



MINUTES OF MONTHLY MEETING OMRO TOWN BOARD OF SUPERVISORS

DATE:
October 18, 2021

TIME:
6:00 p.m.

LOCATION:
Omro Town Hall, 4205 Rivermoor Rd.

PUBLIC HEARING FOR SANITARY DISTRICT ADDITION

Chairman Noe opened the Public Hearing for the purpose of commentary with regard to a petition to add property identified as Lot 2 and the Notre Dame Drive Road Extension Dedicated to the Public for a total of 1.4538 acres as shown in proposed CSM on parcel #016-0383 owned by Jason & Kimberly Quandt and located on Notre Dame Drive to the Algoma Sanitary District #1.

Resident Tom Tuschl commented that he was pleased to see petition was not to add the whole 40 acres into service area, and hoped the board would explain why the town is considering making an exception to the 1-acre maximum rule for future residential development areas, per land division ordinance.

Kevin Mraz from Algoma Sanitary District #1 commented to explain the District’s point of view on the addition of property and conveyed that the district supports the petition for addition.

With no others wishing to comment, the Public Hearing was closed at 6:02 p.m.

Call to Order

The meeting was called to order at 6:02 p.m. by Chairman Brian Noe.
The Pledge of Allegiance was said in unison.

Attendance

Chairman Brian Noe, Supervisors Mark Krings and Steve Disterhaft, Clerk Dana Woods, Treasurer Beth Jackson and Attorney Karen Marone were present.

Statement of Public Notice

Notice of this meeting was posted at the following locations: Omro Town Hall, 4205 Rivermoor Road; Garbage & Recycling Drop-Off Center, Wendt Road & County Road FF; and at the Corner of Liberty School Rd & County Road F. Notice was also posted on the Town of Omro website and emailed to the Omro Herald and the Oshkosh Northwestern.

Public Comment

- **Resident Nathan Ross** commented about the special meeting on September 30 and asked for clarification about whether there was a vote taken regarding the Ross/Wagner lawsuit appeal, if such vote happened in closed session or if Chairman Noe pursued the appeal on his own. Chairman Noe responded, reminded him its an ongoing legal issue, so the board is not free to comment on it.
- **Resident Marlena Ross** asked about the closed session topics on this meeting’s agenda, specifically the “possible code violations” and asked who might have committed the violations and how it might affect “us”. Chairman Noe explained it shouldn’t affect her at all, but it’s a closed session item and not up for discussion during the open meeting. Attorney Marone explained that traditionally the town doesn’t publish names of people being discussed for possible legal action, but if litigation arises from it, the legal filing will be public record. Marlena Ross sought clarification as to whether the violations were against the town board, or residents. Attorney Marone clarified it would not be against the town board.
- **Resident Tom Tuschl** commented that the town used federal funds to add projection equipment in the meeting room and asked that it be used to display planning commission application details. Had also

asked to have application details posted before the meetings. Clerk Woods explained she was unaware of a request/protocol to post planning commission application details anywhere. Chairman Noe and Clerk Woods indicated they would work on having the details displayed on the projector and have someone available to run the computer/projector during the PC meetings.

- **Resident Marlena Ross** asked for an update on when the speed limits signs would be posted on Reighmoor Road. Chairman Noe said he would inquire with the County on when they could get them done; not sure if the delay has been a lack of supply or a lack of manpower during the highway department's busy season.

Community Policing Discussion

No representative from sheriff's dept. present at this time.

Certified Survey Map for Heidi Kasubowski

Survey was made to clean up property lines. Applicant explained she's having the map done in preparation to sell the house and to clarify who owns what, as the neighbor had long used part of the property thinking it was their own.

Planning Commission recommended approval.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve Certified Survey Map for Heidi Kasubowski affecting Parcels 016-0261 and 016-0261-01 for the Purpose of Adding Land to the Rear of Lot 2. Motion carried on a 3-0 voice vote.

Certified Survey Map for Jason and Kimberly Quandt

Chairman Noe spoke to Mr. Tuschl's earlier question about the lot size; said it was over 1 acre but was allowed in order to keep the back of the lot at a right angle while accommodating the curve in the road along the property.

Planning Commission recommended approval with the payment of a Parkland Dedication fee.

Kimberly asked a clarifying question about future well access. Kevin Mraz from the Sanitary district addressed her question.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Certified Survey Map for Jason and Kimberly Quandt affecting Parcel 016-0383 for the Purpose of Adding Property to the Algoma Sanitary District, provided the appropriate zoning change be made to develop the lot and a Parkland Dedication fee be paid. Motion carried on a 3-0 voice vote.

Petition for Addition to the Algoma Sanitary District #1 for Jason and Kimberly Quandt

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve addition of property to the Algoma Sanitary District #1 - Property is Identified as Lot 2 and the Notre Dame Drive Road Extension Dedicated to the Public for a Total of 1.4538 acres as Shown in Proposed CSM (from agenda item 8) on Parcel #016-0383 Owned by Jason & Kimberly Quandt and Located on Notre Dame Drive. Motion carried on a 3-0 voice vote.

Request for Zoning Map Amendment by April Thoney

Chairman Noe explained the applicant wanted a larger storage garage, but county would not allow due to two different zoning districts. Need to put garage on one lot or the other or combine them and change zoning.

Planning Commission recommended approval.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve request for Zoning Map Amendment by April Thoney to Change Zoning for Parcel 016-0416-01 from A-2 (General Agricultural) & R-1 (Rural Residential) to A-2 with the findings it would be consistent with town's comprehensive plan and eliminates dual zoning. Motion carried on a 3-0 voice vote.

Resolution 2021-10 to Establish Municipal Wards and Combine Wards for Voting Purposes

Clerk Woods explained this is part of the redistricting process, resulting from the 2020 census.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve Resolution 2021-10 to Establish Municipal Wards and Combine Wards for Voting Purposes. Motion carried on a 3-0 voice vote.

Renewal of Ambulance Agreement with City of Oshkosh

Chairman Noe indicated the Town of Omro-specific data was received after requesting it. The contract is a 5-year renewal and quality of service is not in question.

Supervisor Krings mentioned there aren't a lot of quality alternatives available at this time.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve the renewal of Ambulance Service Agreement with the City of Oshkosh. Motion carried on a 3-0 voice vote.

Renewal of Snowplow Contract with V. Jay Potratz

Chairman Noe explained we use this company for some of the smaller public roads and private roads where the county equipment cannot fit. Also indicated the proposed pricing is in line with this year and the service has been good.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve the renewal of Snowplowing Contract with V. Jay Potratz LLC. Motion carried on a 3-0 voice vote.

Renewal of Road Maintenance Agreement with Winnebago County

Chairman Noe noted the total road mileage listed and transportation aid figures indicated on the contract sent over are not accurate, but that would not be cause to not approve the contract at this time since it won't change the actual terms.

Supervisor Disterhaft mentioned shoulder deterioration in his neighborhood and asked about whether it could be addressed by the county.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve the renewal of the Road Maintenance Agreement with Winnebago County Highway Department. Motion carried on a 3-0 voice vote.

Authorize Clerk to Lease Ricoh IM C300 from Gordon Flesch Co.

Clerk Woods explained the need for a higher quality office machine. Current printer/copier is not adequate for the volume of images rendered in a government office, plus the amount of money spent on toner over the past year would be roughly the same as the expected lease payments for a year with toner included. Machine would be owned by town after the term of the contract with service plan included.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to authorize the Clerk to enter into a lease agreement with Gordon Flesch Co. for Ricoh IM C3000. Motion carried on a 3-0 voice vote.

Revisions to Proposed 2022 Town Meetings Calendar.

2022 meetings calendar was approved last month. Proposal is to change the Planning Commission meeting dates in January, April, July and October due to a quarterly conflict with the Wisconsin Towns Association Unit Meetings.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve changes to the proposed 2022 Town Meetings Calendar. Motion carried on a 3-0 voice vote.

Road Supervisor Report

Chairman Noe shared county road work should all be completed.

Continue to look at Harbor Village and the challenges there.

Still being contacted by a gentleman who wants the town to move his road to adjust its position to the proper right of way; explained to him the cost of doing so would be hard to justify.

Will be connecting with Sanitary District regarding manhole covers and the paving around them. Will be checking them out.

Clerk Report

Clerk Woods shared correspondence from:

- WIS DOT about revised plans for intersection to Hwy 21/Leonard Point Road intersection.
- Fond du Lac County, which will be adopting its first-ever comprehensive plan.
- Assemblyman Michael Gableman regarding the preservation of records from the 2020 general election. Records from federal elections need to be retained for 22 months anyway.
- Winnebago County Zoning notifying the town the CUPs for Felix Storage and Big Storage were approved with conditions the town suggested, plus two additional.
- Winnebago County Code Enforcement Office copied us on four notices of violation.

ARPA Update: End of October preliminary spending plan report has been pushed off until April 2022. Final rules on qualified spending still not set. Attended a helpful workshop on ARPA during the WTA annual convention.

Received three open records requests, all from Eric Wagner on behalf of himself and Chuck Hertel. They requested the original and recently revised ordinances for three ordinances the board adopted in August as part of the Stormwater Quality Management Plan Update. Request was emailed this past Saturday and digital files were provided via email Monday morning.

Planning Commission Report

Chairman Noe share that some Site Plans will be up for review next month. Stormwater issues with each.

Some consultants requested to meet with himself and Planning Commission Chair Roskom to discuss the application process and deadline, perhaps to move it up to accommodate multiple plans needing engineer review in a single month. This is the first month we had more than one Site Plan Review in one month and it wasn't enough time for engineers to complete in time for meeting.

Town Attorney Report

No report at this time.

Town Supervisors Report

No report at this time.

Town Chairman Report

No report at this time.

Approve Meeting Minutes

Minutes from September 30 special meeting were taken by Attorney Marone as the Clerk was excused. Were given to Clerk this evening but have not been typed up yet so those will be ready for approval in November instead.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve meeting minutes from September 13, 2021 with suggested spelling revision. Motion carried on a 3-0 voice vote.

Treasurer's Report

Two to approve this month—August and September—since Treasurer Jackson was excused from the September meeting. She explained town will be putting \$88k into general fund from final tax settlement; approximately \$226,000 remaining in the working budget for 2021, not counting ARPA funds set aside.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Treasurer's report. Motion carried on a 3-0 voice vote.

Accounts Payable

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Accounts Payable for November in the amount of \$71,868.60. Motion carried on a 3-0 voice vote.

Upcoming Meetings and Workshops

None.

Convene into closed session

MOTION by Supervisor Disterhaft, second by Supervisor Krings to go into closed session at 7:09 p.m., pursuant to Wis. Stats. Sec. 19.85 (1)(g), to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation related to (a) Ross/Wagner litigation b.) Open records charges against town c.) Considering possible violation(s) of Town of Omro Roads and Highways Ordinance d.) Considering possible violation(s) of Town of Omro Ordinance 1993-12 Motion carried on a 3-0 roll call vote.

Commencement of closed session delayed by individuals refusing to leave the building – Marlana Ross, Nathan Ross and Harve Ross. Last individual remaining (Marlena) agreed to leave after visit from Sheriff’s deputy who arrived, conferred with on-call Asst. District Attorney and verified the town board had cited the correct statute to go into closed session on the meeting agenda and that the town was not obligated to allow people to remain in the building during closed sessions.

Closed session commenced at approximately 8:45 p.m.

Return to Open Session

MOTION by Supervisor Krings, second by Supervisor Disterhaft to reconvene in open session at 9:29 p.m. Motion carried on a 3-0 roll call vote.

Agenda Items for Next Meeting

None

Adjourn

MOTION by Supervisor Krings, second by Supervisor Disterhaft to adjourn the regular meeting at approximately 9:30 p.m.

Motion carried on a 3-0 voice vote.

Submitted by

Dana Woods, Town Clerk

Approved by Town Board November 15, 2021