TOWN OF RHINE
BOARD OF SUPERVISOR'S MONTHLY MEETING MINUTES
Tuesday, February 7, 2023 6:30 p.m.
Held at the Town Hall, W5250 Cty Rd. FF, Elkhart Lake, WI 53020

Join Zoom : https://us06web.zoom.us/j/86579097031?pwd=Y3RxV1JSREg5YmJwclBXUmdBWThZZz09
Meeting ID: 865 7909 7031 Passcode: 156699

Present: Ron Platz, Al Feld, Jon Rost, Bill Jacob, Larry Eberle
Also Present: Lexann Hoogstra, Amy Weber

APPROVED

1. Call to order: Called to order at 6:30 pm by Chairman Platz.
2. Verification of compliance with open meeting law:
3. Pledge:
4. Approve minutes from January 3, 2023: Motion to approve as presented by Feld and 2nd by Rost. All in favor.
5. Clerk/Treasurer's report: Read into the record. Note: There is an election on Feb. 21.
6. Building permits for January: Read into the record.
7. Public comments of a general nature: There were no public comments.
8. Discuss and possibly act on:

A. **Operator's license for Patrick C. Schmitz (Rustic Rhine Saloon)**: Motion to approve by Jacob. 2nd by Eberle. All in favor.

B. **Renew police contract**: Motion to approve the contract and to renew it for 16 hours per week by Feld. 2nd by Rost. All in favor.

C. **Ordinance Committee's recommendation to update the process of renewing a CUP and an update of the CUP renewal application form**: Jacob gave an update on the Ordinance Committee's proposed process to renew a CUP. The Committee wants to increase mailing neighbor letters to 500 feet, not 200. He reviewed the fees to extend an existing permit, etc. The suggested renewal fee is $250.00. Also, packages for renewal should be submitted to the clerk 90 pays prior to renewal, not 60. (See proposed changes in packet.) Also, the town is trying to get all CUPs to become due around June 1 in order to make the renewal process easier and more efficient. If a public hearing were required for any reason, the fee would be $400.00

Platz commented about making all renewals due on June 1; he asked if the fee would be pro-rated for those renewals that were more or less than 2 years. Neighbors would be notified again. He commented that if it is a simple renewal with no major fees, perhaps $250 is too high of a fee. Rost noticed that increasing the distance to 500 feet means more work for the clerks. Eberle suggested raising the term of renewal to 3 years, not 2. That could help justify the fee. Feld agrees with the idea to extend the term to 3 years. Jacob doesn't object to 3 years.

Feld motioned to amend the suggested time to renew a CUP to 3 years and to accept the rest of the ordinance changes as presented, contingent upon approval of legal counsel. 2nd by Rost. Roll call vote: Eberle – yes. Jacob – yes. Rost – yes. Feld – yes. Platz – yes.

D. **Rezone and variance training through county on March 2 – who should attend and how paid:** Cost is $30 per individual. Motion to send any town board member or plan committee members, BOA members, and

clerks to the meeting, and the town will pay the $30 fee by Rost. 2nd by Feld. Roll call: Eberle – yes. Jacob – yes. Rost – yes. Feld – yes. Platz – yes.

E. **Purchase microphones and use ARPA money ($65.18 – wire, $16.86 - 2 plates, $90.40, 2 mics, $10.00, 2 boxes and hardware)**: Motion to approve the purchases using ARPA funds by Jacob. 2nd by Feld. All in favor.

F. **Approve purchasing a new heater for the AED device at Crystal Lake ($180.00 for heated enclosure, includes shipping)**: Explained by Feld. A resident donated the current AED device and enclosure. Motion to approve using ARPA money for an AED enclosure and heater by Rost. 2nd by Feld. Eberle asked how many people are trained to use the device. It is available to the public at the boat landing. Elkhart Lake First Responders are amenable to providing training. Vote: All in favor.

G. **The request of Louis Prange (Garton Lodge, LLC) of N7124 Willow Road, Sheboygan Falls, WI 53085 to rezone the property at W5476 Garton Road, Plymouth, WI from A1 to A2. The parcel is 59018257432 and is approximately 35.4 acres. The application is to rezone 5 acres of that to A2. (Plan commission recommends approval.):**

Review by Jacob. The proposed rezone would allow the existing house to stay on the 5 acres and to sell the remaining land for Ag use. Motion to approve the rezone of the 5 acres as requested by Feld. 2nd by Jacob. Roll call vote: Eberle – yes. Jacob – yes. Rost – yes. Feld – yes. Platz – yes.

I. **The request of Heidi Buss of N7333 Highview Rd., Plymouth, WI to obtain a Conditional Use Permit to continue operating Boneyard Paintball, LLC at N7333 and N7329 Highview Road, Plymouth. The property is currently zoned R1 and A2. (Plan commission recommends approval.**

Jacob gave a brief explanation of the recommended approval. Note: the parcels were previously rezoned to B1. He briefly noted the conditions listed in the proposed CUP. Rost also noted that the business has been operating without a permit since 2009. Platz addressed that issue and gave a brief review of the application and the town's attempt over the past 16 months or so to bring the business into compliance with ordinance.

Platz explained that a rezone was necessary. That has been accomplished. Because of other issues, citations had to be issued. The party did not show up for court and the Judge issued two (2) penalties to the citations. Fines have not been paid and property taxes have not been paid. According to ordinance, these must be paid before the CUP can become official.

If a CUP is issued and the business reopens without the fines and taxes being paid, other citations could be issued.

Heidi Buss approached the Board and stated she was not aware there was a court date and that citations had been issued, etc. She says she cannot pay the citations until she opens, and if she cannot open then she cannot pay them. Platz noted he understands Busse has had personal problems but that the town still has to obey the law. This process has been ongoing since November of 2021 with little cooperation from the applicant.

Motion by Feld to approve the CUP and issue it once the fine situation is resolved. 2nd by Jacob. Roll call vote: Eberle – yes. Rost –no. Jacob – yes. Feld – yes. Platz – yes.

J. **The application of Michael Stauber of W4749 Garton Road, Plymouth, WI to obtain a Conditional Use Permit for a Mike Stauber's Gun Shop located at that location. Property is currently zoned A2, and is parcel 59018260530. (Plan commission recommends denial.)**

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Bill Jacob gave a review of the application. The Plan Commission did not feel that a gun shop is a suitable business for an A2 property due to the retail part of the business.

There were no public comments. Platz gave a brief background and history of the business. The applicant has been selling guns out of his house for years.

Discussion: Jacob reviewed the permitted and conditional uses of AG properties as listed in the town's ordinances. The existing business does not meet the definition of a home occupation as currently listed in the ordinances.

Stauber explained how his business operates. Some people buy guns online and ship to him. He does required background checks. He sells ammunition and guns on consignment. Traffic flow depends on availability of ammunition. He has an area for people to "test shoot "the guns if needed.

Rost understands that it is like a retail operation. There was discussion on definition of home occupation. New definition read into the record by Jacob. (Adapted by TB Aug 2, 2022).

Rost offered a point of information, letter from neighbor who objected to the shooting which takes place at the business. Platz said he has been working with Stauber about this.

Eberle says it is unfortunate that our ordinance has the current zoning. He believes there is a place in the town for this type of operation. He would like the board to change the requirements in the ordinance and to list that firearms sales be allowed in A2. He would like the definition of home occupation to be amended and updated. He recommends to table the request and to make changes in the ordinance to allow.

Eberle motioned to table the application and refer it back to the Ordinance Committee to possibly amend language to allow gun shops/retail operations in the ordinances. 2nd by Feld. Jacob says these are 2 separate things. One proposed change would permit changes in allowed uses of Ag land and one is to amend the definition of a home occupation. Discussion to clarify all of this including manufacturing, retailing, inventory, allowed uses in ag land.

Roll call vote: Eberle – yes. Jacob – no. Rost – no. Feld – yes. Platz – yes. Application is tabled. It will be referred back to Ordinance Committee for possible changes to address the issues.

K. **Broadband survey review**: Review by Platz and Rost. Rost explained in order to compete for grant money, the town must have an internet provider as a partner. Bertram Communications have approached the town for this. He reviewed the purpose and results of the recent Broadband survey.

Roughly 1100 surveys were mailed to property owners in the town of Rhine. 462 were returned. (42%). He reviewed the responses. He believes there is adequate response to support the town furthering its quest to obtain grants. Rost would encourage the board to go forward with whatever grants seem reasonable to pursue with the idea that most of them pay for about 60 to 70% of the cost of the infrastructure. Bertram has committed approximately 15%. Specifics are to be determined.

Public comments regarding broadband:

James Kurtz: Technology and future costs are the real issue. He mentioned other possible providers that could and should be contacted for more information.

Diane Kegler expressed that she wants to be sure the town is not short-sited about this. She urges the board to move forward. She wants to talk with Bertram about internet speed.

Rich Wong believes internet is the future.

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Sarah Lawrence of Bertram Communications elaborated on their proposal to bring fiber internet to every home and business in the town of Rhine. They received a grant from Sheboygan County for fiber on Highway 57. She reviewed plans for residences. Once a grant is awarded and funding completed, it takes about 10 to 16 months. Sometimes it is 3 to 6 months for a grant to be awarded.

Platz responded. The town cannot meet a Feb. 22 deadline for grant applications. The town would need to have a referendum to raise the money. There is an election in April. It might be possible to put referendum language on the ballot in April.

Rost made a motion to contact town's counsel and determine the proper course to get a funding initiative to support broadband on the April 2023 ballot, whether it is a bond, tax levy or whatever funding option is available. 2nd by Feld. Roll call vote: Eberle – no. Jacob – yes. Rost – yes. Feld – yes. Platz. – yes.

9. **Chairman's information report and correspondence**: There is an election in April. Platz, Feld, and Rost are on the ballot in April. All are running unopposed. The town is always looking for committee volunteers.

10. **Sub-committee reports:**

Feld: All roadwork is tree cutting right now. The collection site is running well.

Jacob: The Ordinance Committee will meet soon to work on several items, which will go to the Plan Commission, then to the attorney, then to the town board. The Plan Commission will meet in March.

Properties – Eberle provided a handout for the board about how to contact WTA attorneys for help. He thanked Al for setting up the new microphones. He is still waiting on the door bid.

12. **Approve vouchers**: Motion to approve by Feld. 2nd by Eberle. All in favor.

13. **Closed session**: The Town of Rhine Board of Supervisors may go into **closed session** under the following Wisconsin State Statutes 19.85(1) (c) Employee Evaluation. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Committee will return to open session immediately after discussion.

Motion to go into closed session at 8:27 pm by Feld. 2nd by Eberle. All in favor.

14. **Reconvene into open session**: Motion to reconvene at 8:52 by Feld. 2nd by Rost. All in favor.

Motion to increase poll worker pay to $13 per hour and Chief Inspector to $15 per hour, retroactive to January 1, 2023 by Feld. 2nd by Rost. All in favor.

Motion to raise pay for Susan Balisterri from 10 to 16.50 per hour retroactive to January 1, 2023 by Feld. 2nd by Rost. All in favor.

15. **Announce Next Meeting Date and Adjourn**: Motion to adjourn at 8:55 by Feld. 2nd by Jacob. All in favor.

APPROVED