

MINUTES OF THE TOWN OF WASHINGTON BI-MONTHLY TOWN BOARD MEETING
June 3, 2010

Members Present: Micheal Peterson, Charles Bauer, Donald Perry, Karen Tomesh, Michael Stacy

Staff Present: Janelle Henning, Jackie Vold

Members/Staff Absent: None

A quorum being present, Chairman Peterson called to order the bi-monthly Town Board meeting of the Washington Town Board at 7:00 p.m., on Thursday, June 3, 2010, at the Town Municipal Building, 5750 Old Town Hall Road.

Pledge of Allegiance

Minutes:

Supv. Tomesh moved TO APPROVE THE MINUTES OF THE MAY 20, 2010 BI-MONTHLY TOWN BOARD MEETING. The motion was seconded by Supv. Stacy.

Aye 5 Nay 0

Public Hearing:

Chrm. Peterson opened the public hearing for a conditional use permit request by Elmer Thorpe to operate a sandblasting contractors business at 7203 Nine Mile Creek Road, as a home occupation.

Admin. Henning stated the Town received a complaint regarding noise and this application is a result of that complaint. In terms of our Comprehensive Plan, this is an area that is shown as rural residential for future land use planning.

Rod Eslinger, Land Use Control Supervisor with the Eau Claire County Land Use Planning and Development Office explained that this came to their department as a complaint. This application is an attempt to make this a compliant use within the zoning code. The property is zoned A2 and all of the County zoning districts allow for a home occupation. The standards for granting a conditional use permit and a home occupation are outlined in the Staff Report. The applicant has been conducting the business from the property for some time to supplement his retirement. 75% of the applicant's business is conducted off site at auto body shops where he takes a mobile unit and does the sandblasting there. The remaining 25% is completed at home. Previously the blasting was being conducted outside, away from the structures in a field area. The business must be conducted either within the residence or within an accessory structure. The applicant has proposed to do the blasting within the existing 18'x36' accessory structure. The applicant is willing to add additional screening along the west of the property to alleviate any sight of the business and to buffer noise. Hours of operation would be Monday through Saturday from 7:00 a.m. to 5:00 p.m. He would be the sole employee. Upon review of the standards for granting a conditional use permit and a home occupation, staff would support granting the permit if the business is conducted and all the equipment associated with the business is within the interior of the accessory structure. No air quality permits would be necessary, however proper filtration and ventilation would be recommended.

Elmer Thorpe, 7203 Nine Mile Creek Road, Eau Claire, WI 54701. Mr. Thorpe started this business a couple of years ago as a supplement to retirement. He restores cars, trailers and odds and ends. When he started, his neighbors asked him not to sandblast on nights or weekends so he does not. He currently has moved his operations into the accessory structure with the exception of the compressor. He runs the hoses from the compressor into the building. The compressor would be ruined if he kept it in the building. The compressor could be put in a lean-to that is attached to the building. He works on his own cars and verified with the Board that he can work on his own vehicles and not be considered as a home business as long as he is not receiving payment.

Barb Thorpe, 7203 Nine Mile Creek Road, Eau Claire, WI 54701. Ms. Thorpe asked Rod Eslinger if the structure reported in the application could be amended to include the lean-to, thus increasing the size

to 28' x 36' in order to house the compressor. During sandblasting operations, Ms. Thorpe stated she cannot see dust or sand when in the house and generally does not hear sound other than a light, low rumble.

Chrm. Peterson stated that the lean-to needs to be totally enclosed. Rod Eslinger indicated that if it cannot be done, the conditional use permit cannot be granted.

Bill Emerson, 7177 Nine Mile Creek Road, Eau Claire WI 54701. Mr. Emerson is not opposed to the conditional use permit. However, reports that it has been quite noisy at times and there have been times that it has been conducted at unusual hours. He would be opposed to the Saturday working hours if there is a noise problem.

Donnis Emerson, 7177 Nine Mile Creek Road, Eau Claire WI 54701. Ms. Emerson agreed with what her husband stated. She does have an issue with the business operating on Saturdays. During the week they are gone and would not have an issue.

Melissa Eslinger, 1720 Edgewater, Eau Claire WI 54701. Ms. Eslinger stated she came to learn about the business. She agrees with neighbors that if noise is an issue it is a problem.

No one spoke in opposition.

Chrm. Peterson indicated that the Board can approve the permit if the conditions stated are met. The County will inspect and any variance will be noted and denial or a cease and desist order would be issued.

Chrm. Peterson closed the public hearing.

Supv. Bauer made a motion to recommend approval of request by Elmer Thorpe, 7203 Nine Mile Creek Road for a conditional use permit with all noted conditions and with the caveat that the size of the building be extended to include the lean-to which is 10 x 36, so long as it is completely enclosed. Motion was seconded by Supv. Perry.

Aye 5 Nye 0

Checks:

Supv. Perry moved TO APPROVE CHECKS #20319 THROUGH #20354 TOTALING \$17,495.46. The motion was seconded by Supv. Bauer.

Aye 5 Nye 0

Intergovernmental Cooperation:

Admin. Henning referenced the letter authored by Kerry Kincaid regarding the meeting held on May 10, 2010, for the Rooney Property on Hwy 53. Chrm. Peterson stated we are continuing to work towards an intergovernmental agreement with the City. The City is suggesting a Conservation Subdivision Ordinance, which is referenced in the Town Comprehensive Plan, be completed and a part of the intergovernmental agreement. Admin Henning stated there is a conference call with the City on June 4, 2010.

Administrators Report:

- Road projects are on schedule. Grinding the roads will begin next week with the potential of paving Mall Drive on Saturday, June 12, 2010. We are performing ditch mowing now prior to certain weeds going to seed.
- Received a request for the Board to consider some type of ordinance in reference to specific dog breed legislation. The individual has expressed fear in regards to pit bulls in his neighborhood. He would like the Board to look at specific breed legislation. There are conflicting reports on whether or not breed specific legislation is effective and enforcement is difficult. Admin. Henning corresponded with Donna Austad with the City of Eau Claire. The City of Eau Claire has a dangerous dog ordinance that states if your dog acts in an aggressive, unprovoked manner towards someone it would be categorized as a dangerous dog and certain provisions are enforced. The Town ordinance calls for dogs to be licensed, leashed and under the control of the owner. A fine structure is in place for non-compliance. The Town

ordinance is not breed specific. The Humane Association, who enforces the Town Animal Control Ordinance opposes breed specific legislation. Chrm. Peterson indicated that the Board has looked at this before and that it is hard to single out a breed and enforce it. After discussion, Supv. Perry would not support breed specific legislation. He would favor looking at what the City has in place to create a broader based ordinance. Supv. Stacy indicated that the leash law is hard enough to enforce. Supv. Bauer stated that nothing more is needed than the leash law. After discussion, the Board agreed not to pursue specific breed legislation.

- Request by Mike Huggins for Admin. Henning to sit on a regional transit authority civic work group. The Board felt Admin. Henning should sit on this committee.
- 1 parking ticket issued for parking in a no parking zone. Holders of 5 animal related citations appeared by letter in court. All of the individuals pled not guilty and therefore Atty. Hibbard has set a pretrial hearing date of June 8, 2010.

Chairman's Report:

None

Supervisor's Report:

None

Citizen's Input:

None

Future Zoning Requests:

None

Items for Next Meeting's Agenda:

Board will discuss at the next meeting whether to move the July 1, 2010, meeting to July 8, 2010.

Adjournment:

Supv. Tomesh moved TO ADJOURN. The motion was seconded by Supv. Bauer. The meeting adjourned at 8:10 p.m.

Aye 5 Nye 0

THE BOARD'S NEXT MEETING WILL BE AT 7:00 P.M. ON
THURSDAY, JUNE 17, 2010, AT THE TOWN MUNICIPAL BUILDING,
5750 OLD TOWN HALL ROAD.

Jackie Vold
Deputy Clerk/Administrative Assistant

Attendance: Rod Eslinger, Elmer Thorpe, Barb Thorpe, Bill Emerson, Donnis Emerson, Melissa Eslinger