

TOWN OF RIB MOUNTAIN
Regular Town Board Meeting
June 18, 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 Pete Kachel, Jim Legner, Fred Schaefer and John Sybeldon, a quorum.

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 June 14, 2013 copies of the meeting notice were made available to the media, Town Board, Town Attorney and posted at the Rib Mountain Municipal Center.

Supervisor Fred Schaefer led the Pledge of Allegiance.

Minutes: **Motion by Schaefer/Legner to approve the minutes of the 6/4/13 regular Town Board meeting. Questioned and carried 5:0.**

Reconsider Motion to Approve Kocourek Conditional Use –Attorney Kevin Terry stated the Town Board recognized that a mailing error cut short public comment on an air strip at the June 4 meeting. He continued that the Town Board would allow a brief comment period prior to entertaining a motion to reconsider approval of Keith Kocourek’s conditional use for an air strip. However, as the bulk of issues were raised and discussed at the Plan Commission’s public hearing, the Town Board members were not obligated or encouraged to respond to questions from those in attendance. If a motion to reconsider is passed, the Town Board will revote on the issue. If the motion to reconsider is not passed, action taken by the Town Board on June 4, 2013 will stand.

Chairman Opall reiterated this is not a debate and that the public hearing was held before the Plan Commission. He asked those in attendance to keep their comments to three minutes or less and respect the opinion of other people.

Attorney Shane Vanderwaal, representing Keith Kocourek, stated he reviewed the 6/4/13 Town Board minutes and echoed statements of Attorney Kevin Terry. Attorney Vanderwaal offered that Mr. Kocourek met his burden of proof in obtaining his conditional use. He argued the Town was selective in its mailing, that it was not standard procedure and not required under the ordinance. He noted that any public comment is inappropriate at this stage as the public hearing is the opportunity for people to speak for or against an issue.

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Pat Frodl, 6804 Red Bud Road, stated sale of her residence is very discouraging due to talk of an air strip. She claimed the air strip is lowering the value of her property and hurting others who want to sell their property.

Brian Pomrening, 6811 Red Bud Road, claimed the unfairness of the Town's notification was that his other neighbors were unable to speak before the Town Board's motion to approve the air strip. There are several people who consider the air strip a nuisance. He expressed concern about his safety and the potential for a plane to crash on his house as many airplane crashes occur upon take-off and landing.

Steve Weiss, 5000 Blackberry Drive, produced his copy of the letter stating the Town Board would consider the air strip on June 4 at 7:00 p.m. He appreciated the opportunity to remark on the air strip. He agreed there is a safety concern as 37 small planes crashed in the past 1 ½ years. He claimed the air strip is a public nuisance as it will substantially annoy the comfort, health and safety of other residents. He concluded there is a place for a landing strip but it's not in his neighborhood.

Hearing no other comments, Chairman Opall asked if there was a motion to reconsider the motion to approve the Kocourek conditional use. Hearing none, he announced the action taken by the Town Board at its June 4, 2013 regular meeting stands.

Plan Commission Report & Recommendations – Docket #13-08: Town of Rib Mountain (Dean D. Pike, property owner) requesting modification to the Town of Rib Mountain Comprehensive Plan – Future Land Use Map to change the land use designation of the parcel addressed 1505 Wren Street from Single Family Residential to Commercial and rezone said parcel from Suburban Residential-3 (SR3) to Suburban Commercial (SC). The Plan Commission recommended approval of changing the land use designation of 1505 Wren Street from single family residential to commercial and rezoning it from Suburban Residential-3 (SR3) to Suburban Commercial (SC). **Motion by Schaefer/Kachel to approve the Plan Commission recommendation to change the land use designation of 1505 Wren Street from single family residential to commercial and to rezone the parcel from Single Family Residential (SR3) to Suburban Commercial (SC). Questioned and carried 5:0.**

Docket #13-09: Town of Rib Mountain (Richard L. Ebner, property owner) requesting modification to the Town of Rib Mountain Comprehensive Plan – Future Land Use Map to change the land use designation of the parcel addressed 3206 Rib Mountain Drive from single family residential to commercial and rezoning of said parcel from Suburban Residential-3 (SR-3) to Suburban Commercial (SC). The Plan Commission recommended approval of changing

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the land use designation of 3206 Rib Mountain Drive from single family residential to commercial and rezoning it from Suburban Residential (SR3) to Suburban Commercial (SC). **Motion by Schaefer/Legner to approve the Plan Commission recommendation to change the land use designation of 3206 Rib Mountain Drive from single family residential to commercial and to rezone said parcel from Single Family Residential (SR3) to Suburban Commercial (SC). Questioned and carried 5:0.**

Docket #13-10: Town of Rib Mountain (Glen M. Witter, property owner) requesting rezoning the parcel addressed 1404 Oriole Lane from Suburban Residential-3 (SR-3) to Suburban Commercial (SC). The Plan Commission recommended approval of rezoning 1404 Oriole Lane from Suburban Residential-3 (SR3) to Suburban Commercial (SC).

Docket #13-10: Town of Rib Mountain (Glen M. Witter, property owner) requesting rezoning the parcel addressed 3205 Rib Mountain Drive from Suburban Residential-3 (SR-3) to Suburban Commercial (SC). The Plan Commission recommended approval of rezoning 3205 Rib Mountain Drive from Suburban Residential-3 (SR3) to Suburban Commercial (SC).

Motion by Schaefer/Kachel to approve the Plan Commission recommendation to rezone 1404 Oriole Lane and 3205 Rib Mountain Drive from Suburban Residential -3 (SR3) to Suburban Commercial (SC). Questioned and carried 5:0.

Docket #13-17: Town of Rib Mountain (Peoples State Bank, property owner) requesting rezoning of the parcel addressed 3006 Rib Mountain Drive from Suburban Residential-3 (SR-3) to Suburban Commercial (SC). The Plan Commission recommended approval of rezoning of 3006 Rib Mountain Drive from Suburban Residential-3 (SR3) to Suburban Commercial (SC). **Motion by Schaefer/Legner to approve the Plan Commission recommendation to rezone 3006 Rib Mountain Drive from Suburban Residential-3 (SR3) to Suburban Commercial (SC). Questioned and carried 5:0.**

Docket #13-18: Becca's Café requesting approval for modification of a conditional use approval for "Indoor Entertainment" and construction of a mezzanine within the current restaurant at 3845 Rib Mountain Drive. The Plan Commission recommended approval of the modification of the conditional use for Becca's Café for "Indoor Entertainment" and the construction of a mezzanine within the current restaurant. **Motion by Schaefer/Legner to approve the Plan Commission recommendation for modification of a conditional use for "Indoor Entertainment" and construction of a mezzanine within the current restaurant at 3845 Rib Mountain Drive. Questioned and carried 5:0.**

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Authority for Streets/Parks Superintendent to Approve Change Orders for Highway 51/29 Trail Project – The Public Works Committee recommended the authorization of the Streets/Parks Superintendent to approve change orders not to exceed \$5,000 for the Highway 51/29 trail and that he apprise the Board of changes in his report at regular Town Board meetings.

Motion by Schaefer/Legner to authorize Streets/Parks Superintendent Scott Turner to approve change orders, not to exceed \$5,000, for the Highway 51/29 trail. Questioned and carried 5:0.

Resolution 13-07: Satisfaction of Mortgage for Block Grant Loan #305 – **Motion by Schaefer/Kachel to approve Resolution 13-07 for the satisfaction of mortgage for Block Grant Loan #305. Question and carried 5:0.**

Chairman’s Appointment to Plan Commission – Referred to next meeting.

Chairman’s Appointment to Park Commission – Referred to next meeting.

Approval of Agent: Hoffman House Wausau LLC – **Motion by Legner/Sybeldon to approve Daniel J. Loomis as the agent for Hoffman House Wausau LLC Questioned and carried 5:0.**

License Applications – **Motion by Kachel/Legner to approve a Class “A” Beer & Liquor Combination license for R. W. Petersen, LLC; a Class “B” Beer and Liquor Combination license for Cooper Joe’s, LLC and El Tequila Salsa, LLC; and a Reserve Class “B” Beer and Liquor Combination license for GMRI, Inc. Questioned and carried 5:0.**

Attorney Kevin Terry commented on the background checks of the operator license applicants and recommended approval of all applicants except Jonathan Ford who should be referred to the Town Chairman for an interview. **Motion by Schaefer/Legner to refer Jonathan A. Ford to an interview with the Town Chairman and approval of an operator license at the Chairman’s discretion and to approve operator licenses for Julian A. Basuki, Panghna Her, Randall G. Hull, Cassandra K. Nueske, Charles H. Ouimette, Sarah K. Parsells, Mark L. Peterson, Janice M. Schneider, Jaimie L. Schuster, Doris B. Spooner, Aharon M. Storry, Paul K. Van Dalen, Chuaty Vang and Breanne J. Zunker. Questioned and carried 5:0.**

Motion by Schaefer/Legner to approve cigarette licenses for Rib Mountain Petro Mart and Rib Mountain Liquor & Tobacco Outlet. Questioned and carried 5:0.

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Motion by Legner/Schaefer to approve amusement device licenses for Rib Mountain Liquor & Tobacco, BoJo's Sports Bar & Grill, Nueske's @ Gullivers and the Hoffman House Wausau. Questioned and carried 5:0.

Payment of Bills and Approval of Journal Entries – **Motion by Schaefer/Legner to approve payment of checks 41591-41748 and Journal Entries 13-050 through 13-059. Questioned and carried 5:0.**

Reports - Supervisor Legner reported he observed a large coyote in Rib Mountain. Supervisor Schaefer requested the Code Enforcement Officer to do a premise inspection of Town issued licenses.

Other Agencies – Mike Heyroth of the Rib Mountain Sanitary District reported on the recent water main breaks. The water infrastructure system is 30 years old and stress points fail over time. He estimated a cost of \$20,000 for the June 5 break and \$5,000 for the June 13 break. Had the reservoir been drained a boil alert would have been issued. The Public Service Commission estimates average water losses for a system at 15-16%. The RMSD audit reports a water loss of 10%.

Town Attorney Kevin Terry apprised the Board of a notice from Advanced Disposal. The company wants to change the contract to add an arbitration clause and class action waiver. The Town has until end of August to opt out or accept the change. The Town Board may want to consider other providers in lieu of proposed changes to the disposal services contract.

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 presented an update on the Bone & Joint prairie landscaping and the status of the Sulzer house, 1602 Tulip Lane.

Streets/Parks Superintendent Scott Turner reported on town roads and crew activities. He reviewed drainage issues in the Cloverland Lane ditch, coordinated efforts for water main repairs on Rib Mountain Drive, bike route sign placement, and plantings in the Rib Mountain sign beds. Supervisors Schaefer and Legner commented the Public Works crew is doing a nice job.

Code Enforcement Officer Paul Hursh reported on a dog shooting incident on Mallard Lane and a neighbor dispute about a blood hound kennel.

Committee / Commission Reports

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The Park Commission discussed updates for trail projects and the Park and Outdoor Recreation Plan. North Central WI Regional Planning Commission proposed to update the Town's recreation plan for approximately \$5,000. This includes a Town-wide survey.

Administrator Rhoden added that the Park Commission will change its reservation policy from December 1 to an ongoing 12 month calendar. An article will run in the next Town Beat newsletter.

The Public Works Committee met earlier this evening to discuss application of an ultra-thin pavement overlay on Clover Road, the 2013 pavement maintenance schedule, determine alternate funding sources for Rib Mountain Drive and how to special assess road improvements and replacement. The 51/29 trail construction begins June 25 with completion in late July.

The Walkable Community Committee will do a ribbon-cutting ceremony upon completion of the 51/29 trail and acknowledge the work of those involved in coordination of this project.

Public Comment Period - none

Adjourn - Motion by Kachel/Legner to adjourn at 7:29 p.m. Questioned and carried 5:0.

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