

TOWN OF RHINE
BOARD OF SUPERVISORS
REGULAR MONTHLY MEETING
Tuesday, April 12, 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 6:30 p.m. on Tuesday, April 12, 2016 in the Town of Rhine Hall, W5250 CTH FF, Elkhart Lake, WI.

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

Counsel: Paul Dirkse

Clerk/Treasurer: Lexann Hoogstra

PROCEEDINGS:

1. **Compliance with Open Meeting Law:** The agenda was posted on April 7th, 2016.
2. **Pledge.**
3. **Approve minutes of March 1, 2016:** Stand as written. A motion to approve was made by Al Feld and was seconded by Frank Zimmerman. No nays.
4. **Treasurer's Report and Elections Report from Clerk:** Approved as presented.

Elections: There were 1039 voters at the April 5th. There were 1539 previously registered voters. This resulted in a 67.5% turnout. 61 absentee ballots were sent. 59 were returned. 2 were rejected because the voters came to vote in person instead.

Frank Zimmerman and Todd Purkey were re-elected.

5. **Building Permits for November:** The building permits were read into the record.

6. **Public Comments:**

Larry Eberle asked why the cemeteries have no address and if it is possible to get them.

Amanda Kleiber (Little Elkhart Rd.) shared that she wanted to speak in favor of farmland preservation. She said it affects her and a lot of other farmers in the area. The tax credit is helpful for the farmers. The \$945 is a big deal to them since milk prices are low. She would like the town's support on this issue. Chairman Platz said the Board would take her comments under advisement.

No other public comments. This portion is closed.

7. Annual Reports from:

Elkhart Lake Police – Mike Meeusen Chief Emergency Management – Mike Meeusen

Chief Meeusen passed out a report for the board members. He reviewed the mission statement and core values of the police department, and he then presented the school officer report. He stated that over his 18 years in law enforcement that his job has changed a lot, from that of being a role model, to now teaching the teachers on how to protect themselves if there is an act of terror. He has been to 2 trainings for active shooter incidents and he has taught this to other places in the community. He mentioned that they have the longest running DARE program in area. The boat patrol has had a change in officers. He then gave a report and figures on how many emergency calls were taken and how many citations were issued.

Accreditation: The Agency has worked diligently to receive a higher accreditation. He provided a report on that. This is voluntary but it helps ensure professionalism and better customer service in the community. Also, the Wisconsin Law Enforcement Accrediting was completed, and they are the only agency in Sheboygan County that has completed this.

The Chief then provided a budget and reviewed it with the Board Supervisors. There was a brief description on departmental goals and highlights.

Elkhart Lake Fire Department – Pat Zorn

In 2015 the annual calls totaled 80. He read a report of how many calls there were by type and category. He then explained the total man-hours spent on handling fires, the number of firefighters whom responded to the fires, how many meetings they had. The department gained 10 new members in 2015 and one so far in 2016.

As of 4/1/2016 Glenbeulah and Elkhart Lake will be paged out together on all calls. He feels this might help recruit more explorer fire fighters. The department installed a new responding unit (I AM) at the firehouse. It's a like a TV screen that comes over your phone, and the receiver can punch in the # and if they are responding or not, as well as how far out they are. This is a fairly new tool for their use. It also displays a map of where they need to go. It was purchased by fire department money earned from the picnic.

He then gave a report of the condition of the equipment:

#6 minipumper - tires rotated, alignment, etc. It is in “ real well shape”.

2 - This unit is in for refurbishing and should be done by the end of April.

#4 - the used shoots from engine #2 are being using on this one.

5 – The pump has had preventive maintenance and is in good shape.

#3 - This is a 1998 model. The pump has been maintained and is in g good overall shape.

Truck 1- aerial – This has had maintenance. It is due to be replaced in 2018.

Squad 2 - van is in good condition.

Unit 8 - pickup is in good shape.

The rescue boat is in good condition and so is the trailer.

Coming up – They will need to replace a truck in 2018. Used prices are now between \$500,000 to \$550,000 . New ones are costing between \$630,000 to \$750,000 without a basket. He expressed they don't need one with a basket now as Kiel and another community both have one.

He expressed his thanks to the Town of Rhine for their help and to the office staff in the village of Elkhart and the Town of Rhine.

Frank Zimmerman made a comment that there had been an incident where a pump did not work at one fire. He wanted to know if the pumps were checked monthly. Pat said they each truck has a captain, and each one is checked and practiced with each month. Preventive maintenance is done every other year on pumps and oil changes, etc.

When they check their pumps where do they go? The pumps have 1500 gallons of water, one has 1000 and the aerial has 250. Tanks are filled at the fire station. Pat expressed they could use one or two more dry hydrants.

Ron Platz thanked him and all of the volunteers in the department.

Orange Cross Ambulance – Plymouth - Bryan, Executive Director

They merged with Plymouth . There are 2 ambulances in the Plymouth station. Last year they received 149 calls. This was less than in the past. They have not tracked the type of calls in depth yet.

Otherwise, not much has changed. They are currently at the paramedic level. There were no questions for Bryan.

Kiel Ambulance – Dick Isley , Chief of Kiel Fire Dpt.

Chief Isley reported that they are in good condition. They obtained new monitors in 2015, and they have been paid off. The new monitors provide benefits in the areas of , EKG, Defib, wifi, and blood pressure, pulse, oxygen, and co2 readings. With wifi transmission this can be done at the patient's side and transmitted to the hospital so the receiving hospital is better prepared for the arriving patient. On April 1, Dr. Steven Zills, Medical Director of Sheboygan fire, became their medical director. He is an ER physician. There is a team that provides ER training 6 times a yr. In 2016 they will host an EMT basic class along with LTC.

Key information: There is no plan to raise the subsidy rates or actual ambulance rates at this point. One of their paramedic providers is raising their intercept rates from 250 to 350 and this might require adjustments in pricing for this to offset these costs.

8. Memo from Greg Schnell

Ron Platz explained a memo we received from Greg Schnell at the county. The county will cover the cost of deer carcass removal for the remainder of 2016. At first, the county said we would be billed at the end of the year for deer carcass removal. Now the county is providing this service at no cost to the Town of Rhine for the rest of this year. WI Towns has a meeting in Adell this week to address this issue.

Frank Zimmerman made a comment on the deer kill that the state and DNR might be separate now, but he feels like this is a DNR issue.

9. Paul Dirkse

Mr. Dirkse headed a discussion on current issues the town is facing, including cemetery zoning, Implements of Husbandry, Shoreline zoning, CAFO Farms and manure pit sites. Chairman Platz explained that we need more clarification from legal counsel on some of these items. We are looking for advice from counsel on shore land zoning while ACT 55 is being sorted out. His understanding is the county has until Oct 1st to submit their ordinance changes to the state.

Jon Rost gave an explanation. The State of WI inserted into the budget a change in policy on shore land zoning, saying no municipality can be more restrictive in their regulation of shoreline zoning than the state. There is a question on setbacks. A few years ago there was a change at the state level and almost no variances were granted based on the 75 feet from shoreline rule. Now there can be averaging based on the setbacks of neighboring properties.

Another change concerns nonconforming buildings. Previously the owner was limited by rebuilding size, etc. Now the property owner can rebuild an existing structure within its footprint without a shore land zoning restricted permit. They do need a building permit. He gave examples of what this means regarding yard setbacks.

The State has basically taken control of shore land zoning away from towns and counties. The county has to submit a rewritten shore land zoning document for state and DNR approval. DNR, the state and the county all have to approve it before October 1. The consensus is that it is in the town's best interest to wait until the county's ordinance has been approved and go from there. The town's building inspector gave some examples on how this has and could affect building permits.

There was continued discussion on the interpretation of ACT 55 and what it means to the community. Booher commented that ACT 55 has been signed into law. He sees this affecting boat houses, gazebos, etc. Dirkse said it's not that the town has no control in the area, but the town's regulations need to yield to anything specifically addressed in the county's zoning regarding shore land zoning. But the town does still have a say in determining how close the structures can be from a neighboring property.

Platz suggested that Dirkse draft a letter to the board to spell out what changes we may need to make to ordinances and what we can work on in the meantime. We can work on setbacks. We should update our nonconforming structure ordinances. His general recommendation is that the ordinance committee works on updating the town's code on setbacks and section 4.06 (1) (f). The building inspector reminded us that zoning is all about the neighbor.

Some board members went to a seminar on the Implements on Husbandry put on by the Farm Bureau . The seminar was to teach about the new regulations of IOH. There was a lengthy discussion on how this relates to the Town and its ordinances.

Dirkse remarked that this is really a regulation on weights, etc. The state has stepped in and said they will allow certain amounts of regulation and no more. The town is basically limited to handling damage control and how to deal with damage that might be caused by overweight vehicles on our roads. If we want to write an ordinance regulating the hauling of manure on our roads, we need to do it within the context of IOH. We cannot be more restrictive than state requirements. He says this is another relatively new Act.

Frank Zimmerman inquired if the town could require the haulers so to come to the town hall for a permit and get a route map? Dirkse said we can enforce the state's permit . The hauler has to present us with a no fee permit from the state. The Town can impose some reasonable conditions or restrictions on that, such as which roads can be used. Other conditions might be how the town is made whole if there is damage, which cleans up spillage. You can also make one way streets during the time of hauling. Again, the issue is one of weight limits, not of what kind of load is being hauled. The town needs to decide by Sept. or Oct. what it wants to do for the coming year.

There was a question on whether it was better to solve this by passing an ordinance or by resolution. Dirkse said he recommends making an ordinance unless the concerns at hand are only temporary or mundane.

Ron Platz asked Mr. Dirkse to do some research on concentrated animal operating operations. There is a concern that there may be some operations in the town that are now over the town's limits on the size of an operation allowed and the manure pits. How much authority does the town have to oversee these operations?

Dirkse said in the last 10 years the state has really stepped in. Basically, WI passed a livestock facility site law in 2006 that says the Department of Agriculture and Consumer Protection will write the laws applying to this (CACO, 500 animal units or more). The state said if local municipalities want to regulate, here is how you have to do it. If someone wants a larger operation, they have to come to the town to get permission. The state says you have to make a timely decision on what you are going to do so the applicant's are not just waiting forever on a decision. Our CUP would have to mirror the state law.

A question was asked by Julie Stodolka. if someone builds a facility without getting a CUP, then what does the town do? There is someone in the town of Rhine now that has a facility with over 500 animal units . Dirkse suggests the town looks into it. Julie said the neighbors would like some say in this as it might be a zoning violation. So, what can the town do about it? Dirkse said they can start an action to forfeiture or fine or prevent operations in violation of town code. This could result in a law suit. Julie stated this first came up in the winter when the manure pit was new. She was hoping something could happen before things got really busy. She is asking the town to take some action on this and for the

neighbors to be notified on what action was taking, and she will volunteer to help in any way. This will be put on the next town board agenda per Jon Rost.

Next item: There was a discussion on creating a cemetery zone and the procedures to implement it. There are 8 cemeteries in the town now with 4 different zonings town board. We can't change zoning without owners requesting it.

Paul Dirkse said it makes sense to have more clear regulations regarding cemeteries

If a town wants to implement a new zone, we might not need the permission from all the cemetery owners, as they would be grandfathered in old categories. He has no strong recommendations one way or another. Is uniformity a goal? If so, then a new ordinance makes sense. If it's just for one cemetery requesting a setback change, then perhaps not.

Dennis Raeder brought up state law about cemeteries have to be 200 feet away from other buildings. He explained the problem that exists with one cemetery wanting to replace an existing storage building that is over 60 years old and problems the perceive they are having in building a new shed.

Platz said he appreciates his comments but he would not consider it a hassle for the cemetery. They had the option of applying for a variance and decided not to. The town board is waiting on a recommendation from the ordinance committee. Rost has revised a proposal and Dirkse said it was ready to take to the planning committee.

10. Chairman's information report.

Open book is scheduled for May 12, 2016 from 3 to 5 pm. The Board of Review possible dates are June 1 from 3 to 5 pm or June 14 or 16 from 6 to 8 pm per Tony at Associated Appraisals.

St. Peter Evangelical Church – Memorial Day Picnic: A motion to allow St. Peter Evangelical Church to use the Shelter for the annual Memorial Day Picnic in 2016 was made by Zimmermann, seconded by Platz. Discussion: None. The motion carried with no nay votes.

Mud Run: There was a discussion on a possible mud run event that is being advertised to take place at W4507 State Rd 32. The owners held a mud run event vehicles previously and it was reported on March 19. A police officer investigated and informed the owners that people could not park on the road. The homeowners did clean up the road. A future event is being planned for June and the announcement has received over 1000 likes on facebook now. There are concerns about this event. Paul Dirkse will draft a letter to the homeowners that will address the issues of this, such as the need to obtain a permit, health and safety issues, etc.

Chairman's report: Ron Platz is dealing with some wood burner issues. People burning without permits.

WI Towns Association meeting is in Adell this Friday. It has been posted.

Annual meeting is next Tuesday, the 19th.

11. Sub- Committee reports: Zimmerman is working on road committee on several items.
12. Approve Vouchers. Motion to approve by Frank Zimmerman and seconded by Rost. No nays.
13. Next Town Board meeting will be May 3, 2016.
14. Adjournment: The meeting was adjourned at 8:36 after a motion was made by Frank Zimmerman and seconded by Jon Rost with no nay votes.

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