

	<b>MINUTES OF MONTHLY MEETING</b> <b>OMRO TOWN BOARD OF SUPERVISORS</b>		
	<b>DATE:</b> June 21, 2021	<b>TIME:</b> 6:00 p.m.	<b>LOCATION:</b> Omro Town Hall, 4205 Rivermoor Rd.

**Call to Order**

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

**Attendance**

Chairman Brian Noe, Supervisors Mark Krings and Steve Disterhaft, Treasurer Beth Jackson, Clerk Dana Woods, 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 Marlena Ross** commented:

- Expressed disapproval for proposed Zoning Map Amendment for property on the Northeast corner of Reighmoor Rd and State Road 21, tax parcels 016-038505, 016-038504, 016-0385, due to ongoing lawsuit over zoning decision on similar property and traffic safety concerns. She also submitted a petition listing 11 residents who objected to the proposed zoning change.
- Public records request charges against the town; why were only a few fulfilled and who ends up paying the fines if town is found guilty? Two different clerks during time of requests; chairman should be overseeing them and supervisors, who will be paying for them?
- Still have nothing about professional audit on agenda.
- How many positions is Town Chairman allowed to have? Seems odd trying to get more positions from the town. Not sure that's a wise thing to do.

**Resident Beth Lux** commented:

- Regarding zoning change. If it has not already been passed by the town, how can it already be on the county's docket to be approved? Suggested some side deals going on.
- A lot of town's people would like to see audit of 2019 records.
- Asked who's responsible for denying requests or not replying to them.
- Wanted on record that she heard there was a push for this new storage unit proposal because there wasn't another place like it on Hwy 21 and there is something like it on Scott Street. So that's not a valid reason for approving one and not the other.

**Resident Nathan Ross** commented:

- Concerns about storage units going up. Was tried up the road, not resolved. Now a different going through.
- Concerns about open records requests and his tax money being used to rectify the requests.

**Clerk Woods** read aloud an email from Jim and Mary Jo Johnson who were unable to attend but requested their email be read during public comment. The email conveyed the following concerns:

- “Why the lawsuit since you rejected the plan of Harve Ross?”
- “Who is paying for this?”
- “Why only 4 of 39 open records requests fulfilled in one year’s time?”
- “Safety concerns and light pollution of storage units on Hwy 21 and Reighmoor Road”
- “Harve Ross’s lawsuit is a legitimate argument that needs to be resolved in his favor.”
- “Nothing should be decided upon (such as Zillges's desire to build storage units) until you satisfy Ross's lawsuit and resolve the 35 long overdue requests of good standing citizens.”

**Community Policing Discussion**

Sheriff’s Department representative was not present during the meeting.

**Variance Request for sub-standard shore yard setback and floodplain fill requirement for property located at 5404 Reighmoor Road. Tax parcel 016-086402 owned by Richard and Gina Panske**

Chairman Noe shared that Planning Commission dealt with, but paperwork was confusing since County’s application paperwork was not up to date with current request. PC was in agreement with granting variance with regard to retaining wall aspect but did not address reduced setback for fill. Supervisor Krings reported some of his own findings about the property and similar requests. Supervisor Disterhaft suggested it might be beneficial to return the matter to Planning Commission, with proper application documents, before the Town Board acts.

Chairman Noe asked property owner if waiting a month would cause a major impact to their construction schedule. Owner indicated it would not.

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to withhold recommendation to county for a month and refer agenda item back to Planning Commission.

Motion carried on a 3-0 voice vote.

**Certified Survey Map for property on the Northeast corner of Reighmoor Rd and State Road 21, Tax Parcels 016-038702, 016-038703, 016-038505, 016-0385, 016-038403, 016-038405 and 016-038504 owned by Matthew Ziegenhagen, Molly Beck, Steven Ratajczak, and Patricia Ratajczak.**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve Certified Survey Map for tax parcels 016-038702, 016-038703, 016-038505, 016-0385, 016-038403, 016-038405 and 016-038504.

Motion carried on a 3-0 voice vote.

**Zoning Map Amendment for property on the Northeast corner of Reighmoor Rd and State Road 21, Tax Parcels 016-038702, 016-038703, 016-038505, 016-0385, 016-038403, 016-038405 and 016-038504 owned by Matthew Ziegenhagen, Molly Beck, Steven Ratajczak, and Patricia Ratajczak.**

Supervisor Krings indicated that since he was in favor of a zoning change for similar purposes in the past, he would likely support this one to not be hypocritical.

Supervisor Disterhaft expressed he held some safety concerns, similar to the concerns he had for previous zoning change for similar purposes.

Chairman Noe shared that findings would be required with approval or denial. There are criteria that need to be met.

Supervisor Disterhaft indicated his reasoning would be traffic and safety concerns.

Supervisor Krings commented that the property is designed for commercial; something will go there eventually.

Chairman Noe reminded the board that this is only to determine whether a zoning change is appropriate; Conditional Use and Site Plan Review will be future matters for the town to consider. Land is being divided and needs to be zoned, and zoning needs to be consistent with town’s comprehensive plan. Hard to point to findings that would justify denial.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve Zoning Change from A-2 and B-2 to B-3 for tax parcels 016-038702, 016-038703, 016-038505, 016-0385, 016-038403, 016-038405 and 016-038504. Findings - it is consistent with the town's comprehensive plan and eliminates dual zoning. Motion carried on a 2-0 voice vote; Supervisor Disterhaft dissented.

**Zoning Map Amendment Request for WI Tubing Properties for Parcel 016-054707**

Previously acted on, prior to County's request for input; only on agenda to prompt the paperwork back to the county.

**Site Plan Review (updated plan) for Mechanical Services**

Revisions requested of applicant at previous meeting have been provided and forwarded to town's engineering firm.

Engineer communicated some recommendations to include in the drawing. Brian Seaman acknowledged receipt of those recommendations. Discussion took place on landscaping questions for screening the property and parking areas. Should adhere to requirements in ordinance.

Supervisor Disterhaft wanted to go on record that he has concerns about traffic/safety at that location.

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to approve Site Plan for Mechanical Services with the addition of the maintenance plan recommended by town's engineer being provided, as well as an updated plan showing the landscaping.

Motion carried on a 3-0 voice vote.

**Consider A Request From Sandhill Farms Developers to Not Require The Bond to be Renewed and Rely on the Remaining Letter Of Credit for the Remainder of the Completion of Phase II**

**MOTION** by Supervisor Krings, second by Supervisor by Disterhaft to approve request to not renew the bond and rely on Letter of Credit instead.

Motion carried on a 3-0 voice vote.

**Change Date of the September Regular Board Meeting from September 20 to September 13, 2021**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve changing the date of the September meeting from September 20 to September 13.

**Review Draft of Letter to County Regarding Potential Down-sizing of County Board from 36 to 28 Representatives**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve draft letter and send to the county.

**Resolution Supporting the Restoration of Recycling Grant Funding**

**MOTION** by Supervisor Krings, second by Disterhaft to adopt Resolution Supporting the Restoration of Recycling Grant Funding.

Motion carried on a 3-0 voice vote.

**Renewal Applications for Springbrook Tavern LLC and Frank's Place for Class B Liquor License, and Fox Valley Trap Club and Springbrook Sportsman's Club for Class B Beer/Malt Beverage License**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve renewal application as presented.

Motion carried on a 3-0 voice vote.

**Operator License Applications for Miranda Monson, Robert Goyke, Michelle Ellis, Paul Narveson, Michael O'Connell, Kelsy Gutmiedl, Andrew Schaeetz, Mark Miller, Lace Bowerman, Dustie Roth and Destinie Lepsch.**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve Operator Licenses for all applicants that have passed background checks.

Motion carried on a 3-0 voice vote.

### **Re-affirm Appointment of Brian Noe to Serve as Town Board Representative on the Planning Commission**

Discussed at last month's meeting but not voted on. Supervisor Krings asked to be removed in between. Someone from Town Board needs to be on the Planning Commission.

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to appoint Brian Noe as the town board representative on the Planning Commission.

Motion carried on a 3-0 voice vote.

### **Reports**

#### **Road Supervisor**

- Quite of bit of paving done along with some ditch work.
- Property owner contacted him wanting to put in a storm sewer. Will look into it, but probably not feasible.

Resident Harve Ross commented on shoulder erosion needing attention he'd like the Road Supervisor to look into.

#### **Clerk**

- Annual Statement of Assessment verified and submitted for the year.
- Received 2021 Recycling Grant Award in the amount of \$3,316.94.
- Filed SL-330 with DOR to claim town's allocation of the American Rescue Plan Act funding.
- Three open records requests received from resident Sherry Seaman this month. One was for an audio recording of recent meeting; sent same day. Other two are still pending and will take some time because they involve a variety of records dating back 12 years; explanation of this was provided to the requester.
- Met with investigator from Winnebago County District Attorney's Office regarding complaint filed by Sherry Seamon with regard to the Planning Commission vacancy created by Richard Kern's resignation. Provided information the investigator asked for; no more details have come forth on that since.
- Currently in the middle of 4-year maintenance of voter registrations.
- Recently tasked with clean-up project from the WEC to reconcile 169 town voter records which are no longer considered a match with their DMV record.
- New IT service provider has started and working on getting the town's approval for use of Government Community Cloud.
- New flooring will likely be installed third week of July; town will need to provide dumpster. Supervisor Krings will coordinate.

#### **Planning Commission Chair**

- Commission recommendations were already forwarded to town board. No other report necessary this month.
- July meeting date moved to July 15, rather than July 8.

#### **Town Attorney**

- Update on individual she wrote letter to regarding nuisance property that was supposed to be dealt with after Memorial Day holiday; owner did reach out and indicated he had some health concerns and conveyed a plan to clean it up by July 15. Advised the board that rather than starting lawsuit over it, the town could work with him and appreciate the effort in the meantime.

#### **Town Supervisors**

- Supervisor Krings expressed appreciation for Larry and Jackson Remer and Phil Ertmer for assistance in installation of the new Dump Site attendant shelter.

### **Town Chairman**

- Nothing additional that hasn't already been discussed.

### **Meeting Minutes**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to approve meeting minutes from May 17, 2021 regular town board meeting, and special board meetings on June 9 and June 16, 2021. Motion carried on a 3-0 voice vote.

### **Treasurer's Report**

Nothing special to report. Some mystery duplicate interest deposits need correcting and made notes of that on the 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 Disterhaft, second by Supervisor Krings to approve accounts payable in the amount for June.

Motion carried on a 3-0 voice vote.

### **Upcoming Workshops or Meeting Authorizations**

WTA Unit Meeting on July 8 in Town of Oshkosh – standing approval for WTA events; no action needed.

### **Convene into Close Session**

The town board may convene into closed session, 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

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to move into closed session.

Motion carried on a 3-0 roll call vote at 7:19 p.m.

### **Return to Open Session**

**MOTION** by Supervisor Krings, second by Supervisor Disterhaft to return to open session.

Motion carried on a 3-0 roll call vote at 8:17 p.m.

### **Adjourn**

**MOTION** by Supervisor Disterhaft, second by Supervisor Krings to adjourn at 8:19 p.m.

Motion carried on a 3-0 voice vote.

Submitted by  
Dana Woods  
Town Clerk

Approved by Town Board July 19, 2021