



## MINUTES OF MONTHLY MEETING OMRO TOWN BOARD OF SUPERVISORS

March 16, 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, Mark Krings 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:**

- Resident, Phil Lux – 6023 Springbrook Rd, asking for status on ATV route, requesting route to connect City of Omro. Would also like to know when the town roads will get worked on especially Springbrook.
- Michael Connell – 5510 Reighmoor Rd, would like Town to consider Reighmoor for future ATV route.
- Scott Williams – Reighmoor Rd, in favor of Reighmoor on future ATV route
- Mike Werch – Springbrook Lane, in favor of this side of town on future ATV route
- Charles Hertl – 4489 Sand Pit Rd, represent Eric Wagner – here to speak to the legalities Mr. Wagner is requesting. Concern expressed that the zoning change cannot be made because the Town is prohibited from it, that is simple not true. Stated that the town is permitted to rezone property if it is consistent with the comprehensive plan of the property in question. The property in question is zoned commercial in the long term comprehensive plan for the Town of Omro, City of Oshkosh and County. Mr Wagner is seeking to use the property for use allowed on commercial property. Mr Hertl is not sure why the zoning request change was made B2-A2 and not B2-B3, but it was done by the suggestion of someone in the Planning and Zoning departments. Clearly what Mr Wagner wants to do is permitted legally. The Town board is allowed to make that change. The current laws say the board shall grant conditional use permit for the property if it abides by reasonable conditions. Mr Wagner is willing to follow the reasonable conditions required. The Board is required to take only substantiated facts for conditional use.
- Harve Ross – 3871 County Rd FF, the County is looking for the response as to why the Town denied it. The Town did not receive the resolution from the County until after the meeting. The property owner also asked the Town to hold off on making the decision until both parties could do some research. Mr Ross also has a petition signed by 100 town residents that don't care if storage units go up.
- Eric Wagner – 4314 Stonegate Court, Oshkosh, County told him that they did not have to send anything formal to the Town, the Town can take action without it. Mr Wagner also believes Chris Musha has a conflict of interest regarding this item and serving on the PC board and is very upset with the items that were said by Chris Musha in a news article. Chairman Noe stated

that the Town board does not have authority to give anyone a gag order or control what people say out on the street. Mr Wagner would also like to see the 2 resident emails received opposing this zoning change.

- Tony Potratz – tax money would be coming into the Town with the storage sheds.
- Tom Tuschl – 5184 Ciscel Dr, Town of Omro newsletter on website

**5. Community Policing Discussion:**

- None

**6. Adopt resolution including findings for denial of requested zoning change for Harve Ross, parcel #016-037105 at the corner of La Crosse and Sand Pit Rd from B-2 to A-2 that was considered at January 20, 2020 board meeting.**

- Last month we did not take action on this at the request of the developer.
- Denial on file from B-2 to B-3, resubmitted from B-2 to A-2, proposed rezoning is not in line with the towns comprehensive plan. Deny rezoning per Attorney advice.
- Town Attorney Marone spoke to an expert in the area, Mr Ohm, and it is Attorney Marone's opinion that this change is not in line with the Town of Omro comprehensive plan. There is not a way to vary from it and there are no exceptions to cause a reason to vary from it. The Town needs to adhere to the comprehensive plan and this change is not consistent with it and should be denied. Attorney Marone recommends the board deny the zoning change.
- The conditional use permit need not be addressed until the zoning issue is taken care of per Attorney Marone.
- Supervisor, Mark Krings has a change of heart and would approve this change.
- Chairman Noe, understands from a County and City standpoint how they think this complies with their plans, but their plans are much more broad than the Town of Omro comprehensive plans. This change is not consistent with the Towns plan and by state law the Town must follow their comprehensive plan.
- Attorney Hertel does not agree with Attorney Marone's findings, however Attorney Hertel based his findings on the comp plan for the County and City and the Town needs to follow the Town of Omro comp plan. Mr Ohm is of the opinion that the Town plan is what goes forward as state law.
- **MOTION:** Supervisor, David Friess moved to adopt a resolution opposing the requested zoning change for parcel 016-037105 with the findings that are available on the resolution that the Town board submitted to the County. (available upon request)

Ayes – 2, Nays – 1, Motion carried

**7. Set the Date from Annual Road check to be conducted on Wednesday, April 1<sup>st</sup>.**

- Resident, Tom Tuschel requested that the board take a look at the potential for extending Honeysuckle Court.
- **MOTION:** Supervisor, David Friess approved the annual road check to be conducted on Wednesday, April 1<sup>st</sup>.

Ayes – 3, Nays – 0, Motion carried

**8. Discuss plans for hosting WTA unit meeting in April.**

- The WTA unit meeting has been rescheduled for July 2<sup>nd</sup>.
- Supervisor Friess has volunteered to cook for this.

**9. Discuss recent fire board meeting.**

- Per capita rate may double as how the contract is written
- New ice boat is in service

- Still have enough people volunteering

**10. Discussion of how to move forward with uniform addressing project.**

- The Town will need to enact ordinance to keep them up once they are put up.
- Chairman Noe will get a per parcel cost to see if we are over the \$25,000 limit
- Supervisor Friess is willing to take the lead on this, Supervisor Krings is willing to help where needed

**11. Discussion of Text and Map Amendment to Floodplain Zoning Code, Chapter 26, of the Winnebago County General Code.**

- Resolution as stated before.
- Complete documentation has not been provided to the town.
- No proven need that this needs to be done
- Nothing has changed since the last time we opposed this.
- **MOTION:** Supervisor, David Friess moved to approve sending in the resolution with the 3 findings stated above. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

**12. Approval of Minutes:**

- February 17, 2020
- **MOTION:** Supervisor, David Friess approved the minutes from February 17, 2020 with changes on item 7, add the word process after engineer and the word closer after the word lots. Change item 11 motion to moved to come up with an ATV plan. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

**13. 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

**14. Payment of Invoices:**

- **Motion:** Supervisor, David Friess moved to approve the payment of invoices in the amount of \$40,306.03. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

**15. Upcoming Workshops and Meetings – authorization to attend.**

- None

**16. Reports:**

**Road Supervisor:**

- County has been filling potholes, dump road is on schedule.
- Do crack sealing on roads identified for chip sealing

**Clerk:**

- Working on getting sanitizer and gloves for the April election

**Plan Commission:**

- Joy and Larry will continue on for office
- Robert Albright would like to build a storage shed, Rich explained process to him

**Town Attorney:**

- Nothing

**Town Supervisor:**

- Supervisor, Friess attended the WTA meeting, did Board of Review training.

**Town Chairman:**

- Town of Omro did not win grant
- Developer would like to have sanitary service in a couple of areas, Highway 21 and Reighmoor, Ormand Beach. Sanitary district will be at the April meeting.
- Terrels Island breakwater meeting here, articles in paper about this.

**17. Items to be placed on next meeting agenda.**

- Clean up BOR ordinances.
- ATV ordinance
- Nuisance properties – tough to deal with

**18. No need to meet in closed session.**

**19. Adjourn:**

- **MOTION:** Supervisor, David Friess moved to adjourn at 7:33 p.m. Supervisor, Mark Krings seconded the motion.

Ayes – 3, Nays – 0, Motion carried

Approved: April 20th, 2020.

Paula Beulen, Clerk  
Town of Omro