FRONTIER COMMUNICATIONS (3)	52.57
59950	HEINBUCH, ALICE	150.48
59951	HOLTZ, DENNIS	178.59
59952	HURTGEN, RUTH	200.00
59953	JORSTAD, ROXANNE	125.60
59954	KLOPP, BONNIE	141.30
	SUB - TOTAL	754,015.20

	SUB - TOTAL CARRIED FORWARD	754,015.20
59955	LAMOTTE, JOANN	125.60
59956	OLSON, HENDRENA	150.48
59957	OLSON, ROBERT	133.76
59958	PELLAGRINO, JEAN	133.76
59959	PERSHING LCC	8,850.00
59960	UTECHT, INEZ	125.60
59961	UTECHT, JAMES	125.60
59962	VAN VYNCKT, PATTY	141.30
59963	VANDERWYST, JAMES	72.85
59964	VENHOR, SANDRA	133.76
59965	WALLRAFF, MONICA	113.83
59966	WI DEPT OF TRANS - TV & RP UNIT	5.00
59967	WICKHAM, MICHAEL	129.49
59968	AMAZON (CITY)	272.07
59969	BAKER TILLY VIRCHOW KRAUSE, LLP	338.00
59970	BENEFIT EXTRAS	371.50
59971	BOARDMAN & CLARK LLP	750.00
59972	BOND TRUST SERVICES CORPORATION	350.00
59973	CEDAR CORPORATION	1,460.67
59974	CITY EMPLOYEE FUND	1,400.00
59975	CITY UTILITIES - 1ST BILLING	820.59
59976	CITY UTILITIES - INVOICES	4,204.63
59977	CITY UTILITIES - INVOICES	10,839.35
59978	CITY UTILITIES - LANDFILL	376.08
59979	CITY UTILITIES - SAC CHARGES	7,112.00
59980	CITY UTILITIES - WATER IMPACT FEES	7,112.00
59981	CREATIVE HOME CONSTRUCTION	1,000.00
59982	DEGEAR, DAVID	200.00
59983	FELICITY HOMES	1,000.00
59984	FRONTIER COMMUNICATIONS	705.08
59985	G & K SERVICES, INC	133.28
59986	GHD SERVICES INC	9,300.82
59987	GILLEN'S LIME QUARRY	100.57
59988	HD SUPPLY WATERWORKS, LTD	53.14
59989	HEARTLAND CONTRACTORS OF WI INC	35,568.76
59990	HOPKINS ELECTRIC	912.00
59991	HUSBY, JEFFREY	1,000.00
59992	INDUSTRIAL SAFETY	12,285.18
59993	JDS REMODELING, INC	9,863.00
59994	KIWANIS CLUB OF NEW RICHMOND	180.00
59995	KROLL'S EXCAVATING INC	1,475.00
59996	KWIK TRIP / KWIK STAR STORES	3,167.53
59997	LEAGUE OF MINNESOTA CITIES	150.00
59998	MCCABE CONSTRUCTION, INC	101,606.99
59999	MSA PROFESSIONAL SERVICES INC	1,748.25
60000	MURPHY, COLIN P	1,000.00
60001	NEENAH FOUNDRY COMPANY	366.95
60002	OWEN ASSESSING LLC	6,200.00
60003	PEDERSON, JOEL	975.00
60004	POWERS, CALVIN	500.00
60005	PROFESSIONAL SERVICE INDUSTRIES, INC	3,167.55
60006	RICE, CYNTHIA	900.00
60007	RIVERTOWN MULTIMEDIA	645.12
60008	RUNNING, INC	5,820.78
60009	SCHOOL DISTRICT OF NR - MOBILE HOME FEES	148.54
60010	SCHWAAB INC	94.15
60011	SECURIAN FINANCIAL GROUP, INC	2,111.13
	SUB - TOTAL	1,002,041.94

	<b>SUB - TOTAL CARRIED FORWARD</b>	<b>1,002,041.94</b>
60012	SHORT-ELLIOTT-HENDRICKSON	25,073.47
60013	ST CROIX COUNTY HIGHWAY DEPT	488.50
60014	ST CROIX COUNTY INFORMATION TECHNOLOGY	1,378.10
60015	ST CROIX COUNTY SHERIFF'S DEPT	210.00
60016	ST CROIX COUNTY TREASURER - MUNICIPAL COURT	673.34
60017	ST CROIX POWER SPORTS	33,250.00
60018	STATE OF WI - COURT FINES & ASSESSMENTS	1,473.47
60019	STEPHENS SANITATION - RECYCLING	4,065.00
60020	TENNER, ARLENE	138.95
60021	THOMPSON, JEFF	145.00
60022	VERIZON WIRELESS (CITY)	424.27
60023	VIGOR & MOXIE	1,000.00
60024	WASHINGTON NATIONAL INS CO	346.90
60025	WENDT, JEREMIAH	252.00
60026	WI DEPT OF JUSTICE - TIME	307.50
60027	WI PROFESSIONAL POLICE ASSN, INC	581.00
60028	WILLIAMSON & SILER S.C.	1,892.82
60029	XCEL ENERGY	759.19
59878	VOID	(8,850.00)

**TOTAL VOUCHERS 1,065,651.45**

**ELECTRONIC FUND TRANSFERS**

PAYROLL	344,168.73
DEFERRED COMP	9,110.00
ROTH - WI	250.00
FEDERAL W/H	88,137.23
STATE W/H	16,187.36
POSTAGE	2,000.00
LT DISABILITY PREMIUMS	1,466.21
MEDICAL PREMIUMS	88,075.52
RETIREMENT	75,192.58
VISA P-CARDS	32,612.31
HRA	816.93
WI-SCTF	1,804.56
FLEX SPENDING	5,384.94
GARNISHMENTS	236.52
EMPLOYEE FUND	232.00
FIREMEN DUES DEDUCTIONS	555.00
AFLAC	1,439.94
DELIQ STATE TAX - REMITTANCES	68.51
IMPACT FEE TRANSFERS	13,891.00
MISC - RESTITUTIONS	100.00
WPPI LOAN PMTS	1,828.40
DEBT PMTS/BREMER LOAN PMTS	2,426.27

**TOTAL ELECTRONIC FUNDS 685,984.01**

**GRAND TOTAL 1,751,635.46**

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CHAIRMAN OF FINANCE COMMITTEE

9/12/2016

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156 East First Street  
New Richmond, WI 54017  
Ph 715-246-4268 Fax 715-246-7129  
[www.newrichmondwi.gov](http://www.newrichmondwi.gov)

**TO: Mayor and City Council**

**FROM: Tanya Batchelor, City Clerk**

**DATE: November 11, 2016**

**RE: Ordinance Amending Section 26-26 Alarm Response Fees**

**Background**

When Craig Yehlik was reviewing the Police Department Fees, he found this section had been left out of our ordinances during the last codification. He would like to add the attached section to make this area complete.

**Recommendation**

Staff recommends adoption of this ordinance.

**ORDINANCE NO. \_\_\_\_\_**

**CITY OF NEW RICHMOND  
ST. CROIX COUNTY, WISCONSIN**

**AN ORDINANCE AMENDING SECTION 26-26  
OF THE NEW RICHMOND CITY CODE  
REGARDING ALARM RESPONSE FEES  
AND ADMINISTRATIVE CHARGES FOR FALSE ALARMS**

The Common Council of the City of New Richmond does ordain as follows:

**SECTION 1. AMENDMENT.** Subsection (c)(1) of Ordinance Section 26-26 (Administrative charges for false alarms) is hereby amended and restated as follows:

(c) Administrative charges for false alarms.

- (1) Any person, business, corporation or other entity having a permissible alarm system with one or more alarm device(s) at one or more location(s) in accordance with this Section shall pay to the City a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:

A. Responded to by Police Department:

1. First two (2) false alarms for a location:	No Charge
2. Third (3rd) false alarm per location:	\$75.00
3. Fourth (4th) false alarm per location:	\$100.00
4. Fifth (5th) false alarm per location:	\$150.00
5. Sixth (6th) and subsequent false alarm per location:	\$200.00
6. Seventh (7th) false alarm and each subsequent false alarm per location:	\$250.00

Upon the occurrence of the seventh (7th) false alarm, the alarm permit for such location may be revoked by the Chief of Police for the remainder of the alarm permit year.

B. All false alarms responded to by Fire Department firefighting personnel and apparatus (all amounts in addition to any charge for a response by the Police Department set forth above):

1. First two (2) false alarms for a location	No Charge
2. Third (3rd) false alarm per location:	\$150.00
3. Fourth (4th) false alarm per location:	\$200.00

- |   |          |
|---|----------|
| 4. Fifth (5th) false alarm per location:                                    | \$250.00 |
| 5. Sixth (6th) false alarm and each subsequent<br>false alarm per location: | \$300.00 |

All amounts set forth in this subsection (c)(1) may be modified from time to time by an ordinance adopted by the Common Council.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Frederick Horne, Mayor

ATTEST:

\_\_\_\_\_  
Tanya Batchelor, City Clerk

**RESOLUTION #111601**  
**RESOLUTION AMENDING THE SCHEDULE OF FEES**

WHEREAS, the City of New Richmond hereby adopts the following Schedule of Fees:

**Miscellaneous Police Department Fees**

Fingerprint per card	6.00
Civic Process per person	30.00
Preliminary Breath Test (PBT)	10.00
Parking Citation *	20.00
Parking in Handicap spot	50.00
Bicycle Registration for bike/life	2.00
Open Records	Per Statute
Copy service black & white	.25 per page/side
Copy of service Color page	.30 per page/side
Copy of DVD/Disk	3.00
Photographs	1.50/picture

\*If citation is not paid within ten days, the first notice parking penalty = \$30.00

If not paid within seven more days, the second notice penalty = \$20.00

If not paid within seven more days, a suspension request is sent to the state with a total fine amount increasing to \$100

Dated this 14<sup>th</sup> Day of November, 2016.

\_\_\_\_\_  
Fred Horne, Mayor

ATTEST:

\_\_\_\_\_  
Tanya Batchelor, Clerk



156 East First Street  
 New Richmond, WI 54017  
 Ph 715-246-4268 Fax 715-246-7129  
 www.newrichmondwi.gov

**MEMORANDUM**

**TO:** Mayor Horne & City Council  
**FROM:** Craig Yehlik, Chief of Police  
**DATE:** November 3, 2016  
**SUBJECT:** review of Police department fees

**Background:**

At the September council meeting Clerk Jackie Butler presented a proposal on Municipal Court Fee increases and the City Council requested a review of police department fees as well.

Fees were reviewed from area Counties and Municipalities and found to be close to other fees. The new Richmond Police Department was very low in parking citation fees compared to other municipalities. It was also discovered that the annual Alarm Permit fee has apparently not been raised in over 20 years.

Below is a table for the current fees charged by the New Richmond Police Department.

Fee Schedule for the New Richmond Police Department

Description	Current Fee	Proposed Fee
Fingerprints per card	\$6.00	\$ 6.00
Civil Process per person	\$30.00	\$ 30.00
Preliminary Breath Test (PBT)	\$10.00	\$10.00
Parking citation*	\$10.00	\$20.00
Parking in Handicap spot	\$50.00	\$50.00
Bicycle Registration for bike/life	\$2.00	\$2.00
Open records	Per statute	

Copy service black and white	\$.25/page side	\$.25/page side
Copy service Color page	\$.30/page side	\$.30/page side
copy of DVD/Disk	\$3.00	\$3.00
photographs	\$1.50/picture	\$1.50/picture

*Alarm Police Response*

Alarm registration**	\$10.00/year	\$15.00 /year
Third Violation	\$75.00	\$75.00
Fourth Violation	\$100.00	\$100.00
Fifth Violation	\$150.00	\$150.00
Sixth Violation	\$200.00	\$200.00
Seventh Violation and subsequent	\$250.00	\$250.00

*Alarm Police and Fire response*

Third violation	\$150.00	\$150.00
Fourth Violation	\$200.00	\$200.00
Fifth Violation	\$250.00	\$250.00
Sixth violation and subsequent	\$300.00	\$300.00

\*Currently If a citation is not paid within five days, the first notice parking penalty = \$30, If not paid within seven more days the second notice penalty = \$20, If not paid within seven more days a suspension request is sent to the state with the total fine amount increasing to \$100.

\*\* There are approximately 115 alarm permits in the City of New Richmond

Alarm violations to date in 2016: There were 29, first violation notices sent out with no charge. There were 11 second violations sent out with no charge. There were three, third violation notices sent out with a \$75.00 fee. There are no fourth and subsequent violations.

**Staff Recommendation:**

It is the recommendation of staff that by proposal the City adopt the above proposed fee schedule which includes a \$5 per year fee increase for alarm permits from \$10 to \$15 per year with no increase in false alarm fees.

It is also recommended that the council approve an increase in the general parking citation fine amount to increase from \$10 per violation to \$20 per violation and increase the time to pay from 5 days to 10 days with the first, second and third notice penalties to remain the same.

No 29487

Location \_\_\_\_\_

License \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Officer No. \_\_\_\_\_

- 1.  2 HOUR PARKING .....\$10.00
- 2.  OVERNIGHT .....\$10.00
- 3.  2 A.M. TO 6 A.M. ....\$10.00
- 4.  BLOCKING DRIVEWAY .....\$10.00
- 5.  LOADING ZONE .....\$10.00
- 6.  YELLOW LINE .....\$10.00
- 7.  CROSSWALK .....\$10.00
- 8.  FIRE HYDRANT .....\$10.00
- 9.  IMPROPER PARKING .....\$10.00
- 10.  OTHER PROHIBITED PARKING .....\$10.00
- 11.  OFFICIAL SIGN .....\$10.00
- 12.  BACKED INTO STALL .....\$10.00
- 13.  LEFT WHEELS TO CURB .....\$10.00
- 14.  HANDICAPPED PARKING .....\$50.00

**YOU ARE CHARGED WITH VIOLATION MARKED ABOVE.**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**NEW RICHMOND POLICE DEPARTMENT**  
1443 CAMPUS DRIVE 715-246-6667  
NEW RICHMOND, WI 54017

**New Richmond Police Department**  
1443 Campus Drive  
New Richmond, Wisconsin 54017

**NOTICE OF DELINQUENT CITATIONS**  
**SECOND NOTICE**

OCT 7, 2016



NEW RICHMOND WI 54017

**PARKING VIOLATIONS COLLECTIONS OFFICE FOR THE CITY OF NEW RICHMOND**  
Our records indicate that the parking violations listed below have been issued against the operator of the vehicle registered in your name:

License Number	Year	Ticket Number	Date Issued	Violation	Amount
580EEJ	2016	29713	9/06/16	2A.M. TO 6 A.M.	\$10.00
Amount Due					\$10.00
First Notice Penalty					\$30.00
Second Penalty Notice					\$20.00
Grand Total Due					\$60.00

To assure proper credit, return this notice with payment. You may either forward your check, payable to the New Richmond Police Department, 1443 Campus Drive, New Richmond, WI 54017, or personally pay the fine at the New Richmond Police Department, 1443 Campus Drive, New Richmond, WI. If you wish to contest this parking citation, call the New Richmond Municipal Court 715-243-0410 during the hours of 8 am to 4:30 pm Monday through Friday, except holidays, to arrange a court appearance date.

**THE GRAND TOTAL MUST BE PAID WITHIN SEVEN DAYS OF THE DATE OF THIS NOTICE OR THIS VIOLATION WILL BE SUBMITTED TO WISCONSIN DEPARTMENT OF TRANSPORTATION FOR SUSPENSION OF YOUR VEHICLE REGISTRATION. ADDITIONAL FEES ASSOCIATED WITH THE SUSPENSION WILL BE ASSESSED TO YOU.**

ORDINANCE #

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:

The following section be repealed and recreated as follows:

**Sec. 6-29 Application for License.**

(e) **License Quotas.** Retail intoxicating liquor and fermented malt beverage licenses issued by the Common Council shall be limited in number to the quota prescribed by state law. Class "A" and "Class A" licenses issued by the Common Council shall be limited in number to a quota set by the Common Council. The City's Class "A" license quota shall be \_\_\_\_\_ licenses and the "Class A" license quota shall be \_\_\_\_\_ licenses. However, these quotas are limited to a total of \_\_\_\_\_ different premises. Once Class "A" or "Class A" licenses have been issued to \_\_\_\_\_ different premises the quota will have been met and no additional licenses shall be issued, even if there are not \_\_\_\_\_ Class "A" licenses and \_\_\_\_\_ "Class A" licenses issued.

Passed and approved:

Published and effective:

\_\_\_\_\_  
Fred Horne, Mayor

ATTEST:

\_\_\_\_\_  
Tanya Batchelor, City Clerk



156 East First Street  
 New Richmond, WI 54017  
 Ph 715-246-4268 Fax 715-246-7129  
 www.newrichmondwi.gov

**All new information is updated in RED.**

**TO:** Mayor and City Council

**FROM:** Beth Thompson, Community Development Director

**DATE:** **October 26, 2016**

**RE:** Class A Beer & Liquor License Quota

**Background**

City staff has been doing research into Class A Beer and Liquor licenses in the City and surrounding areas. The City currently has a quota of four licenses and all are issued. Over the past couple of years, we have had a number of requests for both Class A Beer and Class A Liquor and we have had to turn them down. Just recently, Aldi has made a request for these types of licenses. With that in mind staff has compiled information regarding our current City Ordinances pertaining to Class A Beer and Liquor licenses and we show a comparison from other Cities/Villages surrounding New Richmond.

<u>City / Village</u>	<u>Population</u>	<u>Number of Licenses</u>	<u>Total Licenses 2016</u>	<u>License Fees</u>
New Richmond	8,715	Limited to 4 licenses	4	\$600
Hudson	13,400	1 per 2,500 population (6 licenses)	6	\$550
River Falls	15,209	Unlimited licenses	7	\$600
Rice Lake	8,400	Unlimited licenses	4	\$600
Menomonie	16,264	Limited to 15 beer and 6 liquor	15 beer 6 liquor	\$200 beer \$500 liquor
Amery	2,856	Unlimited licenses	4	\$600
Somerset	2,635	1 per 500 in population (5 licenses)	6	\$475
Baldwin	3,957	Unlimited licenses	<b>7</b>	\$500

Staff has highlighted pertinent ordinance information for the City Council's review.

### City Ordinance:

#### *Sec. 6-27. - License classes.*

*Class "A"* and *"Class A"* license restrictions. It is the intent of the Common Council and purpose of this provision to provide for a high level of supervision and security in the storage and retail sale of intoxicating beverages under a *Class "A"* fermented malt beverage license and/or a *"Class A"* intoxicating liquor license. The purposes include, but are not limited by enumeration, to restrict access of minors, prevent shoplifting, and provide for only licensed clerks or those directly under the supervision of the licensee, to supervise checkout areas so that proper identification and age of purchaser is made by sales clerks.

(1) In addition to other applicable requirements, no *"Class A"* retail intoxicating liquor license nor any *Class "A"* retail fermented malt beverage license shall be issued when the licensee operates other retail businesses open to the public (such as grocery stores or convenience stores) unless the following requirements are met:

a. Retail sales are contained in a separate secure portion of the facility which has a separate public access door to the outside of the building.

b. Separate checkout facilities are used in the area specified in Subsection (1) above.

c. Only properly licensed salespeople are operating sales and checkouts.

d. The licensed premises shall be restricted to the area of storage and the area where the intoxicating liquor is displayed for sale.

e. Storage of intoxicating liquor/fermented malt beverages shall be in a separate, secured portion of the business and shall not be accessible to the public. Such storage must be in a locked, secured area and be accessible only by the licensee or under the licensee's supervision. Access by underage individuals to this secured storage area is prohibited.

f. Advertising of alcoholic beverages shall only be allowed in the nonsecured portion of the business, under the following conditions:

1. Weekly newspaper ad with liquor/beer/wine ad included can be posted in-store in one location at the front of the business and/or these can be available to customers.

2. In-store hand bill with liquor/beer/wine ad may be available for customer pickup at courtesy counter area only.

g. The *"Class A"* license holder must file, with the City of New Richmond, a formally documented procedure that includes a discipline procedure for employees that unlawfully sell intoxicating liquors or fermented malt beverages to underage persons. This policy shall be part of the application and taken into consideration by the Council in determining whether or not to grant a *"Class A"* intoxicating liquor license or *Class "A"* fermented malt beverage license.

h. During all hours that the premises are open for sale, there shall be a duly licensed operator on the licensed premises.

i. Entrances. There shall be no entrances or access between the licensed premises and any other retail businesses open to the public. The entrance described in Subsection (1) above shall be the only public access to the licensed premises.

j. Video system required. Businesses that have been issued either a *Class "A"* fermented malt beverage or *"Class A"* intoxicating liquor license shall be required to install, operate and maintain a digital recording system, capable of digitally recording the sales area involved in the sale of fermented malt beverage and intoxicating liquor. The recording system must cover the area of the checkout, to include the facial area of the individual purchasing the beverage.

(Code 1994, § 7-2-4(a), (b), (e), (f), (i) ; Ord. No. 365, 3-19-2007)

State Law reference— License classifications, Wis. Stats. §§ 125.25, 125.26, 125.51.

#### *Sec. 6-28. - License fees.*

The fees to be paid to the City for alcohol liquor licenses shall be as established by resolution.

(Code 1994, § 7-2-5(a))

State Law reference— Alcohol liquor license fees, Wis. Stats. §§ 125.25(4), 125.26(4), 125.51(2)(d), 125.51(2)(3m)(e).

#### *Sec. 6-29. - Application for license.*

(c) Publication. The City Clerk-Treasurer shall publish each application for a *Class "A"*, *Class "B"*, *"Class B"*, or *"Class C"* license. There is no publication requirement for temporary *Class "B"* picnic beer licenses under Wis. Stats. § 126.26, or temporary *"Class B"* picnic wine license under Wis. Stats. § 125.51(10). The application shall be published once in the official City newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Wis. Stats. § 985.08.

(e) License quotas. Retail intoxicating liquor and fermented malt beverage licenses issued by the Common Council shall be limited in number to the quota prescribed by state law. *Class "A"* and *"Class A"* licenses issued by the Common Council shall be limited in number

to a quota set by the Common Council. The City's Class "A" license quota shall be four licenses and the "Class A" license quota shall be four licenses. However, these quotas are limited to a total of four different premises. Once Class "A" or "Class A" licenses have been issued to four different premises the quota will have been met and no additional licenses shall be issued, even if there are not four Class "A" licenses and four "Class A" licenses issued.  
(Code 1994, § 7-2-6(e); Ord. No. 365, 3-19-2007)

## Recommendation

City Staff recommends increasing the number of licenses we allow per the following reasons:

1. Very low number of licenses vs our population.
2. Requests from current and possibly future businesses.
3. The City's Pro-Business philosophy.

Possible options for increasing the number of licenses:

1. For every 50 businesses in New Richmond we offer 1 license; which equates to 7 licenses.
2. For every 1,000 in population we offer 1 license; which equates to 8 licenses.
3. For every 750 in population we offer 1 license; which equates to 11 licenses.
4. For every 500 in population (such as Somerset) we offer 1 license; which equates to 17 licenses.
5. Unlimited number of licenses. If you look at River Falls and Rice Lake they have unlimited licenses but River Falls only currently has 7 and Rice Lake only has 4. Just because the City opens up the licenses does not mean every business will want this type of license.

### Requested as of October 24<sup>th</sup> City Council Meeting

**Research included stipulations for municipalities with "unlimited licenses". As I was researching this information, most of the additional requirements for these communities are the same as our current requirements, other than the number of licenses allowed.**

### **River Falls (these ordinances were sent by the River Falls City Clerk):**

#### **5.08.047 - Analysis of license applications; criteria for approval.**

A. Each application for a license submitted containing the information required under Sections 5.08.040 and 5.08.045 shall be considered upon the basis of the following criteria, it being the further position of the city that such analysis is warranted so as to assist in protecting and promoting the health, safety and welfare of the citizens of River Falls. In addition, and in accord with Wisconsin law, obtaining a license is deemed to be a privilege and the control of the sale of alcohol beverages is deserving of special regulation, thus occasioning the ability of the common council to review information submitted in accord with the following criteria in determining whether or not to issue a new license. *Scott v. Village of Kewaskum*, 786 F.2d 338 (7<sup>th</sup> Cir., 1986). Accordingly, the common council is advised in the premises that no person who applies for a license is automatically entitled to be approved for licensure and that even a nominally qualified applicant does not have the right to a license. *Marquette Sav. and Loan Assoc. V. Village of Twin Lakes*, 38 Wis.2d 310 (1968). The common council also reserves the right to modify the designation of proposed

licensed premises where it deems it to be in the interests of the public health, safety and welfare.

B. A personal appearance by the agent listed on the application for both new and renewal licenses is required before the common council at the regular meeting that the application is being considered. Failure of the agent to appear will result in the delay of consideration of the application until the next regular meeting of the common council that a personal appearance can occur.

C. In the course of its review of applications for both new and renewal licenses, the city shall take into consideration these criteria:

1. The applicant's application materials submitted under Sections 5.08.040 and 5.08.045.
2. Consistency between the proposed use of the described premises for the sale of alcohol beverages with existing zoning and other police power regulations of the city.
3. Concerns of the city pertaining to issues of operating motor vehicles while intoxicated or incapacitated by the consumption of alcohol beverages.
4. Neighborhood circumstances, including, but not limited to:
  - a. The location in close proximity to the proposed licensed premises of other licensed premises.
  - b. The relative concentration of other licensed premises in the immediate vicinity of the premises proposed for licensing.
  - c. Considerations of community concerns in relationship to the licensure of additional premises for the sale of alcohol beverages, either locally or on a city-wide basis.
5. An examination of the history of the proposed licensed premises as pertaining to its prior use for or in relationship to the sale of alcohol beverages and incidences of police and other emergency calls to said premises, if previously licensed in the name of another person.
6. Consideration of the types of business enterprises which may have use for a license and which the common council desires to attract to the city, given the limited number of available licenses and the relationship of the proposed licensee to said type of enterprise.
7. The impact of the granting of the license upon other licensed premises within a reasonable proximity of the proposed licensed premises.
8. The impact of the proposed licensed premises upon vehicular and pedestrian traffic patterns and frequency.
9. The impact of the operation of the licensed premises upon the peace and cleanliness of the neighborhood in which it is situated.
10. Availability of adequate on- or off-street parking to serve the needs of its projected customers.

11. The proximity of the proposed licensed premises to residentially zoned properties, and existing schools, hospitals and places of worship.
12. The ability of the police department to enforce city code and state laws as pertaining to the operation of the proposed premises given the nature of the proposed alcohol related business and demands for its services, generally, in the city at the time of proposed licensure.
13. Examination of the personal history of the person applying for the license as said history pertains to eligibility for licensure.
14. Fire and safety issues as pertaining to the proposed licensed premises.
15. Such other and further criteria as will in the opinion of the common council on a case by case basis advance and promote the public interest in its health, safety and welfare in the process of determining whether or not to issue a given license.
16. The provisions of Ch. 125, Wis. Stats., as well as provisions of Chapter 5.08 and other ordinances of the city.

(Ord. No. 2008-08, § 2, 4-22-08; Ord. No. 2015-04, § 1, 10-13-2015)

- **5.08.050 - License restrictions.**

- A. **Statutory Requirements.** Licenses shall be issued only to persons eligible therefor under Ch. 125, Wis. Stats.; and Section 5.08.140(F) of this chapter.
- B. **Location.**
  1. No retail Class "A" or "B" fermented malt beverage license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises.
  2. This subsection shall not apply to premises licensed as such on June 30, 1974, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.
- C. **Health and Sanitation Requirements.** No retail Class B or Class C license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the city.
- D. **License Quota.** The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Section 125.51, Wis. Stats.
- E. **Corporations.** No corporation organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of Section 125.04(6), Wis. Stats.

- F. Age Requirement. No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of eighteen (18).
- G. Effect of Revocation of License. Whenever any license has been revoked, twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.
- H. Delinquent Taxes, Assessments and Claims. No license shall be granted for any premises for which taxes, assessments or other claims of the city are delinquent and unpaid, or to any person delinquent in payment of such claims to the city.
- I. Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.

**Amery:**

When speaking with the Clerk for the City of Amery she stated they do not put on any additional restrictions per their ordinance – they follow the State Statutes regarding Class A licenses.

**Rice Lake (These ordinances were downloaded from the City of Rice Lake per their City Clerk):**  
**§ 145-7 License requirements and quotas. [1]**

**A.** Licenses related to alcohol beverages may be issued to individuals, all partners (including limited partners) of partnerships and the officers, directors and agents of corporations and nonprofit organizations, provided that they meet the qualifications as stated in W.S.A. s. 125.04(5) and (6).

**B.** Violators of liquor or beer laws or ordinances. No license related to alcohol beverages shall be issued to any person who has been convicted of a violation of any federal or state liquor or beer law or the provisions of this article during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

**C.** Separate licenses required. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication with each other where alcohol beverages are kept, sold or offered for sale.

**D.** License quotas.

**(1)** The "Class B" liquor license quota for the city shall be as provided in W.S.A. s. 125.51(4).

**(2)** The City Council may issue any number of Class "B" beer licenses to be in force at the same time.

**(3)** The City Council may issue any number of "Class A" liquor licenses to be in force at the same time.

**(4)** The City Council may issue any number of Class "A" beer licenses to be in force at the same time.

**(5)** The City Council may issue any number of wholesaler's licenses to be in force at the same time.

**§ 145-9 Approval of application.**

A. In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed and generally the applicant's fitness for the trust to be reposed.

B. No license shall be granted for operation on any premises or with any equipment which has taxes or assessments or other financial claims of the city that are delinquent and unpaid.

C. No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code and the regulations of the State Board of Health and City Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the city.

**§ 145-14 Conditions of license.**

All licenses related to alcohol beverages granted hereunder shall be granted subject to the following conditions and all other conditions of this article and subject to all other ordinances and regulations of the city applicable thereto:

A. Consent to entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the city at all reasonable hours for the purpose of inspection and search and consents to the removal from said premises of all things and articles there had in violation of city ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

B. Employment of minors. Minors 14 years of age and older may be employed where alcohol beverages are stored, sold or served if they are not serving, selling, dispensing or giving away alcohol beverages, except as restricted in W.S.A. s. 103.78. This applies to all places licensed to sell alcohol beverages. Minors so employed must always be under the immediate supervision of the licensee, an adult member of the licensee's immediate family or a person with an operator's license.

C. Disorderly conduct prohibited. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

D. Licensed operator on premises. There shall be upon premises operated under a "Class B" liquor, Class "B" beer or "Class C" wine license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters or in any other manner serving alcohol beverages to customers.

E. Health and sanitation requirements. No alcohol beverage license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Job Development pertaining to buildings and plumbing, to

the rules and regulations of the State Department of Health and Family Services applicable to restaurants and to all such ordinances and regulations adopted by the city.

**F.** Restrictions near schools and churches. No liquor license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1974, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

**G.** Delinquent taxes, assessments and claims. No alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the city are delinquent and unpaid or to any person delinquent in payment of such claims to the city.

**H.** Issuance for sales in dwellings prohibited. No alcohol beverage license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

**I.** Violations by agents and employees. A violation of this article by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

**J.** Premises requirements. Class "A" beer and Class "A" liquor licenses shall only be issued for premises that consist of separate solid walls, without connecting or shared entrances or access to other building areas conducting nonrelated retail sales.

**Baldwin (information received from the Baldwin Village Clerk):**

**§ 349-6 Application for license.**

**A.** Contents. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats., and shall be filed with the Village Clerk-Treasurer not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

**B.** Corporations. Such application shall be filed and sworn to by the applicant if an individual or by the president and secretary if a corporation.

**C.** Publication. The Village Clerk-Treasurer shall publish each application for a Class "A," Class "B," "Class A," "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under § 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under § 125.51(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under § 985.08, Wis. Stats.

**D.** Amending application. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within 10 days after the occurrence thereof.

**E.** Quota. License quotas shall be as established in Ch. 125, Wis. Stats.

**§ 349-7 Qualifications of applicants and premises.**

**A.** Residency requirements. A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least 90 days prior to the date of the application.

**B.** Applicant to have malt beverage license. No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.

**C.** Right to premises. No applicant will be considered unless he/she has the right to possession of the premises described in the application for the license period, by lease or by deed.

**D.** Age of applicant. Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age, except that an operator's license may be issued to a person 18 years of age or older pursuant to §§ 125.04(5)(d)2 and 125.17, Wis. Stats.[1]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**E.** Corporate restrictions.

**(1)** No license or permit may be issued to any corporation unless the corporation meets the qualifications under § 125.04(5)(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under § 125.04(6), Wis. Stats., and the officers and directors of the corporation meet the qualifications of § 125.04(5)(a)1 and 3 and (b), Wis. Stats., and unless the agent of the corporation appointed under § 125.04(6), Wis. Stats., meets the qualifications under § 125.04(5)(a)2 and 5, Wis. Stats. The requirement that the corporation meet the qualifications under § 125.04(5)(a)1 and (b), Wis. Stats., does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

**(2)** Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk-Treasurer a statement of transfers of stock within 48 hours after such transfer of stock.

**(3)** Any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this article or under the state law.

**F.** Sales tax qualification. All applicants for retail licenses shall provide proof, as required by § 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

**G.** Connecting premises. Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

**§ 349-8 Investigation.**

The Village Clerk-Treasurer shall notify Village law enforcement officers, the Fire Inspector and Building Inspector (and, as appropriate, other pertinent law enforcement agencies) of each new

application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Clerk-Treasurer in writing, who shall forward to the Village Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.

**§ 349-9 Approval of application.**

**A.** No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.

**B.** No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Department of Health Services applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the Village.<sup>[1]</sup>

<sup>[1]</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**C.** Consideration for the granting or denial of a license will be based on:

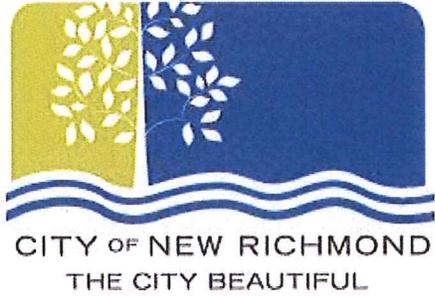
**(1)** Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322, and 111.335, Wis. Stats.;

**(2)** The financial responsibility of the applicant;

**(3)** The appropriateness of the location and the premises where the licensed business is to be conducted; and

**(4)** Generally, the applicant's fitness for the trust to be reposed.

**D.** An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.



156 East First Street  
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**TO: Mayor and City Council**

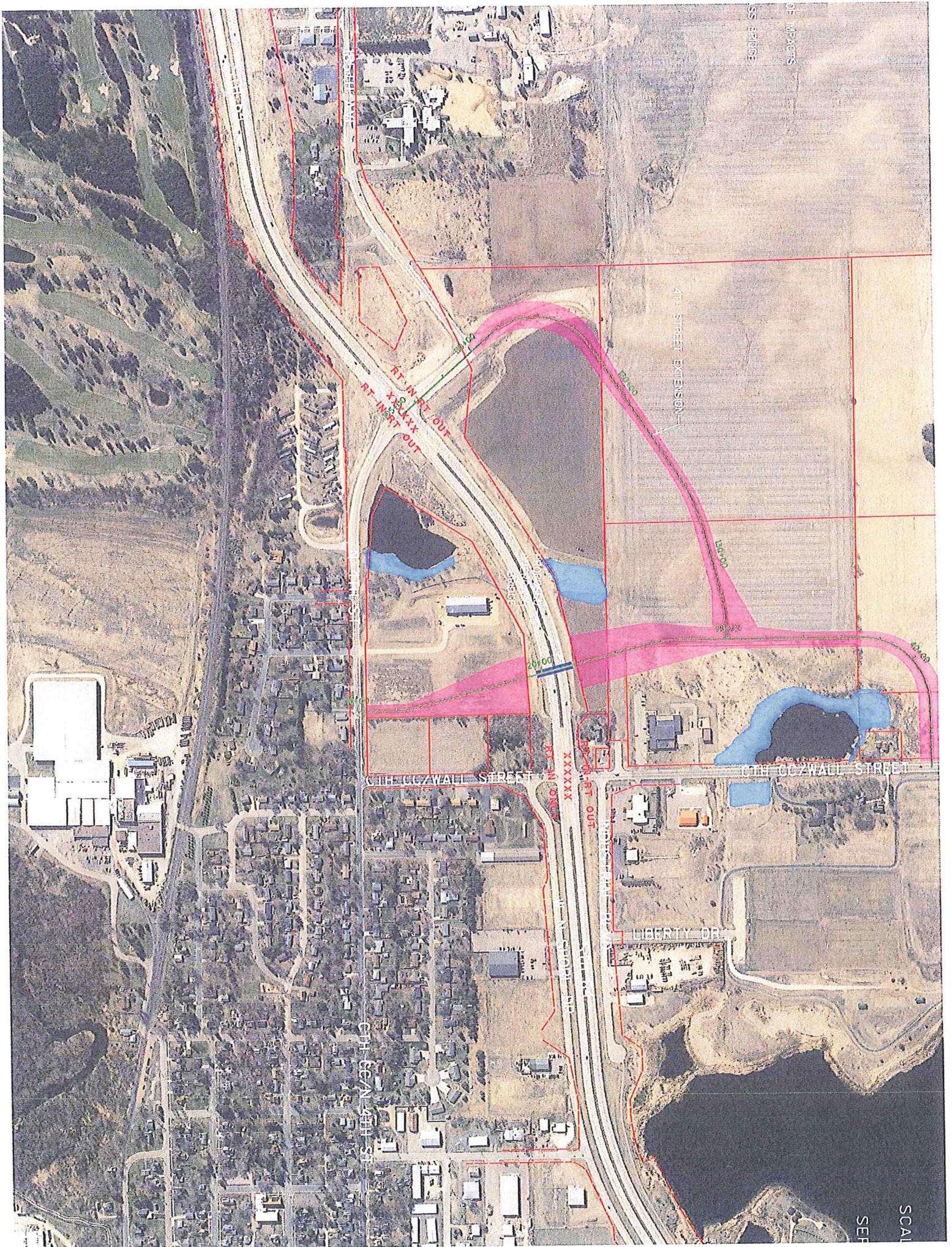
**FROM: Jeremiah Wendt, Public Works Director**

**DATE: November 11, 2016**

**RE: Amendment of Official Map**

**Background**

City Staff and DOT have been working together, in cooperation with property owners in the STH 64 corridor over the last two years to modify and refine the DOT's planned future "Jug Handle" intersection at STH 64 and N 4<sup>th</sup> Street/Wall Street. City staff and DOT presented the proposed Jug Handle Concept to the Plan Commission at their meeting on September 6, 2016, and at the Public Hearing on October 4, 2016. The Plan Commission recommends amending the City's Official Right-of-Way Map as shown in the attached figure.



OF IMPACTS  
SS BRIDGE

4TH STREET EXTENSION

RT IN/RT OUT  
XXXXXX  
RT IN/RT OUT

THE COZYWALL STREET

THE COZYWALL STREET

LIBERTY DR

CH CC/N 4TH ST

SCALE  
SEPT



3601 Thurston Avenue N, Suite 100  
Anoka, MN 55303  
Phone: 763.231.5840  
Facsimile: 763.427.0520  
TPC@PlanningCo.com

## MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 28 September 2016

RE: New Richmond – Zoning Ordinance; Sign Regulation Update

TPC FILE: 164.01

### BACKGROUND

The Plan Commission held a public hearing on 23 August 2016 to consider comprehensive revision of Section 121-44 regulating signs. There was no public comment hearing and the public hearing was closed. The Plan Commission discussed the provisions of Section 121-D.8 of the draft Zoning Ordinance amendment regarding the allowed duration of temporary signs. Action on the draft amendment was tabled to allow City staff to provide alternative language.

#### Exhibits:

- A. Draft Zoning Ordinance amendment

### ANALYSIS

Members of the Planning Commission were concerned that the limit of 60 days for display of a temporary sign in Section 121-44.D.8(b) of the draft Zoning Ordinance may be too limiting, citing one business adjacent to TH 64 that has continuously displayed such a sign.

City staff reviewed the issue and determined that this business would be allowed a secondary free standing sign as provided for by Section 121.44.D.6 of the draft Zoning Ordinance as the property abuts WIDoT right-of-way for Highway 64 without direct access. The second sign may be up to 64 square feet in area and 16 feet in height, which is larger and taller than the

temporary sign allowed by Section 121-44.D.8 of the draft Zoning Ordinance. The entire area of the secondary sign may be constructed as manual or electronic changeable copy.

City staff reviewed these sign provisions with the owners of Farm & Home. The business owner was agreeable to the proposed sign ordinance as written allowing them a second freestanding sign while limiting use of a temporary free standing sign to 60 days.

### **RECOMMENDATION**

Our office and City staff recommends the Plan Commission approve the draft sign regulations as presented.

### **POSSIBLE ACTIONS**

- A. Motion to **recommend City Council approval** of an ordinance amending the City Code and Zoning Ordinance regulating signs in the form presented.
  
- B. Motion to **table**.
  
  
- c. Mike Darrow, City Administrator  
Nick Vivian, City Attorney  
Noah Wiedenfield, Management Analyst  
Sarah Skinner, Building Inspector  
Tanya Reigel, City Clerk

**SUMMARY OF ORDINANCE #\_\_**

**THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 46 of the City Code (Licenses, Permits and Miscellaneous Business Regulations) is hereby amended to add provisions related to Dynamic Display Signs.

ARTICLE VIII - DYNAMIC DISPLAY SIGNS

- Sec. 170-1: -Purpose
- Sec. 170-2: -Definitions
- Sec. 170-3: -License Required
- Sec. 170-4: -Issuance of License
- Sec. 170-5: -License Expiration and Renewal
- Sec. 170-6: -Administration
- Sec. 170-7: -Performance Standards
- Sec. 170-8: -Severability

**Section 2.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to repeal the following sign related definitions:

- Area of Copy
- Area of Sign
- Business Identification Sign
- Construction Sign
- Directional Sign
- Gross Area
- Height of Sign
- Real Estate Sign
- Time and Temperature Sign

**Section 3.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to add the following sign related definitions:

- Balloon Sign
- Dynamic Display
- Flag
- Freestanding Sign
- Motion Sign
- Off Premises Sign
- Pylon Sign

Shimmering Sign

**Section 4.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to revise the following sign related definitions:

Banner  
Flashing Sign  
Ground Sign  
Portable Sign  
Projecting Sign  
Roof Sign

**Section 5.** Section 121-44 of the City Code (Sign Regulations) is hereby repealed in its entirety and amended to read as follows:

- A. Findings, Purpose, and Interpretation
- B. General Provisions
- C. Sign Standards By District
- D. Special Signs
- E. Permit Required
- F. Signs Not Requiring a Permit
- G. Non-Conforming Signs
- H. Prohibited Signs

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:  
Published and effective:

**CITY OF NEW RICHMOND**

By: \_\_\_\_\_  
Fred Horne, Mayor

ATTEST: \_\_\_\_\_  
Tanya Batchelor, City Clerk

This Ordinance is published in summary form and complete copies are available for inspection by contacting the City Clerk

**ORDINANCE #\_\_**

**THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 46 of the City Code (Licenses, Permits and Miscellaneous Business Regulations) is hereby amended to add the following provisions:

**ARTICLE VIII - DYNAMIC DISPLAY SIGNS**

**Sec. 170-1: -Purpose.**

- (a) The City has established the fundamental basis for the regulation of signs generally in Section 121-44 of the City Code.
- (b) The City finds that dynamic display signs are highly visible from long distances and at very wide viewing angles both day and night and are designed to attract the attention of persons in their vicinity and hold it for extended periods of time and that if the operation of such signs is not regulated, there is potential for significant harm to public health, safety and welfare.
- (c) It is not the purpose or intent of this Article to regulate the message displayed on any dynamic sign but to:
  - (1) Allow for operation of dynamic signs in compliance with the standards set forth in this Article to lessen the impact of such signs on the environment and the public health, safety and welfare.
  - (2) Provide for the administration and enforcement of provisions regulating the operation of dynamic display signs as set forth in this Chapter.

**Sec. 170-2: -Definitions:** The following words and terms, wherever they occur in this Article, shall be interpreted as herein defined:

**APPLICANT:** The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Chapter are being considered or reviewed.

CHANGEABLE MESSAGE SIGN, ELECTRONIC: A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs.

DYNAMIC DISPLAY: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure or any other component of the sign. This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays.

ELECTRONIC GRAPHIC DISPLAY SIGN: A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

ILLUMINATED SIGN: Any sign which contains an element designed to emanate artificial light internally or externally.

MULTIVISION SIGN: Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two (2) or more images.

OFFICIAL SIGN: Signs protecting the safety of pedestrians, drivers, and passengers, including, safety signs, traffic signs, direction to public facilities for the health, welfare, and safety.

SIGN: Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

VIDEO DISPLAY SIGN: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

ZONING ADMINISTRATOR: The person designated by the City Administrator to be the Zoning Administrator for the City of New Richmond.

**Sec. 170-3: -License Required:** Display or operation of a dynamic display sign within the City of New Richmond shall require approval of a valid license issued by the City pursuant to this Article.

**Sec. 170-4: -Issuance of License:**

- (a) Application. An application for a license must be submitted by the property owner or their authorized agent on a form provided by the Zoning Administrator.
- (b) Fees. The applicant shall pay the license fee as adopted by the City Council by resolution for the application to be accepted.
- (c) Required Information. The application shall include all of the following information unless specifically exempted by the Zoning Administrator:
  - (1) Names and addresses of the sign contractor and owners of the sign and lot.
  - (2) Written consent of the owner or lessee of any site on which the sign is to be erected.
  - (3) The address at which any signs are to be erected.
  - (4) The lot, block and addition at which the signs are to be erected and the street on which they are to front.
  - (5) Type and size of sign and type of dynamic display.
  - (6) The specifications of the signs related to illumination and brightness.
  - (7) Specifications for controls needed to regulate the display both for normal operation and in the event of a malfunction.
  - (8) Any electrical permit required and issued for the sign.
  - (9) Any and all other information as may be requested by the Zoning Administrator to determine compliance with this Article.
- (d) Zoning Administrator Review:
  - (1) The Zoning Administrator shall approve or deny an application for a license within forty (45) days of a complete application being submitted.

(2) The Zoning Administrator shall issue a license as provided for by this Article or shall state in writing the reasons for an application for a license having been denied. The applicant may resubmit an application for a license in accordance with the procedures in this Section or, within ten (10) days of the Zoning Administrator's decision, submit an appeal in accordance with Section 170-6(e) of this Article.

(e) Transferability: Licenses are issued to the applicant only and for one (1) location, and such licenses are nontransferable between property owners, tenants, or locations.

**Sec. 170-5: -License Expiration and Renewal.**

(a) Licenses shall not expire except due to a change in property owners, sign owners, tenants, location, or removal of the dynamic display sign.

(b) A license that will expire under the provisions of this subsection may be renewed only by making application as provided in Section Sec. 170-4 of this Article.

**Sec. 170-6: -Administration.**

(a) This Article shall be administered by the Zoning Administrator.

(b) Inspections.

(1) Any licensee shall, at all times during the term of the license, allow the Zoning Administrator to enter the premises for the purpose of verifying compliance with the requirements of this Article.

(2) The licensee shall provide certification as to compliance with Section 170-7(b) of this Article to the City upon request by the Zoning Administrator.

(c) Suspension. The Zoning Administrator may suspend a license for a period not to exceed thirty (30) days following written notice and an opportunity to be heard if the Zoning Administrator determines that a licensee has violated or is not in compliance with this Chapter.

(d) Revocation:

(1) The Zoning Administrator shall issue a written statement of intent to revoke a license if a cause of suspension in Section 170-6(d)(2) of this Article occurs.

(2) The Zoning Administrator may initiate action to revoke a license if the Zoning Administrator determines that:

i. The license has been suspended two (2) times within the preceding twelve (12) months.

ii. A licensee has knowingly operated an electronic sign during a period of time when the licensee's license was suspended.

iii. A licensee is delinquent in payment to the City for ad valorem taxes or other taxes or fees related to business.

(e) Appeals:

(1) Process:

i. Within ten (10) days of receipt of such notice of an application being denied, suspension, or intent to revoke, the applicant or licensee may provide to the Zoning Administrator, in writing, a response that shall include a statement of reasons why the license should not be suspended or revoked.

ii. Within three (3) days of the receipt of licensee's written response, the Zoning Administrator shall notify the respondent in writing of the hearing date on the application denial or the license suspension or revocation proceeding.

- iii. Within forty-five (45) working days of the receipt of applicant or license's written response, the City Council shall conduct a hearing on licensee's appeal of the Zoning Administrator's decision.
  - iv. Hearings on the appeal shall be open to the public and the applicant or licensee shall have the right to appear and be represented by legal counsel and to offer evidence in its behalf.
- (2) City Council Action. At the conclusion of the hearing, the City Council shall make a final decision.
- i. If a response is not received by the City in the time stated or, if after the hearing, the City Council finds that grounds as specified in this Article exist for denial, suspension, or revocation, then such denial, suspension or revocation shall become final three (3) days after the City sends written notice that the license has been denied, suspended, or revoked; such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.
  - ii. If the City Council finds that no grounds exist for denial, suspension, or revocation of a license, then within three (3) days after the hearing, the Zoning Administrator shall withdraw the intent to suspend or revoke the license, and shall so notify the licensee in writing of such action.

**Sec. 170-7: -Performance Standards:**

- (a) Allowed Signs: Only those dynamic display signs defined and identified herein shall be allowed to be operated within the City in accordance with this Article and the Zoning Ordinance:
- (1) Electronic changeable copy signs.
  - (2) Electronic graphic display signs.

- (b) The operation of a dynamic display sign allowed by this Article shall conform to the following requirements:
- (1) The display shall change display not more often than once every ten (10) seconds.
  - (2) The display sign shall not include scrolling, flashing, animation, or other effects.
  - (3) The display must be static and the transition from one static display to another must be instantaneous without any special effects.
  - (4) The display must be complete in themselves, without continuation in content to the next image or message.
  - (5) Brightness:
    - i. The brightness of the sign shall not exceed five thousand (5,000) NITS after sunrise and before sunset or five hundred (500) NITS after sunset and before sunrise each day.
    - ii. The sign shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with the requirements of this subsection.
  - (6) Malfunctions:
    - i. The display must be designed and equipped to freeze the device in one position if a malfunction of the electronic display occurs.
    - ii. The display must be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the electronic display when notified by the City that it is not complying with the stipulations of this section.
  - (7) The sign shall comply with Section 121-44 of the Zoning Ordinance.

**Sec. 170-8: -Severability.** If any section, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article and each subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 2.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to repeal the following sign related definitions:

Area of Copy.

Area of Sign.

Business Identification Sign.

Construction Sign.

Directional Sign.

Gross Area.

Height of Sign.

Real Estate Sign.

Time and Temperature Sign.

**Section 3.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to add the following sign related definitions:

Balloon Sign: A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air.

Dynamic Display: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure or any other component of the sign.

This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays.

Freestanding Sign: Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Motion Sign: Any sign which revolves, rotates, swings, has moving parts, or gives illusion of motion.

Off Premises Sign: A sign that directs the attention of the public to a use, activity, or goods at a location not on the same lot where such sign is located, including easements and other appurtenances that shall be considered to be outside of such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off premises sign for the purposes of this Ordinance.

Pylon Sign: A freestanding sign mounted on top of a single post.

Shimmering Sign: A sign which reflects an oscillating sometimes distorted visual image.

**Section 4.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to revise the following sign related definitions:

Banner: Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

Flag: A usually rectangular piece of cloth, paper or other fabric of distinctive design that is used

as a symbol (as of a nation, state, or organization) or as a decoration.

Flashing Sign: A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

Ground Sign. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

Portable Sign: A sign so designed as to be temporary and movable from one location to another and which is not permanently attached to the ground, sales display device or structure.

Projecting Sign: A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.

Roof Sign: A sign erected, constructed or attached wholly or in part upon or over the roof of a building.

**Section 5.** Section 121-44 of the City Code (Sign Regulations) is hereby repealed in its entirety and amended to read as follows:

**Sec. 121-44: -Sign Regulations**

A. Findings, Purpose, and Interpretation:

1. Findings: The City finds:

- (a) Exterior signs have a substantial impact on the character and quality of the environment.
- (b) Signs provide an important medium through which individuals may convey a variety of messages.
- (c) Signs can create traffic hazards and aesthetic concerns, thereby threatening the public health, safety and welfare.

(d) The City's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression in accordance with the First Amendment and promote economic viability, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

2. Purpose: It is not the intent of this Chapter to regulate the message displayed on any sign; nor is it the intent of this Chapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose of this Chapter is to:

(a) Regulate the number, location, size, type, illumination and other physical characteristics of signs in order to promote the public health, safety, and welfare.

(b) Maintain and enhance the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.

(c) Improve the visual appearance of the City while providing for effective means of communication, consistent with First Amendment rights and the City's goals of public safety and aesthetics.

(d) Provide for consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

3. Interpretation: A sign may be erected and displayed if it is in conformance with the provisions of this Chapter. The effect of this Chapter, as more specifically set forth herein, is to:

(a) Allow a wide variety of sign types, subject to the standards set forth in this Chapter.

- (b) Allow certain small, unobtrusive signs incidental to the principal use of a site for all uses when in compliance with the requirements of this Chapter.
- (c) Prohibit signs when the location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety, and welfare.
- (d) Provide for the administration and enforcement of the provisions of this Chapter, which must be interpreted in a manner consistent with the First Amendment guarantee of free speech; the content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

B. General Provisions

- 1. Signs shall be allowed in all zoning districts as accessory uses for the purposes of, and subject to the provisions of this Chapter.
- 2. Area calculations:
  - a. The area within the frame of a sign shall be used to calculate its area, and if such letters or graphics are mounted directly on a wall or in such way as to be without a frame the dimensions for calculating the square footage shall be the area formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof.
  - b. Each surface utilized to display a message or to attract attention using symbols, flags, pictures, wording, figures or other forms of graphics shall be measured as a separate sign and shall be calculated in the overall area.
  - c. A freestanding sign shall be allowed to have two sign faces each with the maximum area allowed in

the applicable zoning district provided that the sign faces are constructed back-to-back with an angle less than 20 degrees separating the sign faces.

3. Height:

- a. The top of any sign mounted on a building shall not project above the roofline the building.
- b. The height of a freestanding sign shall be measured from the ground at the base to the highest-most part of the structure.

4. Setbacks:

- a. Ground signs shall be setback 10 feet from any property line.
- b. Pylon signs located closer to a property line than 10 feet shall maintain a minimum of 14 feet of clearance below the sign.
- c. No freestanding sign shall encroach upon the traffic visibility zone required by Section 121-53.

5. Illumination:

- a. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic so as not to impair the vision of drivers, not interfere with traffic signs and signals, or illuminate adjacent properties, buildings, or streets.
- b. All external light sources shall be hooded with a 90-degree horizontal cut-off and downcast onto the sign face in compliance with Section 121-51.
- c. Signs using fluorescent, neon or incandescent light sources shall not exceed 12 watts per square foot of sign surface area.
- d. No sign incorporating LED lighting may be illuminated in any way so as to exceed a maximum intensity of 5,000 NITS during daylight hours or

500 NITS from sunset to sunrise measured at the sign face at maximum brightness; Signs incorporating LED lighting shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions to conform to the requirements of this subsection.

e. The installation of illuminated signs shall be subject to the State electrical code; All electrical service to such signs shall be installed underground.

6. The design and construction standards as set forth in Chapter 4 of the 1997 edition of the Uniform Sign Code are hereby adopted.

C. Sign Standards By District

1. Sign allowances for properties within individual zoning districts shall be as provided for by Table 11.

<b>Table 11</b>			
	Single Family, Two Family, Townhouse Uses	Agriculture, Multiple Family, Business, Industrial, and Institutional Uses	
		Wall Signs	Freestanding Signs
Z1	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z2	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z3	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 300sf.	Number: 1 Area: 300sf. Height: 35ft.
Z4	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z5	Sec. 121-44.F and home occupations:	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf.

	1 wall or window sign not to exceed 6sf.		Height: 25ft.
Z6		Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z7		Area: 15% of wall Per Sign: 300sf.	Number: 1 Area: 300sf. Height: 35ft.
All	Signs as allowed by Section 121-44.D and E		

D. Special Signs. In addition to the signs allowed by Section 121-44.C, the following additional provisions shall apply.

1. Changeable Message Signs:

a. For commercial, industrial and institutional uses, changeable messages of 64 square feet or 20 percent of the area allowed within the zoning district, whichever is greater, may be integrated within an allowed freestanding sign or as a wall sign.

b. Dynamic display of the changeable message shall be allowed provided that:

(1) The operation of the dynamic display shall require issuance of a license pursuant to Section 46, Article VIII of the City Code.

(2) Location:

(a) The sign shall be displayed only in a yard abutting an arterial, collector or local commercial/industrial street as defined by the Comprehensive Plan, except as may be allowed by approval of a conditional use permit in accordance with Section 121-31.

(b) The sign shall be set back a minimum of 50 feet from any side or rear lot line abutting a residential district.

2. Accessory Signs: Buildings with drive through facilities shall be allowed additional signs provided that:

- a. A maximum of 2 freestanding signs is allowed adjacent to each access to the lot from a public street or shared private drive.
  - b. The maximum area of an individual sign is limited to 6 square feet.
  - c. The maximum height of the sign(s) shall be 3 feet.
3. Gas stations: Signs for gas stations shall be regulated by the sign provisions for the zoning district in which the facility is located, except that:
- a. An additional area not to exceed 24 square feet shall be allowed within a freestanding sign for continuous display of changeable copy (non-electronic or electronic).
  - b. Signage may be allowed on a detached canopy above the fuel island in lieu of wall signage on the principal structure, provided that:
    - (1) The area of the sign(s) does not exceed more than 20% of the canopy elevation facing a public right-of-way.
    - (2) The canopy elevation shall not be illuminated, except for allowed canopy signage.
4. Multiple Occupancy Commercial and Industrial Buildings: When a single principal building is devoted to 2 or more tenants having individual exterior entrances, signs shall be allowed based upon the following provisions:
- a. A comprehensive sign plan shall be submitted that includes all of the following information:
    - (1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.

- (2) Scale elevations of buildings showing the location of existing or proposed wall, canopy, or marquee signs.
    - (3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and any means of illumination.
  - b. Individual tenants may display separate wall signs subject to the following requirements:
    - (1) The number of individual wall signs shall be limited to 1 sign per exterior wall of the tenant space.
    - (2) The area of each sign for an individual tenant shall comply with the maximum area for individual signs allowed in the applicable zoning district.
  - c. Multiple occupancy buildings may display 1 freestanding sign that complies with the requirements of the applicable zoning district.
5. Projecting Signs: Projecting signs, including awnings, shall be allowed for buildings within the Z3, Z6 and Z7 Districts provided that:
- a. There is a minimum of 8 feet of clearance under the base of the sign to the ground below.
  - b. The sign does not project more than 5 feet beyond the wall to which it is mounted; may not project over any vehicular portion of a public street or private drive; and may not project over a public right-of-way except in the Z6 District.
  - c. Area:
    - (1) Projecting signs: 24 square feet
    - (2) Awning signs: Maximum area for individual signs allowed within the applicable zoning district.

6. Secondary Freestanding Signs. One additional ground sign shall be allowed for properties located within the Z3, Z6 and Z7 Districts abutting an arterial or collector street defined by the Comprehensive Plan but to which there is no driveway access, subject to the following:
  - a. The sign shall be located in a yard abutting the street to which the lot has access.
  - b. The maximum area of the sign shall be 64 square feet.
  - c. The maximum height of the sign shall be 16 feet.
  
7. Subdivisions: For subdivisions or geographic areas of development of similar character or association having 3 or more lots the following signs shall be allowed:
  - a. Permanent Signs: One sign ground sign shall be allowed at public street intersections:
    - (1) The maximum area of the face of each sign shall located at:
      - (a) Z1, Z2, Z4, and Z5 Districts: 32 square feet
      - (b) Z3, Z6, and Z7 Districts:
        - (i) Intersection with a collector or arterial street as defined by the Comprehensive Plan: 100 square feet
        - (ii) Intersection of two local streets: 32 square feet
    - (2) The maximum height of the sign shall be:
      - (a) Z1, Z2, Z4, and Z5 Districts: 8 feet
      - (b) Z3, Z6, and Z7 Districts: 16 feet

- (3) The design and construction of the ground sign shall utilize the highest quality materials and workmanship and shall be compatible with nearby structures in the area; Detailed construction plans and a materials list shall be included with each sign permit application and shall be subject to the review and approval of the Zoning Administrator.
- (4) The area around the ground sign shall be landscaped in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site; a landscape plan shall be included with each sign permit application and shall be subject to review and approval of the Zoning Administrator.
- (5) The ground sign may be illuminated but only an external light source downcast upon the sign face shall be allowed for residential subdivisions.

b. Temporary Signs:

- (1) Additional temporary signs shall be allowed upon approval of a final plat for a subdivision having 3 or more lots or zoning approval for development of one or more properties provided that:
  - (a) One sign shall be allowed per subdivision or development for each access from public streets and each frontage to a collector or arterial street.
  - (b) The maximum area of the sign face shall be 64 square feet.
  - (c) Freestanding signs shall not exceed a maximum height of 8 feet.
- (2) Individual lots within the subdivision shall be allowed the following signs:

- (a) One freestanding sign shall be allowed per model home:
    - i. Maximum area: 32 square feet
    - ii. Maximum height: 8 feet
  - (b) Not more than 3 banners with a maximum area of 16 square feet per face per flag, and maximum height of 25 feet shall be allowed upon lots within the subdivision.
- (3) The temporary signs and banners allowed by this Section shall only be displayed for a period not to exceed three 3 years from the date a permit is issued for the sign or banners, or until building permits have been issued for 100% of the lots within a final plat or subsequent phases of the same preliminary plat of a subdivision, whichever occurs first.
8. Temporary Signs: The use of banners, pennants, portable signs, and similar devices shall be subject to the following provisions:
- (a) Not more than 1 temporary sign for each street frontage shall be displayed upon a property at any time.
  - (b) Temporary signs shall require a temporary sign permit valid for no more than 60 days during any calendar year for single occupancy properties or 120 days for properties having two or more principal uses or tenants.
  - (c) The maximum area of a temporary sign shall be 50 square feet per sign face.
  - (d) The maximum height of a temporary sign shall be 16 feet.
  - (e) Temporary signs meeting the following standards shall not require a sign permit:

(1) The maximum area of the sign shall be 4 square feet.

(2) The maximum height of the sign shall be 3 feet.

(f) Location:

(1) A temporary sign shall not encroach upon any drainage and utility easement.

(2) A temporary sign shall not encroach upon the traffic visibility zone required by Section 121-53.

#### E. Permit Required

A permit issued by the Zoning Administrator in accordance with Section 121-23 shall be obtained for a new sign to be erected or an existing sign structure modified except when changing only the face of the sign without altering the area, height or location of the sign.

1. Application for a sign permit shall be filed by the property owner with the Zoning Administrator on a form provided by the City and shall be accompanied by a fee as established by City Council resolution.
2. The Zoning Administrator shall review the application for a sign permit and determine whether the proposal is in compliance with all applicable, codes, ordinances, and performance standards set forth in this Section within 45 days of submission of a complete application.
3. Application for a sign permit shall contain the following information unless waived by the Zoning Administrator:
  - a. Names and addresses of the applicant and/or owners of the sign and property.
  - b. The address at which the proposed sign(s) are to be erected.

- c. Area and type of sign(s) to be erected (e.g., wall sign, freestanding sign, projecting sign, etc.).
  - d. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
  - e. Plans, location and specifications and method of construction and attachment to the buildings or placement method on the ground.
  - f. A detailed description of any electronic or electrical components that are proposed to be added to the sign and any electrical permit required and issued for the sign.
  - g. Other information as requested by the Zoning Administrator to demonstrate compliance with this Chapter.
- 5. All signs requiring a permit shall be subject to inspection by the Zoning Administrator.
  - 6. The City reserves the right to require the removal, at the owner's expense, of any sign when the requirements of this Section are not complied with, or if a sign is not properly maintained or falls into a state of disrepair constituting a public nuisance.

F. Signs Not Requiring a Permit

- 1. The following signs shall not require a permit and are allowed in addition to those signs allowed by Section 121-44.C and D, subject to compliance with the other provisions of this Chapter.
  - a. The changing of the display surface only of an existing sign.
  - b. A sign on each principal building in all districts displaying the assigned property number at least 3 inches in height.

- c. One sign per property not to exceed 16 square feet where the principal use is residential.
- d. Signs may be erected during an election campaign period on the first day for circulation of nomination papers by candidates, or in the case of a referendum the first day the question is submitted to the electorate, and shall be removed not more than 5 days after the general election in accordance with Wisconsin Statutes Chapter 12.04.
- e. Official signs including public notices, safety signs, traffic signs.
- f. One sign shall be allowed per street frontage, provided that the maximum area of a sign shall be 64 square feet with a maximum height of 12 feet.
- g. Flags.
- h. Sandwich board signs shall be allowed within the Z3, Z6 and Z7 Districts, provided that:
  - (1) Not more than 1 sign is allowed per principal building or 1 is allowed sign per tenant within a principal building having 2 or more tenants each with an exclusive exterior entrance.
  - (2) The sign shall conform to the following maximum dimensions:
    - (a) Height: 4 feet
    - (b) Width: 3 feet
  - (2) Location:
    - (a) The sign shall be located so as to maintain a minimum 5 foot pedestrian walkway and so as not to obstruct vehicular traffic.

(b) The sign shall be set back a minimum of 2 feet from the back of curb of a public street or private drive.

i. Window signs limited to 40 percent of the total area of the window in which they are displayed.

G. Non-Conforming Signs

1. A nonconforming sign lawfully existing upon the effective date of this Section shall be regulated in accordance with Article IV of this Chapter.
2. When a principal use is legally nonconforming under Article IV of this Chapter, all existing or proposed signs in conjunction with that land use shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the property is allowed.

H. Prohibited Signs

The following signs are prohibited:

1. Any sign, signal, marking or device which purports to be or imitates, or resembles any official traffic control device; railroad sign or signal; emergency vehicle signs; or which attempts to direct the movement of traffic.
2. Balloon signs.
3. Flashing signs.
4. Obscene content as defined by Wisconsin Statutes Chapter 944 Subdivision IV.
5. Off-premises signs greater than 50 square feet in area or exceeding 16 feet in height.
6. Roof signs.
7. Rotating signs.
8. Shimmering signs.

9. Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures, or public fences.
10. Signs installed in the public right-of-way other than those authorized by the Wisconsin Department of Transportation, St. Croix County, or the City of New Richmond.
11. Signs affixed to vehicles or trailers intended to increase the number or area of signs displayed on a property where:
  - (a) The vehicle or trailer is not licensed and in such condition so as to be operated upon public streets.
  - (b) The vehicle or trailer is not parked upon the property in compliance with Section 121-52.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:  
Published and effective:

**CITY OF NEW RICHMOND**

By: \_\_\_\_\_  
Fred Horne, Mayor

ATTEST: \_\_\_\_\_  
Tanya Batchelor, City Clerk



3601 Thurston Avenue N, Suite 100  
Anoka, MN 55303  
Phone: 763.231.5840  
Facsimile: 763.427.0520  
TPC@PlanningCo.com

## MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 20 October 2016

RE: New Richmond – Schmit ETZ

TPC FILE: 164.02

## BACKGROUND

The George W. Schmit and Betty L. Schmit Trust is proposing to subdivide a 35 acre parcel located at 1661 County Road K, which is at the southeast quadrant of the intersection of County Road K and 170<sup>th</sup> Street within the Town of Erin Prairie. The proposed Certified Survey Map would create a 5.002 acre parcel that includes an existing single family dwelling and two detached accessory buildings. The subject site is within 1.5 miles of the boundary of the City of New Richmond and subject to the provisions for extra territorial zoning established by Section 121-35 of the Zoning Ordinance. The application is subject to review by the Plan Commission and approval of the City Council.

### Exhibits:

- A. Site location
- B. Certified Survey Map

## ANALYSIS

**Existing Use.** The 35 acre subject site is currently developed with a single family dwelling and two detached accessory buildings located in the northwest corner of the parcel adjacent to a large wetland, grassland, and stands of trees. The balance of the subject site is in use for agricultural cultivation and pasture.

**Comprehensive Plan.** The City of New Richmond Comprehensive Plan guides the subject site for future low density residential land uses anticipating territorial expansion of the City with extension of municipal sanitary sewer and water utilities. Subdivision of the existing single family dwelling and detached accessory buildings from the agricultural portions of the subject site is consistent with the Comprehensive Plan provided that the approximate 30 acre parcel remains in agricultural use until such time as utilities are extended.

**Access.** The subject site only has frontage to County Road K. County Road K is designated by the City's Transportation Plan as a Minor Arterial roadway. The subject site has one existing driveway to the rural residential portion of the site and there is a field access at the northeast corner of the subject site. Access to County Road K is subject to approval of St. Croix County, but we recommend that no additional driveways be allowed as a condition of approval of the CSM to preserve traffic flow and management on County Road K.

**ETZ.** Section 121-35 of the Zoning Ordinance establishes the City's requirements and procedures for subdivision of parcels within 1.5 miles of the City's boundaries. Section 121-35.D.1 of the Zoning Ordinance states that no subdivision of a parcel with an area less than 35 acres within the ETZ area is to be approved unless one of three exceptions are met. Section 121-35.D.2 allows for subdivision of one parcel into two parcels, one of which is less than 35 acres in area, if the City determines the land division will assist and assure continuation of agricultural use. The agricultural use is essentially to be an interim land use until the property is incorporated and utilities extended to allow for development at urban densities as guided by the Comprehensive Plan.

The proposed lot shown on the CSM includes the existing single family dwelling and detached accessory buildings, while generally following the physical boundaries of the wetland, grassland, and stands of trees separating the developed portion of the property from that used for agricultural purposes. Subdividing the subject site to separate the developed rural residential use and agricultural use will allow for a continuation of both uses in the future. The proposed subdivision is consistent with the intent of Section 121-35.D.2 of the Zoning Ordinance to allow subdivisions within extra territorial areas only when it provides for continuation of agricultural use. The City will require a deed restriction be recorded on both parcels resulting from the subdivision prohibiting further subdivision or development of additional residential uses until such time as the properties have access to municipal sanitary sewer and water utilities.

## **RECOMMENDATION**

The Development Review Committee (DRC) discussed the ETZ subdivision application at a meeting on 19 October 2016. The proposed CSM complies with Section 121-35.D.2 of the Zoning Ordinance for subdivision of one parcel into two parcels, one of which is less than 35 acres in area, based on a finding that the land division will assist and assure continuation of agricultural use. The DRC recommends approval of the application.

**POSSIBLE ACTIONS**

- A. Motion to **approve** a CSM for subdivision of a parcel in accordance with Section 121-35 of the Zoning Ordinance subject to the following condition:
  - 1. A deed restriction shall be recorded on both parcels described by the CSM prohibiting:
    - a. Further subdivision or development of additional residential uses until such time as the properties have access to municipal sanitary sewer and water utilities.
    - b. Construction of more than one (1) driveway to each parcel accessing County Road K.
  
- B. Motion to **deny** an application for subdivision by CSM based on a finding that the request is not consistent with the Comprehensive Plan, does not comply with Section 121-35 of the Zoning Ordinance, and that the land involved in the subdivision is unsuitable for the proposed development.
  
- C. Motion to **table**.
  
- c. Michael Darrow, City Administrator  
Sarah Skinner, Building Inspector  
Jeremiah Wendt, Public Works Director



NEW RICHMOND  
33

34

K

4

5

0 200 400 600ft

DISCLAIMER: This map is for informational purposes only. The user assumes all responsibility for any errors or omissions drawn on the responsibility of the user.



# CERTIFIED SURVEY MAP

PART OF THE NORTHWEST QUARTER OF THE  
FRACTIONAL NORTHEAST QUARTER OF SECTION 5,  
TOWNSHIP 30 NORTH, RANGE 17 WEST, TOWN OF  
ERIN PRAIRIE, ST. CROIX COUNTY, WISCONSIN

## DESCRIPTION

Part of Northwest quarter of the Fractional Northeast quarter of Section 5,  
Township 30 North, Range 17 West, Town of Erin Prairie, St. Croix County,  
Wisconsin; more particularly described as follows:

Beginning at the North quarter corner of said Section 5, thence S89°53'11"E,  
along the north line of the fractional Northeast quarter of said Section a  
distance of 491.36 feet; thence S02°09'52"W, a distance of 599.39 feet; thence  
N74°57'16"W, a distance of 151.97 feet; thence N38°11'32"W, a distance of 183.01  
feet; thence N52°31'20"W, a distance of 268.85 feet to the north-south quarter  
line of said Section; thence N01°01'47"E, along said line, a distance of 253.11 feet  
to the point of beginning. The described parcel contains 217,867 square feet,  
(5.002 acres), and is subject to easements of record and as shown.

## SURVEYOR'S CERTIFICATE

I, Joel A. Brandt, Professional Land Surveyor, hereby certify: That I have  
Surveyed, Divided, and Mapped the above described parcel of land in full  
compliance with the provisions of Chapter 236.34 of the Wisconsin State  
Statutes, along with the provisions of St. Croix County in surveying, dividing and  
mapping the same and in compliance with Chapter AE-7 of the Wisconsin  
Administrative Code "Minimum Standards for Property Surveys". That such map is  
a correct representation of the exterior boundaries of the land surveyed and  
the subdivision thereof made, and was done by the direction of Betty Schmit.

\_\_\_\_\_  
Joel A. Brandt, P.L.S. S-2603  
JB SURVEYING LLC  
Dated: October 12, 2016.

CERTIFICATE OF COUNTY TREASURER  
STATE OF WISCONSIN )  
COUNTY OF ST. CROIX ) SS

I, \_\_\_\_\_, the duly elected, qualified and acting  
treasurer of the County of St. Croix, do hereby certify that the records in my  
office show no unredeemed tax sales and no unpaid taxes or special  
assessments affecting the lands of this Certified Survey Map.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Treasurer

# CERTIFIED SURVEY MAP

PART OF THE NORTHWEST QUARTER OF THE  
FRACTIONAL NORTHEAST QUARTER OF SECTION 5,  
TOWNSHIP 30 NORTH, RANGE 17 WEST, TOWN OF  
ERIN PRAIRIE, ST. CROIX COUNTY, WISCONSIN

## Common Council Approval Certificate

Resolved, that this Certified Survey Map in the Extraterritorial Limits of the City of New Richmond, Schmit Family Trust, owner, is hereby approved by the common council.

\_\_\_\_\_  
Fred Horne, Mayor

\_\_\_\_\_  
Date

## Clerk's Certificate

I hereby certify that the forgoing is a copy of a resolution adopted by the common council of the City of New Richmond.

\_\_\_\_\_  
Tanya Batchelor, Clerk

\_\_\_\_\_  
Date



156 East First Street  
New Richmond, WI 54017  
Ph 715-246-4268 Fax 715-246-7129  
www.newrichmondwi.gov

### Proposal

**TO:** New Richmond City Council  
**FROM:** Jeremiah Wendt; Public Works Director  
**DATE:** November 11<sup>th</sup>, 2016  
**SUBJECT:** Plow Truck Replacement

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#### Background

As many of you are aware, our Public Works plow truck fleet is in need of continued updating. Two of our main trucks #19 (1998) and #22 (1999) are almost 20 years old. Truck #19 in particular has begun to breakdown on a consistent basis costing the City time and money. Here is a list of the major expenses over the last 15 years.

1.	2003	New Clutch & Transmission	~\$3,000.00
2.	2005	New Clutch & Rebuilt Transmission	~\$3,000.00
3.	2008	New Clutch	\$603.07
4.	2009	Rebuilt Transmission	\$3,263.40
5.	2011	New Clutch, Clutch Cable, Exhaust, Full Brakes	\$1,662.81
6.	2013	Water Pump, Alternator, Transmission	\$3,135.08
7.	2015	Full Brakes, Steering Column, Steering Pump	\$352.00
8.	2016	New Clutch and Rebuilt Transmission	\$2,939.00
		<b>TOTAL:</b>	<b>\$17,955.36</b>

As you can see, this truck has been a drain on our budgets and is constantly in the shop for repairs. Therefore, staff has kept an eye open for a good used piece of equipment that would fill our needs and make the Public Works department more efficient in terms of plowing and hauling snow. Through this ongoing effort, we have found that Garfield Township is selling their 2010 Mack plow truck. Here a few key features to note;

1. 12 ft Main plow, 8 ft. wing and stainless steel sander
2. 15 yard hauling capacity (City would be able to haul snow in house instead of hiring contractors)
3. Automatic transmission (less driver fatigue, easier on transmission/clutches)
4. 73,000 township highway miles
5. All routine service performed at Nuss Truck in Eau Claire

The City could purchase the 2010 Mack MP8 from Garfield Township at a cost of \$95,000. In order to partially offset the cost of this truck we would sell two trucks that are currently in our fleet. The first is #19 (mentioned above) and the other would be #49, the Parks landscape truck. Truck #49 has its limitations in regards to hauling material and doesn't really serve a purpose in the winter other than flooding skating rinks. We can retrofit the existing flusher truck to fill that need so that we would be replacing two trucks with one. We expect to be able to get \$5-7,000 for Truck #19 and \$35-

40,000 for #49. These trucks will be on display outside the Civic Center starting at 4:00 pm on Monday November 14<sup>th</sup>, through the end of the Council Meeting.

There are several efficiencies to note that would have a positive impact on the future operating budget:

- Reduction in repair costs associated with the current truck #19 as detailed above (~\$1,200/year).
- Reduction in fuel costs due to greater efficiency of the more modern engine and transmission (~\$200/year)
- Reduction in fuel and staff time due the addition of the wing which allows 50% more area to be plowed in one pass (~\$1,000/year).
- Possible reduction in insurance costs due to overall fleet number reduction.
- Reduction of up to \$400 per event in contracted snow hauling costs due to greater capacity (~\$2,000/year).

#### **Sources of Funds**

Storm Water Utility funds in the amount of \$95,000 would be used for the initial purchase of the plow truck. Proceeds received from the sale of truck #19 and #49 will be credited back to the Storm Water Utility fund.

85% of the net purchase price will be repaid to the Storm Water Utility fund by the general fund in FY2018 and 2019. The remaining 15% of the purchase price would be the Storm Water Utility's share of the truck since it will be used in part for stormwater related work (primarily hauling street sweepings in the summer months).

#### **Recommendation**

Staff is recommending approval to purchase the 2010 Mack MP8 from Greenfield Township at a cost of up to \$95,000, contingent on the results of a full inspection by a third-party mechanic.

2010 Mack MP8



2010 Mack MP8 – Stainless Steel Sander



#19



#49





156 East First Street  
New Richmond, WI 54017  
Ph 715-246-4268 Fax 715-246-7129  
www.newrichmondwi.gov

## MEMORANDUM

**TO:** Mayor Horne & City Council

**FROM:** Mike Darrow, City Administrator  
Rae Ann Ailts, Finance Director

**DATE:** November 11, 2016

**SUBJECT:** New Richmond Golf Course Capital Improvement Proposal

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The New Richmond Golf Course will be presenting a proposal to the City Council on Monday evening for an independently financed loan through First National Community Bank. The loan amount is for \$615,000. The funds will be utilized in the following manner:

- \$300,000 is for refinancing of the 2014 loans the NRGC has with the bank. The City had guaranteed \$150,000 of this amount in 2014.
- \$230,000-\$240,000 for Capital improvements and equipment
- \$75,000-\$85,000 will be earmarked for contingency funds

The proposed loan is based upon a 20 year amortization, 5-year term. There will be a GBSA (General Business Security Agreement) on all of the NRGC assets. This ties the Club's assets to the loan to satisfy the obligation should liquidation occur. However, they do not have enough assets to cover the entire obligation. Because of this, the Golf Club is seeking a guarantee from the City on the amount less collateralized equipment. The City would be guaranteeing less than \$315,000.

If the City Council approves the guarantee, staff is also recommending that a staff member or City Council member serve as a non-voting member on the NRGC board. Approval of a limited guarantee by Council will require annual financial disclosure. However, staff recommends legal review of guarantee language to ensure general funds are not restricted.



## Building Inspection Department 3rd Quarter Summary 2016

	July - September	Year To Date
<b>Permits Issued</b>	89	233
<b>Dwelling Units</b>	10	38
<b>Construction Value</b>		
Commercial	12,288,141.00	18,337,999.00
Residential	2,111,923.75	6,778,230.75
*Multi Family	-	-
<b>Total Value</b>	<b>14,400,064.75</b>	<b>25,116,229.75</b>
<b>Fees Collected</b>		
Building Permit Fee	68,745.88	147,477.05
Assessor Fees	3,100.00	8,500.00
Site Stabilization Deposit	12,000.00	38,000.00
<b>Total Fees</b>	<b>83,845.88</b>	<b>193,977.05</b>
<i>Sewer Access Charge</i>	18,669.00	45,783.50
<i>Park Fee</i>	4,050.00	14,225.00
<i>Municipal Facilities</i>	14,007.00	34,350.50
<i>Transportation</i>	21,000.00	51,500.00
<i>Water Facilities</i>	18,669.00	45,783.50
<i>Park Facilities</i>	6,105.00	7,492.50
<b>Total Impact Fees</b>	<b>82,500.00</b>	<b>199,135.00</b>
<b>Total All Fees Collected</b>	<b>166,345.88</b>	<b>393,112.05</b>