

TOWN OF RIB MOUNTAIN
Regular Town Board Meeting
June 4, 2013

Chairman Al 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, Fred Schaefer and John Sybeldon, a quorum. Excused: Supervisor Pete Kachel.

Also present were Town Attorney Kevin Terry, Town Administrator Gaylene Rhoden, Streets/Parks Superintendent Scott Turner, Building/Zoning Inspector Daniel Dziadosz and Clerk-Treasurer Patricia Jahns.

On May 31, 2013 copies of the meeting notice were made available to the media, Town Board, Town Attorney and posted at the Rib Mountain Municipal Center.

Pledge of Allegiance

Minutes: **Motion by Legner/Schaefer to approve the minutes of the 5/21/13 regular and 5/21/13 special Town Board meetings. Questioned and carried 4:0.**

Plan Commission Report & Recommendations -

Docket #13-13: Fazoli's Wausau (Seazona Properties Ltd., property owner) requesting Precise Implementation Plan (PIP) modification approval for the addition of a storage shed and an additional dumpster enclosure per RMMC 17.233 (6) - The process and requirements for submittal, review, and approval of the PIP shall be identical to that for conditional use permits...", specifically per RMMC 17.233 (6) (g) - "Any subsequent change of use of any parcel or any modification of the Precise Implementation Plan shall first be submitted for approval to the Plan Commission..."; for the property at 3812 Rib Mountain Drive.

The Plan Commission recommended approval of the Precise Implementation Plan (PIP) modification to allow replacing the existing 12'x12' shed with a 12'x10' shed and the additional dumpster enclosure subject to the following conditions:

1. Exterior materials being of similar style & color as existing approved dumpster enclosure.
2. Maintaining the same lot line setbacks as the existing approved dumpster enclosure.
3. Shed doors and dumpster enclosure gate must be closed at all times when not in use.

Motion by Schaefer/Legner to approve the recommendation of the Plan Commission subject to the conditions listed in the 5/30/13 Staff report. Questioned and carried 4:0.

Kocourek Holdings Conditional Use Request for a Private Air Strip - Kocourek Holdings purchased 109 acres on Red Bud Road. This property adjoins his

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property in the Town of Marathon. He proposed to restore a portion of the property about 125 feet wide by 2,000 feet long for a private grass air strip. The Plan Commission held a public hearing and recommended approval subject to several recommendations including:

- 1) Daytime operations only
- 2) Type of aircraft restricted to Piper Cub or similar aircraft
- 3) The air strip is allowed for private use only and not to be used for commercial or training activities
- 4) Any accessory structure to the air strip or any modifications to the air strip use will require another conditional use approval
- 5) Approval of all other permitting regulations through county, state, and federal must be obtained
- 6) No fuel tanks can be stored on-site
- 7) Maximum of five (5) round trip flights per week
- 8) Moving the air strip to the west on the property as far as possible

The revised plan for the air strip reflects a slight movement of the air strip to the west and a slight increase in the angle to the northeast. It will be 500' shorter than originally requested.

Resident Phyllis Pomrening, 3002 Robin Lane, asked the Board's consideration that approval of this request will be setting a precedent. She reminded them it is not happening in their back yards.

Resident Pat Frodl, 6804 Red Bud Road, interrupted and stated she was informed the meeting started at 7:00 p.m. Attorney Terry stated the Town Board meeting was properly noticed.

Resident Brian Pomrening, 6811 Red Bud Road, expressed concern about future expansion of the air strip. He asked what safeguards were in place if the property is sold or it becomes more than a small air strip. Attorney Terry responded that any modification without approval of the Town Board shall be cause for revocation of the conditional use.

Motion by Schaefer/Sybeldon to approve the recommendation of the Plan Commission with usage subject to daytime operations only; aircraft restricted to a Piper Cub or similar aircraft; the air strip is allowed for private use only and not to be used for commercial or training activities; any accessory structure to the air strip or any modifications to the air strip use will require another conditional use approval; approval of all other permitting regulations through county, state, and federal must be obtained; no fuel tanks can be stored on-site; maximum of five (5) round trip flights per week; and moving the air strip to the west on the property as far as possible. Questioned and carried 3:1 with Supervisor Legner voting No.

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GIS Contract Modification with Central Wisconsin Engineers (CWE) -The Town's GIS contract with CWE includes annual updates to the system at an estimated cost of \$760. Staff requested additional data layers for its GIS maps in the amount of \$2,620. This includes \$1,220 for an amendment to the CWE contract, \$600 for County data layers and \$800 for bow and firearms mapping. Amendment #1 to the GIS contract and the annual updates will cost a total \$3,380. Staff proposed that funding come from the Planning Consultant budget, Printing budget and Software budget. **Motion by Legner/Schaefer to approve a modification (Amendment #1) to the GIS consulting agreement with CWE in the amount of \$3,380. Questioned and carried 4:0.**

AECOM Proposal for 51/29 Trail Construction Administration and Observation Construction of the 51/29 trail is scheduled to begin in late June. Staff recommends the approval of the AECOM contract for 51/29 trail construction administration and observation in the amount of \$28,150. **Motion by Schaefer/Legner to approve AECOM's Task Order No. 06 in the amount of \$28,150 for its consulting agreement with the Town for construction administration and observation for the construction of the 51/29 trail. Questioned and carried 4:0.**

Chairman's Appointments - **Motion by Schaefer/Sybeldon to approve the reappointment of Board members to the Standing Committees and the one-year appointments of Greg Schmidt as Assessor, Kevin Terry at the Attorney, Daniel Dziadosz as the Building Inspector/Zoning Administrator, Patricia Jahns as the Clerk/Treasurer and Paul Wirth as the Fire Chief/Fire Inspector. Questioned and carried 4:0.**

Motion by Schaefer/Sybeldon to approve the appointment of Thomas Steele to the Plan Commission for another five-year term ending 4/18. Questioned and carried 4:0.

Employee Manual Update: Employer Paid Physicals for New Hires - The Finance and Personnel Committee recommended the creation of Section 163 in the Employee Manual for Pre-Employment Physicals. **Motion by Schaefer/Legner to approve the new policy for pre-employment physicals. Questioned and carried 4:0.**

License Applications - **Motion by Legner/Sybeldon to approve a Class "A" Beer license for Rib Mountain Petro Mart, Inc. and Class "B" Liquor and Beer Combination license for Rib River, LLC and Granite Peak Corporation. Questioned and carried 4:0.**

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Attorney Kevin Terry commented on the background checks of the operator license applicants and recommended approval without any exceptions or restrictions as nothing precludes issuance. **Motion by Schaefer/Sybeldon to approve operator licenses for Jane M. Lang, Michaela J. Matushak, Katie L. Oliva, Lucas A. Oliva, Marissa M. Oliva, Michael G. Oliva, Peggy A. Oliva and Thomas A. Oliva. Questioned and carried 4:0.**

Motion by Schaefer/Legner to approve an amusement device license for El Tequila Salsa LLC. Questioned and carried 4:0.

Reports

Administrator Rhoden provided a written report.

Fire Chief Paul Wirth provided a written report.

Building Inspector Dan Dziadosz provided a written report on monthly permit activity. He apprised the Board of Marathon County's plan for major street renaming and address renumbering. Staff was directed to stay involved in the issue.

Streets/Parks Superintendent Scott Turner provided a written report on Public Works activities.

Clerk -Treasurer Patricia Jahns provided a written report. She noted an upcoming contract change for electronic transaction processing.

Committee / Commission Reports

The Park Commission will meet June 11.

The Finance & Personnel Committee's recommendation for the Employee Manual was acted on by the Board.

The Public Works Committee is preparing for the 51/29 trail project.

The Walkable Community Committee held a successful bike rodeo.

Public Comment Period – Resident LeRoy Jahns, 2409 Lily Lane, inquired about the 51/29 trail. Administrator Rhoden responded that it is a multi-use trail limited to non-motorized usage. He inquired if the Town paid a consultant to study the proposed combination of the Rib Mountain and Weston fire departments as it did for consideration of combining the Town and Sanitary District. The response was no.

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Resident Wayne Wozniak, 2404 Lily Lane, inquired about the special Town Board meeting regarding combination of fire departments on June 11. Chairman Opall responded it will be a joint meeting of Rib Mountain and Weston officials to take public comment about the combination of fire departments.

Pat Frodl demanded the Town Board hear what people had to say about the air strip and wanted it all done over as their letter stated the meeting was scheduled for 7:00 p.m. Attorney Terry reiterated the Town Board meeting was properly noticed and action was properly taken. He reminded those in attendance that tonight's Board meeting was not a public hearing on the air strip issue. The Plan Commission held the public hearing and this is the Board's opportunity to hear the Plan Commission's recommendation.

Supervisor Schaefer suggested the Board reconsider the matter at its next meeting. Attorney Terry noted that a motion to reconsider at the next Town Board meeting would provide an opportunity for residents to comment but it would not be a public hearing.

Plan Commission Chairman Tom Muellner stated the Commission made its recommendation based on the issues presented at the public hearing. The fact that residents were not in attendance at this Board meeting, and saying the same thing over and over again, did not make their position any stronger.

Brian Pomrening stated a lot of people are being affected and they care about this community.

Attorney Terry stated people would be given the same opportunity they had at this meeting but reiterated it is not a public hearing.

Keith Kocourek offered to answer questions at this meeting as he is unable to attend the next meeting. He will have his representative at the next Board meeting.

Resident Deb Kirsch, 7402 Red Bud Road, asked what could be done to sway the position of the Board members. Chairman Opall responded that a public hearing was held and the Plan Commission made its recommendation to the Town Board. Attorney Terry commented that reconsideration, although not a public hearing, will allow people to make comments on the air strip.

Resident Allen Schroeder, 7606 Woodsmoke Road, proposed submittal of a petition.

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Chairman Opall apologized for the miscommunication.

Adjourn - Motion by Schaefer/Legner to adjourn at 7:20 p.m. Questioned and carried 4:0.

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