

TOWN OF RIB MOUNTAIN

Regular Town Board Meeting

November 1, 2011

Chairman Allen Opall called the meeting of the Rib Mountain Town Board to order at 6:30 p.m. at the Rib Mountain Municipal Center, 3700 North Mountain Road. Present were Supervisors Jim Legner, Pete Kachel, Fred Schaefer and John Sybeldon, a quorum.

Also present were Town Attorney Dean Dietrich, Town Administrator Gaylene Rhoden, Fire Chief Paul Wirth, Building/Zoning Inspector Daniel Dziadosz, Streets/Parks Superintendent Scott Schatschneider and Clerk/Treasurer Patricia Jahns.

Supervisor Kachel led the Pledge of Allegiance.

On October 28, 2011 copies of the meeting notice were made available to the media, Town Board, Town Attorney and posted at the Rib Mountain Municipal Center.

Minutes: Motion by Sybeldon/Legner to approve the minutes of the 10/18/11 regular Town Board meeting. Questioned and carried 5:0.

Plan Commission Report & Recommendations – Docket 11-18: American Tower and AT&T and Northway Communications requesting conditional use approval for an outdoor generator installation in accordance with RMMC 17.056(8) (x) – Detached energy systems at 7700 Mosinee Tower Road. Inspector Dziadosz reported the Plan Commission held a public hearing on October 26 and recommended approval of the conditional use permit. Supervisor Schaefer noted the generator will be located on top of the hill where there are existing towers and near an existing shelter with a propane tank. Dan responded this request is for a backup generator as the applicants complained that 80 hours of down time due to recent storm damage is unacceptable. **Motion by Schaefer/Legner to approve the conditional use request for an outdoor generator at 7700 Mosinee Tower Road. Questioned and carried 5:0.**

Docket 11-17: Lokre Property LLC and RJG Empire LLC (dba Mountain Garage Bar & Grill) requesting conditional use approval for a change of use from indoor maintenance to indoor commercial entertainment in accordance with RMMC 17.056(4) (h) at 4605 Lilac Avenue. The Plan Commission recommended approval of the Mountain Garage Bar and Grill conditional use for an indoor entertainment use subject to the following conditions:

- (1) Confirmation by our engineer that the storm water and sidewalk issues are being properly addressed.

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- (2) Subject to a parking agreement in writing regarding any excess parking needs for special events or overflow parking, for seven annual events or less, with the number to be reviewed by plan commission in 12 months. ANY public nuisances created would be addressed as public nuisances by code enforcement.
- (3) Staff report items 7, 8, & 9, regarding signage, lighting, and landscaping, shall be complied with.
- (4) A written developer's agreement describing the conditions as well as security measures being provided by the developer.

Dan reported the Plan Commission held a public hearing on October 26 and recommended approval of the conditional use for 4605 Lilac Avenue subject to the four conditions outlined in his report and a developer agreement.

Supervisor Schaefer asked for assurance of soundproofing. Dan responded this is a major renovation from a truck maintenance garage to a bar and grill. The applicant plans to reside the exterior in steel with a cover at the front doors to buffer sound. The building is over 500' from the nearest residence on Swan Avenue.

Supervisor Schaefer noted the parking lot would be paved in spring and the landscaping installed by July 1, 2012. He inquired about the capacity of the parking lot. Dan responded permitted occupancy is for 429 individuals. The applicant has an agreement for off-site parking with Goodwill and is exploring options with Ryder Truck. Security options are also being explored by the Applicant.

Attorney Dean Dietrich reviewed the proposed developer agreement and agrees with the concepts described as they coincide with the conditions recommended by Plan Commission. His proposed language changes to the draft developer agreement are grammatical and do not change the substance of the document.

Supervisor Legner inquired if there would be outdoor dining. It is Inspector Dziadosz's understanding that dining will be totally enclosed. Smokers will be directed outside to an area with radiant heat.

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Supervisor Schaefer noted the Town still has its sound meter to check decibel levels. Inspector Dziadosz stated the developer agreement states violations will be addressed by Code Enforcement Officer. Dan stated the conditional use approval is needed to pursue state approved plans and finalize details for compliance. **Motion by Schaefer/Sybeldon to approve the Plan Commission recommendation for approval subject to the four listed conditions and a signed developer agreement. Questioned and carried 5:0.**

Development Agreement: Mountain Garage Bar & Grill – Dan Dziadosz reviewed the draft development agreement for Mountain Garage Bar & Grill. **Motion by Schaefer/Legner to approve the Mountain Garage Bar & Grill developer agreement with Bob Gajewski subject to minor language changes recommended by the Town’s Attorney. Questioned and carried 5:0.**

Employee Manual Revisions – Attorney Dietrich presented a final version of the Employee Handbook to the Town Board based upon discussions with the Personnel and Finance Committee. He pointed out the majority of changes were due to a new employee relations law which included grievance procedure and concealed carry. The social media policies are also new to the manual. While this update makes the language clearer and conforms to applicable laws it was not the intent to make substantive changes to other policies and benefits provided to Town employees. He noted the vacation adjustment is not a permanent change so it is not included in the Employee Manual. Administrator Rhoden directed the Board to review her memo to employees regarding the additional vacation day. **Motion by Legner/Sybeldon to accept the Employee Manual as revised. Questioned and carried 5:0.**

Ordinance 11-04: Use of Town Roads for Civic Events – Attorney Dietrich reviewed fund raising events held by different organizations this past summer on the streets of the Rib Mountain. Newly created Section 8.11 of the Code of Ordinances specifically addresses requirement of a permit, some prohibitions and the approval process. Supervisor Legner asked if a fee could be taken out of the proposed ordinance. Attorney Dietrich strongly recommended the Town Board keep the permit and fee in the ordinance. This would not preclude the Town Board from considering a request to waive the permit fee.

Supervisor Schaefer suggested a friendly amendment that the ordinance should include only events that require the use of Town roads. Attorney Dietrich agreed that is the intent of the ordinance.

Motion by Schaefer/Legner to adopt and approve Ordinance 11-04 creating Section 8.11 of the Rib Mountain Municipal Code regarding use of Town

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roads for civic events subject to a friendly amendment that it reads “on Town roads in the boundaries of the Town without first obtaining a permit and paying the required fee”. Questioned and carried 5:0.

Operator License Applications - Attorney Dietrich reported the Department of Justice background check did not indicate anything pending as the 2009 violation of Katierina Morris was non-traffic but for an underage possession charge. He recommended approval after the Town Chairman interviews this applicant.

Motion by Schaefer/Sybeldon to approve an operator license for Katierina V. Morris at the discretion of the Town Chairman after he meets with the applicant. Questioned and carried 5:0.

Attorney Dietrich referred the Board to a written statement submitted by Tiffani Kohler. He was inclined to have the Town Chairman meet with her before granting a license. **Motion by Schaefer/Sybeldon to approve an operator license for Tiffani T. Kohler at the discretion of the Town Chairman after meeting with the applicant. Questioned and carried 5:0.**

Town Board Comments - Chairman Opall recognized Augie Lambrecht who was in the audience. Augie is from Troop 462 and working on his Citizenship in the Community badge.

Supervisor Schaefer reported continued utilization of Park Road but the Town needs to get more aggressive with drivers parking between signs. It is a great facility that is well used but people should not park all over the roadway.

Supervisor Legner inquired about the cut out on the trail about halfway up Park Road. Scott Schatschneider responded it is for fiber optic and a sewer and water connection for a subdivision.

Staff Reports - Administrator Rhoden provided a written report. She met with Tom Ketchum, the Town’s insurance agent, regarding fund raising events. She also met with Robin Patrick of Moxie Advertising to discuss promotional flash drives. Gaylene distributed graphics that were suggested to the Town to incorporate the County’s brand with the Town logo. Marketing strategies were referred to the Finance & Personnel Committee. Gaylene included a draft of the memo on additional vacation that will be distributed to employees.

Town Attorney Dean Dietrich is reviewing a proposed mutual aid fire agreement submitted by the Village of Marathon. It should be referred to the Public Safety Committee for review and discussion prior to the next Town Board meeting.

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Fire Chief Paul Wirth provided a written report and noted he is looking at options for a new rescue vehicle.

Building Inspector Daniel Dziadosz provided a written report and briefly commented on the Witter rezoning on Oriole Lane.

Streets-Parks Superintendent Scott Schatschneider apprised the Town Board of crew activities and public works projects. The Safe Routes to School sidewalk in front of the IGA is flaking and will be replaced at no charge when school lets out in spring.

Clerk-Treasurer Patricia Jahns reported the budget hearing will be held at 6:00 p.m. on November 22 immediately followed by a special Town Meeting immediately followed by a special Town Board meeting.

Committee / Commission Reports

The minutes of the Finance & Personnel Committee from 10/21/11 were included in the Town Board packet. Fred Schaefer announced the Town will hire a replacement for a Public Works employee. Applications are due November 15.

Adjourn - Motion Kachel/Legner to adjourn at 6:19 p.m. Questioned and carried 5:0.

Patricia J. Jahns, MMC/WCPC/CMTW
Clerk/Treasurer