

VILLAGE OF OSCEOLA
REGULAR BOARD MEETING PROCEEDINGS
June 13, 2023

The Village of Osceola met for a Regular meeting on June 13, 2023, at Village Hall. Village President Rose called the meeting to order at 6:00 pm.

Present: Deb Rose, Bill Chantelois IV, Bruce Gilliland, Van Burch, Brad Lutz and Arvid Maki
Staff present: Devin Swanberg, Carie Krentz, Ron Pedrys, Shelby Friendshuh, Todd Waters, Rick Caruso, Ryan Kenney, and Dylan Annis

Motion by Lutz and seconded by Gilliland to approve the agenda.

Ayes-6 Nay-0 Motion carried

Motion by Lutz and seconded by Maki to approve the minutes of the Regular meetings dated May 16, 2023.

Ayes-6 Nays-0 Motion carried

Public input and ideas (Limit 5 minutes per speaker)

Ella Chinander and Ceadaoin Snell representing Mental Health Matters Club at OHS and presented their request for permission to host a 5K walk/run to be held on 09/23/23 starting at 7:30 pm to show that mental health and suicide prevention matters in our community. The idea is to light up the night showing there is a light at the end of a tunnel. Rose stated she will work with Dr. Styles to get their Special Event Permit Application filled out.

Pete Paidar at 508 River Street gave a handout relative to agenda items related to height and the TIF. Sent emails showing a balloon test set at 40 ft. Size matters. Want development on site but there are still questions. PC minutes and correspondence from DNR – read some of the minutes. Would like the Board to take action for marking it before taking action on this. Paidar believes it could be downsized and still be successful for the developer. Look at census data. The burden will be placed on tax payers. Concerns fighting fires with height of ladder Osceola has versus the height of building.

Holly Walsh at 405 Ridge Road stated a group of citizens & herself created a petition and collected 544 hand signature of people who are opposed to increase the height to 45’ and over 344 online signatures from people in Osceola and the immediate surrounding area. A clear message that hundreds of people do not want this large complex built but hospital to go. Please do not approve the CUPs tonight. Read into record (see attached). Provided the hand signatures petition along with statement read into record.

Roger Hale, seasonal resident, at 711 River Street for 35 years agrees with Walsh. He’s opposed to the size and the view from the river not opposed to development

Bill Neuman with St. Croix Scenic Coalition is interested not to stop development because hospital site but their concern is the visibility from the river. Talked about NR 118 standards. Hired a court reporter tonight for an accurate record if needed for court. The top 7’ will be visible from the river admitted by developer – not permitted in NR118. Does not know if there has been communication with PC members that denied CUP and is requesting any kind of communication with current board members stating their concerns.

Adam Pieri Johnson at 405 Ridge Road stated his concern is the tax levy. Concern this project is that is not going to impact our tax levy for 20 years – do not like the package. Why was there an amendment made to the TIF? It was a big change. Do not see how this is benefiting Osceola other than getting rid of the old hospital.

Mark Kozlak at 507 River Street has issue with talk about blighted building; it was deliberately and wantedly by the owners of the building and made it a sore site. Collected insurance money when windows were broken. Has not heard anything by elected officials going after these owners for this blight. These owners are profiting and feels this is wrong.

Kent Jefferson at 421 Ridge Road stated it was hard to add anything more to what residents have already said this evening. One thing everyone talks about is the center of the river however most don't come down the center. They come across on the bridge. Preserving the river is held by board and feels giving up way too much for this project. Third administrator that has worked on this project. Thank you for your time and all residents that have come and spoke and feels they should be listened to.

Terry Hauer, Executive Director with Polk County Economic Development Corporation stands firmly in the development of this building for Osceola. They represent local employers that want to continue calling Osceola and Polk County their home. There is a need for housing shown in 2020 county housing study showing a need of 162 housing units just to keep pace with current housing trends. Osceola's own school board has indicated 5 years of declining enrollment which indicates economic instability. Ordinance modifications are necessary to change and grow and attract developers into our communities. Strongly encourages and stick with the facts of the development.

Reports: Staff reports

Police-Pedrys: keep it quick with highlight overview. Started working on 2024 operating and CIP budget. In May received \$7,100 grant applied for December 2022, which is to help funding of Flock camera system. Have been working the property owner at 415 10th Avenue (near Art Barn) to get it cleaned up and he's working really hard to do that & making progress.

Public Works-Waters: Have been pot hole filing throughout April and May. Got help from East Farmington to spray patch roads around Airport and Chieftain. This helps cut costs by 50%. Bike racks have been installed through the downtown area. Approx. \$30K in curb and sidewalk repairs done already this year. All 53 planted trees came back. It takes 16 weekly hours to keep these trees growing. Welcomed seasonal employee, who's working full-time doing watering, mowing, staining fences and many more tasks.

Utilities-Caruso: Happy to say we are starting to pump a lot of water with Well #3 back in the ground with other testing still to be completed but could be used if needed. Meter reading has started this week. North control valve has been rebuilt.

Library-Friendshuh: May busy with summer programing kicked off and been successful so far. Looking for best ways to use grant funds. Community conversation with disability – more info by August. Circulation under goal of 5,000 however 500 more than same time last year. Caught up with bar codes and back log by the end of the week.

Fire-Annis: Paul Elfstrom could not be here tonight. 15 runs total last month, 12 in Village of Osceola and 2 in Town of Farmington and 1 mutual aid, allied Alden. Read through memo updated.

Building Inspection: Swanberg stated Village issued 10 permits in the month of May for a total value of \$589,272. That included two homes, two decks, three fences, 2 sheds and one alteration.

Administration: Swanberg is putting best effort to get out into the community. Attended personal finance event with the students at high school. Did a tour of manufacturing plastic business with water guys.

Chamber of Commerce/Mainstreet: Ruth Sattler, Chamber President gave a rundown of events the Chamber has worked on the past month. Working with 5 other chambers in the area they are working together to support each other and the region.

Other business – discussion and possible action re:

Skatepark Update

Marsha Hovey at 805 N Cascade Street gave status of Skatepark. She took over in 2021 and has raised funds for this project to \$71,000. Discussed all fundraiser to date. Continues to raise funding but has only \$3,000 from grants. Continue to need help with finding grants for project. 409 4th avenue – Asked if any movement on the yellow house? Property at 409 4th Avenue. Hoping that Village contribution of \$15,000 still available for this project. Wants to work with the Village not be thorn in the Village. Will continue to raise funds.

Oakey Park garage roof replacement and building rehabilitation

Waters explained this is the first part of the rehabilitation for the Oakey Park garage building. Three entities use this facility (1) Public Works, (2) Chamber of Commerce and (3) Osceola Braves. Got BIDs from two companies with two different approaches to roof replacement. One being a liner and the other being spray foam and they are equally good ways for replacement procedures. Requesting to move forward with J&A Northwest in the amount of \$17,995.50 with recommendation of a + 8.5% due to unforeseen fixes they may find when doing the work for a total request of \$19,525.12. Lutz do you feel the amount in CIP will cover all costs on this building improvements and Waters feels it will cover those costs.

Motion by Burch and seconded by Gilliland to approve J&A Northwest for \$17,995.50 with +8.5 to 19,525.12.
Ayes-6 Nays-0 Motion carried

Resolution #23-05 Adjusting Sewer Only User Rates

Caruso stated this Resolution is to adjust sewer only user rates. All other sewer user rates were adjusted and took effect as of 2nd quarter this year and needed to adjust the remaining users as well.

Motion by Lutz and seconded by Maki to approve Resolution #23-05 Adjusting Sewer Only User Rates as presented.
Ayes-6 Nays-0 Motion carried

CIP-MSA Presentation on CIP Plan

Teresa Anderson with MSA professional service and has been there for more than 20 years. Didn't go through proposal but wanted to emphasize the importance of capital improvement plans in our current economic climate. Lutz question is why now? Swanberg stated with funds being pinched we need to find a way to have staffs aging equipment upgraded and find sources for outside funding. MSA will help with finding sources that village may not even know are available and guide to help prioritize funding needs.

Motion by Gilliland and seconded by Burch approve proposal from MSA for \$12,500 for initial CIP update and maintenance.
Ayes-6 Nays-0 Motion carried

RFQ Cleaning Services

Swanberg stated we sent out a request for proposals and received two BIDS. Would like a new company to come in and recommending Pro Green's BID and work in a renewal after one year and then Renew in year and then 3 year renewal.

Motion by Lutz and seconded by Gilliland to approve the lowest quote to Pro Green in the amount of \$23,100.
Ayes-6 Nays-0 Motion carried

Treasurer Pay Increase

Swanberg started with Tanya Batchelor being with the Village for 6-months now and had her review where it was determined she has exceeded expectations and it's being recommended from Admin & Finance Committee to increase her pay by \$2.40. Lutz wanted to know what was discussed at Admin & Finance. Gilliland stated is was discussed she was being hired at less than what she was currently making and if she worked out that the Village would respond accordingly. She has more than worked out and recommends increase.

Motion by Gilliland and seconded by Chantelois to approve Treasurer's pay increase as presented.
Ayes-6 Nays-0 Motion carried

Commission/Committee Appointments

Motion by Burch and seconded by Lutz to approve Margaret Bader for Ambulance Board.
Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Chantelois to approve Brooke Kulzer for Board of Appeals.
Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Burch to approve Wayne Tomfohrde for Board of Appeals, alternate member.
Ayes-6 Nays-0 Motion carried

Motion by Burch and seconded by Maki to approve Jerry Viebrock for Historic Preservation Commission.

Ayes-6 Nays-0 Motion carried

Motion by Gilliland and seconded by Lutz to approve Mark Erickson for Micro Loan Fund.

Ayes-6 Nays-0 Motion carried

Lutz shared information from last weeks Planning Commission meeting that former Village President advised recusal on topics being covered during that meeting and this individual chose not to do this. This should warrant consideration if Board wants this individual on Planning Commission in the future. Gilliland stated at the Planning Commission meeting last week our Village Attorney and Engineer were told by this individual they had not done their jobs properly and that he was more qualified in those areas and finds this presumptuous and concerns him. If we can't trust the professional we have employed that's a concern and he doesn't have any lack of trust or concern in what they present to Board.

Motion by Gilliland and seconded by Lutz to not approve Tyler Norenberg for 3-year term.

Ayes-6 Nays-0 Motion carried

Motion by Maki and seconded by Burch to approve Bill Chantelois for Planning Commission.

Ayes-6 Nays-0 Motion carried

Motion by Burch and seconded by Chantelois to approve Kyle Weaver for Ethics Board.

Ayes-6 Nays-0 Motion carried

Motion by Gilliland and seconded by Maki to approve Andrew Carlson for Room Tax Commission.

Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Rose to approve Mike Malik for Room Tax Commission.

Ayes-6 Nays-0 Motion carried

Motion by Gilliland seconded by Maki to approve Jessica Robinson for Room Tax Commission.

Ayes-6 Nays-0 Motion carried

Break at 7:22 pm / Back from break at 7:30 pm

CUPs for Osceola Bluffs Development

Gaughan Companies presented Osceola Bluffs Development and is a mixed-use development. Sean Bohan, with Advanced Engineering Concepts, discussed the development starting with creating more green space and better water quality. Three stories, 45' height and have updated materials.

John Harriss from Harriss Associates design architect on project discussed project. Sits in a B-1 business district. Mixed-use is allowed within district. Project is using earth tone colors, went over plans and ended with drone footage of the site.

Disturbance of 10,000 sq ft

Swanberg started with Planning Commission discussed making sure the site was better than current state. Conditions put on CUP are Village receives all maintenance reports for the holding & bioretention ponds, and all trees are replaced by DNR requirements. And following the SHPO in regard to human remains. Mahler would suggest board include additional condition they follow best management practices. Planning Commission passed this CUP with 6 ayes and 0 nays.

Rose read: **CUP request relating to filling and grading more than 10,000 square feet of land pursuant to Village Codes §217-8E(1)(b) and (c). A conditional use permit may be issued for filling and grading activities in the following areas if the conditions in Subsection E(2) are satisfied:** Items a through e.

Rose read requirements for **NR-118.09(2) (D):** 8 items read and continued to read **Village Code §217-12:** Items

1 through 9. Will go through each of these for all CUPs being discussed. Mahler when you make motion, considering all items just read, incorporate any conditions as part of the motion.

Motion by Lutz and seconded by Maki to approve CUP for disturbance of 10,000 sq ft. with the conditions that they follow all SHPO for excavation of any potential burial site, replace any trees as required by the DNR, maintenance log of the drainage plan to the Village and as part of an erosion plan, Wisconsin construction site best management practices are implemented.

Roll Call: Ayes- Chantelois, Burch, Rose, Maki, Gilliland, Lutz Nays-0 Motion Carried

Exceeding 35' in the River Town Management Zone up to 45 feet

Rose read Planning Commissions motion by Norenberg to deny the CUP for the height of the building up to 45' seconded by Tomfohrde. Motion failed 3-3 vote. Rose read: **CUP requesting relating to increase the maximum structure height to up to 45' pursuant to Village Code §217-7A(4)(a):** Item 1, a, d and e. Read NR-118.09(2) (D) and §217-12.

Angela stated definition is average height referred to diagram in packet using perimeters of entire building and got an average height of 44.6', under the 45'. Drone footage was very inclusive and meets the requirement. Why was direction in PC to go with to deny versus to approve. No answer – didn't make the motion and no other motion was made. Lutz brought up discussion topic regarding Plan Commission member that was not at the meeting. Maki said we have heard every objection on why CUP should not be passed, as well as Gaughan meeting all requirements to pass, including drone footage of site and it's not conspicuous building. Lutz was informed by absent Plan Commission member he would have approved this CUP for height. Lengthy discussion took place on height and building being conspicuous.

Motion by Rose and seconded by Gilliland to approve CUP to increase maximum structure height to up to 45' pursuant to Village Code §217-7(A)(4)(a) with the conditions of adhering to earth tone colors as set out by Historic Preservation guidelines, lighting meets guidelines for light pollution, no building lights on river side of building other than safety lights, replace trees as specified by DNR guidelines and have DNR on site for guidance and cannot cut low branches on tree to create view corridors.

Ayes-6 Nays-0 Motion carried

First Floor Residential in a mix-use building in the B1 district in the non-historic downtown.

Swanberg stated that there were no conditions tied to the CUP and it passed at Plan Commission 6-0. There was talk about restaurant being noisy but conditions could be added and one other issue as noise from high density population. Rose read: **Residential CUP standards in the BI district: The owner of the property on which a residential use is conditional use pursuant to §219-15A(2) shall receive a conditional use permit for such residential use if, in addition to meeting all other applicable requirements of the Village Code, the following conditions are met:** Items a through c. Read NR-118.09(2) (D) and §217-12.

Discussion took place on VRBO or Airbnb's and should there be conditions added. Developer stated to rent a place here there will be background checks and the housing area will be secured with fobs. Main purpose of building is the residence area. Mahler limiting hours of outside deck – limiting restrictions. Discussion on parking and River Street.

Break at 9:46 pm / Back from break at 9:53 pm

Any further discussion wanted on mix-use CUP? Lutz feels Village negotiate between River Street and Business Area and interconnectivity between the two. Swanberg stated Village still needs to complete a development agreement on this project. Planning Commission did not put any additional conditions on this CUP. Venting of restaurant will be through top of the building.

Motion by Gilliland and seconded by Maki to approve CUP for mixed use 1st floor residential in the B1 district.

Ayes-6 Nays-0 Motion carried

Development and TID agreement amendments with Osceola Bluffs Development

Swanberg is recommending to table this item to a future date for more time for attorney and staff to review items.

Motion by Lutz and seconded by Burch to table until discussion until no later than July board meeting.

Ayes-6 Nays-0 Motion carried

Licenses and Permits:

Motion by Gilliland and seconded by Chantelois to approve Cigarette Licenses as presented.

Cascade BP, Dick’s Fresh Market, Kwik Trip, Lucky Seven General Store, Osceola Stop, PYs Bar & Grill, Tippy Canoe’s, Valley Spirits and Your Place, LLC

Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Maki to approve Temporary (Picnic) Class B Beer License for Osceola Chamber/Mainstreet-Osceola Trails Coalition for Valley Brew Fest

Motion by Lutz and seconded by Burch to approval renewal Alcohol Licenses as presented.

Class “A” Fermented Malt Beverage & Class “A” Intoxicating Liquor

Osceola Liquor & Gas, LTD – Cascade BP

Osceola Liquor & Gas, LTD – Valley Spirits

Osceola Foods, Inc. - Dick’s Fresh Market

Kwik Trip, Inc.

Edwards Oil Inc. – Lucky Seven General Store Osceola

Class “A” Fermented Malt Beverage

Eliasco Inc. – Osceola Stop

Class “B” Fermented Malt Beverage & “Class B” Intoxicating Liquor

Tilly & Dolly LLC – Osceola Lanes

Tippy Canoes, LLC

PYs Bar & Grill

The Watershed Café

Ozzy Erickson LLC – Cascade Bar & Grill

Class “B” Beer & Class “C” Wine

American Pie Pizzeria, LLC

Oyster, LLC – St. Croix Valley Inn

Class “B” Beer

St. Croix Art Barn

Ayes-6 Nays-0 Motion carried

Motion by Burch and seconded by Chantelois to approve all applicants Operator Licenses as presented.

Jacob Eskola, Kayla Cross, Meliza Hernandez, Raven Marx, Matt Pennington, Ashley Anderson, Rochelle Bloyer, Jenifer Herreid, Paige Jeffrey, Mark Ferguson, Connor Haberle, Savannah Davis, Jill Anderson, Heidi Gilbertson, Christine Berg, Wayne Berg and Heather Asp

Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Gilliland to approve the Conditional Obstruction Permit for Coming Home Osceola.

Ayes-6 Nays-0 Motion carried

Motion by Burch and seconded by Maki to approve the Conditional Obstruction Permit for Coffeebark LLC d/b/a The Chocolate Gnome.

Ayes-6 Nays-0 Motion carried

Croixland Leather Works needed discussion due to sign not being on their own property. HPC have discussed that code needed to be reviewed but also recognized Croixland has been allowed to put sign on corner and have been good at putting up and taking down each weekend. Lutz feels that until Village Code can be updated, current COP can be approved but with the condition they operate within code.

Motion by Lutz and seconded by Burch to approve the Conditional Obstruction Permit for Croixland Leather Works as long as they operate within Village Code.

Ayes-6 Nays-0 Motion carried

Motion by Maki and seconded by Gilliland to approve the Conditional Obstruction Permit for Janie's Cottage. Ayes-6 Nays-0 Motion carried

Motion by Chantelois and seconded by Lutz to approve the Conditional Obstruction Permit for Karita's. Ayes-6 Nays-0 Motion carried

Motion by Burch and seconded by Lutz to approve the Conditional Obstruction Permit for Osceola Lanes. Ayes-6 Nays-0 Motion carried

Motion by Maki and seconded by Gilliland to approve the Conditional Obstruction Permit for Style Escape. Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Burch to approve the Condition Obstruction Permit for The Secret Closet. Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Gilliland to approve the Conditional Obstruction Permit for The Sleepy Thicket. Ayes-6 Nays-0 Motion carried

Motion by Chantelois and seconded by Gilliland to approve Special Event Permit Application for Worship Service/Picnic as presented. Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Chantelois to approve Board, Committee, Commission and Agency Reports:

- | | | |
|----------------------------|-------------------|------------------------------------|
| a) Admin & Finance | April 7, 2023 | (Commission approved June 2, 2023) |
| b) Airport Commission | April 17, 2023 | (Committee approved May 15, 2023) |
| c) Airport Commission | April 24, 2023 | (Committee approved May 15, 2023) |
| d) Library Board | April 13, 2023 | (Commission approved May 11, 2023) |
| e) Historic Preservation | December 27, 2022 | (Commission approved June 7, 2023) |
| f) Planning Commission | May 2, 2023 | (Commission approved June 6, 2023) |
| g) Planning Commission | May 24, 2023 | (Commission approved June 6, 2023) |
| h) Water & Sewer Committee | February 28, 2023 | (Commission approved May 30, 2023) |
- Ayes-6 Nays-0 Motion carried

Motion by Gilliland and seconded by Burch to approve vouchers payable. Ayes-6 Nays-0 Motion carried

Motion by Lutz and seconded by Burch to go into closed session pursuant to Wisconsin Statute §19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or to conduct other specified public business, for competitive or bargaining reasons. This pertains to sale of village parcel of land, Parcel ID #165-00621-2500 and Parcel ID #165-00582-0200.

Roll call vote: Ayes: Chantelois, Burch, Rose, Maki, Gilliland, Lutz Nays-0 Motion Carried

Motion by Lutz and seconded by Gilliland concerning Parcel #165-00621-2500, authorize sale of land with conditions discussed in closed session. Ayes-6 Nays-0 Motion carried

Motion by Gilliland and seconded by Maki concerning Parcel #165-00582-0200, to negotiate with entity discussed in closed session given the parameters discussed in closed session. Ayes-6 Nays-0 Motion carried

Future agenda items and updates

Swanberg is working with St. Croix Falls and Village of Dresser to combine courts to save on costs and be more efficient.

President Rose adjourned the meeting at 10:29 pm.

Respectfully submitted by

Carie Krentz, Village Clerk

6-13-23 Read into record
by Holly Desk e Village
Board mtg.

We created a petition and collected **544 hand signatures** of people who are opposed to the conditional use permit to increase the height to 45' and over **340 online signatures** - that is almost 900 signatures. These are people from the Village of Osceola and the immediate surrounding area as well as visitors to the area that come to enjoy the historic charm of our community and the scenic beauty of the St. Croix River. There is a clear message that 100's of people do not want ~~to~~ this large apartment complex built ~~to~~ to be visible from the river. Most agree the blighted hospital needs to go, but they not agree on the size of the project, nor the large amount of TIF taxpayer dollars being used to fund the project. Please do not approve the CUP for the increase of height to 45' tonight.

I am also going to read this into the record from sources that are knowledgeable individuals with decades of experience in support of the Park Service protecting national parks, historic sites, recreation areas and national rivers, like the St. Croix River.

"NR 118 is clear that structures must be visually inconspicuous in summer from the centerline of the river, regardless of height, and the National Park Service considers the center of the river to be the Landing"

"This project is being watched closely by a number of state and national conservation groups who support and have a track record in federal court of defending the National Park Service and the Wild and Scenic Rivers Act, given this project's location adjacent to a river protected by both federal and state law. They will consider their legal options if the Village approves this project, knowingly violating the protection of scenic values for river users in NR 118, and, contrary to the intent of the U.S. Congress in designating the Lower St. Croix in 1972 as a unit of the federal Wild and Scenic Rivers Act, managed by the National Park Service. Millions of dollars of federal funds to purchase land and easements in this section of the river in Wisconsin and Minnesota and the recent investment of the National Park Service in improving the Osceola Landing, are at risk with this project if built as proposed."