

**TOWN OF RHINE
BOARD OF SUPERVISORS
MONTHLY MEETING MINUTES
Tuesday, February 7, 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 6:30 p.m. on Tuesday, February 7, 2017 in the Town of Rhine Hall, W5250 CTH FF, Elkhart Lake, WI.

PRESENT:

Ron Platz, Chairman
Frank Zimmerman, Jon Rost, Al Feld
Todd Purkey (absent)

1. **Compliance with Open Meeting Law:** Posted January 30, 2017.
2. **Pledge:**
3. **Approve minutes** of Tuesday, January 3, 2017. Motion to approve as distributed by Zimmermann. 2nd by Feld. All in favor. No nay votes.
4. **Treasurer's/Finance Committee:** Read into record.
5. **Building Permits for January:** Read into record.
6. **Public Comments:**

Julie Stodolka expressed her concerns if the town intends to enforce its ordinance regarding the Rhine Boarder Farms. They were told to obtain a CUP a few months ago and have not. Platz explained that he has been in constant contact with the owner, and he has provided the state requirements to the Koenigs. Roach and Associates were going to take care of this, but it was cost prohibitive. ACTP51 needs to be filed per Paul Dirkse. The Koenigs should have those completed in approximately one week, then a planning commission meeting can be scheduled. Stodolka would like neighbors within 2 miles receive letters, not just those with properties within 200 to 300 feet of the applicant. Platz explained that an agenda is published in the newspaper, posted at 3 other places, and on the town's website. She would like the clerk to notify her of the public hearing on this when scheduled.

Platz explained the need to follow state guidelines regarding meetings and notices. He told her if she is aware of any problems they can be addressed with the planning commission. She inquired about the status of Mr. Koenig's retirement and said Mr. Dahm should also be included in the proceedings and conversations about the farm.

There were no other public comments.

7. Recent Communications:

Aquatic Invasive Species - Mackinzi Beaty, Sheboygan County: Platz explained some funding may be available for this. It will be discussed at the next Town Board meeting. Application needs to be made by March 17.

8. Farmland Preservation presentation by Kevin Struck:

Platz gave a brief history of the status of the program within the Town of Rhine. Kevin Struck from Sheboygan County gave a presentation last March. At that time, most of the towns in the county had opted out or not renewed. In the meantime the state has changed some of the regulations for the program. Homeowners in the program were notified of this meeting. Mr. Struck is here to explain the program again. .

Kevin Struck provided a handout of chapter 91 of Wisconsin Statutes. Page one has a graphic which shows the difference between the old Farmland Preservation Program and the New Working Lands Initiative. He explained some of the requirements and differences. Since 2015, 11 landowners participated in the old program. The Town of Rhine's certification expired on Dec. 31, 2014, but there was a one year extension until Dec. 31, 2015. It was not renewed. The credit can't be claimed when filing taxes this year.

A map which shows what part of the land in Rhine should be preserved for farmers was provided. The green areas on the map shows the areas that are eligible for the program. It has to be zoned A1 in order to be eligible for the tax credit.

The requirements to participate in the program are greater than they were in the past. Landowners are subject to regulations of A1 zoning. All new residences in A1 would require a CUP if they are a nonfarm residence. If you want to zone out of A1, there are 4 criteria that must be met. This is not part of our current zoning. He explained this would affect a lot of landowners, whether they participate in the program or not.

He worked with 4 towns last year. He could probably fit us into his schedule and possibly be finished by the end of the year.

Platz commented on something he found in the Town of Lyndon. They were encouraging people to rezone to A1 from A2. He inquired about that. Struck explained that there has to be a certain % of land to be in the program. He mentioned that Rhine should have enough land that is A1. 80% of the land that shows green on the map has to be A1. Struck said that 12% of our A1 land was in the program in 2015.

Zimmerman that there is a lot of land in Rhine that is A1. He asked if there is a way to distinguish how much A1 farmland is in the town of Rhine. Struck said there is a LISA program within the county that might show this. It is designed to show the farmland in the town. He said we can request this from the county.

PUBLIC COMMENTS:

Larry Eberle: Asked if you are in the farmland preservation program, and rezone out of it, does the tax credit have to be repaid? Struck said originally this was true, but the state repealed it.

James Hanke: His family owns land on Willow Road, and their family farm is incorporated. He strongly encourages the town to continue this program.

Robin Schmall spoke in favor of preserving farmland in the Town of Rhine. He encourages the Town to work through this and get it in place.

Donny Zimmerman: He expressed that the town should consider being careful with this, because the landowner could lose a few rights. He thinks the farmland preservation should be the responsibility of the landowner.

Sandy Meiseck is in favor of the program.

Amanda Kleiber: She is in favor of the Township adapting it. She administers the program in Calumet County. Farmland Preservation is a voluntary program, and she feels it is beneficial to farmers, and those who want to participate should be able to have their tax credits.

Paul Boocher: He had a question for Kevin regarding ordinance changes that would be needed. Paul asked if any other towns which have done might be willing to help on ordinance changes. He would appreciate their example and having a guideline.

There were no other public comments on this topic.

9. **Discuss and possibly act on:**

Farmland Preservation: see above notes

Zimmerman asked Struck if it is possible to opt out if you don't want to be in the program. He is referring to a farmer, not the town. Platz asked how the other towns were handling the CUP requirements. As far as regarding the CUP portion. The state program is set up so that if you have a farm residence, it is a permitted use. If you have a nonfarm residence, it is not permitted use, and you need a CUP. The state did not want to have to keep track of it. All of the towns they are working with said they are having all new residents get a onetime CUP that does not have to be renewed. They just ask that the house be sited somewhere on the land that would not mess up future farm use. Buildings on A2 and A5 are not affected.

Larry asked Struck if the landowner could opt to have his land zoned as he wishes regardless of soil conditions. There is some margin of leeway in this.

Zimmerman had comments about a homeowner's right to site his house wherever he wishes on the land. Struck discussed the practicality and common sense applications of the rules. For a CUP the house has to be sited where it won't interfere with AG use.

Platz explained that the town has to take into consideration all of the town's residents. He thinks the town could work with Struck on this. He feels the matter should be referred to ordinance and planning committees and to see if they can come up with a plan working with Kevin. Rost concurs with this. The ordinance committee should consult on this and work with Kevin Struck.

Kevin Struck said we can always start the program and stop it if it does not go the way the town wants it. Platz definitely wants input from the ordinance and planning committees. Boocher asked when this needed to be completed. Struck said you can get recertified any time. Boocher wants to see if it can be done by the end of the year.

Rost motions to send it to the ordinance committee to begin working on this (getting back into the Farmland Preservation program) with Kevin Struck. Kevin's office will assist in redrawing maps, etc. 2nd by Feld.

Votes: All yes. No nays.

Review Lutzke Rezone Request - survey map

They are seeking an exception to the length of the driveway. Their driveway would be 170 feet longer than ordinance approves. Platz has checked with our legal department. There would be no liability to the town. He also spoke with the fire chief who felt it would not be a problem. The driveway needs to be wide enough and kept clear of tree overhang, etc. in order for emergency vehicles to have access. Platz said he knows of several other driveways that are over 1000 feet long. Zimmermann brought up that in a previous meeting the homeowners were asked to work with the DNR. He inquired of that. Heather Kelly gave an update on their correspondence with the DNR

Motion to approve the driveway extension by Feld. Second by Zimmermann. Votes: All in favor. No nays.

Approve Zimmermann and other interested board members to attend WTA meetings in DePere, etc.

Motion to send Zimmermann WTA state meeting by Feld. Second by Rost. All in favor. No nays.

Consider changing date of March Town Board meeting in order to accommodate Justin Ehlenbech rezoning request which will be presented to Planning Commission on Feb. 8. He will not be able to attend a Town Board meeting on March 7. (This would be the next regularly scheduled Town Board meeting.)

Platz explained the situation with this request. The applicant has requested a different date for the town board or a special meeting. Frank is not in favor of moving the regular town board meeting. He is not in favor of special meetings either. Jon Rost will not be able to attend the next town board meeting. A special meeting will be set for this.

Consider request of Sanya DeBlaey to sell liquor at the town hall on May 6, 2017 when she has it rented for a benefit and fundraiser. They may also want to have a DJ.

Platz feels the town hall is not the appropriate place for it. He did speak with our attorney about this. He mentioned we need to work on the ordinance for renting the hall and spelling out the regulations for renting the hall or the shelter. Platz's concern is the fundraiser is a "for profit event" where liquor would be sold. That is different from serving liquor at private events. He read into the record an email regarding this from the town's attorney. Platz thinks this should be referred to the ordinance committee for review, especially the sections regarding selling and/or serving liquor. If they are serving, do they need to have licensed bartenders?

Sanya has the town rented for May 6. Feld said we have an ordinance or requirement that if you are expecting more than 250 people, you need licensed bartenders, security, etc. These rules are on the town books now.

Zimmermann's feelings are they are using our liability for their own party. Whose insurance is liable if someone is hurt? Dirkse said this is different s because it's a private individual, not a group or a club.

Rost suggested the applicant could align herself with a nonprofit group also

Ordinance committee should address this, but, in the meantime an answer is needed for this applicant. Rost feels it is not a permitted use for the facility. Motion to refer the issue to ordinance so it can be reviewed for the future by Rost. Second by Al. All in favor.

Sandra can rent the facility with no liquor selling and no raffles. Perhaps the shelter is a better place for her event.

10. Chairman's information report:

11. Sub- Committee reports:

Zimmermann: WI Asphalt Association has a meeting in Kimberly on March 9. He is going to attend. He did attend the last WTA meeting. A rep from the county discussed septic systems and issues. A lot of the holding tanks are deteriorating in the county.

Al Feld: The collection site is running well. He recommends that large cardboard boxes, etc. need to be broken down before dumping them off.

12. Approve Vouchers: Motion to approve by Zimmermann. Second by Feld. All in favor. No nays.

13. Next Meeting Date: March 7, 2017 at 6:30 p.m.

14. Adjournment: Motion to adjourn at 7:53 p.m. by Zimmermann. Second by Rost. All in favor. No nays.

Respectfully submitted,
Lexann Hoogstra, Clerk/Treasurer