

TOWN OF RIB MOUNTAIN
Regular Town Board Meeting
June 7, 2016

Chairman Allen Opall called the June 7, 2016 regular meeting of the Rib Mountain Town Board to order at 6:30 p.m. at the Rib Mountain Municipal Center, 3700 North Mountain Road, Wausau, WI. Supervisors present were Jim Legner, and Gerry Klein. Supervisor Fred Schaefer was present via phone and Supervisor Pete Kachel was excused.

Also present were Administrator Gaylene Rhoden, Attorney Kevin Terry, Community Development Director Steve Kunst, Finance Director/Clerk Jessica Trautman, SAFER Representative Andy Schlagel, Street and Park Superintendent Scott Turner and Code Enforcement Officer Paul Hursh.

Resident attendees included: Carla and Keith Schmidt (3101 Partridge Way), Tim and Denise Gaffaney (3102 Quail Ave), LaVonne and Bill Duernberger (2907 Quail Ave), Julie and Mike Tomsyck (2906 Partridge Ave), Ryan Burnett (3103 Partridge), Janice and Allen Malueg (3102 Partridge Ave), Ed and Micki Koth (3000 Partridge), and Travis Carlson (2407 Shorwood)

On June 6, 2016 copies of the meeting notice were made available to the media, Town Board, Town Attorney and posted at the Rib Mountain Municipal Center.

The 2016 Board of Review was called to order and adjourned until June 13, 2016 at 5:30.

Comments from the Public Related to Town Board Agenda Items – Travis Carlson asked that agenda item 4c be moved before 4b – Chairman Opall granted the request.

Approve Minutes of 5/17/16 Regular Town Board and 5/17/16 Special Town Board Meeting - Motion by Klein/Legner to approve the minutes of the 5/17/2016 Regular Town Board and 5/17/16 Special Town Board meetings. Questioned and carried 4:0.

Plan Commission

Plan Commission minutes from the 5/25/16 meeting for review – no comments

Travis Carlson, owner, requests conditional use approval for a detached private residential garage in excess of 1,000 square feet at the property addressed 6909 Butternut Road, Parcel #39.930.002.004.00.00, per RMMC Section 17.056(8)(d) – Detached Private Residential Garage, Carport or Utility Shed. Docket #2016-22. The Plan Commission held a public hearing on 5/25/16 for the conditional use and received no public comment. Kunst noted the property is currently vacant, so any approval would be contingent upon issuance of a single family residence permit. Carlson requested the proposed garage be built concurrently with the new home. The Plan Commission recommended approval with the conditions that Mr. Carlson construct the garage consistent with the construction of the principal residence and an additional \$1,000 bond be placed on the garage permit to ensure both the residence and the garage are completed. **Motion by Schaefer/Legner to approve the conditional use to allow construction of a 1,350 square foot detached residential garage at the property addressed 6909 Butternut Road, conditioned upon the garage being constructed consistent with the residence and an**

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additional \$1,000 be collected on the garage permit to ensure both the residence and garage are completed. Questioned and carried 4:0.

Keith Schmidt, owner, requests conditional use approval for a detached private residential garage in excess of 1,000 square feet at the property addressed 3101 Partridge Way, Parcel #34.755.000.010.00.00, per RMMC Section 17.056(8)(d) – Detached Private Residential Garage, Carport, or Utility Shed. Docket #2016-21. Community Development Director Kunst noted Mr. Schmidt is requesting a conditional use to put up a 1,008 square foot detached garage with side walls of 14 feet in height. Kunst noted a public hearing was held at the 5/25/16 Plan Commission meeting and several neighbors voiced their opposition. Also, the Town has received several written letters in opposition. No recommendation came out of Plan Commission, as the lone motion to approve failed on a 2-3 vote. Supervisor Schaefer stated that the Town does not enforce covenants, but the reason the Town puts a conditional use on this type of structure is to take into consideration concerns of the neighborhood. Mr. Schmidt noted he is aware of the covenants and had two different law firms look into it and the opinions received from both law firms said the covenants did not apply. Kunst noted the resident at 3100 Partridge called and wanted to be on record saying the structure does not fit in the neighborhood. Mike Tomsyck, 2906 Partridge Ave, said the covenants are clear that it does not allow detached garages in that subdivision. Micki Koth, 3000 Partridge Ave, also said that type of structure does not fit in their neighborhood. Randy Carlson, 3104 Partridge, questioned the number of structures allowed on a property. Kunst indicated one of each category of detached structure (garage, carport, and utility shed) is permitted on a property, provided the total square footage of all structures does not exceed 1,500 square feet. Supervisor Klein said he is in agreement to deny because it does not fit in the neighborhood. Mr. Schmidt questioned if he were to keep the garage under 1,000 square feet and lower the walls to 12 feet he would be within the Town Zoning Ordinance requirements and could be issued a building permit. Kunst noted that was correct. **Motion by Schaefer/Legner to deny the conditional use permit for a detached private residential garage in excess of 1.000 square feet. Questioned and carried 4:0.**

Town of Rib Mountain, amendments to RMMC Subchapter X – Signage Regulations, related to Electronic Message Signs. Docket #2016-06. – Kunst said he had been working with Attorney Terry on writing up an ordinance that would be in compliance with the past Supreme Court ruling that prohibits regulation of signs based on content. Kunst noted they were unable to both amend the Ordinance as directed by Town Board and be in compliance with the Supreme Court ruling. Kunst identified a couple options for the Board to consider. First, the Board could approve the amendments with the proposed exemption of fuel station prices, knowing that it is in conflict the Supreme Court ruling. Second, the Ordinance could be amended to completely prohibit electronic signs. Lastly, the Board could deny the proposed amendments and send the item back to Plan Commission for further consideration. Mr. Schaefer said the Town does not need to focus on content, but rather specific controls and restrictions of the signs themselves. Schaefer said a couple of suggests would be to control how often the sign can change, perhaps change the timing to every 24 or 48 hours, also decrease the percentage of the overall signage that can be electronic. Kunst noted the item can be taken back to the Plan Commission. Supervisor Klein said when the ordinance comes back to Town Board he would like to see examples of signs that have the desired sizes so the Town Board would have a visual of what they are voting on. **Motion by Klein/Legner to deny the proposed amendments to the Rib**

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Mountain Municipal Code Subchapter X – Signage Regulations. Questioned and carried 4:0.

Approval of Rib Mountain Dr. Phase II Contract Amendment for Design Services – Mr. Turner summarized the amendment from AECOM for design services, total amended cost is \$109,500. Supervisor Klein expressed concern that staff has not received a second price on the work. Supervisor Schaefer said he understands Mr. Klein’s concerns but this is an upgrade to the current contract. **Motion by Schaefer/Legner to approve the contract amendment with AECOM for engineering design services for Rib Mountain Drive Phase II in the amount of \$109,500. Questioned and carried 4:0.**

Supervisor Schaefer lost his phone connection at 7:15 p.m.

Approval of State Municipal Agreement for Town Road Improvement (TRI) funding on Parrot Lane– Street Superintendent Turner informed the Board the Town was notified it was awarded approximately \$26,000 as part of a TRI grant. The grant will be used to reduce total costs to the Town for the Parrot Ln project. **Motion by Legner/Klein to approve the State Municipal Agreement for Town Road Improvement Funding on Parrot Ln. Questioned and Carried 3:0.**

Approval of Alcohol Licenses– Finance Director/Clerk Trautman said this list includes the businesses who are renewing their license to sell alcohol that expires at the end of June. **Motion by Legner/Klein to approve the following alcohol licenses:**

Class “A” Beer: Kwik Trip Inc.

Class “A” Beer & Liquor Combination: ALDI Inc. #38, Rib Mountain Foods, Inc., RW Peterson LLC, Wal-Mart Store East, LP, Sam’s East, Inc., R Store Rib Mountain LLC, Schierl Sales Corp.

Class “B” Beer: DavRock, Inc.

Class “B” Liquor & Beer Combination: State Park Speedway LLC, Rib River LLC, El Tequila Salsa LLC, Jam Jam, El Mezcal Inc, Rib Mnt golf & Development Corp, Granite Peak Corporation, Rock Bottom Tap House LLC, Texas Roadhouse LLC.

Reserve Class “B” Liquor & Beer Combination: HuHot Mongolian Grill, GMRI Inc., Red Robin International, Inc.

Questioned and carried 3:0.

Approval of Change of Agent –**Motion by Klein/ Legner to approve Rochelle Maciejewski as the agent for Hu Hot Mongolian Grill. Questioned and carried 3:0.**

Approval of Operator License – Attorney Terry saw no reason to deny the applicants. **Motion by Klein/ Legner to approve the operator license for Christopher Flori, Zachary Gajda,**

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**Brooklyne Jorgensen, Fredrick Juan, Stephanie Juan, Gail Krause, and Mai Xiong.
Questioned and carried 3:0.**

Supervisor Schaefer rejoined the meeting at 7:20.

Reports Chairman – Chairman Opall noted the County is still talking about the wheel tax, the item was forwarded to the Finance Committee.

Town Board – Supervisor Klein noted he is still working with the County on the potential location of the new dog park. He said it will be at the Park Commission meeting on June 14th, then go to Plan Commission, and then to Town Board. The Town Board will need to approve funding of the legal fees to get the property transferred to the Town. Supervisor Legner questioned the ordinance allowing boats to be parked on the street, he said there was a boat on Mountainberry Court on the side of the road. Supervisor Schaefer said that someone has composed and signed a letter regarding unkempt lawn posing as Chairman Opall. Administrator Rhoden said they had contacted the Sheriff's Department and they said to keep track of it.

Supervisor Schaefer left the meeting at 7:25.

Other Agencies – SAFER Representative Schlagel had nothing to report for SAFER. Administrator Rhoden said she has been receiving financial updates on SAFER. The minutes for the Rib Mountain Community Improvement Foundation were included in the packet.

Town Attorney – Nothing.

Town Administrator – Administrator Rhoden provided a written report. She said she received a call from the Granite Peak representative. Granite Peak is holding meetings with those impacted by the expansion. The representative said they will not be holding public hearings. Administrator Rhoden said she is going to follow up with the DNR for verification. Attorney Terry suggested the Town get a copy of the agreement that allows Granite Peak to opt out of holding public hearings.

Community Development Director – A written report was included in the packet. Kunst noted the Plan Commission will hold a meeting on June 8th. As part of that meeting the Commission will be discussing options for the next Chairperson.

Street-Parks Superintendent – Scott provided a written report. The Public works employees are working on Red Bud. They reused some old material and saved the Town around \$30,000 on the project.

Finance Director/Clerk – A written reported was provided. A budget status report will be provided for the next meeting.

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Code Enforcement Officer – A written report was included. Code Enforcement Officer Hursh said the rummage sales will be going on this weekend and there are two shifts of Sheriff Department bike patrol. The Town will be putting up no parking signs as well.

Park Commission – Meeting scheduled for next week. Will be talking about the proposed dog park.

Finance Personnel – Meeting at noon Monday the 13th.

Public Safety Committee – Nothing is scheduled

Public Works Committee – Nothing is scheduled

Bicycle/Ped Committee – Administrator Rhoden said a meeting is scheduled for next week, the bike rodeo is being moved to July.

General Comments – Mr. Alan Fraser from 2800 Eagle Ave, Apt 7, was questioning the pricing for the Town's summer program for kids and asked if there is help for those who cannot afford it. Chairman Opall said he and Mr. Fraser have been discussing options for Mr. Fraser's son to attend the Summer program offered through the Town. One solution Mr. Opall found was funding through the optimists. Mr. Opall referred Mr. Fraser to talk to Andy Schlagel who is Int. Vice President of the optimists.

Adjourn – **Motion by Kachel/Legner to adjourn at 7:50 p.m. Questioned and carried 3:0.**

Submitted by
Jessica Trautman
Finance Director/Clerk

Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, they are subject to revision.