

Town of St. Joseph - St. Croix County, WI

Minutes of the Town Board Meeting St. Joseph Town Hall Thursday, April 11, 2024

Call to Order by Chair Theresa Johnson at 6:01 pm

Statement of Public Notice read by Clerk

Roll Call: Chair Theresa Johnson, Matt Moore, Chris Marshall, Laurie DeRosier, Engineer Lee Mann, Attorney Nick Vivian. Online: Justin Kruse

Adoption of Agenda: **MOTION** to adopt the agenda as presented (Marshall/Moore). **Motion carried.**
Pledge of Allegiance recited

Public Comment: Matt Moore acknowledged Laurie DeRosier at her last meeting and stated the appreciation the Town has for her service. Dan Gavin was introduced as the new Supervisor 3.

Business discussion and possible action on:

1. Presentation from Hitching Post Real Estate, Jim Furseth – proposed amendment to Comprehensive Plan: Jim Furseth was present and discussed his proposal. Discussion followed regarding the Town Comprehensive Plan (2016), area zoning, and current Town Center. Matt Moore stated it is important that we maintain control over development as the current Comprehensive Plan has laid out the current Town Center and he is a no to this Project. Justin Kruse stated his thoughts mirror those of Matt Moore's. Chris Marshall stated we are not in a position yet to ok this project. Laurie DeRosier stated there is not a lot of access to this area, sanitation is an issue, and is unsure how the Town could make this work. Justin Kruse stated that he has a challenge with the layout of the surrounding area, sewer water and natural gas since it is not populated with utilities. He does not believe the Town will take up these challenges and will go against the rezoning. Matt is in favor of retaining current zoning. Theresa Johnson stated she agrees with the Board at this time and is not in favor of the rezoning. Her position is a no to this project. Mr. Furseth stated he had come to the Plan Commission with "Plan B" which is a development with 29 3-acre lots. He stated he is trying to make it better. He will most likely come back with the Plan B concept.
2. Concept CSM – Dan Orf – 133rd Ave – PID# 030-1066-10-010 – 3 lot CSM: Doug Zahler and Dan Orf were present to discuss the concept. Mr. Orf wants to build a home on one of his lots. The lot is on a Town Road and the road is not currently up to Town standards. Doug asked what would be the Town's expectations for this road. Theresa Johnson stated she is not opposed to upgrading the road to a 66-foot right-of-way. Nick Vivian suggested the Board would most likely want a new CSM with the road being brought up to standards. This road would need a cul-de-sac for trucks to turn around. Doug asked about Dan Orf petitioning the town to vacate the road and proposed a new road. Nick stated the Board needs to think about the access points on a new road. Theresa stated they would have to have the road up to Town standards per the ordinance, or they can come back to the Board of Appeals and ask for a variance.

Justin Kruse present at 6:59 pm.

Mr. McKay's nephew was present and stated Mr. McKay wants to maintain access to the road. Matt Moore state he is amenable to updating the road. What is the Board's intention for 133rd? Add a cul-de-sac or a hammerhead, and a 33' right-of-way. Discussed combining two parcels into one which would serve the purpose of that road. Suggested they come back with a CSM and he

could petition the Board to vacate the roadway.

3. Conditional Use Permit – David and Cathy Cox – 1228 Hwy 35, PID# 030-2072-40-000 – addition of an auxiliary dwelling unit. Anton Rang was asked about the Plan Commission meeting with Mr. Cox. Mr. Cox was online for this meeting. Discussed the various letters sent to Mr. Cox by the Building Inspector. Theresa Johnson stated the building is currently not in compliance. Mr. Cox stated it has not been inspected yet. He is hooked up the septic. He is hooked up to the well. County has not approved any. Nick Vivian stated that if the Board thinks this is an acceptable structure, they can grant the CUP with conditions to be approved by the Building Inspection. He also stated the Board could make a clear message that this home should not be lived in until it is inspected and approved. Lee Mann stated that their recommendation was for denial. **MOTION** to approve the Conditional Use Application for the auxiliary dwelling unit at 1228 Hwy 35 N for David and Cathy Cox, conditional upon the following things: that this dwelling unit cannot be occupied or used until it comes into compliance with the Uniform Building Codes of the State of Wisconsin and also the Codes of the Town of St. Joseph. You have until October 1st to bring that part of it into compliance along with County septic and well restrictions that they have and you will be on the October agenda to come back to the Town Board and prove to us that you have met all of those conditions and if not I would recommend that we would take further action on the use of this building (Johnson/Moore). Discussion followed. **MOTION WITHDRAWN** (Johnson/Moore). There was discussion on the setback at the Plan Commission and Anton discussed the views of the Plan Commission. Mr. Cox stated that if the Board approves the CUP, he will get the building into compliance. Nick Vivian stated this property is for sale and asked Mr. Cox for the timeline. Mr. Cox stated it is not for sale, that he has to fix this issue, and it would most likely not happen until next year. **MOTION** to approve the Conditional Use Permit for Dave and Cathy Cox at 1228 Hwy 35 N with the following conditions: (1) he brings the dwelling into compliance under Wisconsin Uniform Dwelling Code and Town of St. Joseph Ordinances for setbacks, etc.; (2) he gets approval that the inspections are complete by Todd Dolan our Building Inspector; (3) he gets approval from St. Croix County for a conforming septic and well system for that building; (4) he applies for any additional permits that he needs to apply for and pays the fines associated with any permits that he has not applied for; and (5) he has no later than September 5th to bring it into compliance, totally 100%. In addition, I would ask that the attorney and clerk work together to file whatever necessary paperwork against the deed of your house for this Conditional Use approval with conditions (Johnson/Marshall). **AMEND MOTION** that states that he cannot live in or use that dwelling until it comes into compliance (Johnson/Marshall). **Motion carried.** The clerk will send to Mr. Cox, Todd Dolan, and St. Croix County and it will be placed against the deed of the Cox property.
4. Resolution 2024-02 Approving the Town of St. Joseph Adjusted Urban Area Boundary: Theresa Johnson reviewed the email sent by the DOT. **MOTION** to approve Resolution 2024-02 Approving the Town of St. Joseph Adjusted Urban Area Boundary (Moore/Kruse). Roll Call: Justin Kruse-Aye, Laurie DeRosier-Aye, Chris Marshall-No, Theresa Johnson-Aye, Matt Moore-Aye. **Motion carried.**
5. Town Hall Building update
 - a. Projected expenditures and available funds: Discussed the updated financial spreadsheet.
6. Update on road connections on west side of Town: Lee Mann stated Phil Carlson is working on communicating with the residents in the area that we are talking about.
7. Stormwater reviews and processes: Lee Mann stated the Board put into motion that they would inspect the stormwater infrastructure in the developments for which there are Stormwater Maintenance Agreements and hold Homeowners' Associations accountable for doing what needs to be done. The plan is to implement the project this Spring. The Clerk has sent the proposed letters and the spreadsheet. Stantec will review and will come back next month with the costs of

this project.

8. Major Road Project

- a. Update on Church St Project and pay requests: Lee Mann stated that they will be going through and doing a Spring punch list and finalization of the project. We have not heard about the grant at this point. Trees need to be planted as part of the project and that will hopefully be started in May.

9. Public Works

- a. 2024 Road Maintenance – Award bid: Discussed the bids, Fahrner Asphalt Sealers was the low bid at \$367,456.40 for the base bid, which compares to the Engineer's estimate of \$463,000.00. The high bid was \$534,000.00. Alternate #1 bid for doing 89th Street is an additional \$23,130.70 for a total base bid plus alternate of \$390,587.10. Lee discussed the issues with Fahrner a few years ago regarding traffic control where vehicles were damaged and sealing a road in the rain. There was not a representative present at this Board meeting to discuss the prior issues. Allied Blacktop Company. Nick Vivian stated that the law states the Town has to grant the bid to the lowest "responsible" bidder. Allied Blacktop has been used by the Town in the past. **MOTION** to award the 2024 Road Maintenance bid to Allied Blacktop, Bidder No. 2, for a total \$429,248.50 (Kruse/Moore). **Motion carried.**
- b. Update on tractor –maintenance: Chris Marshall stated the tractor is still being repaired, they are not finding parts to fix it. He also discussed different options with a John Deere representative. This will be placed on the May agenda.
- c. Update on tree removal: Chris Marshall stated that the tree service is doing a great job and they are making their way through the list provided. The hours are coming in according to the bid at this time. Theresa stated she would like to see more detail on the bills.
- d. Buildout of Maintenance Garage for signs and equipment: This is in process at this time. It will be similar to the County's setup.

10. Parks, Trails and Recreation

- a. Update on Playground and plans to be completed in spring: Janet Lindstrom stated they are making progress and the Parks Committee will be reviewing this at their next meeting. The proposed burn of the marsh land was discussed.
- b. Preserve update on signage and hunting: Discussed border signs to delineate the property. We have received one letter back from a resident. This will be placed in the PTR Google Drive for their review.
- c. TAP Grant discussion for future: Lee stated he would find out the cost estimate for the TAP Grant. The Parks Committee wants to begin the process. Janet will find out the timeline.

11. Plan Commission

- a. Junkyards and other chronic nuisances and enforcement issues: Discussed the status of the junkyards in the area.
- b. Update to ordinances: Theresa stated the Citation ordinance is updated, but still being reviewed. The Emergency Management Plan is finished and being reviewed. Chapter 149 is still awaiting information. Chapter 170 is being finalized and want to be sure there no other changes. The Clerk will update the Intoxicating Liquor ordinance as the State has updated it on their end. Anton asked if there is any input on our burning ordinance. The Board asked Nick to provide input on the burn ordinance. Lee will provide Anton the plate information for the cluster mailboxes. There are other ordinances that should be ready in a month or two.

12. Approve renewal of insurance for the Town from Horton Group: **MOTION** to approve the renewal of insurance for the Town from the Horton Group (Moore/Marshall). **Motion carried.**

13. Approve Open Book for June 12 – 4-6PM and Board of Review for June 19- 6-8PM: **MOTION** to approve June 12 from 4-6 pm for Open Book and for June 19 from 6-8 pm for the Board of Review (Marshall/Kruse). **Motion carried.**

14. Write off of bad debt – Personal Property tax assessed to prior owner 1441 Hwy 64: This was assessed to a new owner and should have been provided to the prior owner. **MOTION** to approve writing off the bad debt for 1441 Hwy 64 in the amount of \$422.67 (Johnson/DeRosier). **Motion carried.**
15. Wisconsin Ground Emergency Medical Transport Supplemental Payment Program: Theresa Johnson discussed the 2021 Act 228 that performed reviews and inventory and want to make the public ambulance/first responder services whole, as they are not receiving money from the hospital with which they are associated. In essence, they will fine all the private ambulance services in the state and provide those funds to the public ambulance services to keep them in service. She will be meeting with the Mayor and other towns regarding this issue. Zac will be providing information regarding how many runs Lakeview makes in this area, and other information. The Board approves Theresa meeting with other Towns regarding this issue.
16. Fireworks Permits
 - a. City of Stillwater – July 4th or 5th: **MOTION** to approve the City of Stillwater’s 2024 fireworks display (Kruse/Marshall). **Motion carried.**
 - b. Paul Marchio – April 27th – 835 County Rd E: Discussed the permit request received. We have not received any additional information regarding the owner of the property, or other responses from this person. **MOTION** that we deny the fireworks permit for Paul Marchio at 835 County Rd E for April 27th – denied (Marshall/Moore). **Motion carried.**
17. ARPA funding and approval of expenditures
 - a. Approval of ARPA projects for the Town: There is nothing new to report at this time.
18. Public Records Requests – progress and costs: The chart will be updated and placed in the drive.
19. Approval of Town Board minutes – March 14th and March 28th: **MOTION** to approve the minutes for March 14th and March 28th (Marshall/Kruse). **Motion carried.**
20. Budget, Invoices, checks and bank balances: **MOTION** to approve the renewal to the Intuit QuickBooks Desktop Enterprise Gold Edition for 2 users for a total of \$3,312.00 (Kruse/Marshall). **Motion carried.** **MOTION** to approve all checks and vouchers and payments starting with Check Nos. 24880 through 24979 (Johnson/Kruse). Discussion followed. **Motion carried.**
21. **MOTION** to go into Closed Session: Wis Stats 19.85(g)—Conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – junkyards and trash burning (Kruse/Marshall). Roll Call: Laurie DeRosier-Aye, Chris Marshall-Aye, Matt Moore-Aye, Justin Kruse-Aye, Theresa Johnson-Aye. **Motion carried.**
22. **MOTION** to go into Open Session (Kruse/Marshall) Roll Call: Theresa Johnson-Aye, Chris Marshall-Aye, Laurie DeRosier-Aye, Matt Moore-Aye, Justin Kruse-Aye. **Motion carried.** Open session to discuss or act upon matters considered in Closed Session
 - a. Action on any items in closed session: No action taken at this time.
23. Items for the next Town Board Agenda or committee agendas: St. Croix Electric rebates.
24. Adjournment: Motion to adjourn at 9:11 pm (Kruse/Marshall). **Motion carried.**

Minutes submitted by Teri Kelly.