

**TOWN OF ST. JOSEPH
RESOLUTION NO. ____**

**DISALLOWANCE OF CLAIM
of Joseph M. Folsom**

WHEREAS, a letter dated March 26, 2015, from Joseph M. Folsom was received by the Town of St. Joseph Clerk/Treasurer's office on or about March 30, 2015; and

WHEREAS, in said letter, Joseph Folsom asks the Town to refund the impact fees in the amount of \$4,740.00 which he paid to the Town in February 2014.

WHEREAS, Mr. Folsom claims that the Town's collection of the impact fees was invalid due to alleged failure of the Town to publish notice of the expiration of the temporary suspension of collection of impact fees which the Town Board established by ordinance adopted in January 2013 and published February 7, 2013.

WHEREAS, under the terms of the ordinance temporary suspending collection of impact fees in 2013, the temporary suspension automatically expired on January 1, 2014; and

WHEREAS, after a review of this matter by the Town Board, the Town Clerk/Treasurer's office, and the Town Attorney, it is recommended that the claim be denied. The reason(s) for this denial include, but are not limited to: 1) under the terms of the ordinance temporary suspending collection of impact fees in 2013, the temporary suspension automatically expired on January 1, 2014, without the need for any action by the Town Board; 2) Notice of the adoption of the 2013 Temporary Suspension of Impact Fee Collection Ordinance including the commencement and expiration date of the temporary suspension, was properly published; 3) if the Impact Fee Temporary Suspension ordinance were determined to be procedurally defective, St. Joseph Town Code Chapter 101 regarding impact fees remained in effect and the collection of impact fees from Mr. Folsom in February 2014 was proper under St. Joseph Town Code Chapter 101; and 4) any other defenses and immunities available to the Town regarding this matter, including, but not limited to discretionary immunity;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of St. Joseph, St. Croix County, Wisconsin that the claim for refund of impact fees submitted by Joseph M. Folsom, be and the same is hereby disallowed. No action on this claim may be brought against the Town of St. Joseph or any of its officers, officials, agents or employees after six months from the date of service of this notice upon Joseph D. Folsom, by certified mail return receipt requested, pursuant to Sec. 893.80(1g) of Wisconsin Statutes.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the claimant, by certified mail, return receipt requested, as a Notice of Disallowance.

Dated this 11th day of June 2015.

APPROVED:

Thomas J. Spaniol, Town Chair

ATTEST:

Nicole Stewart, Clerk/Treasurer

cc: (Via Certified Mail Return Receipt Requested):
Joseph M Folsom
434 Highland View
Houlton, WI 54082