

Rushford Town Board Minutes  
Wednesday, January 3, 2018

The Town of Rushford January 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 the January Monthly board meeting, the end of the year Board meeting and the zoning committee meeting was posted at the Town hall door and the public hearing for the budget discussion the corner of K&E in Eureka, the Waukau post office and the Towns website. In addition, the Notice of Public hearing for a zoning change was posted in the Oshkosh Northwestern.

Sheriff representative Deputy Kyle Schoonover was available for any questions or concerns from the attendees.

**Clerks Report & Minutes:** *Motion by Schoonover 2<sup>nd</sup> by Kafer, to approve the minutes from the December 6th meeting.* Jesse Domke mentioned that under Public Input it was stated that the discussion on the business being ran on Quarry and Hwy K was to be discussed at the zoning meeting and the next board meeting. He said there was no discussion of a zoning meeting that night. The zoning meeting was not posted until December 18<sup>th</sup>. He did not know it was going to be discussed at a zoning meeting. Hendricks said the zoning meeting was posted immediately for a public hearing was going to be held for a zoning change. The zoning meeting was on December 27<sup>th</sup> and was at the 3 public posting areas and the Towns website. Tom Jackson said he had said at the last Board meeting that he would contact the Town attorney and report at the next zoning meeting. Domkes concern is that it was not mentioned that the business on K & Quarry was going to be discussed at the zoning meeting. Hendricks explained that if a zoning meeting is scheduled, it is posted in the usual places. Egan also said that all zoning meetings are the last Wednesday of the month, but it is not known exactly when a zoning meeting will be held. That is up to the zoning administrator. He also said that Ms. Paulson talked about Marty's Blue Sky. The minutes just state that she had an air test done and will contact the attorney. That was for the Town to contact an attorney – not her. Chairman said the Town has contacted an attorney. The minutes state that she was going to contact an attorney. Egan said it could have been a mix up of words, for he had asked her if the person who administrated the air test would go on the stand. *Motion carried.*

*Motion by Schoonover, 2<sup>nd</sup> by Egan to approve the minutes for the end of the year Board meeting held on December 30, 2017.* Pat Schoonover asked how much money was left over at the end of the year. Hendricks stated it is in the minutes - \$59,265. He asked where that money was going. Egan said extra money has always gone towards roads. He asked if it will stay in the General fund or go right to roads. Egan explained all money is kept in the General fund (checking account). The budget determines where the money from the general fund goes to. There is not a separate checking account or fund for roads. Hendricks explained that the money left at the end of the year and the money in the contingency fund that is in the budget could be used for roads if needed.

**Treasurers Report** was given by Kathryn Lewis. The balance at the end of December was \$59,294.28. The balance in the tax account was \$535,487.83 *Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve the treasurer's report. Motion carried.*

**Payment of invoices:** Hendricks approved and submitted to the board the bills for January in the amount of \$11,000.52 from the general account for approval of payment. Kathryn Lewis stated that she will have to transfer money from the money market account to our general account to pay the real estate over payments. *Motion by Kafer, 2<sup>nd</sup> by Schoonover to pay the January 2018 bills. Motion carried.*

**Public Input:** Jesse Domke, 3036 Quarry Drive, Omro, asked if Friends snowplowing was paid a set fee? Egan said it was per hour on their equipment. Jesse had a complaint on the snowplowing. Egan said it was the first complaint he heard. Even some he heard is that snowplowing was done where it did not need to be done. Pat Schoonover asked about the garage that is in the road right away in Waukau. Tom Egan said that he did go by too look at it and he will have to stop and talk to him. Tom also said that Pat Schoonover had a question about savings from Friends. Tom called to ask and Friends said that the savings is already put in the bill. Pat asked what building was in the road right away. The garage is in Waukau and would belong to Lewis. The garage is fairly new and he added to it. Tom says that it is in the road right away, but the house is

also probley in the road right away. Most of that area is. Tom Egan asked if a letter was ever sent to the house on Liberty Street in Eureka. She stated that a letter was sent, and a registered letter was also sent. She was given 30 days from receipt. Tom said the garbage is still out by the road and the house as of today. Tom said if no one cleans it up, the Town will have to get a dumpster and hire someone to clean it up and put the bill on their taxes.

**Old Business:** Hendricks stated that information was sent to Attorney Culp regarding the fungi and air test results from the neighbor of Blue Sky Gardens. The Town has not heard back from him.

**New Business: CSM for Michael & Lisa Butler**

Jim Smith explained that the owners wanted the 2 parcels they own combined into one. ***Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve the CSM for parcels 022 065711 & 022 065710 for Michael & Lisa Butler. Motion approved.***

***Motion by Egan, 2<sup>nd</sup> by Kafer to approve the County Text amendments to the Winnebago County Construction Site Erosion Control and Stormwater Management Ordinance in order to be in compliance with NR 151. Motion carried.***

**Township Zoning Report - Tom Jackson:** Mr. Jackson stated on December 27<sup>th</sup>, they had a public hearing for a zoning change for 4 lots on Liberty School Road which CSM was approved at the last board meeting. The Committee recommends this change, for it meets the zoning and comprehensive plan requirements. Tom Jackson had a question on the comprehensive plan. It was talked about putting restrictions on remaining land as being either green or open space. He was wondering if this is something the town wants to consider. ***Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve the zoning change for parcels 022 003 & 022 034 on four - approximately 10 acre lots from GA to LER. Motion approved.***

Mr. Jackson contacted the attorney on an inquiry of 8734 County K. There have been complaints that a business is being ran from the address. They went though the zoning ordinances and explanations of the RR and HDR lots. Home occupations can not be more than 25% of floor area and auto body, engine repair & construction trade is not allowed. The attorney does not consider this a construction trade. Tom told him that there are smaller tractors there. There have been dumping's of stone and dirt, various things from his projects. The Attorney asked how long it is there and Tom has seen 1 - 2 weeks. The only thing that was there for awhile was soil with rocks that the owner said was being used for a berm - actually adding on to a berm that is there. Attorney Blazel said he does not see anything wrong with this. The only thing is if the owner bought material from another job that was construction related - that might be a minor violation. As far as signs on his truck - that is considered advertising and does not designate a business operation. There is no sign in the yard. He does not supply products, such as bagged materials to be sold. According to the owner, he does have people come in for bids and payments. Attorney Blazel said this is non construction and is considered landscaping.

Tom Egan asked what is considered construction. This would be dump trucks & large equipment. Snowplowing and lawn mowing- development is not considered construction trade.

Jerry Schoonover asked if he talked to the owner about removing items he leaves there. Tom Jackson did and from what he has seen, the few items he brings home has been removed or used for his own use.

Tony Daley from the Omro Herald asked who made the final determination of the criteria and perimeters pertaining to this. Tom Jackson said he did according to Town ordinances. He did check with the Town Attorney.

Jesse Domke said this is a business and there are times he has multiple pallets of mulch and product. He has a box van, multiple trailers, 2 different pickup trucks for plowing and multiple pieces of equipment. The biggest part is the noise. That is what the surrounding neighbors are complaining about. He says he is running trucks and loading salt at midnight. All summer he was unloading grass piles, concrete & lumber. It is the constant construction noise. He went to the County and according to the County's definitions, it is a landscaping business. Tom Egan said that that is County. The Town of Rushford has it's own zoning. Jesse said you can not run a business in High residential area. Tom Egan and Tom Jacksons said the attorney does not consider this a business. Tom Jackson said he has not seen anything to make him think else wise, but if he does, he will take pictures and forward them to the attorney.

Pat Kafer asked if there has been any documentation on noise for that property. No one has received any complaints or calls besides Jesse Domke. Jesse says the neighbors has to deal with the noise every day and with what goes in and out. Tom Jackson said that the property owner is looking to get more land near by to move his equipment. Tom Jacksons suggestion was to come Spring, keep an eye on it. Pat Kafer said it seems like the biggest complaint is noise. He asked if Tom Egan or Jerry Schoonover have gotten any complaints. They have not, but Tom Egan said that Jesse said the neighbors are bothered by the noise. It was thought that the neighbors would be contacting a member of the board then. Jesse Domke said that is why he is there. He is bringing the problem to the board for himself and the neighbors. Another concern is backing on the highway on a hill. Tom Egan said that is a County Road, so that is a County concern. Tom Jackson said he has been over there a number of times and he has not seen a problem. Mr. Domke said he is advertising the business online. It was said that advertising does not designate a business. Attorney Blazel states that he does not feel a business is being ran from the premise. He feels it is a home occupation. Tom Jackson said his question to Mr. Domke is how many hours does he have equipment running past 5:00. Jesse replied every night. He is loading and unloading things for the next day.

Patsy Pomplun stated that he does all the lawns and snow on her street in Oshkosh. It is a big business. He is storing his salt he uses for snow in a canvas covered shed.

Pat Kafer said he would like to see some other documentation. Tom Egan said Tom Jackson could talk to him about the hours. It was mentioned that if more people wanted to come and complain and if the Town knew they were going to be there, the Town would have the Attorney present. The Attorney was aware of what the zoning is on that property and the Attorney gave the Town his opinion. Tom Jackson said he will keep an eye on it. He said that he has stopped quite a few times and the owner was never outside. Pat Kafer said if there was a number of documented complaints, then perhaps a Conditional use should be considered. Jesse asked about getting signatures on a petition. Kafer said he would rather have individual documented complaints. It is very rare that if a problem is serious, that only one person comes to the Board. Tom Egan said that would be the best if they would come to voice their concern. He thanked Jesse for bringing it to the Boards attention. Tom Jackson will continue to monitor this and take any pictures to show to the attorney. He did state all his equipment is small.

Tom Jackson would like to have the Board look at various things in our zoning ordinances that we might want to address, such as definitions, sex offenders, housing of roosters vs. chickens, possible building inspections for improvements over a certain dollar amount, hoop buildings, unlicensed vehicles, proximity of deer stands to residential structures, frontage vs road frontage, etc. at future zoning meetings.

#### **Discussion on Town hall maintenance**

Hendricks said a light is needed above the clerks desk in the office. Kafer will take care of that.

**Discussion on Town Maintenance:** Hendricks received an email from Rushford Meadery & Winery. They are interested in getting signs on Rushford Ave and Poygan Ave. They were also wondering if the school crossing sign could be removed on Liberty School Road.

Tom Jackson said the Town does have an ordinance on signs. Where they can go and how big. The signs have to be on private property and it is thought they could not be in the Towns right away. They would need permission from the property owner.

The Town received the Certificate of Liability Insurance for Freund Excavating.

**County Report:** The County Executive informed the County Board that he has the power to slow everything down for he would like to see it bigger. It was passed by the County Board to spend 1.1 million. Pat Kafer asked what was on the southern part of the airport. That belongs to Michaels Quarry and it is being leased to Oshkosh Corp.

#### **Report of Attended Meetings/workshops:**

- December 7<sup>th</sup> Public hearing for proposed 2018 Budget with special Town meeting of electors to approve 2018 levy at 6:00 pm – Discussed earlier
- End of Year meeting for the Board on December 30, 2018 at 9:00 am. – Discussed earlier

**Upcoming Meetings/workshops:**

- WTA Unit Meeting on Thursday, Jan 4<sup>th</sup>, Town of Winchester at 6:30
- WTA Board of Review Training on February 9<sup>th</sup> at Royal Ridges
- Tax Collection at 10:00 am – 2:30 pm on January 27, 2018

**Assessor Report:** Larry Timm discovered an error on two parcels owned by Keith Kock. It was assessed at a higher rate. He is entitled to a refund. He is supposed to pay the taxes then he can be refunded by the Town. The Clerk will need to fill out a rescinded tax form to the Department of Revenue for reimbursement to the Town. Kathryn Lewis said that the owner paid what he thought the tax bill should be. They did not pay the bill in full. Legally the owner would have to pay the full amount and then receive a refund. Tom Egan asked if Larry Timm would call the owner and tell him that he needs to pay the full amount and then he will be refunded. Mr. Timm will notify the owner. Mr. Timm sent out personal property statements to be returned by the first of March. The law has changed on personal property and machinery is now exempt.

Kathryn Lewis asked for approval to transfer money from the tax account to the general account to pay the refunds from over paid taxes. She also asked for approval for \$1442.25 for refunds and \$498,712.37 minus 85,670.42 for tax settlements. \$85,670.42 is the Towns settlement.

***Motion by Kafer, 2<sup>nd</sup> by Schoonover to approve \$1442.25 for tax refunds. Motion carried.***

***Motion by Kafer, 2<sup>nd</sup> by Schoonover to transfer the money for the tax refunds and the tax settlement from the tax account to the general account and to pay those bills. Motion carried.***

***Motion by Kafer, 2<sup>nd</sup> by Schoonover to adjourn at 8:30. Motion carried.***

Respectfully submitted by Peggy Hendricks, Clerk