

Rushford Town Board Minutes
Wednesday, July 2, 2014

The Town of Rushford June 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, Patrick Kafer, Gerald Schoonover, Kathryn Lewis and Peggy Hendricks present. Also present for all or part of the meeting: 10 additional persons per attendance record on file, though others were present who did not sign in.

Statement of Public Notice: Notice of the June Planning/Zoning Committee meeting, the Road meeting, and the July Board meeting 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 Public hearing for discontinuance of a portion of Liberty Street in Eureka was published in the Oshkosh Northwestern on June 10, 11 and 12, 2014. Notices were mailed to Town Board members and the Zoning Administrator.

Clerks Report & Minutes: *Motion by Schoonover, 2nd by Kafer to approve the minutes as presented for the June 4, 2014 Town board meeting. Motion carried.*

Treasurers Report was given by Kathryn Lewis. The balance at the end of June was \$155,401.51 in the general account. The balance at the end of June in the tax account was \$100.00. *Motion by Schoonover, 2nd by Kafer to accept the treasurer's report. Motion carried.*

Payment of invoices: Peggy Hendricks approved and submitted to the board the bills for July in the amount of \$37,193.84 from the general account for approval of payment. *Motion by Kafer, 2nd by Schoonover to pay July, 2014 bills as submitted. Motion carried.*

Communications & Correspondence:

- Peggy Hendricks received from the DNR an amended permit for David Barbola to restore or enhance wetland near the Fox River. His permit was issued on October 2013. In June of 2014 it was amended for an additional ditch plug with water control structure to be installed which will be 50' in length and set at 94.5'. The total volume will be 4500 cubic yards and the spoil banks adjacent to the ditch will provide the fill material.
- Received a permit from Winnebago Co Land & Water Conservation department for Jesse & Kelly Domke for Livestock Waste management field permit for two horses.

Discussion of Town hall maintenance/needs:

- Peggy Hendricks presented the picture that was painted and donated by Elissa Ewald. It was taken to Hobby Lobby to be framed and glassed. Tom Egan explained that a picture of part of the bridge is in the running for a State recognition to be put on a State calendar. The actual plaque that was on the bridge has to be mounted on wood for hanging yet.

Discussion on Town Maintenance – Roads:

There was a Road meeting with the County where the Board decided what roads should be done and requested pricing. Tom received today the cost estimates. There is approximate \$219,000 available in the budget to work with. Liberty Street is a priority from the Landings to County Road E, then across E to 150' East. The Board would also like to redo the culverts and widen the road at that location. Tom did mention that on Banner Hill – Albrights came across with their big digger and it is getting dug up a lot. There are also trucks coming out that way. As a Board, a letter will be sent, for it will have to be paver patched and they will have to pay for that.

Peggy Hendricks said that Friends were asked if they could do all the ditching that is needed. They sent an email back stating that they could.

Town Zoning Report – Dan Stokes: Dan reported that the committee met on June 25th. They reviewed a preliminary CSM for Kathy Schlagel & discussed the activities of dumping wood and yard clippings at Blue Sky Nursery. A motion was made that the Rushford Zoning Committee recommend to the Rushford Town Board that they contact the DNR and send a letter to Blue Sky Nursery stating that they cease dumping non-animal waste on A2 property. A Committee town tour is scheduled for July 8th at 5:30. They will meet at the hall.

- **Discussion on preliminary CSM for Kathy Schlagel:** Jim Smith from Martenson & Eisele was present to explain the preliminary CSM for parcel 022 0385. They are not asking for final approval – rather bringing it to the board for comment. Ms. Schlagel would like to sell the entire parcel or 7.4A. If she can't sell it, the parcel will not be spilt. It would be contingency of sale. Part of the acreage is in USDA volunteer program to create a wetland preserve. Fred Kasten stated that she is able to have a building on both lots in certain areas. After explanation of the preliminary CSM, the concerns the Board had was the access area for Lot 1. There is 12.27' allowed for the access and the Board would like this larger though a variance or an easement on Lot 2. Fred Kasten stated that the Town does not really have a say in how wide the driveway has to be. 12' driveways are very common.
- **CSM for Cheryl Rausch, Parcel #022 0830 & 022 0833:** Jim Smith explained that they are taking the parcels and creating 3 lots. The County has reviewed this and said this was done correctly. ***Motion by Kafer, 2nd by Egan to approve the CSM for Cheryl Rausch, owners James Schoonover, Jeffrey Schoonover & Cheryl Rausch, for parcels 022 0830 and 022 0833. Motion carried – 2-0-1 (Jerry Schoonover abstained)***

Old Business: Blue Sky Nursery:

Dan Stokes stated Tom Davies from the County was there to view the concerns at Blue Sky Nursery. Mr. Davies said he did not see a problem but if Pompluns moved 400 cubic yards of dirt, they would need a permit. Mr. Pomplun stated that his intentions are to take the wood chips to build a berm. Richard Domke stated that the property is A-2 and he is allowed to spread animal waste but not this type of waste. They have contacted the DNR and they are interested but would like to hear what the Town plans to do. Peggy Hendricks showed pictures of the activity on Quarry Drive on parcel 022 061601 that was sent from Mr. Domke. Tom Egan said that he had talked to Russ Pomplun. He stated that he is building a berm. Dan Stokes said as far as the County stands – everything is fine. Mr. Domke stated that according to the DNR, you can't use compost to build a berm on A-2 land. Pat Kafer stated that Pompluns should adhere to the Waste Disposal District restrictions as stated in the Town of Rushford ordinance. Fred Kasten said that in the business he is in, he needs a permit from the DNR to do what he is doing. He should be sent a letter to discontinue what he is doing until he gets his permits that the DNR requires. He said that he can compost, but he would need a Conditional use permit to sell it. Pat feels that complying to the Towns ordinance will take care of this. Patsy Pomplun said that there are concerns with the material being bought from the City of Oshkosh. Since it is yard waste and wood, there would be fertilizers, pesticides and insecticides in the waste material. Fred Kasten said he has to meet the setbacks with the river, flood plain, pond, etc He also stated that they have been composting for years but never in this amount. Jerry Schoonover does not feel a berm should be made out of wood chips, for it will rot away.

Motion by Kafer, 2nd by Schoonover to send a letter that he needs to cease and desist dumping and composting on A-2 land (parcel # 022 061601) until he is in compliance of Section 4.1 of the Towns Ordinance and apply for a Conditional Use permit. Tom Egan agrees with this, but he said if it came down to it, he would have a tough time shutting down a business that has been here so long. Neighbors also complain of farm waste smell. The concerns are understandable in a residential area. ***Motion carried 2-0-1 (Pat Kafer abstained)***

Roger Kasuboski: Peggy Hendricks read a letter from Attorney Blazel stating that Attorney Sondalle will pursue the matter against Roger Kasuboski starting in July for \$160/hour. An email was read from Mr. Schoeni with updates on the property. This stated that last week, truck maintenance started on 3 trucks and no items has been removed and the building has not been taken down. Tom Egan stated that part of the grass has been mowed. They had started moving equipment across the road. The County put a stop to that, so items were moved back.

Motion by Kafer, 2nd by Schoonover to continue the matter against Roger Kasuboski with Attorney Sondalle. Motion carried.

Erdmann Property: Hendricks said that Attorney Blazel sent a complaint for the Board to look over before it was filed. There was a question on item 7 that states he is in violation of Section 7.6 of the Town zoning code. We have not heard back from the Attorney at this time. She also stated that today a registered letter was picked up from the County with all the foreclosures in the Town of Rushford. This property is one of them. They have until September to pay the taxes.

Motion by Kafer, 2nd by Schoonover to change the August board meeting from August 6th to Thursday, August 14th at 7:00 due to the Winnebago County Fair. Motion carried.

New Business: Township mowing complaints

Hendricks said that she has received 2 complaints of lawns not mowed. One is on Union Street and the other one is on County Road K. Tom Egan said he has received calls on unsold lots in Belle Blue subdivision not being mowed. That is not the Towns responsibility since the bank owns it. ***Motion by Egan, 2nd by Schoonover to send letters to the resident on Union Street and County Road K to mow their lawns and if it is not done, the Town will mow and charge them. Motion carried.***

County Report: Tom Egan reported that the Skating ring will be rented for \$1.00/yr for 15 years and then they will take over ownership. They will fix all the repairs needed and the parking lot. The County is still talking about the airport terminal.

Reports of Attended Meetings:

- Road meeting on June 24th: This was discussed earlier. Another meeting will be scheduled and it will be posted.

Upcoming Meetings:

- Zoning Committee tour of Township on July 8th at 5:30
- Winnebago Unit meeting at the Town of Wolf River on July 10
- Public hearing of the Discontinuance of portion of Liberty St in Eureka on July 10th at 7:00
- August election on August 12

Motion by Kafer, 2nd by Schoonover to adjourn at 8:30. Motion carried.

Respectfully submitted by Peggy Hendricks, Clerk