

**TOWN OF RHINE**  
**BOARD OF SUPERVISOR'S MONTHLY MEETING MINUTES**  
**WITH PUBLIC HEARING**  
**Tuesday, March 3, 2020 6:30 p.m.**

*PLEASE NOTE: This meeting is a meeting of the Town Rhine Board of Supervisors in public for the purpose of conducting the Town Rhine business and is not to be considered a public community meeting. There is a time for public participation during the meeting which is indicated below.*

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

Called to order at 6:30 pm by Chairman Platz.

- 1. Compliance with Open Meeting Law:** Posted on Feb. 28, 2020. Published as required, and media was notified.
- 2. Pledge:**
- 3. Approve Minutes of February 4, 2020:** Motion to approve by Feld. 2<sup>nd</sup> by Rost. Jacob noted 2 small changes under sub-committee reports, which will be made. All in favor of approving with those changes.
- 4. Treasurer's Report:** Read into the record.
- 5. Building Permits for February:** Read into the record.
- 6. Public comments of a general nature:** None.
- 7. Public Hearings:** The Town Board will take action on each public hearing matter.
  - A. To consider the application of Jeffrey D. Rudnick of W6173 County Road A North, Elkhart Lake, WI 53020, to rezone this property from R1 Residential to B1 Neighborhood Business, and to allow him to obtain a CUP for the auto repair, servicing, towing and internet auto sales business; Parcel # 59018257811.*

Public comments on Rudnick: None.

The planning commission recommended to grant the rezone from R1 to B1. As a B1 zone, CUP will be permitted, and the planning commission recommends adaption of the drafted CUP.

**Motion to approve the rezone** from R1 to B1 by Feld. 2<sup>nd</sup> by Rost. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes.

Members of the board and legal counsel reviewed the conditions listed in the CUP, and suggestions were made for changes. Platz suggests to incorporate these changes and for Rudnick to provide his plan for trees/fences. **The final vote for approving the CUP will be made at the next board meeting.**

*B. To consider the application of Jeffrey and Wendy Elgin of W6656 County Road C, Plymouth, WI to rezone their land at the same address from A1 to A2 (both agricultural). Parcels are 59018259010 and 59018259020. Total amount of land now is approximately 64.8 acres. The area to be rezoned is approximately 26.97 acres. Planning commission recommended A5.*

Public comments: None

Jacob explained that rezoning to A5 would prevent further subdividing of the land into small parcels in the future. Rost made a **motion to approve** the planning commission's recommendation to rezone from A1 to A5. 2<sup>nd</sup> by Eberle. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes.

*C. To consider the application of Wisconsin Public Service Corporation for a Conditional Use Permits for a Gas Regulator Station Site on Garton Road, Parcel 59018260290.*

The Town Board has received several emails regarding this application, and Platz read them into the record.

Public comments:

Bruce Pahl stated that there is nothing wrong or harmful concerning emissions from these sites. The site will not be an eyesore as WPS will be providing lots of landscaping. He feels the town has definitely done its due diligence.

Jerry Peat of WPS noted that many of the comments in the emails were referring to a City Gate Station. This project is a regulator site, NOT a City Gate Station. He explained the differences.

Katie Wolff remarked her main concern now is about noise.

Paul Booher said this situation has intrigued him for the last 3 months. He lives near Road America, and the noise it generates is far greater than what this site could generate. He and his wife have been organic gardeners for the last 40 years, and their gardens have never been effected by emissions from Road America. He gave an example of excellent service he experienced with WPS last year and how quickly they respond to incidents. He also addressed comments that are written on Wolff's facebook page.

Terri DeMaster has noise concerns as well.

In the interest of fairness, the town also received a series of questions from Katie Wolff about the facility. Platz and Paul Dirkse reviewed those questions and answers which were provided by WPS.

Platz said he understands Wolff's concerns. He knows that the board and the planning commission has put a lot of work and effort into this application and have done a good job of completing due diligence.

Jacob, planning commission chairman, explained that the town is focusing on what it CAN do to mitigate the impact of the WPS site.

Platz also explained that the town is limited in its authority, and it must abide by state laws and cannot stop this process. The planning commission made the recommendation to approve the option A site plan.

**A motion to accept the planning commission's recommendation to approve the WPS' application for a CUP at the Garton Rd. site, incorporating the option A landscaping was made by Feld. 2<sup>nd</sup> by Eberle. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes.**

## **8. Discuss and Possibly Act on:**

- A. Raise fee for planning commission from \$250 to \$400:** A motion to approve the raise from \$250 to \$400 for rezone and CUP applications was made by Rost. 2<sup>nd</sup> by Feld. Roll call vote. Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes.
- B. Switch emails to Patheon Consulting** (\$4 per email per month and approximately 30 minutes of his time to set up. A motion to approve changing the town's email support to Patheon Consulting was made by Jacob. 2<sup>nd</sup> by Rost. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes. Anyone serving on a committee will also be given a town email for town business.
- C. Sen. Glen Grothman request to use town hall Mon., Aug. 3, 2020:** Platz feels that being an election year, this could be construed as showing favoritism to one candidate over another. He is not in favor of letting them use the hall this year. Jacob agrees. Motion to deny request by Jacob. 2<sup>nd</sup> by Rost. All in favor.
- D. Modify landscaping plans for the five Conditional Use Permits issued to Wisconsin Public Service Corporation in January, 2020, for planting of blue spruce trees instead of red cedar trees, at the following locations:**
1. County Line Road, west of Little Elkhart Lake Road (Parcel 59018250851)  
Motion to change from red cedar to blue spruce at this location/CUP by Feld. Jacob. All in favor.
  2. N8644 Little Elkhart Lake Road, Elkhart Lake, WI 53020 (Parcel 59108254120)  
Motion to change from red cedar to blue spruce at this location/CUP by Feld. Jacob. All in favor.
  3. N8972 Jung Road, Elkhart Lake, WI 53020 (Parcel 59018252165)  
Motion to change from red cedar to blue spruce at this location/CUP by Feld. Jacob. All in favor.
  4. W6118 County Road EH, Town of Rhine (Parcel 59018251230)  
Motion to change from red cedar to blue spruce at this location/CUP by Feld. 2<sup>nd</sup> by Jacob. All in favor.
  5. County Line Road, just east of STH 67 (Parcel 59018251120)  
Motion to change from red cedar to blue spruce at this location/CUP by Feld. 2<sup>nd</sup> by Jacob. All in favor.

## **E. Fund Crystal Lake Kapur Study:**

The ordinance committee recently met with the Plymouth Town Chairman and Kapur and Associates regarding a study on Crystal Lake. The original proposed cost was over \$14,000. The town's proposed portion would be \$3,715. Rost is working with DNR, Plymouth office, to see if they would consider re-opening the Mullet River outlet or not. If we are able to do this it would be a permanent solution to the high water problems on Crystal Lake.

Motion by Rost to approve funding \$3,715 towards the Kapur and Associates survey on Crystal Lake. 2<sup>nd</sup> by Jacob. All in favor. Payment is contingent on DNR's approval.

## **9. Chairman's Information Report and Correspondence:**

A. Stewardship grant from DNR (nature park, playground, etc.) A grant is available for nature park funding, etc. Deadline to apply for this grant is May 1, 2020.

Platz would like to see a grants and stewardship committee be established. Rost volunteered to investigate the possibility of setting up a grants/stewardship committee.

B. Passing of David Lorenz' wife noted.

C. Please submit your articles for the newsletter to Catherine asap.

D. County line EH and 57 work is for a pond, not a subdivision. Platz has received several phone calls about this.

## **10. Sub-Committee Reports.**

Roads: We are still working on E. Shoreland Rd. The county is going to reroute Snake Rd. at MM on the north end.

Collection site: There is still a need to break down large items at the collection site, as they are costly.

Broadband: Rost met with Bertram last week. They are considering 2 or 3 other potential sites for the cell tower, other than the town's property. These sites could offer better service.

The Ordinance Committee finished chapter 4, and it has been sent to planning for review on April 15<sup>th</sup>. If it is approved at the May 5 TB, it will be turned over to General Code. They are continuing work on other chapters.

Spring is coming and the no wake ordinance issue on Crystal Lake will arise again soon. We need to determine at what level a no wake ordinance would be triggered.

Eberle will be changing bulbs in the town hall to replace them with LED lighting.

**11. Approve Vouchers:** Motion to approve vouchers as presented by Rost. 2<sup>nd</sup> by Feld. All in favor.

## **12. Closed Session:**

- A. **Closed Session:** *The Board may enter into closed session pursuant to Wis. Stats. §19.85(1)(c), to consider performance evaluation data of public employees (clerk/treasurer and office assistant) over which the Board has jurisdiction and exercises responsibility.*

Feld made a motion to go into closed session at 8:10pm. 2<sup>nd</sup> by Jacob. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes.

- B. **Open Session:** *The Board will reconvene in open session to discuss and possibly act on any matters which arise in closed session.*

A motion to reconvene into open session was made at 8:45 by Feld. 2<sup>nd</sup> by Rost. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes.

Feld made a motion to hire a 2<sup>nd</sup> assistant clerk, part-time to help with general duties and possibly train for some Clerk/Treasurer duties, up to 2 days a week, at a wage range of \$15 to 18 per hour. 2<sup>nd</sup> by Jacob. All in favor. We will draft a job description and work with legal counsel to advertise properly.

- C. **Closed Session:** *The Board may enter into closed session pursuant to Wis. Stats. §19.85(1)(g), to confer with legal counsel who either orally or in writing will advise the Board on strategy to be adopted with respect to likely litigation.*

A motion to go into closed session was made by Feld at 8:49 pm. 2<sup>nd</sup> by Rost. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes.

- D. **Open Session:** *The Board will reconvene in open session to discuss and possibly act on any matters which arise in closed session.*

A motion to reconvene into open session at 9:15 by Feld. 2<sup>nd</sup> by Rost. Roll call vote: Eberle - yes. Jacob - yes. Rost - yes. Feld - yes. Platz - yes. No action was taken on matters discussed in closed session.

**13. Announce Next Meeting Date:** April 14, 2020 (moved from usual date due to election)

**14. Adjournment:** Rost motioned to adjourn at 9:16 pm. 2<sup>nd</sup> by Eberle. All in favor.