



VILLAGE OF WEBSTER

PLANNING COMMISSION MEETING MINUTES

Thursday, May 16, 2024 @ 3:30 p.m.

Webster Village Office

7461 Main Street West, Webster, WI

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- I. **CALL TO ORDER** – Village President, Bill Summer called the Planning Commission Meeting to order at 3:30 p.m.
 - II. **PRESENT** – Village President, Bill Summer; Village Public Works Operator, Dean Phernetton; Village Zoning Administrator, Joe Atwood; Village Surveyor/Acting Engineer, Mark Krause; Village Citizen Member, Gaylen Brown; Village Citizen Member, Greg Widiker; Village Clerk-Treasurer, Debra Doriott-Kuhnly. Others present: Village Trustee, Stuart; Village Residents Russ Burford and Ken and Maria Erickson. Absent Village Citizen Member Gaelyn Sears and Village Trustee, Charlie Weis*note, during roll call, Kuhnly did not call on Weis – she caught this later on and noted for the record Weis was absent. Village Citizen Member Gaylen Brown left the meeting at approximately 4:27 p.m.
 - III. **PUBLIC NOTICE OF AGENDA, DELETIONS/CORRECTIONS** – Motion made by Member, Brown to approve the agenda as presented; seconded by Member, Krause. **Motion carried 5-0.**
 - IV. **PUBLIC COMMENTS – Revisions and Amendments to Village Ordinance Article VII Signs-** Russ Burford spoke of Joe Atwood's comments, at a previous meeting, about ordinance 298-54 L & T and the 2015 court case of Reed vs. Gilbert that makes that go away. Russ informed the commission that he investigated and there is a later Supreme Court decision. In 2022, Austin vs. Reagan Advertising specifically upholds banning off premises signs. He continued that the Supreme Court ruled prohibition not based on content but on location and rejected Reed vs Gilbert (off premises advertising) and it's constitutional to ban off premises advertising. He stated removing prohibiting off premises from village ordinance is not needed. Russ then spoke of Trustee, Stuart going around and conducting survey asking sign and business owners for their opinions and spoke of (and read, in part) the State gives legal way – SHALLS §16.23 7(d)4, Russ then read the state definitions of non-conforming uses and stated grandfathering non-conforming use is not an option. Russ stated a reasonable compromise to the proposed sign ordinance changes would be to retain the language in 298-54 L & T and grandfather completed signs that are legal non-conforming and no legal need to remove ban on no off-premises signs. Atwood said his recommended proposals are not based on Reed vs Gilbert; this was an example. His recommendations are based on other municipalities' attorneys strongly advising it's unconstitutional to ban off-premises advertising. Atwood also pointed out sections Russ didn't speak to on the court cases. Krause spoke of contexts for cases – common law is a combination of different decisions: it's not one specific thing. Trustee, Stuart provided results from his verbal survey he conducted. Everyone he talked to really didn't notice the signs, they really didn't have a preference on the size signs that we have or how they are altered. Really no opinions. But they would abide if had to alter. Krause and Atwood spoke of possibility of different sign sizes allowed in different sections of the village (outskirts/in swamps vs. in interior) Atwood stated the proposed sign, by the cemetery, is in a swamp and not obstructing vision to get on the road/traffic. Brown agrees. Atwood said Amery and Siren has off-premises signs and municipalities can allow and tailor their ordinances to allow or not. Widiker suggests seeking attorney advice – Summer said Attorney Steven Olson previously said it was ok/the village can adopt anything they want. Russ then brought up that Weis was not voted/approved to serve on Planning Commission at the annual reorganizational meeting. (For the record- Kuhnly stated that she missed calling Weis' name during roll call, for THIS meeting and it should be noted that

he is absent.) A Village Trustee will need to be voted on to serve on the Planning Commission at the next month's Board meeting. Russ also questioned Krause's membership. Kuhnly explained that Krause does not need to be voted in as he is the Village's Surveyor/Engineer. Russ said the ordinance states Village Engineer and Mark is not. Krause said the village does not have one and he handles a lot of the questions, as the acting engineer. Discussion ensued on Krause's role.

Summer would like to, again, seek attorney advice on the proposed changes to the sign ordinance. Motion made by Member, Brown to table until the village seeks legal counsel from Steven Olson on the proposed sign ordinance change, constitutional status of off-premises signs and grandfathering in signs; seconded by Member, Widiker. **Motion carried 5-0.**

Ken Erickson stated he is losing patience – it's been going on for 8 months and village keeps "kicking the can". He stated it is not fair to him. Discussion ensued on off-premises. Widiker recapped the situation and actions taken up to this point.

Motion made by Member, Widiker to favorably recommend to the village board to approve the proposed sign ordinance, pending legal approval; seconded by President, Summer. **Motion not carried. Not enough members were present with Krause abstaining.**

- V. **ADJOURNMENT.** Motion was made by Village President, Summer to adjourn at 4:42 p.m., seconded by Member, Widiker. **Motion carried 5-0.**

Respectfully submitted,

Debra Doriott-Kuhnly

Debra Doriott-Kuhnly, Clerk-Treasurer

May 16, 2024

***These minutes are subject to approval at next month's Regular Meeting.