

Rushford Town Board Minutes
Wednesday, February 7, 2018

The Town of Rushford February 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: 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 zoning committee meeting was posted on the Town hall door, the corner of K & E in Eureka, the Waukau post office and the Towns website. In addition, a public hearing for a zoning change was posted in the Oshkosh Northwestern.

Township Policing Discussion with Sheriff's Department representative:

Sheriff representative Deputy Kyle Beck was available for any questions or concerns from the attendees. Questions were asked about property taken from abandoned parcel, if there was any thievery in Waukau and speeders on CTY Rd. K going out of town.

Clerks Report & Minutes: *Motion by Schoonover 2nd by Kafer, to approve the minutes from the January 3rd meeting. Motion carried.*

Treasurers Report was given by Kathryn Lewis. The balance at the end of January was \$63,389.98. The balance in the tax account was \$1,008,818.18 *Motion by Kafer, 2nd by Schoonover to approve the treasurer's report. Motion carried.*

Payment of invoices: Hendricks approved and submitted to the board the bills for February in the amount of \$62,195.44 from the general account for approval of payment. Kafer asked what the bill for road maintenance from Winnebago County was. Hendricks stated it was for December winter maintenance road work, but the bill did not have specific roads mentioned. Jim Moore asked why the Advance Disposal amount was so low. Hendricks stated she accidentally paid the last bill twice, so that was the difference for January. *Motion by Kafer, 2nd by Schoonover to pay the February 2018 bills, but to call the County and get a breakdown of road work done in December. Motion carried.*

Public Input: None this month.

Attorney Report: Attorney Blazel was present to answer any concerns. Jack Klubertanz, 8734 CTY Rd K, Omro, asked where the Town Board stands on the complaint that he is running a business out of his home. Attorney Blazel stated that based on the information that Tom Jackson and Attorney Blazel talked about, his opinion is that he is not operating a business in violation of the zoning code. He understands he is self-employed, he does some work off site from where he resides. At this point, he is more like a self-employed truck driver who parks his truck and trailer at home and then goes out to pick up a load, or has a load in the trailer that is going somewhere else. He understands he does not have customers or clients coming, employees coming and parking, etc. In his opinion, it is much more like bringing a work vehicle home and as long as it stays this type of use, he does not believe it violates the zoning code.

Pat Schoonover said he didn't know how well the situation was explained, but he understood he was running a business in a residential area and it should not be allowed. Attorney Blazel said that is why he compared it to someone bringing a work vehicle home. Our zoning code does not require that no business can not get done. You might get work calls or things like that. A person can have work vehicles at home, can store it at home, as long as the business is not being conducted out of his home. His business is really being conducted off site. He thinks if you went to court with something like this, a judge probably would not find that to be a business that violates the zoning code.

Tom Egan, Tom Jackson and the resident went out with a decibel meter and they walked down the road quite away. It read 46 just a little past the semi trailer. Standing right next to the running tractor, the decibel reader read 58. Pat Kafer talked to people around the area. No one really had any concerns except maybe sometimes in the evening, things would start moving. Tom Egan talked to someone down further on the other side and she had no problems. Bill Schuhart, 8726 CTY Rd K, who are neighbors next door. He stated that they have never had problems. They lived there prior to Jack & Melissa moving in. He has not heard any noise after dark, if there is noise, it is for a short duration. He says there is no different from other neighbors running their lawn mowers, etc. He was surprised when he read last month's minutes pertaining to the

problem. Pat Kafer thanked them for coming in, for they are right there. Susan Curran, same address, also stated there has never been a problem. They mentioned once they had guest coming one weekend and the property owner respectfully said that he would not load or run any equipment.

Tom Jackson stated that there is a property on River Road that has many cars that are unlicensed. Three letters have been sent already. The property owner did build a shed for storage, but there are still about 30 cars out. Tom Jackson has stopped a number of times but has not been able to contact him. Attorney Blazel said that it sounds like the letters are not working. Kafer stated there is concern about fire or safety vehicles getting up the driveway. He did move some, for they are not all the way out to the road as previously. Tom Jackson said a fire truck would not be able to get up there. Attorney Blazel said we have to decide if we can get more compliance from him. We could issue citations or fines. Attorney Blazel will send a letter to see if it will help.

Pat Kafer asked if we were pretty much resolved on the question on the property at 8734 CTY Rd K. The attorney said he does not believe the business is in violation of the zoning ordinance.

Chuck Mier, humane officer for the Town, asked what kind of problems he would run into if he had to put an animal down. Attorney Blazel said there is a statutory process for that and the Attorney will call Mr. Mier to go over that with him.

New Business: Berlin Boat Club Lock Report by Ron Harke

Mr. Harke went through the Berlin Boat Club election of officers, talked about the information on the website and on their Facebook page. He went through some of the highlights and work that had been done during And went through the past years of lock usage. He also talked about applications for membership. The Locks report is in the Town Clerks office for anyone who would like a copy. Tom Egan asked when the Town had to renew the contract with the DNR. That is done every 5 years. The Board thanked the Berlin Boat Club for all their work.

Motion by Kafer, 2nd by Schoonover to approve the amendment of Chapter 27, Article 6, Section 6.1(e) of the Winnebago County Shoreland Zoning Code. Motion carried.

Egan went through the Modification to Rushford Quarry Reclamation Plan. This has been reviewed by ECWRPC and appears to meet the requirements of the ordinance. The Board wants to make sure that the exit for the property is on State HWY 21. A copy of the plan modification is available in the Clerks office.

Communications & Correspondence: Hendricks read a unanimous letter that was left in the drop box pertaining a dangerous and delaying building located on Union Street. Tom Egan asked if this could be put on the agenda for next month. Tom said there is also a barn down by Waukau that should be addressed.

Township Zoning Report – Tom Jackson: Mr. Jackson stated on January 31st, they had a public hearing for a zoning change for 4 parcels located in Waukau Woods Subdivision, Hiwela Court. He would like to combine the 4 lots into 2 lots. Tom Jackson did not know if there were covenants for this subdivision. There is not.
Motion by Schoonover, 2nd by Kafer to approve the zoning change for parcels #022 1473, 022 1474, 022 1475, & 022 1476 to be changed from RR (Rural Residential) to SER (Small Estate Residential) for Jeff Rogge, located in Waukau Woods Subdivision, Hiwela Court. Motion carried.

Motion by Schoonover, 2nd by Kafer to approve the CSM for parcels #022 1473, 022 1474, 022 1475, & 022 1476 for Jeff Rogge, located in Waukau Woods Subdivision, Hiwela Court. Motion carried.

Tom Jackson said at the end of the month, they will be having a zoning meeting to go through the zoning ordinances to discuss any changes that might be needed.

Hendricks asked about the tires on River Road. Egan said Friends were already notified to go out and take care of the problem.

Discussion on Town hall maintenance

Hendricks said that the septic alarm has gone off. She was told to call Hyler to come and take a look at it.

Animal Report: Chuck Mier took 3 dogs to the Green Lake shelter and asked for \$15 reimbursement for a copay from the Dr. from falling on the ice on Banner Hill while getting a dog. ***Motion by Kafer, 2nd by Schoonover to pay the \$15 co payment to Chuck Mier. Motion carried.*** Chuck Mier asked what to do about cats. The Town said we do not have an ordinance about cats and they can not be taken to the shelter. Tom Egan got a call to see if a resident could take a cat to the shelter and the answer is no.

Building Report by Thomas Egan:

Gene Becker, N 1880 Short Road, Hortonville, WI 54944
For new home on 2303 Hiwela Trail
Built by Envision Building. Great Building Concept, 5374 White Cap Ct, Omro
Parcel #022 1471
\$270,000 01/11/2018

Charles Simes, 7320 Bluebird Crossing
New home at same address built by Installation Specialist, 520 W Huron St, Omro, WI
Wood frame, new residence, 1817 sq ft
\$220,000 12/18/2017

County Report: Tom will be going to see the new Secretary of Agriculture on February 15th to go over the farmland preservation. He will be representing the County for he is the chairman of that committee.

Report of Attended Meetings/workshops:

- WTA Unit Meeting on Thursday, Jan 4th, Town of Winchester at 6:30. Jerry & Jodie Schoonover and Tom Egan attended this meeting. ECWRPC was there. They cover 8 counties. Bike paths were discussed.
- Clerks meeting at the County Clerks office on January 30th

Upcoming Meetings/workshops:

- WTA Board of Review Training on February 9th at Royal Ridges
- Election Equipment testing on February 13th at 12:30
- Spring Primary On February 20th
- Joint Fire Board meeting on February 21, 2018
- Wisconsin Pavement Seminar – March 8 at Liberty Hall, Kimberly, WI

Motion by Kafer, 2nd by Schoonover to adjourn at 8:15. Motion carried.

Respectfully submitted by Peggy Hendricks, Clerk