

**TOWN OF RHINE
BOARD OF SUPERVISORS MINUTES
REGULAR MONTHLY MEETING
Tuesday, November 1, 2016**

GENERAL MEETING CALL TO ORDER:

The meeting of the Town of Rhine Board of Supervisors was called to order by Chairman Ron Platz at 6:32 p.m. on Tuesday, November 1, 2016 in the Town of Rhine Hall, W5250 CTH FF, Elkhart Lake, WI.

Chairman: Ron Platz

2nd Supervisor: Jon Rost

4th Supervisor: Frank Zimmermann

1st Supervisor: Allen Feld

3rd Supervisor: Todd Purkey

Clerk/Treasurer: Lexann Hoogstra

PROCEEDINGS:

1. **Compliance with Open Meeting Law:** We are in compliance for the town board but not the public hearing. The newspaper failed to print the first notice as scheduled. The notice and agenda were published on October 25 and 27, 2016 and posted on October 18, 2016.
2. **Pledge of allegiance:**
3. **Approve minutes of October 4, 2016:** Motion to approve by Frank Zimmermann. Second by Jon Rost. No discussion. All in favor. No nays.
4. **Treasurer's Report:** Approved as presented.
5. **Building Permits for October:** Read into the record.
6. **Public Comments:** There were no public comments for this portion of the meeting.
7. **Discuss and Possibly Act on Preceding Public Hearings:**

Ron Platz addressed the issue of the newspaper not printing the first notice on time. It did not get printed on Oct. 20th as requested. According to legal counsel, we cannot go forward with action on these items tonight due to this. Chairman Platz read an email from Paul Dirkse regarding this into the records. His counsel is to proceed with the public hearing, but not act on it. Action should be tabled until a future date.

Chairman Platz explained the normal timeframe between a planning committee meeting and the Town Board. Normally the Board has time between the planning meeting and the Town Board to review the applications. In this case, the Board has not had time to review the recommendation from the planning commission's meeting on Oct. 31 and they have not had time to make a site visit. He also explained that he has received a number of phone calls today regarding the Gillman request. Therefore, action will be taken at the December Town Board meeting.

- A.) To consider the request of Robert Lutzke of W4480 County Road FF, Elkhart Lake, WI 53020 to rezone approximately 12 acres (+ or -) located at W4480 County Road FF, Elkhart Lake, WI 53020 (between Willow Road and Highway 57) from A-1 (Prime Agricultural Land) to C-2 (Upland Conservancy District). (Parcel # 59018253240)**

Public comments on Lutzke: There were no public comments regarding the Lutzke request.

Questions from the board:

Frank Zimmermann inquired about the intentions of the applicant regarding the driveway and the stakes that are in the ground. Robert Lutzke said those stakes are for a second option if needed. He is waiting for spring to see if they can put the driveway on the other side of the property. Some of the land is considered wetland. He has been in contact with DNR to obtain permission to put a driveway on that area. The existing driveway will be left with a right of way so construction can begin. He won't have a complete answer on the driveway until he hears back from DNR. He does want the Board to go forward with taking action on his request. The planning commission did recommend to approve the application.

There were no other questions from the board.

- B) To consider the request of Kristi Richter Gillman of 259 Crestwood Drive, Elkhart Lake, WI 53020 to rezone approximately 18.27 acres (+ or -) located off of Snake Road in the Town of Rhine approximately 600 feet north of County Road A from R1 (One or Two Family Residence) to A2 (Small Farming Operations). (Parcel # 59018255410)**

Public comments on Gillman:

Platz explained that the planning commission only makes a recommendation to the Town Board, which has the final authority to approve or deny the application. He also said many of the board members have received several phone calls today regarding this application. The Town Board has to look at what is best for the Town of Rhine as well as what is best for the applicant and neighbors.

Diane Hamiester: She is confused about the process. She asked if her concerns from last night were recorded and if the Board will have them to review. She has lived on Crestwood for many years. There is a lot of wildlife in the bog behind her home. It is a beautiful piece of nature. She would like to see this parcel to remain an agricultural area. She was shocked to find out that the parcel had been rezoned as residential at some time. The area has always been farmland and she would like to see it changed back to an agricultural zone and not kept as R1. She thinks the land should be a park or farmland in order to preserve it.

Paul Booher wants to state that the long range plan did not change any zoning. The town gathered information from the residents for their opinion. Most of the homeowners wanted green space and for the area to remain more rural. Zimmermann stated that zoning really began in the 70's. He gave a brief explanation of the long term plan.

Kristi Gillman: She asked what happened with the Plymouth Review and publication times. She has met with the village of Elkhart Lake regarding her parcel. They told her they decided to not take a stand on this parcel at this time. She commented that several realtors have looked at the land and did not want to develop it due to the cost of running water and electric lines, etc. She feels it is very important for the land to remain in its natural form. They would like to build their home on the parcel and to have grazing and pasture space as well. She has had favorable response from neighbors in support of her request to rezone to agricultural.

Dan Blanke: He had questions about A2 zoning and what kind and number of animals are permitted on an A2 property. His concern is that if Gillman's project doesn't work, what happens to the property in the future if it is rezoned? For example, could a pig farmer set up operations there? He had a question about the manure and what the applicant will do to control this. Zimmermann presented a form from USDA regarding animal units. Platz explained that one of the difficult things in making decisions like this, is that no one knows the future.

Mary Ann Herd: She saw a sign that says it is Elkhart Lake School District and wondered if this had any impact on Gillman's request. Kristi said Mary Lydolph donated part of her land to the school district for wildlife study.

Kristi Gillman gave an explanation on how she plans to handle the manure. She does not want it sitting around on her property either. She said she has thought this through and gave a brief explanation of her plan to keep this under control.

There were no other public comments regarding this request.

Platz explained that this voting will be tabled until the December Town Board meeting.

8. Discuss and Possibly Act on:

Farmland Preservation: Board members have reviewed the information presented by Kevin Strucke at an earlier date. Platz gave an explanation of this program. The town's participation in the program will lapse at the end of this year. The Board needs to decide if the town should continue with the program or not. A couple of homeowners have expressed interest in enrolling again. If the town chooses to re-enroll there are restrictions that have to be met as far as how much land in the town has to be zoned ag. The town has to identify all of the ag land and send maps, etc. to the State. If someone wanted to rezone land out of an Ag zone in the future, it is possible that this could not be done because the percentage of ag land could fall below the minimum needed to remain on the program.

Zimmermann commented that even the farmers that do not participate in the program still have to abide by the same rules and regulations. He said if the farmers opt in to this, that their land is opened to the public. This is a drawback and he is not in favor of this. Rost commented that the application process is complex and requires a consultant to do this. He wanted to know what the cost would be. Platz reminded the Board that Kevin Strucke cannot do this for another year.

There was no motion to make a change or to enroll in the program again, so the town will remain in the current lapsed status regarding the Farmland Preservation program.

Printer and lights for shelter: The properties committee will meet on Oct. 14 to review this. Zimmermann wants the electrician to look at the town hall lights as well.

- 9. Chairman's information report:** Platz has had complaints about gravel being hauled out of the old incinerator site. Chief Meusen is watching the area. He actually stopped one of the trucks that was hauling gravel. Platz called the owner of the property. He maintains that he has permission from the DNR and the county, and that his actions are legal. He does not have permission from the town of Rhine. The town has 2 ordinances that deal with removal of gravel in the town. This requires a CUP, and the owner has not applied for one. Our attorney has been in contact with the owner's attorney. Chairman Platz did look at the property. He feels that the property is being cleaned up. It was mentioned that hauling has been going on at the old pit on EH as well.

Rhine Border farm and status of obtaining a CUP: Platz has spoken with Mr. Koenig regarding this. Mr. Koenig said they submitted everything to the Town Board a few months ago. He explained to Red how much work he has done on the state's permit so far. Platz is working with legal counsel in order to find a solution.

Letter to Carl Schwibinger: Not discussed.

10. Sub-Committee reports:

Al Feld said that things are running fine at the **recycling center**. He requests that anyone bringing large boxes break them down first in order to help keep costs down.

Todd Purkey: The **Ordinance Committee** has the final 2 addresses for the cemeteries so we can move forward with the planning commission.

Frank Zimmermann - **Roads**: He mentioned there are still some culverts to install and some maintenance work needs to be completed.

Finance: The finance committee has met to finalize the budget. The town did not budget for the new 1/2 % sales tax revenue. The annual public hearing is Nov. 17, 2016.

11. Approve Vouchers: A motion to approve vouchers was made Al Feld. Second by Jon Rost. No nays.

12. Next Meeting Date: December 6, 2016 6:30 pm.

13. Adjournment: At 7:25 PM, a motion to adjourn was made by Frank Zimmermann, second by Al Feld. No nays.

Respectfully submitted,
Lexann Hoogstra, Clerk/Treasurer
Town of Rhine