TOWN OF RHINE
BOARD OF SUPERVISOR'S MONTHLY MEETING MINUTES
Tuesday, April 11, 2023 6:30 p.m.
Held at the Town Hall, W5250 Cty Rd. FF, Elkhart Lake, WI 53020

Join Via Zoom https://us06web.zoom.us/j/82996112702?pwd=TkJ2NC91YUZoa2VCbE9qRlVNOUVPZz09

Meeting ID: 829 9611 2702 Passcode: 304697

Present: Ron Platz, Al Feld, Jon Rost (late), Bill Jacob, Larry Eberle

Also Present: Amy Weber, Lexann Hoogstra

Approved

1. Call to order: Called to order at 6:35 pm by Ron Platz.

2. Verification of compliance with open meeting law: Meeting was posted as required by law. Media was notified.

3. Pledge:

4. Approve minutes from March 7, 2023: Motion to approve as presented by Feld. 2nd by Jacob. All in favor.

5. Clerk/Treasurer's report: Read into the record. Elections report given, 918 voters. All incumbents were re-elected.

6. Building permits for March: Read into the record.

7. Public comments of a general nature:

   Joan Fiorenza expressed appreciation for the snowplowers who keep the roads clear in her area.

   Fiorenza has attended recent classes regarding rezoning procedures. She would like the town to appoint a Zoning Administrator. She has discussed this with Platz in the past.

   Platz has had no requests to put that suggestion or item of business on a town board agenda. He does not feel it is a necessary position because the entire Board of Supervisors votes on decisions for rezones and CUPs. The Building Inspector is consulted when necessary.

   Mark Stuckman lives next to Busy Bee Compost, and he believes their sign is too large and is out of compliance. Platz explained that Busy Bee Compost obtained a CUP 2 years ago, and at that time, it was decided the business is an agricultural operation. At that time, the sign was in compliance. The owners do not plan to renew the CUP for a retail business, and there should not be a need for the sign. There are probable plans to remove the sign. There is not a need to renew the CUP since they are not continuing a retail business.

   There were no other public comments.

8. Discuss and possibly act on:

   A. *Picnic license for St. Peter Evangelical Church for May 29, 2023*: Motion to approve by Eberle. He moves that we not charge any fees since they clean up the grounds and pavilion. 2nd by Feld. Vote: all in favor.

B. *Permission for county to grind dead branches at memorial park*: Feld has consulted with the county and they were able to do this.

C. *Discuss and act on the application of Jess G. Mortimer of N7650 Highway 57, Plymouth, WI 53073 to obtain a Conditional Use Permit to operate a dog kennel at that business. The property is zoned R1 and is parcel 59018260140. (Applicant was not present.)*

There have been a previous public hearing and 2 meetings on this request. The board has reviewed the entire application process and recommendation of the Plan Commission.

Public comments: Stuckman asked about the complaints of dogs. Platz reviewed the situation.

Bill Jacob provided a history of the application and the request. Applicant has agreed to comply with all AKC guidelines. His operation has been found to be in good shape. Even though the applicant is not in attendance, he has read the CUP and agreed to its terms. A granted CUP is in effect for 2 years and can possibly be renewed at that time. Mortimer currently has four licensed dogs. A kennel license would allow him to have 12 dogs, but the CUP would limit his operations to eight dogs.

Platz reviewed the highlights of the proposed CUP. He also noted that there have been previous complaints about the dogs being loose and suggested remedies to solve the problem. **Feld made a motion to accept the Plan Commission's recommendation to grant the CUP. 2nd by Eberle. Roll call vote: Eberle – yes. Jacob – yes. Feld – yes. Platz – yes. Rost was not here to vote.**

D. *Discuss and act on application of Joan Girard and Angela Girard of N7346 Schwaller Drive, Plymouth, WI for a Conditional Use Permit to operate a Bar and Grill at N7323 Highway 67, Plymouth, WI. (Parcel 59018259692) (Applicants were not present.)*

E. *Discuss and act on the application of Joan Girard and Angela Girard of N7346 Schwaller Drive, Plymouth, WI to rezone parcel 59018259692 at N7323 Highway 67 Plymouth, WI from R1 to B1. Parcel is 1.12 acres.*

Discussion on these two requests will be combined as they are so closely related.

Public comments:

Paul Boocher commented about Fiorenza's request for a Zoning Administrator. He noted that the town's legal counsel is in attendance at Plan Commission meetings and serves as the Zoning Administrator. He inquired why the CUP was being addressed before the rezone. Platz noted that the rezone request will be addressed first tonight. Boocher asked if the town would allow other residential areas in other subdivisions to be rezoned to business. He thinks the town would not allow this in other residential areas, and they should not allow it here either.

Bill Jacob gave a history of what has occurred at two previous meetings and public hearings, which covered both the CUP and the rezone requests. There have been many comments, verbal and written, submitted. All have been taken into consideration. Most of the comments have been against the request. Concerns have been about parking, noise, safety, location, etc.

The Plan Commission has recommended denying both the requests to rezone to business and to obtain a CUP.

Town Board deliberation: Platz explained that he and Jacob have had lengthy consultations with the town's legal counsel regarding these applications. In the past when there have been controversial requests, some people have been upset with board supervisors about the process and have misunderstood the process. The

Approved

board members do not make these requests, but they are under obligation to hear and study them. He explained the process of obtaining a rezone or a CUP.

He also explained that this particular property is located in a residential area, but there are nearby businesses.

Eberle made a motion to deny the requests to rezone and for a CUP due to the lengthy discussion which has just gone on and due to large opposition from the community, plus many other factors. 2nd by Jacob. Roll call vote: Eberle – yes. Jacob – yes. Feld – yes. Platz – yes. All in favor. Both requests have been denied. Rost was not here to vote.

F. Broadband initiative: The town has been working for several years to obtain broadband coverage in the town. After much research there has only been one vendor with interest in expanding service to the town. Platz reviewed the need and previous conversation about a referendum to raise needed funds. The law was recently changed with which made it impossible to put the matter on the ballots for the last election.

Platz has reviewed with legal counsel about different ways to hold an election for the referendum. Voting at the annual meeting was a possibility, but it is not the best solution for voting on a matter like this. He reviewed how voting at an annual meeting takes place and requirements for voting along with possible complications of how to hold a fair, accurate, uncontested vote based on legal requirements.

He thinks a special election could be held later this year or wait until a regular election next year. He wants to be sure the process is completed correctly.

Rost approved of Platz's synopsis. He said more grant money possibilities will be announced later this year. He thinks waiting until next April would be a mistake. He believes the town should continue to pursue this now and not wait. Some people have raised concerns about funding a private enterprise. He noted that this would be for the public good. He would like to hold a special election rather than waiting for next year to vote on a referendum.

If a special election is held, the town bears all of the expense for that. He believes there needs to be a significant campaign to educate the public about the matter. The town is not obligated to do this, but there is a need for broadband service. Even if the referendum passes, the grants still need to be approved or there is not enough money to do this.

Eberle believes if the town is to be open to public opinion and education, the voting should wait until April. Fast internet IS available now if residents are willing to pay for it. He stated that a referendum to raise money would be triple taxation. He is not in favor of giving $5 million to a private business. He is not in favor of holding an election for this.

Public comments; Jean Volbrecht addressed the board. She was at the March meeting. She thanked Jon Rost and his committee for all of the work they have done. She agrees with the need for high speed internet. She chooses to pay for it, and she's not making her neighbor pay for it. She respectfully asks the board to not vote on this at the annual meeting. The town residents need to be fully educated on this matter, the costs, the particular vendor, total costs to the individual, time periods, etc... It concerns her that the town would be paying for private infrastructure. Then that business would turn around and bill residents for that service, and she believes that is wrong.

Rost commented on the cost. The state grant would cover about 70% of the $6 million. Bertram would be investing about $1.3 million. Taxes would be about $15.13 per hundred thousand dollars of assessed value.

Eberle remarked that we once had a Boston Tea party for triple taxation. That's what this would be. Grant money comes from taxation. A private company should be doing this on their own. Even if the town puts money into this it would have no say in how the operations would be run, etc. He cannot support this.

Approved

Rost made a motion that the Town of Rhine sponsor a special election for a special referendum vote by registered voters along with a detailed educational campaign and to bring this matter to a vote asap. 2nd by Feld.

Discussion on motion: Eberle does not know why taxpayers would want to support taking money out of the budget to hold a special election. He believes there will be other opportunities for broadband in the future. There are better uses for the town's money.

Rost said based on survey results there is a significant number of residents that would support going forward with this.

Roll call vote: Eberle – no. Rost – yes. Jacob – yes. Feld – yes. Platz – yes.

The town board will move forward with this. Jon's committee should work on a mailing, public education opportunities, open houses, etc.

Chairman's information report and correspondence:

There is a Town's meeting at Town of Scott on April 21.

The town has been dealing with some nuisance properties in the past. There was also a problem with a previously granted rezone and CUP, pending payment of past due fines and taxes. If that individual brings proof of payment, Platz will sign the CUP and they can open.

One of the constables has recently been driving the town roads to look for public nuisance violations. He has noted 17 violations so far. Letters will be sent to the property owners to clean up the property. The constable could possibly issue citations.

Reminded the supervisors of committees t to check with the clerks first before scheduling meetings

10. Sub-committee reports:

Feld has met with the county. The plan is to redo Kissinger Lane and part of Schwaller drive this year and possibly to redo Lake Terrace. He is waiting on cost estimates. A lot of the budget will be used up by taking care of dead trees in the right of way.

The collection site is working well. Some people still try to sneak items in.

Jacob: Ordinance committee has a number of things on its agenda. There are more rezone requests in the pipeline.

Eberle has received a request to leave the bathrooms open to the public or to leave the pit potties open year round. He is not in favor of that due to past problems. He has a properties committee meeting this Friday morning. DSR Sounds from Kiel will provide a demonstration on sound solutions.

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

12. Announce Next Meeting Date and Adjourn: May 2. Annual meeting is next Tuesday, May 18.

Motion to adjourn at 7:57 pm by Feld. 2nd by Jacob. All in favor.

Approved

Please note, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town of Rhine at (920) 876-3413 or clerk@tn.rhine.wi.gov.

Approved