

Rushford Town Board Minutes  
Wednesday, April 3, 2019

The Town of Rushford April 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, Patrick Kafer, Kathryn Lewis & Peggy Hendricks present. Also present for all or part of the meeting: 17 additional persons per attendance record on file, though others were present who did not sign in.

**Statement of Public Notice:** Notice of this 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, notice of April election equipment testing was published in the Oshkosh Northwestern.

**Township Policing:** Patrol Officer, Andrew Bauer was present to answer any questions from the residents. Egan had asked if the Sheriff's office has had any problems policing ATV/UTV on the public routes throughout the County. Officer Bauer stated they have not seen any additional problems and would not expect to see any. Egan did ask his thoughts on using County roads to get from one village to another. Permission would have to be granted by either the County Board or the Commissioner. Officer Bauer stated you always have to be concerned about traffic, but that is something that the County and Township would have to look at and weigh the options. He does not think there would be a problem. Pat Schoonover asked if he knew why there were 2 squads in Eureka the previous weekend. Officer Bauer was not aware of any problems. Schoonover also inquired if a person drove on the other side of the white fog line painted on roads, if he would be considered crossing the line, for technically it is there for fog. Officer Bauer said the law says you are to stay within your lane. The designated lane is the center and the fog line. If you cross over the fog line, you are deviating from the lane. Schoonover said coming into K by the church, it is impossible to stay within the lane on the curve. Office Bauer mentioned if anyone had any questions, just give him a call.

**Clerks Report & Minutes:** *Motion by Schoonover 2<sup>nd</sup> by Kafer, to approve the minutes from the March 13, 2019 board meeting. Motion carried.*

**Treasurers Report** was given by Kathryn Lewis. The balance at the end of March was \$279,960.34. The balance in the tax account was \$1682.80. *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 April in the amount of \$26,748.09. *Motion by Kafer, 2<sup>nd</sup> by Schoonover to pay the bills for the month of April.* Pat Schoonover inquired about the clerk's mileage. It was stated that the State of Wisconsin mileage rate is used. *Motion carried.*

**Public Input:** Joe and Diane Malecki introduced themselves to the Township. They are the owners of the Eureka ball diamond. They were born and raised in Berlin and they plan on building. Susan Curran, 8726 Cty Rd K, was present with a complaint of accumulation of junk and debris at 3032 Quarry Drive, They share a back lot line. She stated there is no home on this property and they have been accumulating junk and debris according to her interpretation of the Towns zoning ordinance. There are windows, piles of wood, i-beams, a number of 55 gallon drums, 2 tent like structures, a semi trailer, a 2<sup>nd</sup> trailer and a number of other items. They would like the Town of Rushford to inspect the property and address the zoning violations. They are very concerned with their property values. Jack & Melissa Klubertanz, 8734 Cty Rd K, passed additional pictures of the items on the lot. They are also neighbors. Susan Curran had submitted pictures with her complaint. Tom Jackson stated that the Town is working on updating their ordinances, and the soft side structures will be addressed. The Town can not go on the property to check all the items. The semi-trailer had been addressed previously. It is there legally but can not be used for storage. Tom Jackson had received a unanimous letter with complaints on 8 different parcels. Jackson wanted to get with the Town Board and Attorney Blazel to perhaps address them all. He has talked to a few of the residents throughout the winter. Curran says they have seen movement in and out of the semi-trailer. They are questioning if it is being used for storage. Jackson said the County stated with a permit, the Township can go to inspect. Attorney Blazel stated there is a special inspection warrant that the Town could

petition the Circuit Court. The resident questioned the trailer on the property. Tom Egan said one of the family members that own this property called before the meeting saying no one could attend the meeting tonight, but the father who owns the property is in the hospital. Dennis Milner, 3036 Quarry Drive, has just purchased the property next to the property in discussion. When they were in closing, he did request that the vehicle in the back yard at 3032 Quarry Drive be removed before closing. It was a concern moving in and it is still on the property. He was hoping cleanup of the property was a work in progress, but it is not going that way. More materials keep coming in. He is purchasing to resale and he thinks that should be done on commercial property, not high-density residential property. Attorney Blazel stated he did look over the pictures Ms. Curran had earlier submitted. His initial reaction is that there is potential more junk than he should have on the lot. There are potential violations and it is something bearing looking into. Tom Egan asked if the Town Board could step on the property. Attorney Blazel said that is correct unless we get the special inspection warrant. Attorney Blazel is willing to have a discussion with the property owner. Kafer asked what the property is zoned as. The property is zoned as high density residential. Kafer feels that in our ordinances, it should state that in high density residential properties, semi-trailers, either road worthy or not should not be allowed. Attorney Blazel said you might be able to address the junk accumulation either under the Public Nuisance or it may in fact be a zoning violation or both. Mr. Klubertanz stated that they had received a letter from the Board earlier requesting he clean up his property, which they did. Attorney Blazel will work with Tom Jackson and get a report together to present to the Board to see how they would like to proceed. Kafer asked the attorney if the Town gets a complaint letter that is not signed, should they be acknowledged? Attorney Blazel said that is the choice of the Town, but the County does not acknowledge unanimous letters. Dennis Milner and Susan Curran said the Town is welcome to come on his property to view the neighboring parcel. They would just like to have the property cleaned up.

**Communication & Correspondence:** Tom Egan read a letter from Dave Levine, Winnebago Co GIS pertaining to assigning site addresses, an email sent from the Department of Transportation informing the Town they will be doing traffic studies and counts, a letter from Ron Harke, Berlin Boat Club regarding information on buoy placements, a driveway permit for Jeff Rogge, 2350 Hiwela Trail, a note from Jim Marten, 8177 Edgewater Ridge complimenting the town on the winter snowplowing, emails from Winnebago Co pertaining to the spring flooding, and read a Notice of filing of petition for incorporation & Notice of Hearing pertaining to the Town of Clayton and Village of Fox Crossing. Hendricks mentioned that the 2018 Winnebago County Land and Water Conservation Department annual report is on the Towns' website under News.

**Town Zoning/County Zoning Report** Tom Jackson said that he has seen that storage containers are being converted into residences up by Green Bay. He was wondering if this is something the committee should address. Attorney Blazel said he has not come across this. He was wondering if it would meet the Uniform Building Code. Tom Jackson asked if there is anything the Town can do if a property has been resurveyed and it ends up that the property line changed to be 5' over on the neighbor's property. Attorney Blazel said the Town has nothing to say on that. The best answer is for the neighbors to agree on a quick deed.

**Old Business - ATV/UTV route ordinance:** Tom Yancy said last month the Town Board said they would like to draw up a resolution to take to the County to request ATV/UTV on County K. He requested if we would add CTY HWY E from the Village limits (Fariview Road) to the River Road. That is where the speed limit changes from 35 mph to 55 mph. Hendricks asked if he had any examples of other resolution written. Egan said the Board would have to decide if we wanted to add all the Town roads and if we do, it is legal for ATV/UTV to cross State & County roads. Schoonover asked if roads are posted at 35 mph or under, is it legal for a route if the Town decides to designate that section? The answer is yes under Wisconsin Act 87. A resident asked if dirt bikes were considered ATV's, which they are not. He is concerned for there are dirt bikes traveling at a high rate of speed past his resident on CTY HWY K. This should have been brought up to Officer Bauer. Yancy stated that if a bike is on the road, it needs to have lighting and licensed. If these bikes are not, they are operating illegally. It is a requirement of ATV/UTV's to have their lights on at all times, operation times of 6 am to 10 pm and speed limits not to exceed 35 mph. The resident mentioned that he is concerned for ATV's for there are always people who disobey the rules. Egan said that is why he asked Officer Bauer if they have encountered problems in the other Townships and Villages who have this ordinance in place. Kafer stated he has mixed emotions. He would like to find out if the Town could use CTY

HWY K from Waukau to Eureka. He thought the main route the Town of Rushford has in place at this time is satisfactory. Anyone who lives in the Township can get to a route even if their residence is not on a route. He has had a couple people approach him and they were negative on the route being open to all the roads. They were concerned with people from other Counties being able to drive on every Township road. Egan stated that he has also had a couple people approach him, but they expressed positive reactions. Kafer said if the County allowed use of CTY HWY K then hopefully there would be routes established in Waukau. He is not open to open all of the Township roads at this time. Kafer asked if the Town of Poygan had routes, which they do, for they connect to the Town of Rushford. It goes to the boat landing almost to Borth. Mr. Yancy thought that the Town of Poy sippi will be routing the section of CTY HWY D between the County line and Borth, then from south of the boat landing you can go over to the Town of Winneconne and then to the Village of Winneconne. Our Town was the first on this system. There are pieces of Aurora that connect. Yancy said even if the County denied the use of "K", there are the sections in Eureka and Waukau where the speed limit is 35 mph or under that could be designated. That would give residents the opportunity to go to the City of Omro from the north in the future. Yancy said you can put in the ordinance a "preferred route". Only the "preferred route" would be posted along with all the state & county roads where it is 35 mph or under. Tom Egan inquired what would happen if a road was posted, but the neighbors did not like it. Yancy said the Board would have a majority vote to change it and remove the signs. When a route ends, there is signage placed. Schoonover's concern is safety on CTY HWY K. There is a lot of traffic. He realizes it is not the Town's problem. This concern could be with any vehicle, horse, bike or bicycles. Tom Egan would like to see the Township try this at least for the summer. Jackson stated in the proposed Ordinance, it mentions that all township roads, sidewalks, alleyways would be designated as a route. He does not agree that sidewalks should be listed.

***Motion by Kafer, 2<sup>nd</sup> by Schoonover to have the attorney draw up a resolution to use County Hwy K and County Hwy E from Fairview Road to the River Road for an ATV/UTV route and present it to the County. Motion carried.***

Kafer stated he personally would like to see a route in Waukau. Tom Egan said he would like to have the signage posted in Waukau so people can get to the dam and to the trails. Tom Egan will talk to the Parks Department to inquire about parking at the Dam in Waukau, Kafer asked if the County required a permit to have a trailer. It was stated that a permit was not required in the winter, but during the boating season there is a fee for trailer parking.

**New Business-** Attorney Blazel will talk to the resident at 3032 Quarry Drive to see if something could be worked out.

**Discussion on Town hall maintenance:** It was suggested to have someone go though the playground equipment to make sure it is safe. Jerry Schoonover will talk to Marv Litten and Jim Wesner to see if they would do this.

**Discussion on Town Maintenance:** The roads are not in good shape. Egan received a call from a resident on Bell Line that the road was breaking up. A road tour is scheduled on April 11<sup>th</sup> so the Town Board and the County can take assessment of the Towns roads so the Board can decide what to do. Egan talked to Stangs about doing tree trimming and also inquired about the inmate program for trimming, Last month it was bought up that Oshkosh Truck had been using Old Mill road to cut though. Egan did call to inform them they should not use that road.

**Building Permits:**

Tania Tritt-Kuhr, 7377 Wayside Drive, Omro

24x24 house addition with basement built by Mark Trill, 297 Wintergreen , Omro

Parcel # 022 05061

\$35,000            3/28/2019

Albright Bro, 3723 N Cty Rd K, Omro

36x162 pole building built by Horst Builders

\$60,000            3/26/2019

**County Report – Tom Egan:** The County met with the representatives on Assembly Bill 55 to amend Wisconsin Act 184 that pertains to placement of sexually violent persons on supervised release. There are 7 more inmates that will be coming out soon.

**Assessor Report:** Mr. Timm is almost done with the assessment. This year he has increased the assessment on homes. *Motion by Kafer, 2<sup>nd</sup> by Schoonover to set May 17, 2019 from 4 pm – 6 pm for Board of Review. Motion carried. Motion by Kafer, 2<sup>nd</sup> by Schoonover to set April 27<sup>th</sup>, 2019 from 2 pm – 6 pm for Open Book. Motion carried.*

**Reports of Attended Meetings:**

Spring Election was on April 2<sup>nd</sup>. The Town has 1022 registered voters and 427 people came to the polls. The Town had a 41.8% turnout.

**Upcoming Meetings:**

Wi Town Association Unit meeting April 4<sup>th</sup> at the Town of Clayton

Road Tour with the County on April 11<sup>th</sup> at 9 am

Annual meeting on April 17

*Motion by Kafer, 2<sup>nd</sup> by Schoonover to have the Annual meeting at 6:00 pm. Motion carried.*

Suggestions for guest speakers were Fire Chief Jay Treleven, Freund Excavating, Sheriff Matz and Larry Timm.

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

Respectfully submitted by Peggy Hendricks

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