



MINUTES OF MONTHLY MEETING OMRO TOWN BOARD OF SUPERVISORS

DATE:
September 13, 2021

TIME:
6:00 p.m.

LOCATION:
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, Clerk Dana Woods, and Attorney Karen Marone were present. Treasurer Beth Jackson 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 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

Abby Maslanka from Martenson & Eisele commented:

- Here and available to answer questions anyone has about the Felix or Zillges projects.

Resident Todd Cimermanic commented:

- Offered to help work with town officials on possible expansion of ATV/UTV routes.

Resident Marlena Ross commented:

- Asked when the new speed limit sign(s) would be posted on Reighmoor Road.
- Asked if Reighmoor Road would have maintenance done yet this year. Chairman Noe indicated likely not yet this year.
- Requested the board to not vote on Conditional Use Permit for Zillges project due to multiple questions including safety, opposition by residents in the adjacent area and the fact that the Ross/Wagner storage unit project has not yet been approved. Chairman Noe stated the board has no legal basis to NOT take action on it this evening, so this is the residents' opportunity to ask whatever remaining questions they have. Attorney Marone also reiterated each project needs to be evaluated and acted on separately, not compared or held up due to other projects or ongoing litigation; board needs to act on each based on its own application. Abby Maslanka addressed some of the questions/concerns Marlena Ross mentioned.

Resident Nathan Ross commented:

- Ross/Wagner storage unit should proceed; voices aren't being heard; why is it still not zoned as needed when another project got its zoning change right away? Chairman Noe explained the applications are separate and the board has no legal basis for holding up one project due to issues with another.

Resident Marlena Ross commented:

- Mentioned an issue with mud on the road from farmers coming through with semis. Supervisor Krings said he would take care of it that evening or the next day.

Community Policing Discussion

No representative present at this time.

Zoning Map Amendment Request by Linda Hammer and Kathryn Liner

Planning Commission recommended approval. Zoning requested is consistent with town's comprehensive plan and change will eliminate dual zoning.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Zoning Map Amendment Request by Linda Hammer and Kathryn Liner to convert Parcels 016-0646 and 016-0647 from R-1 (Rural Residential) to A-2 (General Agricultural).

Motion carried on a 3-0 voice vote.

Certified Survey Map for Linda Hammer and Kathryn Liner

Planning Commission recommended approval with payment of Parkland Dedication fees. Map is consistent with town's comprehensive plan.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Certified Survey Map for Linda Hammer and Kathryn Liner affecting Parcels 016-0646 and 016-0647.

Motion carried on a 3-0 voice vote.

Conditional Use Application by Eric Felix and Cali Felix

Planning Commission recommended approval with the following conditions:

- 1) That the site's driving surface be a hard surface such as asphalt or concrete:
- 2) That the proposed signage, if lighted, be internally lit only.
- 3) That there be no outside storage.
- 4) That the structures have an earth tone/neutral color.
- 5) That the site be maintained, such as lawn cutting, and kept clean of debris and junk.
- 6) That any dead or dying landscape treatments be replaced within 12 months including that area along the south side of the proposed drive area.
- 7) That sufficient area be provided to allow for access and maneuverability of fire trucks and fire equipment.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve Conditional Use Permit for Eric Felix and Cali Felix for storage unit project on Parcel 016-0682-01 with the nine above-mentioned conditions.

Motion carried on a 3-0 voice vote.

Conditional Use Application by Molly Beck, Patricia Ratajczak, Steven Ratajczak and Matthew Ziegenhagen (now owned by Tim Zillges)

Planning Commission recommended approval with the following conditions:

- 1) That the site's driving surface be a hard surface such as asphalt or concrete.
- 2) That no signage be lite.
- 3) That there be no outside storage.
- 4) That the structures have an earth tone/neutral color.
- 5) That the site be maintained, such as lawn cutting, and kept clean of debris and junk.
- 6) That any dead or dying landscape treatments be replaced within 12 months.
- 7) That, in addition to the proposed planting, the berm proposed along the north side of the site be extended along the west side of the property (Reighmoor Road).
- 8) That approximately 10% of the upper story trees proposed along Reighmoor Road be Spruce trees.
- 9) That sufficient area be provided to allow for access and maneuverability of fire trucks and equipment.

Discussion at town board indicated a desire to add an additional condition that the south driveway should remain closed until the completion of Phase 1, so it's not being used during construction.

Supervisor expressed his reservations to the project over safety concerns at that intersection.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Conditional Use Application by Molly Beck, Patricia Ratajczak, Steven Ratajczak and Matthew Ziegenhagen (now owned by Tim Zillges) for parcels 016-0385-05, 016-0385-04, and 016-0385 with the 10 above-mentioned conditions.

Motion carried on a 2-1 voice vote; Supervisor Disterhaft dissented.

Site Plan Review for Al and Penny Rosendahl

Planning Commission recommended approval after distance noted for setback was corrected. One incorrect notation about zoning was also printed on the plans.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Site Plan for Al and Penny Rosendahl for Parcel 016-0177-01 located at 4612 Hwy 116 provided the note referencing zoning as A-1 be removed from plan.

Motion carried on a 3-0 voice vote.

Site Plan Review for Wisconsin Tubing

Planning Commission recommended approval provided stormwater modifications are met; engineers had not signed off on yet at the time of meeting.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Site Plan for Wisconsin Tubing for Parcel 016-0547-07 with the condition that all stormwater requirements that come from town’s engineer are adhered to.

Motion carried on a 3-0 voice vote.

Mechanical Services Site Plan Agreement Modification

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve Site Plan and Maintenance Agreement with modifications suggested by Attorney Marone:

- Legal description, second line, county is misspelled.
- Last line of description instead of “sait” should read “said”
- One page 3, suggested it read, “this agreement imposes no liability of any kind whatsoever on the town and the owner agrees to defend, indemnify, and hold the town harmless to any liability...”

Motion carried on a 3-0 voice vote.

Community Policing Discussion

Agenda item revisited when Sherriff’s Department Representative, Tyler Lavato Badge #50 arrived. He had nothing to report, asked about any resident concerns.

Supervisor Disterhaft mentioned speeding on Sand Pit Road seems out of control.

Resident Brian Seam reiterated speeding concern on both ends of Sand Pit Road.

Resident Nathan Ross mentioned speeding concerns on Reighmoor Road.

Resident Marlena Ross asked for more patrols.

Ordinance 2021-9-1 for Speed Limit Change on Michigan/2nd Ave. from 55 to 45 mph to Align with Change Made in Town of Rushford to 45 mph

MOTION by Supervisor Krings, second by Supervisor Disterhaft to adopt Ordinance 2021-9-1 to lower speed limit on Michigan/2nd Ave. from 55 to 45 mph.

Motions carried on a 3-0 voice vote.

Renew Joint Powers Agreement with Winnebago County Sheriff’s Department

MOTION by Supervisor Disterhaft, second by Supervisor Krings to Renew Joint Powers Agreement with Winnebago County Sheriff’s Department.

Motion carried on a 3-0 voice vote.

Review Proposals to Select Accounting Firm to Conduct Financial Audit

MOTION by Supervisor Disterhaft, second by Supervisor Krings to approve audit proposal submitted by KerberRose.

Motion carried on a 3-0 voice vote.

Approve Operator License for Mary Klemz

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve Operator License for Mary Klemz with a clear background check.

Motions carried on a 3-0 voice vote.

Approve Proposed 2022 Town Meeting Calendar

Appreciation expressed to Tom Tuschl for providing the proposed 2022 Town Meeting Calendar. Supervisor Krings mentioned a potential conflict for the March meeting date; the 28th would work better.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve 2022 Town Meeting Calendar with the change of March meeting date to March 28.

Motion carried on a 3-0 voice vote.

Authorize Repair/Replacement of Water Heater at the Town Hall

Chairman Noe told the board the current unit is working but leaking; 21 years old might be better to replace than try to repair. Supervisor Krings mentioned he has a family member who is a licensed plumber who might provide the installation service at no cost to town.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to authorize purchase of a new water heater for town hall.

Motion carried on a 3-0 voice vote.

Reports

Road Supervisor

- Update on Sandhill Farms: continue to work on drainage issues; suspect we will see a revised drainage plan forthcoming and if so, those easements will need to be re-recorded. Next phase will start sewer and water installation in October. May try to build roads yet this year but might not be enough time. Working on Developer's agreement for Phase 3, but since plats were recorded with Phase 2, we determined it would be better to record an addendum for the financial aspect only (\$450k Letter of Credit + \$150k Joint Account) to avoid confusion later. Agreement should be signed soon.
- Update on Ormand Beach: paving was started; still some stormwater issues to do, but not as much.
- Have long list of culverts to do before ground freezes and will try to fill potholes. Doubtful will get to crack sealing.

Clerk

- Correspondence: County did approve zoning change for the now-Zillges property.
- Correspondence: Copied on notice from Code Enforcement Officer referring someone to CUP application due to personal storage unit on premises.
- Correspondence: Advised of the Nepiuskun Revised Plan
- Correspondence: Memo from the WEC strongly encouraging all municipal office move to a .gov domain - trusted, secure and restricted by law to government offices.
- Provided update on IT transition to .gov domain.
- Providing update on redistricting; will need to adjust boundaries and adopt new wards and transmit back to county by October 25.
- Open Records Request received on September 8 from Vince Espi from Local Labs asking for a record showing total numbers of ballots cast in the 2020 General Election.
 - Sent a scanned copy of the Inspector Statement from the November 3, 2020 election.
- Open Records Request received on August 20 from Ed Hudak of the Republican Party of Winnebago County asking for a list of Town of Omro Election Inspectors along with contact information for each.
 - Sent Mr. Hudak the only applicable records I could find that contained a list and email addresses for each.

Planning Commission Chair

- Chairman Noe shared the Planning Commission reviewed amendment to Nepeuskun comprehensive plan due to it being the only town in the county with A-1 zoning. In order for them to get the county to amend its Farmland Preservation ordinance, they had to make changes to their plan. No action needed from Town of Omro.
- Access Control Ordinance was also discussed at the meeting to bring all PC members up to speed on it.
- All other items were address in tonight's agenda.

Town Attorney

- Mentioned Town Law Conference coming up and what topics will be featured.

Town Supervisors

- None at this time.

Town Chairman

- Might need to have a special meeting to address a request to add property to the Algoma Sanitary Dist. #1. Should see an application by Wednesday and there are statutory requirements for the timeline of meetings.
- Annual Recycling Grant application has been completed
- Annual Road Ratings Report has been completed; with the exception of certified mileage, not due until December.

Meeting Minutes

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve meeting minutes from August 16, 2021 regular town board meeting.

Motion carried on a 3-0 voice vote.

Revised Meeting Minutes

Clerk Woods explained there were two errors (referenced incorrect dates) in the previously approved minutes; revisions were made to correct it for historical accuracy.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve revised meeting minutes from July 19, 2021 regular town board meeting.

Motion carried on a 3-0 voice vote.

Treasurer's Report

Treasurer Jackson was excused due to illness. Treasurer's report for two months will be provided at the October meeting.

Accounts Payable

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve accounts payable in the amount of \$31,281.87 for September.

Motion carried on a 3-0 voice vote.

Upcoming Workshops or Meeting Authorizations

WTA Town Law Conference October 1, being held virtually.

WTA Fall Workshops in September.

WTA Annual Convention coming up in October.

Fire Board meeting is on Wednesday, Sept. 15.

Convene into closed session

MOTION by Supervisor Disterhaft, second by Supervisor Krings to into closed session at 7:27 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 (1) Ross/Wagner litigation.

Motion carried on a 3-0 roll call vote.

Return to Open Session

MOTION by Supervisor Krings, second by Supervisor Disterhaft to return reconvene in open session at 7:59 p.m.

Motion carried on a 3-0 roll call vote.

Agenda Items for Next Meeting

None mentioned.

Adjourn

MOTION by Supervisor Disterhaft, second by Supervisor Krings to adjourn at 8:00 p.m.

Motion carried on a 3-0 voice vote.

Submitted by
Dana Woods
Town Clerk