



The **Special Monthly Board of Trustees Meeting and Public Hearing** of the Village of Birchwood was held on **Thursday, April 6th, 2023**, at the **Birchwood Village Hall, 101 N Main St, Birchwood, WI 54817**
This meeting was held after the Planning Commission Committee Meeting held at 5:30 p.m.

Special Monthly Board of Trustees Meeting and Public Hearing Minutes.

1. Call Special Board of Trustee meeting to order.
2. Pledge of Allegiance -Recited at the Plan Commission meeting.
3. Roll call by Clerk: Present: R. VanGilder, B. Boatman, S. Milligan, and B. Milligan-Absent-P. Parkos (stepped down)
4. Public Notices: Posted at the Birchwood Post Office, Village Hall, Gary's Grocery, and Village Website.
5. Approval of current agenda
 - a. Motion by Boatman, 2nd by S. Milligan to approve the April 6th, 2023, Special Board of Trustees Meeting. Carried 4-0

Board of Trustees (no public comments)

VanGilder explained the purpose of this meeting is for the BOT to approve the following items to go to a public meeting. Residents can voice their concerns/input during the discussion at the Public Hearing. There will be no decisions made tonight by the BOT. The decision to approve or disapprove will be made at the April 11th, 2023, meeting.

6. Approval of Board of Trustees to send of the following Ordinances to Public Hearing:
 - a. Add New Fence Ordinance to Article VI. - Supplementary District Regulations, Division 3. – Accessory Buildings, Uses, Structures and Use of Required Yards, titled as Sec. 28-652- Fences. Motion by Boatman, 2nd by Milligan to move fence ordinance to public hearing. Carried 4-0
 - a. Motion by Boatman, 2nd by S. Milligan to Amend text in Article V - Lawn and Grasses, Sec. 10-111 – Public Nuisance Declared and add Sec. 10-113 – Inspection, Notice of Violation and send to Public Hearing. Carried 4-0
 - i. Change height from 12 inches to 8 inches.
 - ii. Add inspection notice of violation section for enforcement purposes.
 - b. Motion by Boatman, 2nd by S. Milligan to amend text in Article II – Zoning Districts, Division 2. – R-1 Single-Family Residential District Sec. 28-74(5) – Dimensional Requirements and send to Public Hearing. Carried 4-0
 - i. Change text from (see section 28-634) and amend text as follows – 28-74(5) maximum building height: principle building 35 feet. Accessory building 20 feet.
 - c. Change text from 18 inches to 3 feet. Motion by S. Milligan, 2nd by B. Milligan to amend text in Article II – Zoning Districts, Division 2. – R-1 Single-Family Residential District Sec. 28-74(4) – Dimensional Requirements
To change text “18 inches for all accessory buildings” and amend text as follows – (4) Setbacks and required yards for accessory building. See Division III for placement of accessory buildings. Carried 4-0

The meeting is open to the public and is handicapped accessible.

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- d. Motion by Boatman, 2nd by B. Milligan to amend text in Article VI – Supplementary District Regulations, Division 3 – Accessory Buildings, Uses, Structures and Use of Required Yards, Sec. 28-650 and send to Public Hearing. Carried 4-0
 - i. Change text Sec. 28-650 and amend text as follows: Detach accessory buildings and structures shall not be closer than five feet to the principal structure nor closer than ten feet to an alley, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be 20 feet for the garage. All other accessory structures not involving an alley or garage shall be three feet from the property line.
 - e. Motion by S. Milligan, 2nd by Boatman to amend text Chapter 20 – Streets, Sidewalks and Other Public Places, Article III. – Sidewalks, Division 2. – Construction and Repair, Sec. 20-113. – Apportionment of costs. Amend Sec. 20-113 to reflect (the owner to pay 100 percent of the cost of repair and reconstruction) Carried 4-0
 - f. Motion by Boatman, 2nd by S. Milligan to amend text Chapter 20 – Streets, Sidewalks and Other Public Places, Article III. – Sidewalks, Division 2. – Construction and Repair, to add Sec. 20-118 – Abandonment of Sidewalks and send to Public Hearing. Carried 4-0
 - i. Order of abandonment of any sidewalk.
 - g. Amend Chapter 6 – Buildings and Building Regulations, Article III. – Rental Housing Code Divisions 1, as follows:
 - i. Motion by VanGilder, 2nd by S. Milligan to Repeal Division II Sec. 6-202 to 6-209 on rental housing code. Carried 4-0
 - ii. Motion by Boatman, 2nd by S. Milligan to add new ordinance Sec. 6-179 Short Term Home Rentals and send to Public Hearing. Carried 4-0
7. Adjournment Special Board of Trustees Meeting-Motion by B. Milligan, 2nd by S. Milligan to adjourn. Carried 4-0

Public Hearing (public comments allowed)

8. Call Public Hearing to Order
9. Roll call by Clerk: Present- R. VanGilder, B. Boatman, S. Milligan, and B. Milligan-Absent: P. Parkos
10. Public Notices: Posted at the Birchwood Post Office, Village Hall, Gary's Grocery, and Village Website. Public Hearing Notice posted as a Class 2 notice in Rice Lake Chronotype on March 22nd, 2023, and March 29th, 2023.
11. Open Public Comments on the following Ordinances:
 - a. Add New Fence Ordinance to Article VI. - Supplementary District Regulations, Division 3. – Accessory Buildings, Uses, Structures and Use of Required Yards, titled as Sec. 28-652- Fences. -L. Zillmer general comment that the website posting was only 7 pages long and didn't include all the information. LZ felt the phrase zoning lot should just say lot or parcel. Zillmer feels 4 of the definitions should be moved to chapter 20 under its own section. Zillmer commented that vision triangle should stay where it is, amendment not needed- it should not be in fencing. Zillmer doesn't agree with the 3 feet setback for lot lines. LZ agrees with the changes to deer fencing.
Nate Wittmer agrees with having 10 feet height on a commercial lot.

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- b. Amend text in Article V - Lawn and Grasses, Sec. 10-111 – Public Nuisance Declared and add Sec. 10-113 – Inspection, Notice of Violation.
- Change height from 12 inches to 8 inches.
 - Add inspection notice of violation section for enforcement purposes.
- Zillmer suggested rather than adding a new section, just add notification to 10- 112.
- c. Amend text in Article II – Zoning Districts, Division 2. – R-1 Single-Family Residential District Sec. 28-74(5) – Dimensional Requirements. -
- Change text from (see section 28-634) and amend text as follows – 28-74(5) maximum building height: principle building 35 feet. Accessory building 20 feet.
- No public comments.
- d. Amend text in Article II – Zoning Districts, Division 2. – R-1 Single-Family Residential District Sec. 28-74(4) – Dimensional Requirements. Change from text from 18 inches to 3 feet.
- Change text “18 inches for all accessory buildings” and amend text as follows – (4) Setbacks and required yards for accessory building. See Division III for placement of accessory buildings.
- No public comments.
- e. Amend text in Article VI – Supplementary District Regulations, Division 3 – Accessory Buildings, Uses, Structures and Use of Required Yards, Sec. 28-650.-
- Change text Sec. 28-650 and amend text as follows: Detach accessory buildings and structures shall not be closer than five feet to the principal structure nor closer than ten feet to an alley, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be 20 feet for the garage. All other accessory structures not involving an alley or garage shall be three feet from the property line.
- No public comments.
- f. Amend text Chapter 20 – Streets, Sidewalks and Other Public Places, Article III. – Sidewalks, Division 2. – Construction and Repair, Sec. 20-113. – Apportionment of costs.
- Amend Sec. 20-113 to reflect (the owner to pay 100 percent of the cost of repair and reconstruction)

Zillmer stated she felt there should be a 50/50 split between the Village and property owner. If the property owner damages the sidewalk, they should be responsible for 100% of the cost. --N. Wittmer voiced concern over the quality of the sidewalks. He stated that it's only 6 years old and is junk. Wittmer said he has brought this up several times in the past. When the sidewalk was being installed, it was raining, and the contractor was using a sump pump to remove the water. He asked why the Village didn't go after the contractor? He has asked for it to be patched but no one has come to take care of it. He doesn't feel the Village should expect him to pay 100% of the expense when the sidewalk had problems within a year of being installed. He feels the Village should have gone after the contractor to fix it. ---Joanne (Dairy State Bank) stated the Village should have gone after the contractor's insurance company to replace their faulty workmanship. The sidewalks look horrible and are a danger to all. The bank's maintenance costs have doubled. She is against the property owners paying 100% of the cost to replace/repair.--- Hardware Store rep said their sidewalk heaves in front of their door causing the door to lift up. They have no control over the sidewalk. Other communities are at 50/50. ---Tyler L. doesn't agree with property owners paying 100% for sidewalks they don't own. The businesses maintain them all

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winter by clearing snow but yet they are liable if something happens. The BOT decides when and how the sidewalks are repaired. Wittmer asked who paid for the sidewalk in front of the dentist office. VanGilder replied that the Village did because it was due to a broken pipe. Jake Widiker stated there should be standards for businesses to follow when replacing or repairing the sidewalk. Correspondence from Mary Manka-asked why this wasn't covered under insurance and asked what this has to do with changing the ordinance. She asked why we are changing the ordinance. Who gets sued if someone trips, the Village or property owner. Why hasn't the contractor stood behind their work? The Village should support the businesses. Is the problem too much heavy equipment on the sidewalks during snow removal? Let's strive to make the best decision for all.

- g. Amend text Chapter 20 – Streets, Sidewalks and Other Public Places, Article III. – Sidewalks, Division 2. – Construction and Repair, to add Sec. 20-118 – Abandonment of Sidewalks.
- i. Order of abandonment of any sidewalk.

Zillmer stated the Plan Commission should look at this. She is against abandoning any sidewalks.

- h. Amend Chapter 6 – Buildings and Building Regulations, Article III. – Rental Housing Code Divisions 1, as follows:

- i. Repeal Division II Sec. 6-202 to 6-209.
- ii. Add new ordinance Sec. 6-179 Short Term Home Rentals.

Zillmer would like the Village to consult with an attorney before they repeal. She also stated that our current ordinance doesn't allow short-term rentals. The language should be changed to tourist rooming house because they have to go through licensing. Concerned over maintaining residential areas for family homes. Short term rentals are not allowed in R2, industrial, or rural districts. The Village can allow by adding a requirement for conditional use in CBD and community business districts. These should be the only districts in which they are allowed. The fee for violation was addressed but not the annual inspection or application fee.

Atwood clarified that short terms do fall under that specific language. In 2017, the state made it tough to deny conditional uses. Adding conditional use permits is a last resort.

Zillmer stated they should only be used in the 2 districts.

12. Adjourn Public Hearing-Motion by B. Milligan 2nd by Boatman to adjourn. Carried 4.

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