

Rushford Town Board Minutes
Wednesday, October 4, 2023

The Town of Rushford October Board meeting was called to order by Thomas Egan followed by the Pledge of Allegiance. Roll call was taken with Tom Egan, Pat Kafer, Jerry Schoonover, Kathryn Lewis & Peggy Hendricks present. 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 this meeting and possible board quorums for EMS meetings was posted on the Town hall door, the corner of K&E in Eureka, the Waukau post office and the Town's website.

Clerks Report: *Motion by Schoonover, 2nd by Kafer to approve the minutes from September 6, 2023. Motion carried.*

Treasurers Report was given by Kathryn Lewis. The balance for the general account at the end of September was \$185,008.63. The balance in the tax account was \$2,006.16 ***Motion by Schoonover, 2nd by Kafer to approve the treasurer's report. Motion carried.***

Payment of Monthly Invoices: *Motion by Kafer, 2nd by Schoonover to approve and pay \$25,499.93 for invoices for October. Motion carried.*

Berlin Boat Club – Mike McMonigal: Mr McMonigal informed the Board that June 1st, 2024, the 15 year lease with the DNR comes up for renewal. He was present to ask for authorization from the Town to extend the lease for another 15 years. The Town has been the titled leasee and the Boat Club has been operating through the Town. In the past 15 years, there have been no incidents or violations. It has worked well. Before the Town entered into this lease or in the early stages, there was about \$300,000 to rehabilitating the locks to enhance navigation and for the Fox River in general. Since 2016 there have been total lockages of 2100, 4500 people through the Locks, and 1900 vessels. Because of the water levels at certain times, they have been seeing more kayaks and canoes which they open the locks to enhance recreation on the waterway. The Club hosts their corn roast, which has become a challenge with the City of Berlin and the change in boating habits. It did hold its own and was profitable last year. This is the sole fund raiser and monies are used to pay the lock tenders. He added that the recreational use was enhanced by tubers being bought up by Eureka Landings. This is good for the lock operation, activity on the waterway, economic development, etc. Eureka Landings gives donations to the Boat club. This lease if renewed can be terminated at any point at 120 day notice either by the DNR. The Boat Club or the Town.. This is not something that binds the Town to a 15 year lease in case circumstances change. Chairman Egan asks if the Omro Boat Club contributes to the Locks, which they do not. Egan asked who takes care of the road. That is DNR responsibility. Ron Harke did take care of contacting the DNR for gravel, etc without much success, for the Oshkosh DNR office tends to rotate and they do not know who to contact. The original negotiations for the Locks was handled in Madison. He does not know exactly where to contact to renew this lease. He will start in Madison, but feels he will be sent to Oshkosh. They had one contact from the DNR this past summer that suggested the sharing of the lock with the tubers was a for profit business enterprise which they are prohibited from doing as part of the lease. He explained it was not a business, but a donation. A lot of people going through the locks also donate monies. So calling the Oshkosh office is who you call to get maintenance, but it is not done in a timely manner. Egan also mentioned that there was concern from one of the farmers by the road, where people would go off the road and tear up his fields with their vehicles. Tom asked who would be in charge if a fence went up. McMonigal stated that would be the DNR. They claim it

is their road and their responsibility. Schoonover said it was stated that the gates have to be open at all times, for it is open to the public year around. Kafer asked who carries the insurance for liability. His concern is that someone would slip or hurt themselves, who would be liable. McMonigal said his thought on that is that it would be covered under recreational immunity because it is a DNR property. The lease says it is open to the public. Kafer said he did not know if there would be a gray area where the Landing is charging people which is for profit. His concern is if the Town would be liable if someone got hurt getting into or out of the water at the Locks. The Boat club opted years ago not to carry insurance because it has no assets and the cost of the insurance was too high for the low risk. Kafer felt the risk factor has gone up considerably with hundreds of people starting their tubing trip at the Locks. McMonigal said this probably should be addressed to the tubers. Kafer said the Boat club must of given them permission to use the Locks, for they never came to see the Town. McMonigal said they did not give them permission. It was an alternative to them to not offering it for they could not go to the boat ramp. They just asked the Club to open the gates briefly to get the tubers going. The tubers are coming across public land and only the land associated with the Locks is the only land subject to the lease. They have not invited them. The lease says the Locks is open to the public for fishing and recreation. They assumed this would be under recreational use. There was a small dock built on the downward side. Kafer does not want the Town to assume the risk for a business doing this for profit. McMonigal thought the Towns liability insurance would be the back up for that. McMonigal said it is strictly the Landings activity and the BBC does not have any other part in it. There was concern that opening and closing the doors so many times might wear them out. McMonigal stated that there has not been concern on wear and tear on the Locks, for the motors are maintained and actually it is good maintenance. Bonnie Barkow said that when they sign up at the Landings to go on the tubing trip, they sign a couple of pages of forms. Kafer said that is for his own liability. He is concerned if the Town has any liability. It was asked since \$300,000 was stuck into the Lock, how is it holding up? McMonigal said there have been minor challenges/repairs, but nothing that would stop the Lock usage. If there was repairs that could not be paid by the Boat Club, the lease would probably be terminated by the Club. Then it would just be taken out and filled in, which would be a huge loss. This is the only privately operated Lock in the Country. It was asked if the low water affected the Club this year which it did, for some boats could not go though. Egan said this has to be on the agenda in order for the Board to vote. The Town will contact their attorney and insurance for clarification concerning liability. Hendricks apologized for the wording on the agenda for it can not be acted upon. This will be tabled until November 1st at the next Town Board meeting. McMonigal provided his phone number so Attorney Blazel can direct questions to him.

Communications & Correspondence:

An email from Elizabeth Engstrom on Boardway Road was received with complaints of loud animal noise in her neighborhood. She feels the owner has too many roosters, chickens, ducks, geese and also goats and horses wearing bells. Tom Jackson had told them that the attorney says they are allowed to have the animals, but she thinks Section 4-8 in our Town ordinance on Barking Dogs/Loud Animals would pertain to this situation. Egan said that Tom Jackson has been out there and this was sent to Chuck Mier. Mr Mier replied back saying there was nothing that could be done about this problem for these are farm animals in the country. Wisconsin has a "Right to Farm" law where these animals are covered. Tom Jackson and Chuck Mier has been out previously and did not find a problem. It was mentioned that the neighbors do not get along with each other. Tom Egan was sent a video on his phone which he played. The Board did not hear dogs or bells on the sound track. Chuck Freund said they are allowed to have so many animal units per acreage per ordinance and since they are in that, there really is not anything the Town can do. Kafer says that the noise is the problem it seems. This is the country and some neighbors have to put up with cattle

noise also. Tom Egan will contact Attorney Blazel to see if Chucks statement is correct. Then there would be documentation.

An email notified the Town of a TRIP Committee Process meeting for Town chairmans on Oct 11th. Egan asked when they need to receive the information if we wanted to apply for TRIP funds.

Hendricks has not received that notification as of yet.

Egan asked if Northeast will help us with road ratings. Hendricks was given the packet today and will send the forms to Northeast. Kafer will call them tomorrow on the status of Wayside Drive and inquire about the issues on the roads that were done. Freund said we did a wedge coat, not a full resurface. They should of done a scratch coat underneath. With it being so dry, it is sinking down. Some of the sides are failing. If Wayside is done, it was recommended to scratch coat and level out with gravel before they pave it.

Old Business: Discussion on violations for Curt Carlson, parcel #022 0968 and Spencer – parcel #022 0865. Tom Egan said he has not heard anything back from the attorney yet. Jim Moore said Curt Carlson was out with his son a bit ago and they were out there for they were getting bids to have the barn taken down and to clean up. Nothing has been done at Spencers.

New Business:

Motion by Kafer, 2nd by Schoonover sign the Joint Powers agreement for Winnebago Co E911 users with the Sheriff's Department. Motion approved.

Discussion on Town Hall Maintenance: There are some fluorescent lights in the hall and the office that are burned out. It was suggested to replace them with LED lights. Pat will have someone come in with a bid.

It was asked when we had the bushes around the Town hall trimmed down last year. It needs to be done again. Kafer will talk to the company that did that last year and it will be added to the agenda next month.

Discussion on Town Maintenance: Friends said they had the blacktop all done in Delhi and are caught up. There are a couple of culverts that will have to be addressed next year. They are just patching at this time. It was said a good job cleaning out on Fox Street in Waukau was done.

Building Reports:

Donald Doro, 3624 37th Ave, Berlin, WI
Screen porch addition by self
\$10,000 Parcel #022 038001

County Report: The ARPA funds is still going around. Egan is pushing to get monies for the Fire Department radios.

Attended meetings:

There were informational meetings on September 18th and October 3rd pertaining to EMS cost and service. Kafer said that our per capita cost was around \$3.60 and on August 31st there was a meeting where they wanted to up about 1000%. There was a discussion with the 9 townships that we are in this contract with after the Oshkosh Fire Department left. The contract runs through 2026. It was felt that the numbers that were given to us along with the revenues and expenses are not correct. They do know that we do not have anyone else to use EMS services with. We have been meeting with them and they did do some small adjustments. The Town is just looking for

other options. There was a committee set up to meet with the Oshkosh Fire Department and they have been doing a lot of work. This change has just come since 2021. In fact last February a meeting was held with the Oshkosh Fire Department and they said everything was fine. Oshkosh ambulance service does a wonderful job, but they not forth coming. There will be more information coming.

There was a Fire Department meeting on September 20th which was attended. The Budget for 2024 was presented and approved.

Upcoming meetings:

Winnebago Co Unit meeting at the Town of Black Wolf on October 5th
2023 WTA convention on October 22-24th at Kalahari Resort

Motion by Kafer, 2nd by Schoonover to adjourn the meeting at 8:20. Motion carried.

Respectfully submitted by Peggy Hendricks, Clerk
Corrections applied November 2, 2023
