

Rushford Town Board Minutes  
Thursday, February 6, 2014

The Town of Rushford February Board meeting was called to order at 7:00 pm by Chairman Thomas Egan followed by the Pledge of Allegiance. Roll call was taken with Thomas Egan, Gerald Schoonover, Patrick Kafer, Kathryn Lewis and Peggy Hendricks present. Also present for all or part of the meeting: 5 additional persons per attendance record on file, though others were present who did not sign in.

**Statement of Public Notice:** Notice of February Board meeting, the zoning & planning committee meeting & agendas was posted at the Town Hall, the Waukau post office, the Towns web site and the corner of K & E in Eureka. In addition, Notice of the Town of Rushford February Board meeting date change and the election equipment testing was published in the Oshkosh Northwestern. Notices were mailed to Town Board members and the Zoning Administrator.

**Clerks Report & Minutes:** *Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve the minutes as presented for the January 9, 2014 Town board meeting. Motion carried.*

**Treasurers Report** was given by Kathryn Lewis. The balance at the end of January was \$55,929.78 in the general account. The balance at the end of January in the tax account was \$902,823.54. ***Motion by Schoonover, 2<sup>nd</sup> by Kafer to accept the treasurer's report. Motion carried.***

**Payment of invoices:** Peggy Hendricks approved and submitted to the board the bills for February in the amount of \$2,253.44 from the Tax account for real estate overpayments and \$105,091.56 from the general account for approval of payment. ***Motion by Kafer, 2<sup>nd</sup> by Schoonover to pay February, 2014 bills as submitted. Motion carried.***

**Winnebago Co Sheriffs Report:** Officer Stephanie McMillian was present to answer any concerns from the township. Mr. Pat Schoonover congratulated the Sheriff's department on their communication and mentioned that they have been good to work with. Tom Egan asked if there was communication between the County Highway department and the Sheriff's department when the roads get bad. Officer McMillian responded that they have asked for salt and that communication between the two has been better this year, but still could improve.

**Communications & Correspondence:** Tom Egan reviewed the permit from the Department of Natural Resources for Steven Helmuth to restore or enhance a wetland in the Town of Rushford.

**Discussion of Town hall maintenance/needs:** Discussion of replacing the floor tiles along the outside walls in the Town hall. One package of tiles will have to be purchased before Jim Wesner can complete the work. ***Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve any necessary purchases or equipment that is needed to repair the floor in the Town hall. Motion carried.***

**Discussion on Town Maintenance:** ***Motion by Kafer, 2<sup>nd</sup> by Schoonover to allow road closure to Archery Drive and whoever wants the road closure would be liable for any extra expense. They would need proper signage, barricades and reopened before dusk.*** Discussion: Archery Drive would like to close for hill sledding. Mr. Kasten said when they closed the road for the church, they had to get signs and barricades. The County brought these down. Mr. Egan feels this is no different than closing a road for a street dance or vacation bible school. The liability falls on the Town. ***Motion carried.***

Hendricks stated that she received a call concerning 8062 County Road E. The house is vacant and the land is used for hunting. The owners would like the garbage charge removed in future years. Mr. Kasten said the house is conforming. Pat Kafer said a control burn should be suggested to the property owner since the home is abandoned. ***Motion by Kafer, 2<sup>nd</sup> by Schoonover to discontinue the garbage charge as long as property is abandoned.*** Discussion: It is the property owners responsibility to contact the clerk if a home is abandoned or razed before garbage fees will be removed. ***Motion carried.***

**Assessors Report:** Larry Timm gave the board a corrected Town of Rushford Sales for 2013 printout. Jerry Bougie from Winnebago County Planning Department informed Mr. Timm that Property Lister, Liz Nichols is on medical leave. The property lister is paid by all the Townships in Winnebago County. Tom Egan asked if the Cell Towers in the Town are assessed commercial. If they were assessed commercial, he felt they should

be zoned commercial. Fred Kasten said that Conditional use permits were given to the towers and the Town would not want the land that the towers sit on be zoned commercial. That is piece zoning.

**New Business:** Hendricks read a letter from the Winnebago County Treasurer concerning the sale of foreclosed real estate on tax parcel 022 0702 02, River Road, Berlin, WI Fred Kasten asked who sets the price on a foreclosed parcel. Tom Egan stated that the County Board and the Treasurer's office set the price.

**Town of Rushford Zoning/Planning Committee Report – Dan Stokes:** Town Attorney Blazel was present to answer questions. Mr. Henning, Roger Kasuboski, Kurt Schoeni and Joe Poeschl were present to ask questions and express concerns. The zoning ordinance rewrite, the Erdmann estate and the spring tour was also discussed.

Tom Egan read the letter from Attorney Blazel to Attorney Heil, Gonyo Law Office, regarding Roger Kasuboski. Fred Kasten recommended that the Town should have Mr. Kasuboski remove all non farm equipment, apply for an extension of the Conditional use permit, & have a public hearing. Rezoning the parcel to commercial is not compatible with the surrounding area. The road access for the parcel is for residential, not commercial use. Tom Egan stated that we have been going back and forth on this for years. At that time a Conditional use permit was issued. He voted against issuing the CUP at that time. Mr. Kasuboski has been in non compliance of the permit and at the zoning meeting he stated that he would do whatever the Town requested. Mr Egan feels the non farm equipment should be removed as soon as possible. All the farm equipment is lined up along the fence line. The CUP expired in November, 2013, letters were sent and as of this date, nothing has been done. At the January 2014 zoning meeting, he was given the CUP application. It has not been received in the clerk's office as of this time. The CUP is to allow an accessory building before the home construction. It is not to allow non farm equipment. Mr. Kasuboski had been a home builder and homes are built in the winter months. He stated at the meeting that he plans on taking down the accessory building he has now and will put up a pole shed. If this is done, he could park his trucks inside. Hendricks read the minutes from when his conditional permit was last issued with the conditions that were to be met.

Fred Kastens recommendation is to apply for a CUP for an accessory building and then get a building permit to build the home. Construction should start by June 1, 2014 and all non farm equipment has to be removed.

***Motion by Kafer, 2<sup>nd</sup> by Schoonover to have Attorney Blazel draft a letter to Kasuboski and his attorney stating the Town Board will give him 30 days to remove non farm equipment. If it is not removed, fines will start incurring. A CUP application should be filed in the clerk's office within 30 days or recommendation of the Attorney. The accessory building he has at this time should be taken down with time recommendation by the Attorney if the application is not received in the time appointed by the Attorney. The Board does not want this to be strung out for months on end. Motion carried – 3-0.***

Pat Kafer asked if we have heard from the Attorney about the Erdman property. It has been noted that there are a couple of horses there and children are getting on the school bus. The Attorney was going to check to see who owns this. This property also has an expired Conditional use permit and they are in violation. A letter will be sent to the Attorney for a follow up.

Fred Kasten inquired if the trailer home owned by Debbie Davys was empty. Her son did live there. The Board will observe the situation.

**New Business:** Tom Egan presented a scrap book donated by William Carpenter. A thank you card will be sent.

**County Report:** Tom Egan reported that they are redoing WI 26 in Fond du lac but will stop at the Winnebago County line. There is a Public Information meeting pertaining to the upcoming improvement project along WIS 116 from Spruce St to the northern city limits in Omro on February 19 from 5-7.

Pat Schoonover mentioned that HWY 116 though Waukau is terrible. Tom Egan said this is a state road, so it would not go to the County for review. The road was patched up but it is back to the condition it was before repair.

Tom Egan stated that he has received good and bad comments on the snow/ice removal in the Town. This year the main problem has been the ice, which we have not had previous years when Radtkes were in charge of snowplowing. The County has also received complains. The ice has been freezing as soon as the salt is

applied. The crews are doing all they can and if there are any concerns, contact a board member. We have a 3 year contract with Freunds for snowplowing. Pat Schoonover suggested the village streets should be done earlier. Tom Egan said they are also splitting up where they are starting from.

**Upcoming Workshops and Meetings:**

1. Omro/Rushford Fire District meeting on February 12 at 7 pm
2. February primary election for February 18, 2014
3. Open house for review of Zoning Ordinances on February 20 at 7 pm

***Motion by Kafer, 2<sup>nd</sup> by Schoonover to adjourn at 8:40. Motion carried.***

Respectfully submitted by Peggy Hendricks, Clerk