



MINUTES OF MONTHLY MEETING OF THE OMRO TOWN BOARD OF SUPERVISORS

DATE: March 28, 2022 **TIME:** 6:00 p.m. **LOCATION:** Omro Town Hall, 4205 Rivermoor Rd.

Call to Order

The 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 were present; Attorney Karen Marone 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

Resident Roger Kussmann mentioned that a culvert at point where Sailor Avenue abuts Rivermoor has collapsed. Chairman Noe stated he will look into it. Mr. Kussman asked that if it goes any further, can a plate be put down to get across. Noe will contact the county tomorrow and have them check it out; he knows they have been waiting until frost goes out to do much with them.

Resident Beth Lux asked for two agenda items to be put on next month's meeting.

1. Would like to see stop signs at some intersections changed out to the type with blinking lights.
2. Would like the town to look into the possibly doing curbside pickup of garbage and recycling and getting rid of the dump site.

Resident Marlina Ross mentioned that Reighmoor and Leonard Point Road flooding is bad, especially when iced up. Town of Vinland digs ditches really deep to help with overflow of water and she asked if that was a possibility to help with it. Several people talked to her about it who have to go through that every day. Chairman Noe acknowledged that there was a culvert issue there recently, and also said deeper ditches doesn't change the overall elevation and water flow; just end up with a deeper ditch full of water. Nathan Ross asked if there is a culvert south of Leonard Point that is not working. Chairman Noe indicated there are some cross culverts in the area and some are failing. Supervisor Krings commented that the annual road inspection is coming up and will offer an opportunity to check on them.

Resident Beth Lux asked if the board could check out Springbrook Road laterals as they've gotten bad with the frost. Chairman Noe indicated it's a problem every year with how the frost moves the roads; there's not a good winter fix for that problem until we can completely reconstruct that portion of the road.

Resident Nathan Ross commented that Reighmoor towards Omro, that marshy area there, is there some way the town could get an easement to get down and dig it. Chairman Noe said there is no easement there and we'd have to have property owners work with the town to grant an easement in order to consider that.

Community Policing Discussion

None at this time

Candidates for Public Office

None at this time

Resolution to Amend FY 2022 Budget Based on Actual versus Projected Carryover Balance and Revenues

Clerk Woods explained the need for amending the budget in a few areas based on expenses we thought would take place at the end of 2021. Was on the agenda last month when Clerk was absent. Motion was made, but unfortunately the wording of motion did not include wording required for resolution to be effective.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to adopt Budget Resolution 2022-03 to transfer \$22,800 from Public Works to increase funding for General Government and Debt Service, and transfer \$18,500 from ARPA Restricted Use to increase funding for Public Safety and General Buildings & Plant.

Motion carried on a 3-0 voice vote.

Consider Taking Action to Address Dumping of Refuse in Yard that is Creating a Public Nuisance

Supervisor Krings asked for it to be on the meeting agenda; residents expressing to him they feel it's a public safety issue. Do we start with a letter? Understands some cases are a matter of cleaning up yard waste but garbage is garbage and should be gone. Chairman Noe mentioned part of the problem is we don't have a property maintenance ordinance; we'd have to have one to be able to enforce anything. Supervisor Krings asked if it was perhaps time to start drawing some lines with regard to properties like this. Chairman Noe thought it might be best to start by approaching them or sending a letter. If we choose to pursue a Property Maintenance Ordinance that should perhaps start at the Planning Commission. Supervisor Krings indicates he was willing to make contact with these particular property owners in the meantime.

Consider Amendment to Notice of Public Records

Clerk Woods explained this was prompted by the change in IT services and emails now being collected and archived by the town's provider. When searching for records to provide upon request, the best way to capture all applicable records in a digital search is to have the IT Service Provider perform the search. Additional examination by staff will still be needed to weed out which records technically met the data search, but do not meet the records request criteria though. State statutes allow for the town to charge requesters the actual cost to the town for locating records, when it exceeds \$50, however, legal counsel advised that we not charge more than the \$15/hr listed on our current Notice of Public Records until we amend the Notice to reflect the possibility of locating records at "actual cost".

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve language change to add locating fee to the Notice of Public Records.

Motion carried on a 3-0 Voice vote.

ARPA Funds Discussion

Report filing deadline at the end of April. Don't need to have too many particulars at this point but Clerk Woods asked for permission to report the town intends to take the standard allowance versus any number based on the Lost Revenue Calculator provided. Chairman Noe mentioned from everything he's heard there was no downside to the standard allowance.

Other discussion took place regarding directing much of the funds toward road funding. Chairman Noe asked other board members to consider any other projects they might want to use ARPA funds for and bring those back at future meetings.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to instruct Clerk to request the standard allowance for ARPA funding.

Motion carried on a 3-0 voice vote.

Consider Operator License Application(s)

Clerk Woods indicated the application was in order and background check clear.

MOTION by Supervisor KRINGS, second by Supervisor Disterhaft to approve Operator License Application Staci Polishinski.

Motion carried on a 3-0 voice vote.

Annual Road Inspection Date Change

At February's meeting, the date for the annual road inspection was set for April 7. That time won't work and a new one has been proposed.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to set the date for the annual road inspection to April 8, 2022.

Motion carried on a 3-0 voice vote.

REPORTS:

Road Supervisor's Report

- Working to address failing culverts
- Haven't had to push much snow.
- Have done all the tree trimming we're going to at this time.
- Annual Road Inspection coming up
- Any other concerns? None expressed at this time.

Clerk's Report (some items carried over from February meeting from which Clerk was excused)

- **Communications:**
 - County Sent us notice of a County-wide Re-Zoning Project for parcels zoned A-1 in towns that no longer have any Farmland Preservation Plan areas.
 - County Zoning Dept copied us on two Notices of Violation, both for the same violation—"Prohibited soft-sided structure placed on property". Notices were sent to the property owners of 5778 Springbrook Road and 2226 Springbrook Road.
 - County communicated they approved the Zoning Map Amendment for Jason and Kimberly Quandt in January; this was previously recommended for approval by the town board and planning commission.
 - County issued us a \$173.82 refund for an error in our January billing
 - IRS replied to an issue I've been trying to get straightened out for quite a while now with regard to our payment of federal withholding for tax period ending March 2021. They show we didn't pay it, I have the proof we paid it in May, they can't seem to figure out where those payments were applied to. Sent a letter with an update simply stating they are still looking into it.
 - WEC notified me that our 2022 HAVA Election Security .gov email domain subgrant was approved and we were awarded the maximum allowance of \$600.
 - Communications with District Attorney's Office with updates on three matters they were asked to look into regarding open meetings compliance. After investigating all three concerns, DDA Sparr's office indicated to Clerk Woods there was no violation found or actionable offense by town officials. Note: the full summary of this report is not included in these minutes for the sake of brevity, but will be included with them in the town's 2022 minutes book and can be obtained by contacting the Town Clerk's office.
- **Open Records Requests:**
 - February 17, 2022 request from Eric Wagner asking for "all Strand Engineering Invoices (detailed) sent to the Town of Omro for both commercial and residential development projects supporting Final Site Plan review, the date the final site plan was approved by the Planning

Commission and Town Board, the dated invoice(s) from Town of Omro to Developer for Final Site Plan Review, and proof of payment for these services from each developer as reconciled through bank deposit with a date range of January 2015 through March 2022.” After receiving a Notice of Estimate of Fees, Mr. Wagner revised his request on March 3. On March 4, Clerk Woods provided him with 87 pages of responsive records, acknowledging that some of the financial records, for which Treasurer Jackson is the custodian, would not be provided until she returned from vacation. He had also requested a copy of invoicing that we had not received from Strand yet, so that would need to be sent at a later day as well. The remaining records were provided to him on March 24. Note: the full summary of this report is not included in these minutes for the sake of brevity, but will be included with them in the town’s 2022 minutes book and can be obtained by contacting the Town Clerk’s office.

- March 4, 2022 request from Attorney Heath Mynsberge on behalf of his clients Brian and Sherry Seaman. The requests asked that we “provide a complete copy of all electronic or paper records of correspondence between the Town of Omro (and any agent including, but not limited to yourself, Brian Noe, and any other Supervisor or officer) and Tony Daley or others at the Omro Herald.” It went on to indicate the request includes, but is not limited to emails, faxes and letters and any attachments or enclosures transmitted therewith, along with a specified a date range of January 1, 2021 to March 4, 2022.” After conferring with our IT Service Provider who collects and archives all our emails, Clerk Woods provided Mr. Mynsberge a Notice of Estimate of Fees on March 14. Payment was received on March 17 and on March 22 the clerk provided them with 1,000 pages of email correspondence and 6 pages of text messages.

- **Financial Audit Update:**

- Audit team from KerberRose worked at the town hall for two days in January to do their field work portion of the audit for fiscal years 2020 and 2021. The audit team has reached out a few times since asking for us to provide additional documentation, as well as some reports from Quickbooks. They have also made contact with the town’s banking institution to confirm balances and validity of the bank statements we provided. We’ve received one invoice already in the amount of \$7,100 for the progress so far. The final report will be issued on or about April 12. The audit manager will present their findings to the board during the April regular meeting and also provide the 2021 Financial Report to be made available to town residents at the Annual Meeting the following night.

- **Elections Report:**

- The Spring Primary on February 15 went smoothly. Had plenty of help on hand to handle the total 84 votes cast. (18 of which were absentee) We did have three brand new poll workers though and another one who recently underwent the Chief Inspector Training and was acting as Chief for the first time. So, the quieter election day allowed those four individuals to acclimate to their new roles during an easier day.
- The Spring Election is coming up next Tuesday on April 5. Absentee ballots, for those who already had a valid request on file, were mailed out March 15. In person absentee voting will began on March 22. NOTE: A recent Supreme Court ruling has outlawed the use of dropboxes as a method of returning absentee ballots. This ruling actually took place in January, but due to a temporary stay on that ruling, it DID NOT apply to dropboxes that were attached to building, such as ours. That stay is no longer in effect and should there be any other resolution in the case, it won’t be until after the April 5 election. Any ballots returned via dropboxes cannot be counted.
- Some additional news out of the Supreme Court is now presenting questions for the upcoming primary in August and general election in November. The US Supreme Court reversed the WI Supreme Court’s March 3rd decision that selected Governor Evers’ state assembly and senate maps. These maps resulted from the 2021 redistricting based on the 2020 census. The Wisconsin

Elections Commission has indicated that, what the reversal of this decision means is that, until further action is taken by the WI Supreme Court, the state has no maps in effect for the fall elections for state assembly and state senate.

Planning Commission

- Easy month for the Planning Commission with no permit applications submitted. Spent time talking about parks maintenance; will try to finalize it next month.
- Met with stakeholders group to start developing a survey to do as part of the Highway 21 Corridor Study.

Attorney's Report

Not present

Supervisors' Report

- Supervisor Krings thanked Chairman Noe for staying on top of the Sawyer Creek floodplain issue. Chairman Noe replied that if it does come up in Planning & Zoning Committee, he encourages people to go and voice opposition.
- Supervisor Disterhaft asked some questions about the dump site. Has experienced a lack of patience from other users while he's there.

Chairman's Report

- Notification from Spectrum they are running fiber optic project south of 21; QOS (US Internet) will be working toward the other end.
- Stormwater reporting has been filed with DNR and next month we'll have an agenda topic as it's part of the permitting process to educate the public. Next month will discuss another group that is trying to find some balance on this stuff.
- Annual recycling meeting will be on May 19. Dana will post notice if anyone else also wants to attend.

Meeting Minutes

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve meeting minutes from regular board meeting on February 28, 2022 with the Clerk's suggested revisions.

Motion carried on a 3-0 voice vote.

Treasurers Report

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

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve accounts payable in the amount of \$45,084.40.

Motion carried on a 3-0 voice vote.

Upcoming Meetings or Workshops

April 1st towns association district meeting includes Board of Review to attend for training (town to pay). Clerk Woods requested to attend Clerk's Institute this year.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve registration fee for Clerk Woods to attend Clerk's Institute.

Motion carried on a 3-0 voice vote.

Agenda Items for Next Meeting

None mentioned.

Adjourn

MOTION by Supervisor Disterhaft, second by Supervisor Krings to adjourn the meeting at 7:31 p.m.
Motion carried on a 3-0 voice vote.

Submitted by Dana Woods, Town Clerk
Approved by Town Board April 18, 2022