

Special Rushford Town Meeting Minutes
April 17, 2014

A special Town of Rushford meeting was called to order at 1:00 pm by Chairman Thomas Egan followed by the Pledge of Allegiance. Roll call was taken with Thomas Egan, Gerald Schoonover, Patrick Kafer, Attorney Blazel and Peggy Hendricks present. Also present for all or part of the meeting: Brian Noe, Janet Davis and Kurt Schoeni.

Motion by Schoonover, 2nd by Kafer to approve Class B Beer & Liquor license to Farmers Daughter Kitchen located at 7431 State Hwy 91, Waukau – owner Janet Davis, 6443 State Road 91, Pickett, WI. Motion carried.

Motion by Schoonover, 2nd by Kafer to approve a CSM for Merle Laneberg, Parcel # 022 1491. Discussion: This was approved before, but there was some tax questions. The CSM has not changed. ***Motion carried.***

Roger Kasuboski – Parcel #022 052801 action:

Attorney Blazel stated that there would be a conflict with Roger Kasuboski, for he had come to talk to Attorney Blazel a couple years ago concerning his parcel. Mr. Kasuboski stated that he would sign a form stating there would not be a conflict of interest, but he has not done so. We would have to take action on our own or contact a different attorney.

Attorney Blazel said there are 2 different methods that we could do. One is to fine him per day or a full blown lawsuit seeking a court order for him to do what he is suppose to do. The fining process would be easier. You could fine daily and lower the fine amount if he has met our requirements. Attorney Blazel said in our Town code, we do not have the ability to issue a citation. Our new code does mention it and the Town would just have to pass an ordinance saying if someone violates our code, a citation can be issued. Fine amounts could be collected in small claims court. They will set a court date. If they contest, there is a mediation session and if things are not settled, then there would be a court hearing in front of the court commissioner.

Attorney Blazel has not heard back from Roger Kasuboski attorney. Tom Egan does not know if issuing fines would do anything. He has not done any clean up and continues to do as he has been. There is nothing farm related in the Quonset. The Attorney stated that if a person has \$10,000 worth of fines, before the trial date, you can fine him less if he does what he should do. This would not work if someone does not care. A letter would be sent stating that a \$200/day fine will start and will proceed to court (small claims) if clean up is not done and to cease and desist from running a commercial business on the property.

The 2nd method is to hire an attorney and start an action for injunctive relief.

Tom Egan said that we have been dealing with this for over 2 years. Mr. Schoeni said he would like to see the most effective method instead of the quickest. He feels a strong message has to be sent and the process should be something that would be enforceable long term. Brian Noe stated that they have had this problem in the Town of Omro. They chose to issue a court order. The court order is enforceable if the same problem would arise at a later date.

Motion by Schoonover, 2nd by Kafer to hire an attorney and have him start an action for injunctive relief. Motion passed 3 - 0.

Attorney Blazel will contact Attorney Sondalle to if he would be interested in doing this for the Town.

James Erdmann, Parcel #022 0312 02 action:

Attorney Blazel said that the same procedures would apply for this parcel. He did receive a call recently from one of the bankers of Farmers & Merchants to say that Mr. Erdmann was in the bank office. Pat Kafer said that he had indicated to Mr. Bob Thorsen that action would be taken with the Erdmann property. It was in the paper awhile back that this property would be foreclosed on. Mr. Thorsen asked Attorney Blazel what Mr Erdmann would have to do. He said that either he would have to have an inspector go in, finish the home or get out.

Motion by Kafer, 2nd by Schoonover to authorize Attorney Blazel to contact the bank to see if anything had been done, and if not, to start action for injunctive relief on parcel #022 0312 02. Motion carried 3 - 0.

Tom Egan had a few questions for Attorney Blazel.

1. At our annual meeting, Mr. Egan told Attorney Blazel that he was voted in as Town Attorney for the next year.
2. The Town needs to vacate Liberty Street. The County will have all the information. The attorney should start on that as soon as possible.
3. On Liberty Street, it was voted at the Annual meeting to post that No Trailer Parking on both sides of the road. The Attorney said all we needed to do is put up the signs. Tom Egan will contact the County for the signs.

Motion by Schoonover, 2nd by Kafer to approval the payment to Freund Excavation for road work and snow removal for the months of February & March for \$25,456.25 and \$8.00 refund check to Farmers Daughter County Kitchen. Motion carried.

Hendricks stated that she went to Printco to have a citation booklet made up for the Town.

Tom Egan asked Mr. Noe what happened to the discussion on having a joint Town and City of Omro Municipal Court. The groups have not sat down yet to discuss this.

Motion by Schoonover 2nd by Kafer to adjourn at 1:45. Motion carried.

Respectfully submitted by Peggy Hendricks, Clerk