

Rushford Town Board Minutes
Wednesday, March 1, 2017

The Town of Rushford March Board meeting was called to order by Chairman Thomas Egan followed by the Pledge of Allegiance. Roll call was taken with Thomas Egan, Jerry Schoonover, Pat Kafer, Kathryn Lewis & Peggy Hendricks present. Also present for all or part of the meeting: 8 additional persons per attendance record on file, though others were present who did not sign in.

Statement of Public Notice: Notice of this meeting and the special meeting of the Board on February 20th was posted on the town hall door, the corner of K & E in Eureka, the Waukau post office and the Town's web site. In addition, notice of election equipment public testing was published in the Oshkosh Northwestern.

Clerks Report & Minutes: *Motion by Kafer, 2nd by Schoonover, to approve the minutes as presented for the February 1, 2017 meeting. Motion carried.*

Treasurers Report was given by Kathryn Lewis. The balance at the end of February was \$96,884.60. The balance in the tax account was \$172,347.48 *Motion by Schoonover, 2nd by Kafer to approve the treasurer's report. Motion carried.*

Payment of invoices: Hendricks approved and submitted to the board the bills for March in the amount of \$70,063.92 from the general account for approval of payment. *Motion by Kafer, 2nd by Schoonover to pay the approved March 2017 bills from the general account.*

Public Input: Brandon Bonfiglio, W147 Eureka Lock Road was present on behalf of the Waushara County ATV Club & the Wisconsin ATV-UTV association. They would like to see roads and routes opened up in the Town of Rushford for ATV's. He presented an ATV/UTV trail and route economic impact report. He also presented a sample all-terrain vehicle route ordinance for the Town of Rushford. He explained the process is simple. The Town Board votes on it, passes the ordinance, then a ATV club or association comes in behind it to tag the routes. They are asking for all the roads north of the Fox River to be open to ATV routes. That does not include County Roads. Their goal is to be able to have routes from Eureka to Borth, and to neighboring townships. They will need County approval for the small amount of route needed on CTH K & CTH E. The speed limit would be 25 mph and there is about 2.2 miles of County roads that would have to be approved. He requested this to be on the agenda for the month of April. Tom Egan stated that he was told the DNR would have input on this decision. Jeff Hager, 4028 37th Ave, Berlin, WI spoke in favor of the routes. Danielle Lemke spoke that she was very upset to hear this be presented to the Town. She feels it is very dangerous to public highways. It was said that every Town road in Marquette County is an ATV route. Some Towns will go with a 1 year trial. Tom Egan thought this should come in front of the Board in a couple months (May) so the board have enough time to send it to the zoning committee and get more information from the Sheriff's department and the DNR.

Old Business: Waukau Road Closures: Kendall Kamke from the DNR and Attorney John Blazel was present. Attorney Blazel explained that the Town has been working to vacate/discontinue a number of streets in Waukau that were platted out, but never open. The property would revert to whatever parcel it came out of. The problem the Town ran into is the corner of East Street and Commercial Street. There was a question if those streets touched Waukau Creek. That is important, for the Town cannot discontinue or vacate a street if it provides access to water unless the DNR goes through a hearing process and allows it, according to Bruce Neeb, Waterway Access Coordinator from the DNR. One of the options the Town has is to adapt a map that does not vacate/discontinue Commercial St. The DNR would not have a problem with this, for only the northeast corner of Commercial touches the water. The other option is to ask the DNR for permission to discontinue Commercial St. or ask if they would allow it. Kendall Kamke said after looking at it, he decided the street does hit the water. If this would go to hearing, the judge usually looks "down the road", not "hear & now". Public access to water ways is held in high regard. They feel closing a waterway is a substantial loss to public. They do not know what will happen in the future, but if it is closed – it will always be gone in the future. Tom Egan stated that there is quite a drop off and it would take a large engineering project to even put steps down. There are two other access to the creek that has been open. Kamke says there are many situations such as this though out the state. They may have houses, garages, etc built on them and they are not used for access, but they are there for the future. Jerry Schoonover asked if it had to be identified by a sign. Mr. Kamke said none he knows of has a sign. They are strictly on the books as a public access. There is no requirement to improve them or do anything to them. Pat Kafer asked if the public finds out this is public

access and if someone got hurt, who would be liable. Attorney Blazel explained that there is "Recreation immunity" and the Town is not liable as long as the Town does not charge for access. Kafer thinks we should try to close that access. There are two other access points with one having nice parking. This one would never be used because of the steep drop off and brush. Schoonover agrees that with the steep drop to the creek and the small width of access - that it would ever be used as an access. There is a private garage right there and he does not feel there should be an access where they have to walk by the garage. Kamke asked if that was where the old mill pond was. Attorney Blazel stated from the maps he has seen, it was the Mill pond. Kafer asked if it was possible for someone high up in the DNR to make a decision without having a hearing. Attorney Blazel thinks a hearing might not be necessary, according to Code revision 1.92 that says at least 10 days before passing an ordinance; it has to be sent to the DNR that we want to do this. We could pass a resolution to close the streets listed in Exhibit A and try to close Commercial Street next month. The DNR then publishes a notice on the proposed closure. If no hearing is requested, then the Department can proceed to make a decision to grant or deny the petition. If a hearing is requested, then a hearing will be scheduled. Hendricks read the resolution to discontinue streets and alleys in Waukau along with Exhibit A & B that does not include Commercial St. Tom Egan asked if it is correct to vacate Commercial. This is the way the map was drawn up. The Town wants to vacate East Street up to the point it shows in Exhibit "A". ***Motion by Kafer, 2nd by Schoonover to approve the resolution to discontinue streets and alleys in Waukau in the Town of Rushford with the areas shown in pink on the map to discontinue and to send a notice to the DNR to request approval of vacation of Commercial Street. Motion carried.***

Tom Egan asked who he might contact for information on the ATV routes. Mr. Kamke suggested Chris in Oshkosh. Pat Kafer asked Attorney Blazel what his thoughts were on the proposed ATV routes. He does not work with any Townships that have ATV routes. He does not have a legal opinion good or bad. He thinks it might be a zoning issue.

Communications & Correspondence: Tom Egan went over an email from Brian Helton, A-1 Services which explained their 2017 road/parking lot asphalt repairs, and chip seal projects in case we would like more information or bids.

Tom Egan read an email sent by Carolyn Domke pertaining to the health problems they are having from the compost site across from their home. They had talked to the Board a year or so ago on this problem. Tom Egan stated that the Town Board cannot take any action on this, for the Zoning Committee, the DNR and the Winnebago County Health Department have all agreed that they do not see anything wrong and the permit & compost pile is fine.

Tom Egan read a letter from Mark Harris, Winnebago County Executive stating that through its per capita funding program, the Winnebago Co Industrial Development Board, Towns of Nekimi, Nepesukun, Omro, Poygan, Rushford and Utica has awarded a grant in the amount of \$12,814 to the City of Omro for its economic development for 2017.

Discussion on Town hall Maintenance:

A floodlight is burned out in the front lawn of the Town hall. Tom Egan asked Pat Kafer if he could get the bugs out of the lights.

Discussion of Town Maintenance: Friends were scheduled to report tonight, but with the snow storm, they are out plowing. They replaced a culvert in Eureka, but they have to replace it for it was hit with the snow truck.

Animal Report: Chuck Mier had 3 dogs and mileage to Green Lake shelter.

County Report by Tom Egan: Tom has met the new Highway Commissioner – Ray Palonen. \$410,000 was approved for the courthouse roof, the airport was voted down again. The County accepted the Bicycle & Pedestrian Plan as a guide and reference document.

Attended Meetings/workshops:

- Hendricks had a Meeting with Horicon Group for Insurance quote. An explanation for a claim listed in the 5-yr company claim analysis needs to be sent before a quote can be received.
- There were 124 voters for the Spring Nonpartisan Election on February 21st
- Jerry Schoonover, Pat Kafer & Tom Jackson gave a report on the Omro Rushford Omro joint fire district meeting held on February 15th.
- Tom Egan, Pat Kafer and Jerry Schoonover met with Rep. Schraa on February 20th to look Commercial St in Waukau

Upcoming Meetings/workshops:

- BOA Zoning Board Workshop March 6th at Fox Crossing Community Center.

Motion by Kafer, 2nd by Schoonver to adjourn at 8:20. Motion carried.

Respectfully submitted by Peggy Hendricks, Clerk