

TOWN OF RHINE
BOARD OF SUPERVISOR'S MONTHLY MEETING MINUTES
WITH PUBLIC HEARING
Tuesday, November 5, 2019 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 (Chairman), Al Feld, Jon Rost, Larry Eberle. Paul Dirkse, legal counsel for the town, was also present.

- 1. Compliance with Open Meeting Law:** Posted on October 31, 2019.
- 2. Pledge:**
- 3. Approve Minutes of October 1, 2019:** Motion to approve by Rost. 2nd by Feld. All in favor.
- 4. Treasurer's Report:** Read into the record. National Exchange Bank has reconsidered and will assist in collecting property taxes.
- 5. Building Permits for October:** Read into the record.
- 6. Public comments of a general nature:** Greg McComis commented on the grade which has been lowered on his property over the past several months, and he inquired about the town's plan to address this. Platz has been in contact with the building inspector and legal counsel regarding this.

Mike Dobrynio has the same concerns. During construction, the Waibels changed the grade on their property which has caused safety issues. He feels the Waibels are in clear violation of town code, and he would like the town to enforce the code.

There were no other public comments.

7. Public Hearing - Act on recommendations of Planning Commission October 9, 2019:

The planning commission recommends approval of each of these requests.

To consider the application of Jeff and Teresa Ebersole to rezone their property at W 4637 Cty RD EH, Elkhart Lake, WI from A1 to A5. (approximately 52 acres). Parcel # is 59018252740.

Platz clarified the intentions of the applicant. Eberle moved to approve the request as presented. 2nd by Rost. Roll call vote: Eberle - yes. Rost - yes. Feld - yes. Platz - yes.

To consider the application of Matthew Faust to rezone his property at 9436 Snake Road, Elkhart Lake, WI from A1 to A2. (approximately 6.31). Parcel # is 59018251200.

Motion by Eberle to accept the recommendation of the planning commission and approve the request as presented. 2nd by Feld. The parcel to be rezoned is entirely on the east side of Snake Rd. Roll call vote: Eberle - yes. Rost - yes. Feld - yes. Platz - yes.

To consider the application of Bill and Brenda Younger their property at N8077 French Road, Elkhart Lake, WI from A2 to R1. (approximately .55 acres). Parcel # is 59018258251.

Platz gave a brief history of this request. For some reason this entire lot had a dual zoning, which is highly unusual. The Youngers would like to split off one small piece to build a home and leave the remaining land zoned as is.

Eberle asked if there would be a partial easement on the property and if it could be all the way to the road. Jesse Burg does not feel that would be an issue; he agrees the road needs help and it will be improved. Platz reminded them that the easement is not an issue for the Town Board or the planning commission, as it is a civil matter between homeowners. French Road is a private road. Eberle conceded that the Board does not have the authority to require this.

Eberle motions to grant the request as presented. 2nd by Feld. Roll call vote: Eberle – yes. Rost – yes. Feld – yes. Platz – yes.

8. Discuss and Possibly Act on:

Approve pollworkers for 2020: Motion to approve pollworkers as presented by Feld. 2nd by Rost. All in favor.

Accept electrical ordinance update: This is in regards to a building code revision for section 13 of the town's building code. Platz recommends to approve the draft of the proposed ordinance. Motion to approve by Feld. 2nd by Eberle. All in favor.

Donation request for \$1500 from ELIA: The town normally approves this. Platz expressed it will be put into the budget request at the finance committee tomorrow.

Easement and drainage issue on E. Shoreland Rd.: Platz reviewed an ongoing drainage problem on Shoreland Rd. for approximately the last 2 years. The problem lies on the Waibel property and some on the Dobrynio property, and it has affected the McComis property. It is in regards to a failing storm sewer pipe and possible drainage issues. Members of the board have met with the county and others to try to resolve the matter.

Platz read a proposed agreement from McComis into the record.

Public comments:

Dobrynio gave a synopsis of the situation with drainage and flooding on Shoreland. He finds the McComis proposal to be reasonable.

Dobrynio would like to address the easement which his attorney drafted. It would give the town necessary means to maintain the culvert from his side of the property. He also feels the town should obtain a release from the Waibels in order to protect the town. He understands this lies on private property, but the town also needs to address runoff to the lake.

Greg McComis explained the pipe was laid in 1953. There is a crookedness in the pipe, and it needs to be replaced at least because of its age. He would like to see new pipe installed to replace the old one. Per his proposal, he would pay for the cost of the pipe, which should be approximately \$50,000.

Dan Waibel would like to recommend that the town hires Roger Miller, his consulting engineer, to review the situation.

Members of the Board presented their concerns about the situation and the proposed easement, including a need to clarify the size of pipe to be used.

Al Feld gave a history of past meetings with the town, the county, and ELIA. He met with McComis' builder and excavator last spring and told them the town was willing to work with everyone to move the pipe.

Rost commented that the problem seems mostly to lie on private property and he asked why it was the town's responsibility to correct it.

Rost inquired of the audience how many properties are effected by the drainage problem. According to Dobrynio, there are 4 and possibly 5 properties (Waibel, Dobrynio, McComis, Budtke, Pfaller) He suggested that perhaps the town could look at a new pipe as a utility. The lake is being affected by the drainage, flooding, and erosion. Replacing this pipe would prevent unwanted sediment from draining into the lake and would prevent flooding to at least 4 homes.

Platz's concern is for the town to be responsible for all future repairs and upkeep. He thanked McComis for his generous offer to fund the project. He also has an issue with the 10 days to take action section of the proposal .

Platz feels this is the best solution anyone has come up with so far. He does have concerns about possible future litigation from the Waibels. He would like to see some kind of written agreement from all involved homeowners in order to protect the town.

Paul Dirkse has several concerns. One is if the town proceeds with the McComis project, will it solve the problem 100%? Is there any surface water that is contributing to the problem also? According to McComis, the county engineer is confident that a new pipe would solve the problem. There needs to be written clarification of the size of pipe to be used.

Platz acknowledged the need to resolve this. He would like to have the town's legal counsel work with McComis' lawyer in order to find a solution. He agrees with Dirkse that perhaps the town should hire an engineer of its choice to investigate. Rost would be comfortable in working with the county's engineer on this.

Plan: Dirkse will contact McComis' attorney to review the proposal. The town will look into hiring its own engineer to assess the situation.

9. Chairman's Information Report and Correspondence:

CPR training is available through the Village of Elkhart Lake.

The finance meeting will meet tomorrow to help finalize the budget.

The coach in Elkhart Lake has recommended the town to attend a basketball game and be recognized for its service.

10. Sub-Committee Reports:

Roads: Snake Road cost came in \$4,000 under budget. The town has applied for an LRIP grant from the state. The town was granted \$24,000 from this. The town is also in the process of applying for a 90-10 grant from the state.

Broadband: The attorney has reviewed initial paperwork from Bertram.

11. Approve vouchers: Motion to approve by Feld. 2nd by Eberle. All in favor.

12. Closed Session:

The Town of Rhine Board of Supervisors may go into closed session under the following Wisconsin State Statutes 19.85(1) (c) Employee Evaluation: Considering employment, promotion compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

The recorder was turned off and the board went into closed session at 8:07 pm after a motion by Feld. 2nd by Rost. All in favor.

The Board reconvened in open session at 8:34 pm. Motion by Feld 2nd by Eberle. All in favor.

Motion to raise range of pay from Clerk/Treasurer from \$20,000 annual base to \$40,000 by Feld. 2nd by Rost. All in favor.

Motion to raise range of pay for deputy clerk from \$19 per hour to \$25 at the top of the range. 2nd by Rost. All in favor.

Motion by Feld to raise rate for Catherine Loeffler from \$19 to \$20 per hour, effective Jan. 1, 2020. 2nd by Rost. All in favor.

Motion by Feld to raise the Clerk's salary from \$30,000 to \$32,000 per year, effective Jan. 1, 2020. 2nd by Rost. All in favor.

13. Announce Next Meeting Date: Nov. 20 for annual and Dec. 1 for town board.

14. Adjournment: Motion to adjourn by Feld at 8:37 pm. 2nd by Rost. All in favor.

approved