

	MINUTES OF MONTHLY MEETING OMRO TOWN BOARD OF SUPERVISORS	
	DATE: July 19, 2021	TIME: 6:00 p.m.

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 Beth Lux commented:

- Questions that never got answered from last month: Who denied Open Records Requests? If town is found guilty, how will it be paid for? Chairman Noe explained those matters are not on the agenda and the board will not be discussing matters currently being litigated.

Resident Brian Seaman commented:

- When it comes to Clerk’s report regarding open records request, why is the person requesting them now being announced? Never been done before. To become compliant or transparent? What is the reason for that? Chairman Noe commented that the clerk is just indicating the time being spent on it and who’s making the request. Mr. Seaman replied “If the township and the board is transparent enough, I don’t think the open records requests would be as large as they were.” Chairman Noe, “Then you shouldn’t mind having us indicate who’s making them.”

Resident Tamar Mathwig commented:

- Wanted to ask about redistricting of County Board of Supervisors. She expressed concerns about having less representation at the county level and requested that the Town of Omro try to fight that.

Resident Beth Lux commented:

- Requested that ATV/UTV issue be put on the agenda for next month.
- Thinks another thing that needs to be brought up is why nobody from the township showed up at court for Open Records Request charges hearing. Chairman Noe explained that even the newspaper reported that the town had not been served notice; town officials had only heard about things through Facebook.

- Also asked why the county would have storage shed development on their agenda before the town even approved it, Chairman Noe explained that the county sets the agenda and sends the applications to the town and that dictates the schedule.

Resident Richard Kern commented:

- Reminding the board that a professional audit was budgeted for and requests that the board put it on the agenda.

Resident Marlena Ross commented:

- Question regarding the speed limit matter on Reighmoor Road. She lives on that road and wanted more information before decision is made. Chairman Noe explained what led to it being on the agenda and the process moving forward. She will have a chance to weigh in when we get to that agenda item as well.

Resident Paula Bennett commented:

- Concerned about things going on in that subdivision, especially with regard to weeds and drainage, along with the increase of traffic and speeding.

Variance Request for Sub-standard Shore Yard Setback and Floodplain Fill Requirement for Property Located at 5404 Reighmoor Rd, Tax Parcel 016-086402 owned by Richard and Gina Panske.

Chairman Noe shared that after having the Planning Commission look at this again in July, since the paperwork from County was incorrect in June, the Commission came back with the same recommendation—approving setback reduction for retaining wall but not variance for fill radiance due to lack of hardship.

Richard Panske commented that the whole idea is drainage, his concern is for the neighbor to east. Retaining wall extension is needed and is helpful but the fill request is for the benefit of the neighbor, stating “The hardship is really on the part of the neighbors.”

MOTION by Supervisor Krings, second by Supervisor Disterhaft to follow Planning Commission recommendation and forward to County, with findings “Variance is the least required in order to meet floodplain requirements.”

Motion carried on a 3-0 voice vote.

Certified Survey Map for Tax Parcels 016-0305 and 016-0306 owned by Commerce Partners LLC c/o Phil Majerus

Chairman Noe shared that Planning Commission looked at it and explained this is not in accordance with town’s comprehensive plan. Requestor is going back to the sanitary district to see about an option to get water to there.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to deny Certified Survey Map for tax parcels 016-0305 and 016-0306 owned by Commerce Partners LLC c/o Phil Majerus

Motion carried on a 3-0 voice vote.

Site Plan Review for WI Tubing

Chairman Noe shared that some cleanup things were noted at Planning Commission, looking for additional specifics on plantings, size of them, screening of outdoor storage along roadway and sides that border farm fields, all items dictated by Site Plan Ordinance.

Supervisor Krings suggested town stick to following the ordinance.

No action to take at this time.

Speed Limit on Reighmoor Road

Chairman Noe shared that at May 2021 meeting a resident mentioned we don't have speed limit signs on Reighmoor Road. Item was put on agenda to decide if a reduction in speed limit was warranted before town pays to have signs put up. Can only reduce by 10 mph without going through a traffic study. Do we want to do anything at all?

Supervisor Disterhaft asked opinion of people who live there, some were in attendance.

Resident Nathan Ross - Many accidents at intersection; high traffic area; getting it down to 45 is a good start.

Resident Marlene Ross - Assumed it was already 45 at top of the hill; people don't always stop at the sign; ten mph less would be nice.

Supervisor Krings mention he'd have no problem reducing entire length of Reighmoor to 45 mph.

Chairman Noe commented that we'd work to bring back ordinance for approval in order to be able to enforce it.

Community Policing Discussion (arrived after his part of the agenda)

Sheriff's representative had no special comments at this time, but encouraged people to keep their doors and cars locked.

Possible Amending of Culvert Ordinance

Chairman Noe shared he's getting requests for longer culverts - mostly for machinery - asked if the board wants to consider amending ordinance to allow for longer culverts.

Supervisor Krings noted it's probably safer for farmers to have wider driveway for the machinery.

Chairman Noe mentioned previous issue with long culverts was method for thawing. Methods have changed since then.

Resident Beth Lux asked if the town would not only consider longer, but also bigger diameter. Chairman Noe explained the diameter is dictated by the flow in that area.

Chairman Noe suggested the town should specify allowing longer in certain areas—ag versus residential.

A drafted amendment to ordinance will be brought back for board approval.

Sandhill Developer's Agreement for Phase III

Chairman Noe shared the developer is looking to move forward, would like to sign the developer's agreement. Estimated cost just over \$400,000 - ordinance requires security of 1.5 times that.

Previously required a Letter of Credit/Bond mix. They would prefer just to use a Letter of Credit.

Attorney Marone indicated the town has had substantial issues with Letters of Credit versus Bond. Have done self-insuring at times in the past.

Chairman Noe suggested if they don't want to do the bond, we could present, as an alternative, a joint account the Town of Omro is named on. Money would be used like an escrow.

MOTION by Supervisor Krings, second by Supervisor Disterhaft to allow Chairman Noe to draft Developers Agreement that would allow them to use either a bond or a joint account to provide for a \$150k cushion, in addition to what the town is holding for current phase.

Motion carried on a 3-0 voice vote.

Request from Ormond Beach First Addition Developer to Allow Base Course Paving before Reaching Percentage of Build-out Provisions

Chairman Noe shared that traditionally we look for greater percentage of the construction to be done before paving; developer requesting to have base layer done this fall yet; would also help neighbors with dust issues. Board discussion took place about how even if there is damage to base course, the developer would be required to repair it anyway. His risk not ours.

MOTION by Supervisor Disterhaft, second by Supervisor Krings to allow Ormond Beach First Addition Developer to do base course paving before reaching build-out provisions in the original developer's agreement.

Motion carried on a 3-0 voice vote.

Reports

Road Supervisor

- Continue to work on paving. Rain slowed it down. First ditch mowing was done but growing back fast.
- Tree trimming putting off to fall unless necessary

Supervisor Disterhaft asked if it is illegal to blow grass clippings onto road. Chairman Noe explained we don't have ordinance against it. Discussion took place about it being a safety issue and also a stormwater runoff issue. Chairman Noe shared that the town could create an ordinance, but enforcing it would probably be a challenge; perhaps an educational effort is more appropriate at this time. Treasurer Jackson said to remind her at tax time; information can be sent with tax bills.

Clerk

- Correspondence: Received notice of adjournment and new hearing scheduled for August 9 regarding the Open Records Violations charges – first time town officials were notified directly.
- Correspondence: Received notice from County of the adjournment of zoning decision for northeast corner of Hwy 21 and Reighmoor Road. New hearing is July 27, they did not ask the town board to revisit the issue though.
- Correspondence: WIS DOT notice regarding highway projects scheduled for 2026 or 2027.
- Updated on the WEC 4-year maintenance; has been completed for this round.
- Updated on the WEC Voter record reconciliation project; of the 169 people on the list, 44 residents responded to the Clerk's notice; 125 remain on the DMV Non-Match list.
- Update to Open Records Request from June 1 regarding retention pond on Berg property installed in 2009. A response was issued to Sherry Seaman on July 15 and included 39 records that spanned 3 years from 2008 to 2011.
- Update to Open Records Request from May 25 regarding the plat development approvals and associated fees for Sandhill Farms development and Ormand Beach development. A response was issued to Sherry Seaman on July 19 and included 127 records that spanned 19 years from 2001 to 2020.
- Received a new Open Records Request from American Transparency asking for electronic payroll information for the year 2020.
- New flooring will be done in early August now instead of late July due to supply issue by the time we approved the order.
- IT Service update including approval of Government Community Cloud acceptance. Lots of reconfiguring of equipment has been done. Asked provider to wait a bit before he starts data migration so files can be better organized locally before uploading and having to rearrange them on the GCC.
- Clerk's office will be closed the first full week in August; Clerk has been summoned to jury duty.

Planning Commission Chair

- Chairman Noe shared that tonight's agenda dealt with all topics discussed except standstill with parks committee participation. Some discussion about cleaning up the prairie plantings in the front of the town hall.
Resident Beth Lux mentioned perhaps the local scouts would consider volunteering time to clean up the garden.
- Resident Brian Seaman asked if the new Planning Commission Chairperson is ever going to attend town board meetings; thinks it should be done. Chairman Noe explained he hasn't been asked to attend, it was never mandatory. If we want to pay him to come to these meetings, we can do so.
Mr. Seaman pointed out previous PC Chairs attended, and questioned if they were ever paid to do so. It was confirmed they were. Chairman Noe, indicated if there was a need for the PC Chair to come to every town board meeting that can certainly be done.

Town Attorney

- Update on individual she wrote letter to regarding nuisance property that was supposed to be dealt. Supervisor Krings indicated the vehicles are still there and no progress to note. Chairman Noe suggest Attorney Marone contact the individual again to check in. Maybe we could help facilitate the cleanup and just bill him for the service later. Could save costs all around instead of going to court.

Town Supervisors

- Supervisor Krings expressed that he was happy that conversations with local representatives have resulted in some highway work being done at those busy intersections.

Town Chairman

- Noise Ordinance – Some asking for it; challenging to enforce; spoke to sheriff; think there was some follow-up with residents who were concerned about it.
- Harbor Village Drainage Issues - One of our flat subdivisions; will never solve all drainage issues no matter how we try. Any significant fix would be a \$250k project and wouldn't fix all problems. Might be a way to address it when other close land is developed. Will continue to work on it as the budget allows.

Meeting Minutes

MOTION by Supervisor Krings, second by Supervisor Disterhaft to approve meeting minutes from June 21, 2021 regular town board meeting.

Motion carried on a 3-0 voice vote.

Treasurer's Report

Treasurer Jackson reported it's a slow time of year, not a whole lot there.

MOTION by Supervisor Disterhaft, second by Supervisor Krings 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 \$77,397.26 for July.

Motion carried on a 3-0 voice vote.

Upcoming Workshops or Meeting Authorizations

WTA Convention coming up in October. Give some thought to that.

Agenda Items for Next Meeting

None mentioned.

Adjourn

MOTION by Supervisor Disterhaft, second by Supervisor Krings to adjourn at 7:22 p.m.

Motion carried on a 3-0 voice vote.

Submitted by
Dana Woods
Town Clerk

Revised and Approved by Town Board September 13, 2021