



MINUTES OF MONTHLY MEETING OMRO TOWN BOARD OF SUPERVISORS

June 15, 2020

1. Call to Order:

The meeting was called to order at 6:00 P.M. by Chairman, Brian Noe. The Pledge of Allegiance to the flag was given.

2. Roll Call:

Chairman Brian Noe, Supervisors, Allen Knurr and David Friess, Clerk Paula Beulen, Treasurer Beth Jackson, and Attorney, Karen Marone were present.

3. Statement of Public Notice:

Notice of this meeting was posted at the Omro Town Hall and the Town website. The Omro Herald and Oshkosh Northwestern were notified via email.

4. Public Input:

- PC Chairman Rich Kern – 5210 Tulane Ct – would like to offer an apology to Chairman Noe, the board and the members of the community regarding his actions at the June 4th Plan Commission meeting.
- Atty Charles Hertel – 4489 Sand Pit Rd, represents Eric Wagner, here to speak on the agenda item regarding the Ross property. The actions considered by the Town Board are contrary to the Comp plan for this town. The County Board adopted changes and it should not come back to the Town Board. Clear primary authority is vested at the county level. The Town provides recommendations to the county but the county makes the final decision. When the Town acts tonight they are doing so in violation of their own Town comprehensive plan and it is illegal if the Town adopts this resolution.
- Resident Clay Leroy – 5178 LaCrosse Dr – quoted verbatim from the Town of Omro comp plan showing that this zoning change does not meet the Town comp plan.
- Eric Wagner – 4314 Stonegate Ct – sincerely ask the Board vote against the resolution stated in item 5 on the agenda. Mr Wagner stated that the Plan Commission recommended approval and the County zoning recommended approval. Mr Wagner listed 6 items as to why this resolution should be denied. Mr Wagner also stated he was encouraged by Chairman Noe to move ahead with this zoning change request. Mr Wagner stated that if the board votes against this he will have no choice but to file a lawsuit against the Town.
- Resident Dean Van Dyke – 5150 LaCrosse Dr – this parcel was zoned a certain way and it is against the Town's comp plan to change it to what Eric Wagner is requesting. If the Town changes the zoning for this parcel what stops the Town from changing the zoning anywhere else.
- Resident Brian Seaman – 3569 Sand Pit Rd – filed paperwork with the Town Clerk stating that he is starting the process to recall Chairman Brian Noe due to ethical violations, open meeting laws violations, and open records request violations.
- Resident Armand Lewis – Notre Dame Dr – stated that if the Town considers changing zoning for each person, will ruin the most expensive tax base in the town. Why would anyone want to do that?

- Wally Wagner – stated he was given direction on which way to go for zoning and went with A-2 on recommendation of Cary Rowe and Chairman Noe. The Wagner’s are not trying to do anything illegal and trying to follow all the state statutes for this project.
- Resident – 4065 Tulane Dr – asked why does Eric Wagner have to build next to residential when there are other options available.
- Resident Harve Ross – 3871 County Rd FF – To answer the previous question stated that other property is not large enough, the County changed to B3, why did the town leave it at A-2.
- Resident Chris Musha – 5142 LaCrosse – B3 zoning is too intrusive next to residential.
- Resident Caroline Murphy – 5134 Rutgers Dr – stated that she opposes the light pollution and covered storage.
- Resident Tony Potratz - 3866 County Rd FF – stated that this is ridiculous and stupid. This land was zoned commercial before you all built the fancy houses next to it.

5. Community Policing Discussion:

- None

6. Consider the adoption of a resolution to opposing Amendatory Ordinance #04/04/20 that was adopted by the Winnebago County Board of Supervisors for the Zoning Amendment #202-ZC-5220 to change zoning from B-2 Community Business District to B-3 General Business District for tax parcel 016-037105 owned by Harve and Rene Ross.

- Statute 23.7-4 states that any ordinance filed with the clerk, will become enacted, the Town can negate.
- Supervisor Friess asked if Wagner’s could resubmit. Anyone can apply for anything at anytime to the Board.
- Supervisor Krings stated that he received many emails in favor of the zoning change.
- **MOTION:** Supervisor, David Friess moved to approve approval of the resolution 01-04620 opposing zoning change and conditional use that the county unilaterally pushed on us. Chairman, Brian Noe seconded the motion.

Ayes – 2, Nays – 1, Motion carried

- Atty Marone read the resolution 01-04620 to the public attending the June meeting.

7. Approval of Conditional Use Permit for parcel #016052701 at 5358 9th Street Rd, Town of Omro, owned by Lynn and Charles Waterman.

- **MOTION:** Supervisor, Mark Krings moved approval of the conditional use permit for parcel #016052701 at 5358 9th Street Rd, Town of Omro, owned by Lynn and Charles Waterman with the 6 conditions as listed on the PC memo from June 4, 2020. 1) No further expansion of the area designated for this use without application to the County Planning Dept and Town Planning Commission. 2) All activity relating to this use remain in the portion zoned A-2, 3) Existing parking will not change, 4) Current use of the property will not change, 5) Outdoor strage will be consistent with the current usage, 6) Hours will be limited to between 8 am and 7 pm for maintenance. Supervisor, David Friess seconded the motion.

Ayes – 3, Nays – 1, Motion carried

8. Consider resolution to waive interest on property tax payments.

- **Motion:** Supervisor, David Friess moved approval of resolution 02-0620 authorizing the county to waive interest on propert tax payments. Supervisor, Mark Krings seconded the motion.

Ayes – 3 Nays – 0, Motion carried

9. Accept letter of resignation of Town Clerk and discuss process to be used to recruit and fill the postion.

- The Clerk position is posted on Indeed.com and the Town of Omro website.

10. Appointment of board member to plan commission to take the place of board member serving in that position that has resigned from that position.

- Supervisor Krings will fill Chairman Noe's position.

11. Adopt board of review confidentiality ordinance.

- **MOTION:** Supervisor, David Friess moved to approve the ordinance 01-0620. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

12. Approve list of annual liquor, cigarette and bartender licenses.

- **Motion:** Supervisor, Mark Krings moved to approve the bartender licenses for Michele Ellis and Mark Miller. Approve liquor licenses for Fox Valley Trap Club, Springbrook Sportsmans Club, Springbrook Tavern and Frank's Place. Supervisor, David Friess seconded the motion.

Ayes – 3, Nays – 0, Motion carried

13. Continued discussion of how to move forward with uniform addressing project.

- Supervisor Friess has heard back from the Fire Chief, he recommends posting a sign on garage/shed lots that are stand along. He also recommends posting signs on cell towers, sanitary locations and cemeteries.
- Chairman Noe stated that approximately 1100 parcels will need a sign. The Town will also need to draft an ordinance regarding the address signs.
- The sign will have to be part of the permitting process for new homes.

14. Approval of Minutes: May 18th 2020.

- **Motion:** Supervisor, David Friess approved the minutes from April 20th 2020. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

15. Treasurer's Report:

- **MOTION:** Supervisor, David Friess moved to approve the Treasurer's report. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

16. Payment of Invoices:

- **Motion:** Supervisor, Mark Krings moved to approve the payment of invoices in the amount of \$22,083.99. Supervisor, David Friess seconded the motion.

Ayes – 3, Nays – 0, Motion carried

17. Upcoming Workshops and Meetings – authorization to attend.

- Nothing

18. Reports:

Road Supervisor:

- Chairman Noe stated that he has forwarded the list of projects for the Town of Omro to the County.

Clerk:

- Nothing

Plan Commission:

- PC Chairman Kern stated the PC memo stands.

Town Attorney:

- Nothing

Town Supervisor:

- Supervisor Krings stated that Yost Rd has a tree down. He will try to take care of it. Chairman Noe will send Supervisor Krings the map to make sure it is in the Town of Omro.

- Supervisor Krings stated he received an email from the City of Omro regarding a drainage issue in a marsh area that someone is building a house in.
- Supervisor Krings stated that there is a lot on Georgetown Ct that needs to be mowed. The Town Board is limited to handling noxious weeds.

Town Chairman:

- Stated that the Town of Omro has received an anonymous donation of an AED machine.

19. Discuss maintenance repairs required for Town Hall.

- Mounting the AED machine.

20. Items to be placed on next meeting agenda.

- Nothing

21. Motion: Supervisor, David Friess moved to convene into closed session pursuant to WIS STATS Sections 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. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

- Closed Session at 7:03 p.m.
- Roll Call:

Chairman Brian Noe, Supervisors, Mark Krings and David Friess, Clerk Paula Beulen, Attorney Karen Marone and Treasurer Beth Jackson.

22. Motion: Supervisor, Mark Krings moved to convene into open session. Supervisor, David Friess seconded the motion.

Ayes – 3, Nays – 0, Motion carried

- Open Session at 8:04 p.m.
- Roll Call:

Chairman Brian Noe, Supervisors, Mark Krings and David Friess, Clerk Paula Beulen, Attorney Karen Marone and Treasurer Beth Jackson.

23. Adjourn:

- **MOTION:** Supervisor, Mark Krings moved to adjourn at 8:04 p.m. Supervisor, David Friess seconded the motion.

Ayes – 3, Nays – 0, Motion carried

Approved: July 20, 2020.

Carey Carley, Clerk
Town of Omro