

Rushford Town Board Minutes
Wednesday, September 6, 2017

The Town of Rushford August 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, & Peggy Hendricks present. Kathryn Lewis was excused. 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 the special meeting of the board on August 21st, this meeting and the planning & zoning committee meeting on the 30th was posted at the Town hall door, the corner of K&E in Eureka, the Waukau post office and the Towns website. In addition, notice of public hearing on the 30th for a Conditional use permit was published August 16 & August 26th in the Oshkosh Northwestern.

Clerks Report & Minutes: *Motion by Kafer 2nd by Schooner, to approve the minutes as presented for the August 17th meeting. Motion carried.*

Treasurers Report was given by Peggy Hendricks. The balance at the end of August was \$227,866.59. The balance in the tax account was \$1,518.14 *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 September in the amount of \$24,057.63 from the general account for approval of payment. *Motion by Kafer, 2nd by Schoonover to pay the approved September 2017 bills.* Pat Schoonover asked for a breakdown of the per diems that were paid to the Town officials. Hendricks went through the breakdown of the elected officials per diems. *Motion carried to pay the bills for September.*

Public Input: Pat Schoonover would like to see the monthly bills on the website. Hendricks had a drop down box with past monthly bills on the website, but she discontinued. Schoonover stated he had to request an open record request to find out some information. He had to pay \$10 for that and he feels he should not of had to pay that. Hendricks explained that no other town has their monthly bills on the website. She started doing this for the public, but it is time consuming for she writes her own html and did not have the time to continue. These are printed out every month and are available for the public when they attend the meeting or they can stop by the hall to pick up a copy if they wish. He asked for a refund and Hendricks said that was not what he had asked for. She said she was not going to scan every bill and put on the internet. Mr. Schoonover thought that should be up to the town chairman. It was asked if the year end finances were on the internet. The answer is yes. Kafer asked the attorney if this is required to have on the internet. Attorney Blazel replied no. Motion made by Kafer to not put the bills on the internet. Hendricks said she would put the monthly bills back on the website. It is just more time consuming for her and it is something that is not required. Motion did not receive a 2nd since the clerk said she would add the monthly bill payments to the web site.

Pat Schoonover asked why after a meeting is adjourned, the town audits their books. He feels it should be done before adjournment. Tom Egan stated that when the books are audited, he invites anyone to stay if they wish. Attorney Blazel said that the board does not have to audit the books before adjournment of the meeting as long as it is noticed. It was noticed on the monthly agenda. It does not need to be during the monthly meeting. He stated there were no minutes of the audit. Hendricks explained that there are two sets of financial records. An audit consists of checking the treasurers books against the clerks to see if they are the same and accurate. Kafer explained that everything in the books have already been approved at previous meetings. The Attorney explained that only public hearings allow public input. Most boards do not recognize public input. The public has the right to be at board meetings but they do not have the right to question the process. Mr. Schoonover asked if this was something that could be changed at the Annual meeting. The attorney said yes it could, but legally, as long as the audit is noticed, it could be done at anytime. Tom Egan stated that when the books are audited, he does state to the public that anyone could stay while it is being done.

Pat Schoonover asked about the discussion last month on the internet being on all the time. He was concerned about possible hacking and power bills. Tom Egan said that Kathryn Lewis was going to check into this, but she is not present.

Tom Egan went down to Old Business – Semi-trailer on parcel 022-1548. It was stated that Basel was spelt wrong in the agenda. Dan Stokes reported on what was discussed on this issue at the zoning committee

meeting. Attorney Blazel addressed this issue. According to the Towns ordinances, this trailer can be parked where it is, as it is. One unlicensed/registered vehicle is allowed on your property. If you had more, you would have to register/license the vehicles or apply to the Town board for special permission to maintain more than one. A trailer cannot be used for storage under the ordinances. Tom Egan asked if this has anything to do with being grandfathered in from earlier ordinances. Attorney Blazel said only zoning can be grandfathered. Mr. Basel asked the attorney if this was ran under public nuisance, why wasn't the Pomplun situation. Attorney Blazel said junked vehicles and zoning are completely different. He was not involved in that situation. The trailer cannot be junked and the ordinance does not require it to be road worthy. Some communities do require that. Kafer asked if it is being used for storage. Tom Jackson said he has not been able to check on that. Mr. Basel said the intent is to move it to the other side.

Tom Egan asked the Attorney about a sex offender ordinance. Hendricks has looked up the Town of Eldorado and Algoma. The Attorney said recently legislature did pass a law that limits what Towns can do to prohibit sex offenders in coming into the Town. Even more recently, there was a federal court case where a community was sued for limiting space. The federal court has found many ordinances unconstitutional. There are some things the Town can do, but you are very limited and he stated communities should be cautious. The State does have restrictions. There are different kinds of sex offenders. If they are on supervision, there are restrictions on these people as far as where they can live and where they can be.

Tom Egan asked the Attorney to comment on the CSM for Dan Kallas. The Attorney recommended that the Town approve the CSM. According to state statues, you can regulate moving lot lines between two properties. One parcel is landlocked and one parcel has road frontage. The parcels would meet the minimum size requirements and the two parcels would both have road access. The frontage would not meet the code for both parcels; however both parcels do not currently meet the frontage requirements. By approving the CSM, the town would be making the situation better by fiving access to a landlocked parcel. If they feel uncomfortable with this, the applicant would need to apply for a variance. Tom Egan asked if we went along with this, it would leave a 60+ acre parcel. Would they be able to subdivide this? The Attorney said then our subdivision code would apply.

CSM for Patrick & Connie Schoonver: This was approved last month by the Town. In 1870, Winnebago County vacated West St and a portion of Mechanic Street but they did not record an order with the register of deeds stating the streets were vacated. The County is working on this so the CSM can be approved by the County.

Discussion/action on the automobiles on parcel 022-071701 – Edward Patrick. Dan Stokes reported what the zoning committee discussed on this situation. Pat Kafer said he has not had success on talking to Mr. Patrick. It looks like the driveway has been cleared of cars up about 2/3. He counted 28 cars and most of them do not have a current license. These are not junked vehicles. They look like collector vehicles. Some have been moved. Pat Kafer will continue to try to stop and talk to Mr. Patrick and this will be tabled until the next zoning committee meeting.

Temporary Storage for Tom Schrader: Tom Jackson reported that this is a Quonset type with canvas and is a temporary building. Mr. Schrader said he will be putting a 20 x 30 shed there. He does not have a residence there, so he would need a conditional use permit. The Attorney said he could leave the temporary structure there. Tom will go to talk to him. If the temporary structure would blow down, he would not be able to put it back up. Schoonover asked if it conforms to the setbacks. Tom Jackson said it did.

Tipping fees: There was a question on the Town charging tipping fees. Attorney Blazel stated that according to State Statues, fees imposed by a Town have to bear a relationship to the service for which the fee is being imposed. The Town would not be providing any type of service for the fee being imposed. The town can not impose fees on people hauling materials to a private business site.

Conditional use permit for Phillip & Ginger Horejs: Dan reported on the planning committee discussion. ***Motion by Schoonover, 2nd by Kafer to approve the Conditional Use permit for Phillip & Ginger Horejs, State road 116, Omro, WI. to construct a 24' x 40' wood framed garage on parcel 022-05570-101 prior to the construction of a home to be started in 2018.*** Discussion: Egan said he is not against this, but what if the house is never built. It has happened before. Schoonover replied that some of them were hardships. Pat Schoonover asked if you could penalize them if the home was not started in 2018. Motion stands as is. ***Motion carried.***

Dan Stokes reported on the zoning committee's discussion and recommendation for the Dan Kallas CSM. They recommended the board to approve the CSM for Dan Kallas, parcels #022 0437 & #022 0454 provided no additional lots are created in the future. ***Motion by Kafer, 2nd by Schoonover to approve the CSM as stated & recommended by the zoning committee. Motion carried.***

New Business:

Tom Egan recommended Marty Johnson for the Town of Rushford licensed building inspector. ***Motion by Kafer, 2nd by Schoonover to have Marty Johnson for the Town of Rushford licensed building inspector to be reviewed in 1 year. Motion carried.***

County Zoning Report – Dan Stokes

Dan Stokes reported on the Co. farmland preservation meeting he attended. The meeting was very formal. They had a core reporter present. There is no one in our Township in. The townships that are County zoned are in. This has to be sent into the State for approval. It is thought there is not enough participation for State approval.

Discussion on Town hall maintenance/needs: Ron Gerhke cleaned up the weeds in front of the hall and it looks very nice. He said if someone would come out to tell him which are weeds and which are plants, he would be happy to continue.

Discussion on Town Maintenance: The Town has told the County to do \$100,000 of work on Edgewater Ridge. It is figured it would go from Cty Rd K to the top of the hill or the stop sign at least. The County said they would have it done shortly. If they have not started by the end of September, Friends will be doing the work. Kafer was wondering if a little more shouldn't be done this year.

Building Permits – Tom Egan:

Patricia Farrell for 2837 Cty Trk K, Omro, WI
New residential windows by Window World, 235 Morris St, Fond du Lac
\$13,500 08-16-2017

Jerry Olkiewitz , 3083 CTY HWY E, Omro
Bathroom – roof by Jim Wesner, Waukau
\$7,000 08-22-2017

Dennis Wilke, 7770 Liberty School Road, Omro
Garage roof & Deck built by self with steel roof and wood deck
\$1,600 08-21-2017

County Report by Tom Egan: They had a meeting last night and the discussion was on PACE. The County does not have any plans on doing any road work in this area. Tom talked to the County on the culvert in Waukau. John Groth said that is where they push all the snow and it was put there so the water would not go across State Hwy 116.

Reports on Attended meetings:

Meeting of the Board on road discussion on August 21 – Roads were discussed.

Upcoming Meetings/workshops:

- Omro Rushford Omro Joint Fire Department meeting on Wednesday, September 15 at 7:00
- 2017 WTA Fall Town Workshop at Ripon on Thursday, September 14 at 8:00
- TRIP Committee appointment on Wednesday, October 4th at 6 pm at County HWY office

It was discussed that someone should be at this meeting. It is the same night as our monthly board meeting.

Tom Jackson said he was informed that a developer is interested in purchasing the rest of the lots at Blue Belle subdivision and has said that he will own the retention ponds. This has brought concerns from the residents in the subdivision. The attorney said as long as the Town does not have control of that, it was asked if there was an association. They have not formed an association yet. It was thought the County controlled

that. The attorney said he needed to see the covenants that is registered and state stamped. Hendricks will go through all the files and take whatever the town has to the attorney. Kafer thought it was decided that the Town Board would run the association until one was formed.

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

Respectfully submitted by Peggy Hendricks, Clerk