

**TOWN OF RHINE
BOARD OF SUPERVISORS
MONTHLY MEETING MINUTES
Tuesday, January 3, 2017 at 6:30 p.m.**

GENERAL MEETING CALL TO ORDER:

The meeting of the Town of Rhine Board of Supervisors was called to order by Chairman Ron Platz at 6:35 p.m. on Tuesday, January 3, 2017 in the Town of Rhine Hall, W5250 CTH FF, Elkhart Lake, WI.

PRESENT:

Chairman:	Ron Platz	1 st Supervisor:	Allen Feld
2 nd Supervisor:	Jon Rost	3 rd Supervisor:	Todd Purkey
4 th Supervisor:	Frank Zimmermann	Clerk/Treasurer:	Lexann Hoogstra

PROCEEDINGS:

1. **Compliance with Open Meeting Law:** Posted on Dec. 22 and 27, 2016.
2. **Pledge of allegiance:**
3. **Approve minutes of Tuesday December 6, 2016:** Motion to approve by Al Feld. 2nd by Jon Rost. No discussion. All in favor. No nay votes.
4. **Treasurer's Report:** Read into record
5. **Building Permits for December:** Read into record
6. **Public Comments:** No public comments at this meeting.
7. **Discuss and possibly act on:**
 - a. **Consider and possibly vote on revised recommendation from Properties Committee regarding the purchase of a printer:**

Jon Rost, Chairman of the Properties Committee, gave a status update regarding purchasing a new printer for the town. The Committee decided to go forward with the proposal from Ross Imaging. There have been updated offers from both bidders since the last Town Board meeting. Both bids are very close in service and dollar amount. Jon Rost motions to stay with our

original recommendation to buy the printer from Ross Imaging. 2nd by Al Feld.

Discussion: Frank Zimmermann mentioned he is still upset that we do not get a warranty with a new printer. It is tied to the service contract. If you don't purchase the service agreement, there is no warranty. He said he will go along with it because we need one, but he is unhappy with that situation. Rost explained that neither bidder has a warranty in the proposal. The service contract covers all materials, parts, and labor except for paper. It seems to be consistent within the industry.

Vote: All yes. No nays.

b. Consider recommendation from Ordinance Committee to remove the requirement for a pond permit:

The ordinance will be re-written to state the applicant needs written permission from the Town Board, not a specific permit. The old language in the ordinance book requires an actual pond permit. That language would be replaced with "without first obtaining written permission and a CUP from the Town Board." Motion to approve by Jon Rost. Second by Al Feld. No discussion. Roll call vote: All yes. No nays.

c. Act on letter from Lexann Hoogstra requesting an exception to remain as clerk/treasurer for 2017 since she is not a Town of Rhine resident. Current town ordinance states the position should be filled by a resident of the town of Rhine. If not a resident, the town needs to re-approve the position.

Motion to retain Lexann Hoogstra, clerk-treasurer by Frank Zimmermann. Second by Al Feld. Ron Platz suggested the ordinance committee should revisit this section of the ordinance book.

Vote: All yes, no nays.

d. Kristi Gillman rezone proposal with CUP as drafted by legal counsel, Paul Dirkse.

Chairman Platz gave a brief history of this request. Several suggestions have been made over the course of reviewing this request. There have been several meetings with public comment on the issue, and it needs to be resolved at this meeting.

At the last meeting it was proposed to rezone to A5 with putting a CUP in place if it was legally permissible to do so. Platz has spoken with attorney Dirkse. The attorney has proposed an alternate plan. He suggested doing this as a conditional rezone. This is different from a CUP. It has fewer restrictions than a CUP would have. Everyone should understand exactly what it would entail. If there are too many restrictions, then you need to go back to a CUP.

Dirkse drafted a proposal. Platz forwarded it to the applicant, Gillman. The board members have had a copy to review but could not discuss it before this meeting.

Platz explained that with a conditional rezone there is some leeway in the animal portion of the rezone. Suggestion is to rezone to A5. Applicant and board have to agree on the number of animals on the property. It stays with the property forever. If approved, it needs to be published. If there is a violation of the conditional rezone, then the land reverts back to the original zoning of R1.

Platz gave an explanation regarding how the number of animal units is calculated. The ordinance refers to number of animal units as defined by the USDA, not the state DNR. We received information from Kevin Struck. He explained that the form 33400-025A which we have actually does show the USDA calculations on the right side of the page.

Kristi Gillman asked that the animal units be explained only so she could understand the proposal and be able to comply with it.

She reviewed our current ordinance with the board. She wanted to know why we were using the state and not the federal definition of an animal unit. She said surrounding towns have an ordinance that states "one animal unit is equivalent to" Ours does not read that way. She was confused as to what a real animal unit is. Al Feld explained that is why the attorney has made suggestions. Platz said if we use the attorney's proposal the actual number of animal units could be listed.

Discussion amongst the board regarding animal units vs. number of animals. The attorney recommended 10 animal units or 5 horses.

If we do the conditional rezone it stays with the property, not the owner. So, this needs to be defined in order to accommodate the applicant's request as well as protect the town.

Todd Purkey said if the applicant had a CUP instead of a conditional rezone, then it could be revoked if the applicant did not comply with the terms of the CUP. They are usually issued for 2 years. If there have been no problems then there is no problem with renewing the CUP. He asked for clarification on regulating a CUP vs. a conditional rezone in case the applicant violates the terms.

Al Feld said he read the conditional rezone and he feels it is a good compromise. The applicant can have the number of horses set by the board. The land moves to agricultural. If the applicant violated the number of animal clause, then the neighbor and town both have recourse.

Purkey said we should clarify number of horses as opposed to number of animal units. Rost agrees with that statement.

Rost also mentioned this is less restrictive for the property owner/applicant. Limiting it to horses still protects neighbors as well.

Frank Zimmermann stated that it might be better to use the phrase # of horses vs. # of animal units. He has no issue with Dirkse's proposed solution.

Rost asked for clarification on the minimum lot size. The A5 is 12 acre minimum. That leaves open the possibility to split off a parcel later.

Paul Booher asked if what we are discussing would limit the applicant to only horses. Platz explained it could be written to allow other animals as well, but there were concerns from neighbors about what a possible future owner might do.

Platz explained that the town is limited in what we can do in the way of enforcement. Kristi is in agreement with rezoning to A5. She thinks it is restrictive to limit the property to only x amount of horses.

Platz reminded them that a motion was made at the last meeting to have the land remain R1 with a CUP attached to it. The motion did not receive a second and did not carry. Platz said in the past the applicants have only discussed wanting horses. Now the discussion is going to include other kinds of animals as well.

Purkey said he still wants to limit this to horses, not other kinds of animals as well. Feld asked the applicant for clarification on what she really wants. He would not be comfortable approving units. He wants to keep it limited to a number of horses

Kristi asked if they can ask for 14 animal units. Platz explained that animal units is the problem. He explained the applicants bought a property that is zoned residential. The only way to get horses on R1 is with a CUP. Applicant does not want a CUP. The board is taking a leap to rezone to A5. If they prove themselves to be good stewards of the land and good neighbors they can come back and ask for more later. If they can't come to an agreement tonight, then the property stays zoned R 1. And the applicant is back to requesting a CUP. Kristi asked if she could possibly ask for 6 horses.

Zimmermann motions to accept Paul Dirkse's proposal to do a conditional rezone to A5 for the life of the property and a limit to no more than 6 horses on the property. If they are in violation it reverts to R1. Second by Jon Rost.

Roll call vote: all in favor. This needs to be published.

8. Chairman's report:

Letter from state historical society regarding land and lime company to designate it as a historical site.

RE: Koenig – Dahm Farm. Ron has spoken with him. Mr. Koenig was still unsure what he needed to provide for the town. Platz found out that an ACTI 51 form is needed, and it should have been submitted it to the state. Koenig is meeting with Mr. Roach to see if that form has been completed or not.

Platz has received calls from homeowners regarding the Farmland Preservation program. The Town did not recertify the program, so some homeowners are not getting the tax credit at this time. Mr. Struck had told us in March it would take at least a year to accomplish this. This was on the September agenda and there was no discussion about it. He will attend the February Town Board meeting to explain how it affects people who are NOT enrolled in the Farmland Preservation Program and to answer questions.

Today was the deadline to file paperwork for town board supervisor positions that are up for re-election.

9. Sub Committee reports: Insurance on fire trucks: Platz said he wants the insurance provider to come to a board meeting to explain what we have for insurance on all of our properties. He wants this done in the first quarter of the year.

Platz said we will also look at the long range plan again in the near future.

10. **Approve Vouchers:** Motion to approve by Frank Zimmermann. Second by Al Feld. No discussion. All in favor. No nays.

11. **Next meeting:** Feb 7, 2017.

12. **Motion to adjourn** by Ron Platz at 7:40 pm.. Second by Al Feld.
No nays.