



## MINUTES OF MONTHLY MEETING OMRO TOWN BOARD OF SUPERVISORS

**DATE:**  
November 15, 2021

**TIME:**  
6:00 p.m.

**LOCATION:**  
Omro Town Hall, 4205 Rivermoor Rd.

### PUBLIC HEARING FOR 2022 PROPOSED BUDGET

Chairman Noe opened the Public Hearing for the purpose of commentary with regard to the 2022 Proposed Budget.

**Resident Tom Tuschl** asked/received for clarification on some items in expenditures and advocated for the town using some ARPA funds for a community survey regarding development in the town. Would be the first in over two decades.

#### **Resident Marlena Ross**

- Asked about the line item for deputy clerk wages and if there was a plan to hire one and if so, if town residency would be a requirement. Chairman Noe indicated the board has not made any determination or requirement with regard to residency, but there is a plan to hire one.
- Asked about the \$10,000 set aside for legal expenses and if it included any expense for the appeal in the Ross/Wagner lawsuit. Chairman Noe indicated it would be for any/all legal expenses the town is responsible for. Mrs. Ross asked for clarification specifically about the appeal. Chairman Noe indicated the town has not had to pay for the appeal.

**Resident Nathan Mathwig** asked why Public Safety budget was being reduced so drastically between 2021 and 2022. Chairman Noe explained 2021 budget for Public Safety included a large expense for the initial installation of the uniform E911 address signs.

**Resident Tom Tuschl** asked about misc. revenues and why it was bumped up so much. Treasurer Jackson explained there's been more development lately which is why it's gone up, but it's still hard to predict from year to year.

**Resident Harve Ross** inquired as to why the Public Hearing Budget Notice was not published in the paper even though the agenda says it's emailed to the Omro Herald and the Oshkosh Northwestern. Noted that some other municipalities had published in the Oshkosh Northwestern. Clerk Woods explained the Budget Hearing Notice was in fact published in the Omro Herald 18 days ahead (statute requires at least 15 days) of the hearing. Mr. Ross asked why it was not in the Oshkosh Northwestern since the agenda states it is emailed to them. Chairman Noe and Clerk Woods explained notices are to be published in the town's "designated publication" (currently Omro Herald), but agendas are emailed to both area papers as a courtesy in case they find the agenda newsworthy and want to send a reporter to cover the meeting.

**Resident Nathan Ross** asked about a large change to revenue item Charges for Public Services. Clerk Woods explained she couldn't determine why 2021 was projected so high so she modeled 2022 to be closer to 2021 actuals.

**Resident Tom Tuschl** asked if we have an idea of the actual expenses for 2021 YTD. Clerk Woods explained we use YTD actuals in the fall to project the remainder of the year and what to expect in 2022. But YTD is not published with the hearing notice.

With no others wishing to comment, the Public Hearing was closed at 6:09 p.m.

## SPECIAL MEETING OF THE TOWN ELECTORS

Chairman Noe called to order, at 6:09 p.m., the meeting of the town's electors to set the town's levy limit for 2021 to be paid in 2022.

**MOTION** by **Resident Dave Friess**, second by **Resident Tom Tuschl** to adopt the 2021 town tax levy in the amount of at \$385,257.00.

**Resident Marlena Ross** asked about the tax levy and if it had to do with property taxes being raised as well. Treasurer Jackson explained how many assessments went up this year with the revaluation, but the total taken in by the town is only increased by approximately \$10,000 this year. The revaluation helps redistribute everyone's "piece of the pie". Clerk Woods further clarified that the mil rate (tax dollars per \$1,000 value) actually went down from last year.

**Resident Nathan Mathwig** asked if we were referring to the assessment that was just done or if another would be coming up. Chairman Noe affirmed it was the one already done and that the levy is now more accurately spread out amongst the entire tax base.

Motion passed by a show of hands 13-0, with 5 residents abstaining.

Chairman Noe thanked the residents for supporting a town budget that's workable and closed the Electors Meeting at 6:14 p.m.

## REGULAR MONTHLY MEETING

### Call to Order

The meeting was called to order at 6:14 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** stated he had a talk with Supervisor Krings about making accommodations for people waiting during closed sessions, suggested the use of other rooms in the building, but it's not on the agenda as if "it doesn't matter what we say." Supervisor Krings took responsibility for it not being an agenda item, but that he had forwarded the concerns voiced to him. Chairman Noe clarified that the only other rooms available are the offices of Clerk and Treasurer and the garage, which are not realistic solutions. Mr. Ross said they could wait down the hall. Chairman Noe explained that when we have people in attendance who are associated with matters being discussed in closed session, we need to make sure those sessions cannot be overheard in the hall and to solve the problem we are changing how we do closed sessions by placing them at the very end of the meeting and adjourning from closed sessions, eliminating anyone's need to wait for us to reopen the meeting. Mr. Ross asked if the board could legally adjourn from closed session and Chairman Noe affirmed, and explained that since that's how it's being resolved, an agenda item addressing accommodations for people waiting was not needed.

- **Resident Harve Ross** suggested that the board members move into one of the offices for closed session and leave visitors in the meeting room. Chairman Noe responded that the offices are small for six+ people to have a meeting in and aren't any more soundproof than the meeting room.
- **Resident Nathan Mathwig** wondered what law allowed the board to adjourn from closed session. Chairman Noe explained statutes pertaining to closed session allow for it. Mr. Mathwig suggested that otherwise perhaps getting a list of resident phone numbers to send out a text to when the board reconvenes could solve the problem as well. Chairman Noe agreed that is a possibility if there were other things to talk about after the closed session. But often, when these are legal matters, there's no reason to reconvene in open session other than to just adjourn the meeting, so it's not necessary to call everyone back just for that.
- **Resident Marlana Ross** asked for an explanation of IDB funds. Chairman Noe explained the purpose of the Industrial Development Board funding.

### **Community Policing Discussion**

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

### **Site Plan Review for Felix Storage on Parcel 016-0682-01**

Jack Richeson from Martenson & Eisele was present to answer any questions; stated they made some revisions based on suggestions from Planning Commission and addressed Strand's comments as well. None affected the whole layout of the site. Supervisor Krings asked about a DNR permit. Mr. Richeson said it was submitted and he'll make sure Strand gets it if they don't have it already.

Planning Commission recommended approval so long as Strand's comments were addressed.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve Site Plan for Felix Storage for Parcel 016-0682-01 subject to engineer signing off on required revisions and those revisions not affecting the layout. Motion carried on a 3-0 voice vote.

### **Site Plan Review for Big Storage, LLC on Parcel 016-0385-07**

Similar project and concerns as the one for Felix Storage. Jack Richeson pointed out the removal of the crab apple trees from the plan; not replaced with a different species, just filled in with more of the already planned varieties of spruce and maples. Supervisor Krings asked if everything is good with the Hwy 21 project coming up. Mr. Richeson affirmed based on current measurements planned (that could change) but worked with the DOT's layout of the proposed project, "As far as we know the DOT is happy with everything."

Planning Commission recommended approval so long as Strand's comments were addressed.

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to approve Site Plan for Big Storage for Parcel 016-0385-07 subject to engineer signing off on required revisions and those revisions not affecting the layout. Motion carried on a 3-0 voice vote.

### **Approve Town of Omro Annual Budget for 2022**

**Chairman Noe** noted that after the proposed budget what put together, the town was notified of a slight increase to the fire district budget. Discussion was had about moving an extra \$500 into that line item and pulling it from a different one instead, few different options.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve the 2022 Annual Budget with revisions; Fire (includes LOSA) changed to \$53,500 and Culture, Recreation & Education changed to \$2,000. Motion carried on a 3-0 voice vote.

### **Treasurer's Report**

Treasurer Jackson provided report said to take note of where ARPA money is reflected.

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

### **Accounts Payable**

Clerk Woods provided list of payable for December along with supportive documentation.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve Accounts Payable for November in the amount of \$64,268.86. Motion carried on a 3-0 voice vote.

### **Uniform Address Numbers - Discuss Process for New Addresses Moving Forward**

Chairman Noe explained that now that the initial installation is complete throughout the town, there is a cost for each new address sign/post that will need to be placed with new homes, along with the cost to pay someone to install it. Will likely add as fee to be collected when building permits are obtained. Discussion took place about whether installation should be paid based on an hourly rate or a flat rate per sign. Flat rate per sign would probably be best since municipalities should only charge fees based on actual costs, and labor cost at a flat rate would be easier to predict than an hourly rate. Will look closer at expenses and come up with a proposed number for the fee schedule next month.

No action taken.

### **Provide Direction in Response to Proposed ATV/UTV Route and Ordinance Amendment Request**

Continued discussion from previous meetings and reviewed proposal. Supervisor Krings asked Resident Todd Cimermanic if the clubs will help police the riders who are not obeying rules. Supervisor Disterhaft sought to clarify which parts of the route would be new.

Mr. Cimermanic stated he wants people to be able to go between towns; thinks by having an expanded ordinance in place it will help give people something to adhere to instead of just going as they please.

Chairman Noe asked about posting and signage. Mr. Cimermanic said the club would help with that.

Chairman Noe asked how to keep people from using/damaging the shoulder. Mr. Cimermanic said in general most people want to stay on the road. Chairman Noe asked for confirmation of whether a drunk driving offense on a machine like this still does not count toward someone's driving record - DNR citation creates a loophole for people to be cited for OWI but not affect a drivers license - Struggle with it and with no way to police it.

Resident Harve Ross shared concerns about sharing the roads with ATV/UTVs.

Resident Dave Friess pointed out that Tom Tuschl mentioned surveying the community for other reasons; perhaps this would be something to survey the community on as well.

Resident Bob Slavik spoke out in favor of allowing an expanded ATV/UTV ordinance. Suggested the board try it for a year.

Resident Marlena Ross commented that there are already people doing it, why not make it legal? It's been going on and they don't stop so let them do it legally.

Resident Nathan Ross asked Mr. Cimermanic what seasons they use the roads the most. Suggest they revisit in a year.

Supervisor Krings said he wants to revisit in a year regardless of what's approved or not, but would like a resolution to the matter either way by next month.

Supervisor Disterhaft asked Mr. Cimermanic what's not working now. Mr. Cimermanic stated there's no way to get to many places right now. Supervisor Disterhaft mentioned that the mentality of "They're doing it anyway, might as well make it legal" feels a little like the town is being strong-armed into making it legal everywhere because people don't mind breaking the law. That doesn't give him confidence people will follow the rules even after the ordinance is expanded.

Supervisor Disterhaft asked who has the right of way when cars and ATV/UTV meet in traffic. Belief is they both follow same traffic rules.

Chairman Noe stated we want to give Mr. Cimermanic some guidance; said out of all the suggestions, he has the least amount of trouble with the north/south routes versus the east/east routes.

Consider comments over the next month, contact Mr. Cimermanic with any questions. Encouraged him to consider comments and come back with proposal next month.

No action taken.

### **Consider Request for Town of Omro's Allocation of IDB Funds**

Chairman Noe explained the town would like to retain these funds whenever possible rather than turn them over to the City. However, there are strict rules for how the funds can be used which makes it challenging for towns to keep them. It's possible we could retain some of it to be used for planning along with Hwy 21 corridor. Can get more information over the next couple weeks and make decision at November meeting. City has asked for the town's allocation again this year. We can look into options for how we can spend it, or if anyone else has ideas, bring them back. County might not allow us the extra two days to respond – deadline for reply is the Friday before the December meeting.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to table until December meeting unless County won't grant extension, in which case the town will allocate to City of Omro. Motion carried on 3-0 voice vote.

### **Consider Meeting Room Furniture Replacement**

In an effort to preserve the new carpet from the heavier old tables being dragged on it, and because there is still money in the budget for town hall upgrades this year, Clerk Woods looked into getting lighter tables available for use during hall rentals, elections and other special events. Also looked into board table set ups that would fit in the space. Some of the estimates came as high as \$6,000, so sought to source less expensive alternatives that could still work. Seven options presented to the board ranging from as little as \$600 for board table/chairs to as much as \$6,000; and \$60 to \$100 each for plastic lighter-weight banquet tables. No economical options found yet for guest seating. Will continue to look.

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to go with option six for meeting tables and rolling chairs and then an additional six to eight banquet tables, not to exceed a total cost of \$2,000. Motion carried on a 3-0 voice vote.

### **Review Town Hall Security Features Estimate**

Chairman Noe shared that the County Sheriff's Dept. recommended some changes to the town hall for the purpose of crime prevention. Have reached out to a few vendors since May; most did not reply or failed to follow through with an estimate after a site visit. Thus far, Pop-A-Lock is the only vendor to follow through.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to have the clerk publish a Notice of Intent to Execute a Contract with Pop-A-Lock of NE Wisconsin for town hall security equipment and supplies. Motion carried on a 3-0 voice vote.

### **Road Supervisor Report**

Chairman Noe shared:

- We're about done patching before weather turns bad, little bit of tree trimming to do.
- Filed a TRIP application for portion of Springbrook Road. Eligible to apply every-other year.

### **Clerk Report**

Clerk Woods shared correspondence from:

- Winnebago County Board about the Comprehensive Land Use Plan for Nepeuskun being approved.
- Michels Materials, a division of Michels Corp, which currently operates the Williams Quarry in the Town of Omro, indicating it merged with Michels ROAD and STONE, INC. and will transfer all permits, plans and agreements related to this location.
- Received a \$194 refund on our work comp premium, a result of the 2021 Work Comp Audit.

Redistricting Update – We're in final days, Phase 3

IT Update - Transition to .gov emails has begun; town account users were provided with instructions today.

Open Records Requests Update - Received four open records requests, all from Marlena Ross.

1. On October 21, received three open records requests from Marlena Ross for “the code of ethics statement that Brian Noe, our town chairman had to sign when he came into office”. Clerk Woods explained there is no such record by that name but given her description, Clerk Woods sought to clarify if she might be referring to the Oath of Office. Mrs. Ross confirmed she would like that, so Clerk Woods emailed her a copy of it the same day
2. Same day, Mrs. Ross asked if the town has a “local administration rules for the board? If so, she would like to be able to come in and see them.” Clerk Woods replied that same day and explained there is no such record; rather the governing board is bound by all Wisconsin State Statutes.
3. Her third email that day actually requested two items, (1) the town board minutes from the September 30th session,” and (2) requested “to see how and when they voted to appeal the lawsuit against the town of Omro by Eric Wagner and Harve Ross.”
  - a. As to the first item, Clerk Woods provided the draft minutes from the September 30th Special Meeting and explained they were still in draft form as the board had yet to approve them (will do that tonight).
  - b. As to the second, Clerk Woods explained there is no record responsive to that request apart from attorney's notes regarding privileged communication and litigation strategy. As such, they are not subject to disclosure under the Public Records Law as these are considered Attorney Work Product, and are also protected by attorney/client privilege. As the Town of Omro's Custodian of Records, Clerk Woods informed Mrs. Ross of the steps she can take should she choose to challenge the denial of this request.
4. This afternoon, November 15, Clerk Woods received a fourth ORR from Marlena Ross requesting “all invoices for all attorney fees paid out from Jan. 1st, 2020 til present date of November 15th, 2021. Given that this was just this afternoon, Clerk Woods has not had a chance to respond yet. Will provide update at next meeting.

### **Planning Commission Report**

Chairman Noe, Vice-Chair of PC shared:

- Couple items dealt with this evening.
- Some talk about updating Comp Plan.

### **Town Attorney Report**

No report at this time.

### **Town Supervisors Report**

No report at this time.

### **Town Chairman Report**

Fire Board meeting coming up in December.

Attended City of Oshkosh Strategic Planning session.

### **Approve Meeting Minutes**

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to approve meeting minutes from September 30, 2021 Special Town Board meeting and Regular Town Board Meeting and October 18, 2021. Motion carried on a 3-0 voice vote.

**Upcoming Meetings and Workshops**

Fire Board Meeting on December 15 at 7 pm.

**Agenda Items for Next Meeting**

Nothing other than topics tabled during this meeting.

Chairman Noe asked if the rest of the board wanted to be a part of helping form any future survey. Also asked Tom Tuschl. Will discuss with Planning Commission as well. Will work on but might not have update in time for December.

**Convene into closed session**

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to go into closed session at 7:53 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

Motion carried on a 3-0 roll call vote.

**Adjourn**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to adjourn the regular meeting from closed session at approximately 8:40 p.m.

Motion carried on a 3-0 roll call vote.

Submitted by

Dana Woods, Town Clerk

Approved by Town Board December 20, 2021