

## **Special Council Meeting minutes, August 4, 2022 at 6:30 p.m.**

Mayor Rawson, called the meeting to order at 6:30 p.m. Open meeting law requirements were verified as being met. Roll Call: D. Stephenson, C. Ekern, T. Wheeler, J. Tranberg, J. Anderson and P. Syverson. Others in attendance: Attorney-Mark Radcliffe, David Schofield/S.E.H. and Clerk-Susan Frederixon.

Discussion/Plan Commission 8/4/2022 recommendation to full Council, on Conditional Use Permit Application and possible action on Conditional Use Permit, regarding Q Rail LLC and Ressel Properties LLC for “open storage” of industrial equipment and materials, building materials, road, railroad and utility materials & equipment on their properties at 303 and 321 N. Gilbert Street, zoned as I-1 Industrial District with ‘open storage’ considered a ‘Conditional Use’:

C. Ekern reported discussion/recommendations from the Plan Commission meeting held today, just before this Special Council meeting: **Plan Commission is recommending to full Council approval of both Conditional Use Permits, with conditions of fence requirements and time frame of 6 months and changes to operation times to extend to 9:00 pm.** Attorney Radcliffe informed group the Ordinances the City has on Conditional Use Permits are: Plan Commission reviews information and makes a recommendation to full Council, notice to property owners within 100’, public hearing, etc. all that has been done. Then the City Council may by Resolution authorize the zoning administrator to issue a Conditional Use Permit after being sure all the possible issues have been considered and viewed as not detrimental to the surrounding area. S.E.H. has done a review on both applications and now this Council needs to go through that report and decide that these applications are consistent and observant of our City zoning ordinance code. David Schofield/S.E.H. City Engineer and Zoning Administrator went through the Memorandum prepared for each C.U.P. application, sections included the following: Conditional Use Details, Applicant Request/Background, Review of Conditional Use Permit Request, Consistency with Zoning Ordinance, Neighborhood Characteristics, Staff Recommendation, Conclusion, and Commission/Council Options, Templates for Denial and Approval Motions, Justification of Commission Determination, and Recommended Conditions if approved. M. Radcliffe restated the S.E.H. Recommended Conditions if approved are #1-9 as follows:

**# 1. The C.U.P. for the proposed use for ‘open industrial storage’ is being granted to allow temporary storage of industrial equipment and materials, where materials will not be on-site for more than a 6 month window unless approved by City Council.** Radcliffe clarified this is not a 6 month permit, the permit will always be in place, but the engineering report recommended things not be sitting there for more than 6 months. If longer than 6 months is needed Council can make that decision with no involvement from the Plan Commission again. Council agreed.

**# 2. A recommendation of applicant submitting their deeds, any kinds of surveys demonstrating owner ship and control of all properties, within 30 days. Council agreed.**

**# 3. Fencing-S.E.H. - Applicant will be required to receive permits for, and erect, the proposed fencing prior to commencing the proposed open storage use. The fence should be of sufficient height to limit access to the property and potentially dangerous equipment and materials – Plan Commission recommended a fence would be required unless the only thing stored there were ‘road worthy vehicles’. Council: Each property has to have fencing with 1 gate on each property unless storing ‘road worthy vehicles’.**

**# 4. Council ok as S.E.H. recommended.**

**# 5. Council ok as S.E.H. recommended with additional information provided within 30 days of C.U.P. approval.**

**# 6. Council ok as S.E.H. recommended with clarification of each separate C.U.P. property is required to have fence with 1 gate on each property when fence is required.**

**# 7. Council ok as S.E.H. recommended**

**# 8. Council ok as S.E. H. recommended**

**# 9. DELETED: Use of the site: S.E.H recommended 6:00 am to 9:00 pm. Council decided to leave this recommendation out of the C.U.P. because it is already zoned for industrial which does not have hours of operation restrictions.**

**# 9. Added: Provide reasonable access to City of Blair Salt/Sand Shed on 303 property. Council approved this as written.**

**# 10. Council ok as S.E.H. recommended.**

Attorney Radcliffe read through resolution # 08-04-2022:

This resolution of the City Council of City of Blair,

Whereas the City of Blair Ordinance allows certain Conditional Uses upon application, subject to review and public comment and;

Whereas the Plan Commission of City of Blair held a public hearing on August 4, 2022 after publication and appropriate notices being mailed to all property owners within 100’ of the boundary of the subject properties; those being 303 and 321 North Gilbert Street, Blair, WI and;

Whereas the City engineers, S.E.H. provided a review and report to the City of Blair Council and Plan Commission and;

Whereas Blair Plan Commission voted to recommend approval of both applications and made recommendations to the City Council now there;

Wherefore the City Council for the City of Blair resolves as follows:

1. The City adopts the findings in the S.E.H. report regarding the standards required for a Conditional Use Permit.

2. Conditional Use Permits for both 303 and 321 North Gilbert Street, Blair, WI are granted subject to the following conditions:
  - 1) The Conditional Use Permit for the proposed use, open industrial storage, is being granted to allow the temporary storage of industrial equipment and materials, where materials will not be stored on-site for longer than a 6-months or less and approved by the City Council.
  - 2) Applicant must submit maps of survey and deeds demonstrating ownership and control of all properties where the proposed open storage use is to occur, including parcel 206000310000, to the City Clerk, prior to conditional use permit approval within 30 days.
  - 3) Applicant will be required to receive permits for, and erect, the proposed fencing prior to commencing the proposed open storage use. The fence should be of sufficient height to limit access to the property and potentially dangerous equipment and materials. For each property and each C.U.P., fencing is required with one entrance/exit gate per property when anything is stored on these properties other than 'road worthy vehicles'.
  - 4) Because it is a strictly prohibited use in the I-1 Industrial District, the property cannot be used as a junk and/or salvage yard at any time. A junk yard is defined as: An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "Junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. (City Ord. Title X, Ch. 46.02(45)).
  - 5) These conditional use permit approvals, are contingent on the applicants provide, within 30 days, an updated site drawing identifying specific locations of the property where open storage will occur. The use will be restricted to the area identified on the updated drawing. City will check the drawing to ensure the proposed use and fencing will meet I-1 Industrial Zoning District standards, including setbacks.
  - 6) Any future improvements to this parcel may be subject to additional City permits (i.e. building permits, fence permits, etc.). Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining any permits.
  - 7) Improvements to the property must be done so in accordance with the standards and requirements of the I-1 Industrial Zoning District.
  - 8) Applicant will comply with requirement of the floodplain ordinance (City Ord. Title X, Ch. 50), including, but not limited to, provisions prohibiting storage of buoyant, flammable, explosive or hazardous materials.
  - 9) **REMOVED FROM DOCUMENT-** Industrial zone has no restrictions on hours of operations/Use of the site must be limited to hours between 6:00 am and 9:00 pm  
**REPLACE WITH** - Q Rail LLC, owner of property located at 303 North Gilberts Street, must provide reasonable access by the City to the City Salt/Sand shed.
  - 10) Attorney Radcliffe said we should have: final condition of having to comply with all State Laws, Federal regulations, County and local ordinances, Radcliffe will draft this.

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**Motion by D. Stephenson to adopt Resolution # 08-04-2022 related to Conditional Use Permit Applications from Q Rail LLC for 303 N. Gilbert Street, Blair, WI and Ressel Properties LLC for 321 N. Gilbert Street, Blair, WI, as read by Attorney Radcliffe at this meeting, 2<sup>nd</sup> by P. Syverson. Discussion: None. Roll Call Vote: C. Ekern-yes, D. Stephenson-yes, P. Syverson-yes, J. Anderson-yes, J. Tranberg-yes and T. Wheeler-yes. Motion approved.**

Mayor allowed Dwight Quarne to address the Council. He stated there never was a lease agreement completed for the land where the City Salt/Sand shed sits, between Q Rail LLC and the City. No one was sure where the disconnect was in having that drawn up? Attorney Radcliffe said that could be put on the September 12, 2022 agenda for discussion, not able to discuss at this meeting, is not on this agenda.

**Motion by C. Ekern to adjourn this meeting, 2<sup>nd</sup> by P. Syverson. Discussion: None. Vote: Yes 6, No 0. Motion approved at 8:07 pm**

Susan Frederixon, City of Blair Clerk/Deputy Treasurer