



November 17, 2014 Special Meeting - Town of Garfield

Town of Garfield Special Meeting
Monday, November 17, 2014 – 6:30 p.m.
Garfield Town Hall

Chairman Steve Dickinsen called the Special Meeting to order at 6:35 p.m. Monday, November 17th. Public notice verified. Full board present including Chairman Steve Dickinsen, First Supervisor Lamoine Hanson, Second Supervisor Glenn Fremstad, Treasurer Clark Walker, and Clerk Ardy Robertson, along with Plan Commission members Alice Glavin, Jackie Rindahl, Susan Fox, Linda Fremstad, and Raivo Balciunas. Also in attendance were Gerald Fox, Dianne and Kraig Richardson.

Discussion on the Citation Ordinance – Resolution 12-02-2014, which is as follows:

TOWN OF GARFIELD

Resolution 12-02-2014

ENFORCEMENT OF ORDINANCES; ISSUANCE OF CITATIONS

SECTION 1.01 METHOD OF ENFORCEMENT

Pursuant to the Town of Garfield's authority under sec. 66.0113 Wis. Stats, the Town elects to issue citations for violations of ordinances, including ordinances for which statutory counterparts exist.

SECTION 1.02 FORM OF CITATION

Citations shall contain all information required by sec. 800.02(2) Wis. Stats. The form of the citation to be used by the Town is on file for public inspection in the office of the Town Clerk and is adopted by reference as though fully set forth herein.

SECTION 1.03 SCHEDULE OF DEPOSITS

The town adopts the schedule of deposits established by the Jackson County Clerk of Circuit Court, subject to alteration from time to time. A copy of the current schedule of deposits established by the Jackson County Clerk of Circuit Court is on file for public inspection in the office of the Town Clerk and is adopted by reference as though fully set forth herein.

SECTION 1.04 ISSUANCE OF CITATIONS

Any law enforcement officer may issue citations authorized under this chapter. Additionally, the following Town officials and personnel may issue citations with respect to ordinances which are directly related to their official responsibilities:

(1) Town Constable

- (2) Any member of the Town Board
- (3) The Town Plan Commission Chair Person

SECTION 1.05 PROCEDURE

Sec. 66.0113(3) Wis. Stats, regarding a violator's options and procedures on default, is hereby adopted by reference as if fully set forth herein.

SECTION 1.06 GENERAL PENALTY AND LIABILITY FOR ENFORCEMENT COSTS

(1) General Penalty. Except where a penalty is provided elsewhere in this Code of Ordinances, any person who shall violate any of the provisions of this Code of Ordinances shall, upon conviction of such violation, forfeit not less than Fifty dollars (\$50) nor more than five hundred (\$500).

(2) Liability for Enforcement Costs. Any person convicted of an ordinance violation under the Town of Garfield Code of Ordinances shall also pay all costs and expenses involved in the case, including the Town's attorney fees reasonably incurred in the prosecution of such action.

SECTION 1.07 PAYMENT OF FORFEITURES

The Town designates the Jackson County Clerk of Circuit Court to receive cash deposits and requires that receipts be given for cash deposits.

SECTION 1.08 RELATIONSHIP TO OTHER LAWS

The adoption of this ordinance does not preclude the Town from adopting any other ordinance, providing for the enforcement of any other law, providing other means for the enforcement of Town ordinances, or providing for the enforcement of any other law or ordinance relating to the same or any other matter.

SECTION 1.09 SEVERABILITY

If any provision of this Ordinance is held invalid, such invalidity does not affect other provisions of this Ordinance that can be given effect without the invalid portions, and to this end, each provision of this Ordinance is severable.

SECTION 1.10. EFFECTIVE DATE

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Dated this day of November, 2014

Steven Dickinsen, Town Chair

Lamoine Hanson, Supervisor #1

Glenn Fremstad, Supervisor #2

Attested this day of November, 2014

Ardy Robertson, Town Clerk

Raivo Balciunas talked about a change to Section 1.06 – the General Penalty section. This section would be divided into two sections, 1.06 (A) and 1.06 (B). Motion by Lamoine Hanson, seconded by Glenn Fremstad, to pass the Ordinance with the aforementioned change. Motion carried.

Discussion of Non-Metallic Mining Ordinance, both in the form that the Planning Commission has endorsed and also in the form that Attorney John Wagman has recommended that the town adopt. Dickinsen listed some opinions and concerns that the Wisconsin Towns Association attorneys have shared with him. They are recommending that we pass the version with Attorney John Wagman's changes. Following discussion, there was a general consensus that we should require a Mining Agreement in addition to the Ordinance, and that we require Public Notice.

The Board and Plan Commission members went over Attorney Wagman's recommendations to the Non-Metallic Mining Ordinance one by one, and made comments for Chairman Dickinsen to discuss with Wagman, and/or the WTA attorneys.

Discussion of the current Non-Metallic Mining Moratorium which expires November 28, 2014.

Next meeting of the Board and Plan Commission will be held Monday, November 24th, at 6:30 p.m. The Agenda will include the Non-Metallic Mining Moratorium, and adoption of the Non-Metallic Mining Ordinance.

Motion to adjourn made by Jackie Rindahl and seconded by Glenn Fremstad. Motion carried, meeting adjourned.

Ardy Robertson, Clerk