



# MINUTES OF MONTHLY MEETING OF THE OMRO TOWN BOARD OF SUPERVISORS

**DATE:** February 27, 2023      **TIME:** 6:00 p.m.      **LOCATION:** Omro Town Hall, 4205 Rivermoor Rd.

## **Regular Meeting Call to Order**

The regular monthly meeting was called to order at 6:00 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. Deputy Clerk Brenda Pluchinsky was excused.

## **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 near 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**

None.

## **Community Policing Discussion**

None.

## **Consider Resident Request to Purchase Unused Cemetery Property and Discuss Process for Selling Town Property**

Christopher Shea was present to express his interest. Chairman Noe explained the voters would need to give approval and it's not a typical process since it's a cemetery and there are requirements involved in determining whether or not there any unmarked graves in that section. Mr. Shea stated Twin City Monument said they could do the probing but didn't give a firm quote for it. Depending on the cost, he would be willing to cover it. Supervisor Krings mentioned that the town cannot incur costs. Chairman Noe indicated it was currently zoned institutional and splitting anything off would also require certified survey map and zoning change.

Attorney Marone said the public should know the potential selling price and reasoning for it before being asked to vote to give blessing to sell town-owned land. Offer should be contingent on any associated costs being covered by buyer.

Cemetery Board out of Madison might also need to give blessing to any sale.

Mr. Shea was advised that if he provided some sort of offer to purchase, the board could take that to the electors at the Annual Meeting in April, suggested that he bring back offer for the March 20<sup>th</sup> meeting, if possible.

## **Consider Potential Interstate 41 Billboard Advertisement Proposed by Algoma Sanitary District #1**

Proposed by ASD#1 to help promote vacant lots for sale within the district. Developers and towns would pay for it.

Asking towns to pay \$800 for first 3 months. Planning Commission reviewed request and advised that the town could be in an awkward position by spending money to promote selling lots for particular developers when that is not the norm.

Supervisor Disterhaft commented that the lots will likely sell easily, questioned why the town would need to spend money to help the process.

Supervisor Krings noted the same thoughts were share by himself and those he heard speak at Planning Commission.

Chairman Noe indicated the town cannot prevent the billboards from going up, only whether or not town funds are spent on it.

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to not provide financial support for the billboard at this time.

Motion carried on a 3-0 voice vote.

### **Consider Request to Allow Fill in Wetlands for Lot 108-111 in Sandhill Farms**

Chairman Noe provided a map and explanation for the packets. Two of the four lots have houses built on them and when built it was recognized that wetlands existed there.

There's a process you can go through with the DNR to have the lot amended and the lots with houses on went through that process to make it buildable. With the two remaining lots they want to go a step further to fill a non-exempt portion. It will take DNR approval and a contribution to the wetland mitigation bank. They have to buy wetland somewhere else to account for filling this in. Our concern would be with whether it's going to drain properly. Strand recommends the town formalize the drainage easement and verify it will drain as it should still.

Supervisor Krings asked for verification on drainage path; don't want to deal with a drainage problem down the road. Chairman Noe indicated it drains to west and then north, but we should ask that the easements be modified on the drainage plan

Supervisor Disterhaft asked if there is any concern it will drain into someone's yard. Doesn't appear it will.

Chairman Noe commented he's not opposed to letting them fill it, just want to make sure we did our due diligence. Could allow it as long as the proper process is followed.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft that the town allow the wetlands on Sandhill Farms 108-111 to be filled provided the DNR approves, the town's engineer approves and we get the proper easements.

Motion carried on a 3-0 voice vote.

### **Consider Change to ORFD Insurance Policy**

Changes to policy were explained as mentioned at the Fire Board meeting. Changes will increase coverage while lowering premiums, just increasing some of the deductibles but still keeping them in a manageable range.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve proposed changes to the Omro-Rushford Fire Department insurance policy.

Motion carried on a 3-0 voice vote.

### **Update from Recent Fire Board Meeting**

Chairman Noe shared we did get data reported. Fire Department stayed on budget. They are still seeking more First Responders.

### **Update on IDB Funding Request**

Chairman Noe attended the meeting to advocate for the town to retain its 2023 IDB allocation. Seemed like the requirements were changed to include having a full-time planning or economic staff in order to qualify now. This makes it almost impossible for any town to qualify. Plan to have additional discussions with county about this.

### **Highway 21 Corridor Study Phase I Summary Report**

Planning Commission report shared with town board. Commission is now looking for direction from town board on next steps. Some of the next phase could include the development of an overlay district. If town board feels that's a reasonable next step.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to accept the report as written and approve recommendations pertaining to the HWY 21 Corridor Study.

Motion carried on a 3-0 voice vote.

**Repeal and Recreate Town of Omro Ordinance 01-0520, Appointment of Elector to Fill Appointed Clerk's Position on Board of Review**

Revision being made in an effort to remove individual people's names from the town code, which will ultimately provide more flexibility to adjust appointees as necessary by simply having the town board make appointments without having to revise town ordinances every time.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to repeal and recreate Town of Omro Ordinance for Appointment of Elector to Fill Appointed Clerk's Position on Board of Review.

Motion carried on a 3-0 voice vote.

**Reaffirm Appointment of Town Tuschl to Fill Appointed Clerk's Position on Board of Review**

Formality now that his name won't be listed in the ordinance anymore.

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to reaffirm appointment of Tom Tuschl as the elector to fill the appointed clerk's position on Board of Review.

Motion carried on a 3-0 voice vote.

**Repeal and Recreate Town of Omro Ordinance 02-0520, Appoint Alternate Members for Board of Review**

This one is also being revised in order to remove individual's names from the town code. Also because two of the four names listed in the existing ordinance are no longer available/eligible.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to repeal and recreate the Ordinance to Appoint Alternate Members for Board of Review.

Motion carried on a 3-0 voice vote.

**Appoint Board of Review Alternates for 2023**

Will place on next month's agenda.

**Set Date for Annual Spring Road Inspection**

Will try for March 31<sup>st</sup>, and if not available, ask for April 7 or 14.

**Discuss Resident Request for Additional Light Pole on Private Road**

We've not gotten the formal request yet. Really needs to come from the road association. Might have to increase the lighting district for the added cost if it happens. Was contacted by the power company about it.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve the request if it comes through and adjust the charge to the district if it becomes necessary.

Motion carried on a 3-0 voice vote.

**REPORTS:**

**Road Supervisor's Report:**

- Not working on anything but snow and ice right now.
- County has been responsive to complaints.

- Lesson learned on Cornhusk on how to handle similar situations in the future – unfinished road now being plowed.
- Anyone opposed to filling some severe potholes before road check? Several others noted from Mark, Steve and Beth.

#### **Clerk's Report:**

##### **Correspondence:**

- Rural Mutual advised us of Andy's passing and provided information on who will be handling out account with them from now on.
- Northeast Wisconsin Stormwater Consortium sent a list of their Full Consortium Meeting Dates

##### **Open Records Requests:**

- February 6 Trevor Damkot from Alpine Insulation requested the building permit logs for November, December and January. Clerk provided those by email on February 8.

#### **175<sup>th</sup> Celebration Update:**

- Continue to receive contributions toward next year's celebration, although now that tax collection is finished, will slow down significantly. Donors were listed. In total \$1,580 was received since last month's meeting; bringing the total current budget for the celebration to \$6,400, not counting the history book money that was also pledged to it.

##### **Elections Update:**

- Spring Primary was held February 21
  - 409 people cast their ballots in the Town of Omro
  - 4 Election Day Registrations – Total registered voter count currently sits at 1742, meaning the turnout last week was a little over 23% in the Town of Omro
  - In total 93 absentee ballots were issued. 11 of those were during in-person absentee voting. An additional 82 were requested to be sent by mail. In the end 60 of the 93 total absentee ballots were voted returned and voted successfully; 30 were not returned at all, and 3 were returned but rejected, as required by law, due to insufficient certification – meaning they didn't not fill out the envelope completely.
- Spring Election will take place on April 4. Those with a valid absentee ballot request on file by March 14, will have their ballots mailed out that day.

#### **Planning Commission:**

Highway 21 Study Report provided. Nothing more to report at the time.

#### **Attorney's Report:**

Karen explained the procedures required before assess fines to residents for failing to comply with the town's nuisance ordinance.

- Town gets a referral
- Goes to board
- Usually one board member designated to communicate
- Often letter sent with deadline
- Follow-up on letter and evaluation of progress
- Often things can be worked out informally. If not, court procedure is required.
- Filing of summons and complaint in large claims court
- There's court filing fees for that, and process server involved along, with time allowed for them to respond to complaint.
- When it goes to hearing, there needs to be a proof up of what's in the complaint and testimony id provided.
- If the court finds in favor of the town, we would get an order allowing removal of the junk, along with permission from the court to assess the costs of removal billed to the property owner on the property tax bill.

Clerk Woods asked Attorney Marone to clarify if all of this is required prior to assessing fines at all. Marone affirmed.

**Supervisors' Report:**

Mark gave an update on a recent property complaint. Has been showed receipts from having stuff hauled away. Talking to both parties and have spoken to surrounding neighbors who feel they have the right to store what they want on own property. Feedback from others suggests it's a neighbor-versus-neighbor issue and perhaps a result of breakdown in previously cordial relationship. Krings reiterated that if we decide to spend money going after one, we'd need to go after several others.

**Chairman's Report:**

Every year we talk about the MS4 compliance - will talk about it at the annual meeting. First time we were actually audited on the total program. Person who did the audit said we're one of the first ones who actually passed the audit. Report shows we were very well positioned. One thing probably not in this report is the ability to test for illicit discharge with a test kit, the cost for which is about \$1,000. They agreed we could have an agreement with the county to use their test equipment rather than purchase it for the town and possibly never get used. Discussion took place about the possibility of creating a stormwater information page on the town's website which could add to our education efforts needed to comply.

**Meeting Minutes**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve the January 16, 2023 town board minutes. Motion carried on a 3-0 voice vote.

**Treasurer's Report**

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

**Accounts Payable**

Discussion about not paying the dues for NEWSC that is included in February payable. Chairman Noe mentioned we paid for it last year, but we never received any communication at all on it. Why should we pay for this year when we didn't get our money's worth last year? Could they apply last year's dues toward this year. Clerk Woods will follow up with them to ask.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve accounts payable in the amount of \$126,018.66 after deducting the NEWSC membership dues. Motion carried on a 3-0 voice vote.

**Upcoming Meetings or Workshops**

WTA District Meetings happening now. Capital Day on March 30. Town of Neenah Chairman trying to get the chairmen together to advocate on some issues at the county level. Might also be another meeting coming up at county level about Sawyer Creek Floodplain issue

**Agenda Items for Next Meeting**

Board of Review Alternates

**Closed Session**

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to have the town board convene into closed session at 7:39 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 in which it is or is likely to become involved, related to:

- a. Ross/Wagner Litigation

b. Roeder Court Road Encroachment

**Adjourn**

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to adjourn the meeting from closed session at 8:26 p.m.  
Motion carried on a 3-0 voice vote.

Submitted by Dana Woods, Town Clerk  
Approved by Town Board March 20, 2023