

Rushford Town Board Minutes
Thursday, December 4, 2014

The Town of Rushford December Board meeting was called to order at 7:00 pm by Chairman Thomas Egan followed by the Pledge of Allegiance. Roll call was taken with Thomas Egan, Gerald Schoonover, Patrick Kafer, Kathryn Lewis and Peggy Hendricks present. Also present for all or part of the meeting: 6 additional persons per attendance record on file, though others were present who did not sign in.

Statement of Public Notice: Notice of the Planning Committee Meeting, The meeting of the Board on November 19th, the possible quorum of board members at the Omro Rushford Fire Department meeting, the budget summary and the December Board meeting was posted on the Town hall Door, the Town's web site, the corner of K & E in Eureka and the Waukau Post office. In addition, the Notice of Public Budget hearing & presentation, the Notice of Special Town meeting of the Electors, the date change for Budget, meeting of electors and December Board meeting and the Notice of Spring Election was published in the Oshkosh Northwestern. Notices were mailed to Town Board members and the Zoning Administrator.

Clerks Report & Minutes: *Motion by Kafer, 2nd by Schoonover to approve the minutes as presented for the October 1st Town board meeting. Motion carried.*

Treasurers Report was given by Kathryn Lewis. The balance at the end of November was \$175,927.02 in the general account. The balance at the end of November in the tax account was \$100.00. *Motion by Schoonover, 2nd by Kafer to accept the treasurer's report. Motion carried.*

Payment of invoices: Peggy Hendricks approved and submitted to the board the bills for December in the amount of \$64,330.14 from the general account for approval of payment. *Motion by Kafer, 2nd by Schoonover to pay December 2014 bills as submitted. Motion carried. Motion by Schoonover, 2nd by Kafer to approve \$560 to purchase stamps. Motion carried.* Hendricks stated that there was a check issued for \$429 to Wi Tubing which will be reimbursed by Phyllis Miller. This was for the culvert on Liberty Street.

Public Input: Tom Egan stated it was nice to have the people who attended the budget meeting in attendance.

Communications & Correspondence:

- Peggy Hendricks received a letter from the City of Omro thanking us for the allocation of the Per Capita Funding last year and asked to once again consider the City of Omro for our allocation.
- Hendricks received an email from the Winnebago County Sheriff. This was a press release on the Burglaries occurring the north side of the Winnebago County line. It included precautions the public can do to protect their property.
- Tom Egan read a letter from Winnebago County Natural Hazardous Civitek thanking him for being on the committee for the 5 year update committee. There are 15 different facilities in the Town of Rushford that are covered under this plan.
- Hendricks stated that she received a call Amanda Dodd with complaints of animals escaping from her neighbor and being over on their property nightly. The neighbor is James Erdmann.
- Tom Egan said that a dog was picked up by the Sheriff's department and taken to Oshkosh. He does not know why it was not taken to Traxlers and the Town might be getting a bill for this. Mr Mier has not been around a lot and the Sheriff's department has been handling a few of these calls where they prefer not to. If anyone is interested in helping out with this job, please contact Tom Egan.

Discussion of Town hall maintenance/needs:

Hendricks read an email from Newcomers 4-H Club volunteering their services around the hall for Community Service projects. We will contact them in the spring.

Discussion on Town Maintenance – Roads:

An email was received that there was a Stop Ahead sign on Morrow Road near CTH K that was down. This will be replaced. Tom Egan stated there were just a few complaints on the mulching Ripon Truck did for us. Dan Stokes mentioned he felt they did a good job. It was mentioned there should be sand on the North side of 21 and the River Road, for there are slippery spots in those areas. The Sheriff's department stated more ditching should be done on the River Road. Tom Egan receives phone calls when a stop sign is down. The Police stay until someone comes to put the sign back up. Tom said the Town plans on scheduling the road work a little sooner this year and a couple of main projects will be scheduled early, such as Bell School Road and finishing up Liberty Street.

Town & County Zoning – Dan Stokes: Dan Stokes reported on the Zoning Meeting that was held on November 19, 2014. A public hearing was held for a Conditional Use permit for Albright Bros LLC for parcel #022 019104 located at 3711 N County Road K. A CSM was done earlier and another parcel was added to the gravel pit. The permit would be for the same use as it is presently. The use will be agriculture and a gravel pit. Since the CSM was done, it was given a new parcel number, hence the reasoning for another Conditional Use permit. The Zoning Committee recommends the Board to approve the CUP to operate a gravel pit for the next 3 years providing all traffic goes off Highway 21 and not Banner Hill. ***Motion by Schoonover, 2nd by Kafer to approve the CUP for parcel #022 019104 providing all traffic will use CTH 21 and not Banner Hill.*** Discussion: Pat Kafer inquired if they acknowledged that there was significant traffic on Banner Hill road. Tom said that Mr. Kallas did mention that Pat Kafer had talked to him about paying for the damage on Banner Hill and they were just waiting for further information. They had no problem taking care of the road damage. Egan mentioned that he has been told that Albright Bros stay in compliance and they have never had a problem with the pit. ***Motion carried.***

Dan continued that there was a discussion regarding cats being maimed and wanting the situation to be addressed by the Town. The Committee members agreed that there is a violation of Article 1, Section 4.3 of the Towns ordinance pertaining to Cruelty to Animals. Enforcement should be done by either the Humane Officer or the Sheriff's Department. The committee's recommendation is that a letter should be sent recommending that cats be confined to their own yards for their own safety.

Matt Neitzke was present and stated that the occupants of the property next to him were being noisy beyond reasonable hours, bright lights shining in his homes direction and vehicles being driven in an unsafe manner. He is fearful for his children's safety. The committee's opinion is the occupant; Robert and/or Steve McCullen was in violation of the use of the authorized commercial zoning held by the property with all the requirements and restrictions imposed on it. A letter was recommended.

The committee also recommends the Clerk send a letter to Harvey & Leann Henning to remove the vehicles from the right away on Mechanic Street as they impede snow removal.

Tom Egan stated that the vehicles have been moved so it will not interfere with snow removal.

Tom Egan said as far as the parcel owned by McCullens, there was a question on approving the CSM for this parcel. The CSM created a 2nd parcel that is separate from the house. This property is zoned Commercial and it is becoming a problem. This does not give them the right to shine lights off their property, noise at all hours or to be operating vehicles in an unsafe manner. The Sheriff's department has been called numerous times and the Town will not tolerate unsafe conditions. Kafer said that other neighbors besides Matt Neitzke has mentioned similar complaints, Kafer asked if the property can be taken out of Commercial zoning. Fred Kasten stated the Town does not have this right. A zoning change would have to be requested from the property owner. There was a noise ordinance passed years ago from the Town, but the Clerk cannot find any copies of this. Kasten suggested the next time the Zoning Committee met, they work on a nuisance ordinance for the Town. Kafer said that the parking is inadequate for Commercial property. A commercial property driveway cannot be blocked off with vehicles. If he is running a business, there should be signage, bathrooms, Federal EIN#, set hours, etc It looks like the property is being used for personal use.

Fred Kasten recommended sending a letter saying the Town has concerns and hopefully we will have an ordinance for enforcement in a couple of months. Tom Egan suggested the Clerk send a letter from the Town Board saying they have had numerous complaints about noise at all hours of the night. The Board would also

like to know if this is a Business being operated on this parcel. Kafer feels this is being used as a residential property and they should adhere to Commercial codes if it is a business. Tom Egan suggested that the Clerk send the Cruelty to Animals as it is written in our Town ordinance to JoAnn Borchardt and to Chuck Mier for followup.

Old Business:

Update on Erdmann property: Tom Egan read a letter sent from Attorney Blazel regarding James Erdmann dated November 25th. Mr. Erdmann requested guidance from the board pertaining to the action the Town filed. It was suggested that the Attorney, Mr. Erdmann and the building inspector meet to view the home and to go over what has to be done to be in compliance. No one has heard anything back from Mr. Erdmann yet. Tom suggested Marty Johnson as a building inspector for he is a state approved inspector. Or Mr. Erdmann can hire anyone he chooses.

Implements of Husbandry Laws: The County met on November 5th. The general consensus seemed to be that the County should move forward with an Ordinance or Resolution. The latest Resolution draft which will be presented at the December Highway Committee meeting was emailed to the Board. It is written around "Option F" which will authorize the County to require loH and Commercial CMV's to abide by the new ACT 377 law with the exception of Category B which is exempted from the axle limitations. The Resolution will cover the County Highway System. An email will be sent when another meeting is scheduled.

Tom Egan read an email from Attorney Blazel. He had one suggested change in the Town Ordinance rewrite after going through the new proposed draft. It was suggested to draw up a Public Nuisance Ordinance so it can be included with the final draft of the Towns Ordinances.

New Business:

Motion by Kafer, 2nd by Schoonover to approve the 2015 budget as presented at the Budget Public hearing held earlier. Motion carried.

Motion by Kafer, 2nd by Schoonover to allocate our per capita funds of \$1,574 to the City of Omro to be used for economic development programs in the City. Motion carried.

Motion by Kafer, 2nd by Schoonover to set January 17, 2015 at 9:00 am as the Towns Caucus date. Motion carried.

Animal Report: Chuck Mier took a dog with tags to Traxlers. It was recommended that Amanda Dodd call Chuck Mier pertaining to the animals on the Erdmann property getting out on her property.

Building Reports – Tom Egan:

Robert Hess & Jana Secord, 8052 Island Ave, Omro, 920-979-5262
Roofing, windows, insulation, electrical, trusses, patio doors, 14' x 24' addition with balcony
Parcel # 022 047506
\$50,111 November 6, 2014

Ronald Gehrke, 9136 Bell School Road, 290-0970
Remodel Barn and put a 12 x 36 addition on North side built by Gehrke Construction
\$10,000 10/2/2014

County Report – Tom Egan: The Highway Department has the project for Hwy 116 from Omro to Waukau on May 2015. He mentioned that Scott Gonkle is having problems with Zillges on Morrow Road. The farmland on the airport property will be rented out in 2015.

Reports of Attended Meetings:

1. Omro Rushford Omro Joint Fire District Meeting on November 12th : It was voted that a new fire truck would be purchased for \$329,000 from Pierce Manufacturing. This price is with a \$9500 discount for prepayment for the entire amount of the bid. This breaks down to \$109,667 per unit. The City of Omro will look into loaning the Townships the money for the purchase. This will be decided at the next City of Omro Council meeting. The Rushford Town Board will have to meet to discuss the financial possibilities for funding.
2. Meeting of the Board, November 19th : The Town Board met to discuss the Fire Truck funding, review of the budget and to fill out the 2015 Local Road Certification.

Upcoming Meetings:

1. End of the year meeting of the Board to pay any outstanding 2014 bills on December 29, 2014 at 10:00 am.
2. Kathryn Lewis will collect taxes at the Town Hall on December 27 and January 31 from 10:00 to 2:30.
3. Zoning Committee will meet with Dean Kaderabek on December 29th at 7:00.

Motion by Kafer, 2nd by Schoonover to adjourn at 8:00. Motion carried.

Respectfully submitted by Peggy Hendricks, Clerk