

Rushford Town Board Minutes  
Wednesday, May 3, 2017

The Town of Rushford May 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: 27 additional persons per attendance record on file, though others were present who did not sign in.

**Statement of Public Notice:** Notice of this meeting, Special Meeting of the Board on April 17<sup>th</sup>, The Road Tour on April 18 & the Annual meeting on April 20<sup>th</sup> was posted on the Town hall door, the corner of K&E in Eureka, the Waukau Post office and the Towns website. In addition, Open Book & Board of Review was published in the Northwestern and the Public Hearing held earlier tonight was published in the Northwestern and additionally in the Bill Board.

**Clerks Report & Minutes:** *Motion by Schoonover, 2<sup>nd</sup> by Kafer, to approve the minutes as presented for the April 5, 2017 & April 17<sup>th</sup> meeting. Motion carried.*

**Treasurers Report** was given by Kathryn Lewis. The balance at the end of April was \$204,333.91. The balance in the tax account was \$1,517.65 *Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve the treasurer's report. Motion carried.* Kathryn reported that there are a few towns using credit cards for taxes. Kathy will gather more information and it will be tabled until a later date.

**Payment of invoices:** Hendricks approved and submitted to the board the bills for May in the amount of \$19,404.65 from the general account for approval of payment. *Motion by Kafer, 2<sup>nd</sup> by Schoonover to pay the approved April 2017 bills. Motion carried.*

**Public Input:** Pat Schoonover inquired if the Town would look into charging dumping fees when refuse loads from other cities are brought in. Tom asked Attorney Blazel if he had any thoughts on this. Attorney Blazel would need more specifics on the topic.

**Communication & Correspondence:** Hendricks received an email pertaining to the bad road condition on Edgewater ridge, an email from Washington County Sheriff's office regarding a dog bite, a few emails regarding the assessors' assessments, and an email from Matt Neitzke requesting minutes from November of 2016. He was wondering if the Town would be addressing his concerns he previously brought up. Tom Egan heard from residents that there are 2 brown dogs with orange or red collars running and they have killed 3 chickens. Chuck Mier was present and said he has not found the dogs. Tom has had calls on the Town road conditions.

**Assessors Report – Larry Timm:** Open book was held today and Mr. Timm met with 13 different property owners. There are about 7 properties he will have to review and then the assessment book will be turned over to the clerk. Major changes this year was in the Code 5 properties – undeveloped parcels. The Town was not in compliance last year with the level of assessment in that area. He made adjustments. Over 400 changes of assessments were sent out. Board of Review will be on May 19<sup>th</sup>. Dawn Kealey, 7817 Cty Rd K, asked if the assessments had anything to do with the ditches and the gas lines. Tom Egan said he has gotten a lot of calls on this. The Town has nothing to do with the gas lines that Alliant put in. Dawn said that the pitch has been changed and flooding is occurring. She asked who to turn to. Alliant has been out twice so far and the problem is still there. The Town has called Alliant pertaining to these complaints and they say to have the property owner call Alliant. Tom will try again to call to let Alliant know that people are concerned.

**Attorney Update:** Tom received a message from Attorney Culp tonight at 4:04 pm that he was unable to attend to night's meeting. He will clear his calendar to make the next meeting. He stated Tom could inform those in attendance that his preliminary opinion is that the Town does not have solid grounds for taking enforcement action. Any affected Town resident may commence a private nuisance action against any offending property owner. Tom said the Town will set a meeting up as soon as possible with the attorney. This meeting will be posted and on the Towns website. Carolyn Domke said with the 50 signatures on the petition saying this was a nuisance; she could not believe he was not going to do anything. She stated in the mean time Blue Sky is turning the compost, bringing compost in and planting trees on a bream. She wanted an answer why nothing is enforced. Tom Egan stated it is all turned over to the attorney. Sarah McClelland, Spring St, Eureka, said she takes medications that decrease her immunity and she is going to stop taking her medication knowing what she is exposed to. Mrs. Domke asked if Tom checked the water. Tom stated he did

and he did not see any scum on the water or see any streams that go through the compost piles into the river. He went down as far as he could without trespassing. Pat Kafer said that according to what Tom said, this was the attorneys' preliminary assumption. Tom Schrader asked what the county or the city is bringing in. Tom Egan said that is the question. It is supposedly leaves, grass clippings, etc and there is some shredded paper coming from the City of Oshkosh. Mr Schrader asked what the County had to say about this. Tom Egan stated the County has no problem with this; the DNR gave Blue Sky the license. Mrs. Domke does not understand why he can't be stopped. Pat Kafer said that is the reason why the Town hired an attorney to review what action could be taken. Pat Schoonover asked if the Town sent a letter in 2014 telling him to stop and why that letter can't be re-issued until everyone knows what is going on. Tom Egan said that the Town will wait to hear what the attorney had to say. Dawn Kealey suggested that there might be some kind of monitors' people can wear to test the air. This was done at her place of employment. A resident asked exactly what chemical is supposed to be in the air. Buster Domke explained it was a fungi. The resident asked how he knew the compost was the cause. Buster explained he was cured and sent home. He was home for a few days and was infected again since the compost was being turned. It was asked why they did not call the health department and have the piles tested. The health nurse was out there with the DNR and they both said things were fine. It was asked in manure would cause this, which the answer is no.

**All-Terrain Vehicle Route Ordinance – Attorney Blazel:** Attorney Blazel went through the ordinance and said it was appropriate for the Town to consider and make a decision to adopt it or adopt it with some changes. Tom Egan stated that a public hearing was held on this to hear concerns & answer questions prior to the board meeting. Pat Kafer asked about the May 15<sup>th</sup> date, for the County has to approve the short distances on the County roads. Brandon said the other areas can be opened up and the County was waiting for the Towns approval. He also stated that a supervisor will be present when the route signs are put up and it was asked if the route signs could be added under a Town sign, such as a speed limit sign, etc to save on post and eliminate another sign to mow around. Pat Kafer would like the designated route North of the Fox River to be listed in the ordinance which he thinks should be Eureka Lock Rd to 37<sup>th</sup> Ave to Stone School Road to S. Spring to N Spring to Liberty School road to the west. Right now all the Town roads north of the Fox River are listed. He also would like the route not to open up until signs were up and it was County approved. Tom Egan said he did not think there would be a problem with the County not passing this. Tom Egan asked Pat why he wanted to take out the routes that were listed on the ordinance. Kafer said it was because they had agreed that there was to be a designated route and if all the Town roads were listed as routes. Brandon said it could be done one of two ways. A route sign cannot go up without supervisor approval. Towns people can still use the routes that Kafer would like out to get to the main route. A sign would only go on the approved route. Pat feels since this is an ordinance, that he would like the designated route listed. Attorney Blazel explained that a Town resident can use the Town roads that are not part of the route to access the route. But if they were going down the road to visit someone not on the route, they would not be able to do that. The way around that is to open all the roads as route, but only sign the designated route as Kafer mentioned. That way the Town people can use them but people who are not from the Town cannot use them. ***Motion by Kafer to approve the ordinance with the provision that the designated route North of the Fox River be Eureka Lock Road to 37<sup>th</sup> ave. to S. Spring to N. Spring to Liberty School west to connect with neighboring townships. It would take effect as soon as the route signs are posted. Motion 2<sup>nd</sup> by Jerry Schoonover.*** Pat Kafer said he would like to amend his motion to scratch the one year trial as noted in the ordinance and be able to revisit the ordinance at anytime the Board feels it is necessary. ***Jerry Schoonover 2<sup>nd</sup> the amendment. Roll call Vote: Thomas Egan – nay, Jerry Schoonover – aye, Patrick Kafer – aye. Motion carried 2 – 1.***

**Discussion on Town Insurance – Michelle Strauss – Horton:** Michelle presented a proposed insurance policy for the Town of Rushford. Our current policy is due June 1<sup>st</sup>. Tom Egan asked why this is better than what we have. Michelle said Horton represents the Town. She stated an example with Omro-Rushford fire department. During that suit, she represented the Fire Department, not the insurance company. They do cover situations in tax assessments, where others don't. Otherwise it is very similar to other insurance companies who cover municipalities. They are industry standards. Representation she feels is what makes Horton Group different from other insurance companies. The Board agreed to hold off on this and discuss this during a special meeting. They thanked Michelle for a nice presentation and booklet.

**Waukau Road Closure Update:** Attorney Blazel received an email from the DNR stating they have reviewed and finds that discontinuance of the access does not require DNR approval per s. 66.1066, Stats. The staff does ask the Town to consider whether access to this portion of Waukau Creek might be improved through brushing or signage to help mitigate loss of the public right-of-way from Commercial Street. Tom Egan said most of that is County owned. Pat Schoonover said the inmates have done brushing down by the dam.

Pat Schoonover asked Attorney Blazel about dumping fees on product from other cities being bought into Zillges pit and Blue Sky Gardens. Attorney Blazel said he would have to do some research.

**Discussion on Town hall Maintenance:** Kafer asked if the 4-H was going to be cleaning out the area around the building. Hendricks will check it out.

**Discussion on Town Maintenance:** Hendricks read a letter that was sent out to Blue Belle Farm residents pertaining to lot maintenance responsibilities.

The Board did the road tour. No estimates have been received as yet by the County. The road standards for Hiwela Trail were discussed and Johnathan Groth sent a recommendation that the pavement be 18' - 22' width and 2' gravel shoulder. Pavement depth would be 4" minimum (2" binder and 2" surface). ***Motion by Kafer, 2<sup>nd</sup> by Schoonover for Hiwela Trail be built according to Jonathan Groths recommendations. Motion carried.***

**New Business:** ***Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve the Town of Rushford ditch mowing contract for 2017 - 2018 season with the exception of 8) Wheeled Excavator with 36' reach and 48" seppi mulching head unless the Board request. Motion carried.***

**Animal Report:** Chuck Mier had 2 dogs and reported on the 2 dogs that are running and killing chickens.

**Building Permits - Tom Egan:**

Jeff Schuster, 8678 Cty Rd K, Omro, WI  
45 x 50 heated pole shed  
Built by Neme Builders N6933 32<sup>nd</sup> Ct, Weyauwega, WI 54983  
\$50,000 April 13, 2017

Ed Patrick, 7782 State Rd. 21, Omro, WI  
40 x 60 Pole Building, steel Exterior  
Built by Joe Bortrager, Coloma  
\$30,000 April 14, 2017

Jon & Kirby Treleven, 7385 Bluebird Crossing, Omro, WI  
20 x 25 sq ft deck with treated lumber frame and deck surface, metal railing  
\$4000 April 17, 2017

Jacqueline Alcantae, 3091 Cty Rd E, Eureka, WI  
Bathroom remodel by Todd Miracle  
\$1000 April 26, 2017

Kim Kallas, 3133 Cty Rd E, Eureka, WI  
Replace siding & Windows by Jon Malnory, 441 Waukau Rd  
\$12,000 April 26, 2017

**County Report by Tom Egan:** The County is discussing Budget and bike trails.

Chuck Mier asked Tom Egan how much it would cost the Town to fix every road in the Township. Tom Egan guessed at least 1 million dollars without ditching.

**Attended Meetings/workshops:**

- Winnebago County Unit Meeting at Town of Rushford Hall, Thursday, April 6 at 6:30. Sheriff John Matz and the Town of Utica Constable, Ralph Kalies was the guest speakers. There was 40+ in attendance. Representatives were also present and roads were discussed.
- Annual Meeting - Thursday, April 20<sup>th</sup> at 7:00. Officials were sworn in, Attorney Blazel was appointed Town attorney for 2017-2018 and several guest speakers were present. The annual report was presented.

**Upcoming Meetings/workshops:**

- WTA Town Officials Workshop
- Workshop for Local Planning & Zoning Officials at Algoma Town hall, Monday, May 22<sup>nd</sup> from 5:15 – 8:00. Registration due by May 16<sup>th</sup>. \$25 includes workshop & meal.
- Board of Review on May 19<sup>th</sup>, 5 – 7 pm

Tom Jackson read an email from Michael Miller requesting a few extra days regarding the trailer at 3050 Union Street. They understand the new ordinance states 30 over nights and then it must be moved for 10 days. They are working on the house and they might need a few days extension on the 30 day rule. Tom Egan said a few days would be OK, but if it was a few months, that would be another thing.

**County Farmland Preservation Steering Report by Dan Stokes:** The County has 9 townships under County zoning and 7 townships have their own zoning. The County needs 80% of the land be A-1 to receive funding. The County would like to use the Townships A-2 land to get their quotas. This is a 15 year program.

***Motion by Kafer, 2<sup>nd</sup> by Schoonver to adjourn at 8:55. Motion carried.***

Respectfully submitted by Peggy Hendricks, Clerk