

TOWN OF RIB MOUNTAIN
Town Board Meeting
September 3, 2019

Chairman Allen Opall called the September 3, 2019 Regular Meeting of the Rib Mountain Town Board to order at 6:02 p.m. at the Rib Mountain Municipal Center, 3700 North Mountain Road, Wausau WI. Supervisors present included Jim Legner, Brad Conklin, Gerry Klein and Fred Schaefer.

Also present were Administrator Gaylene Rhoden, Finance Director Nicole Dunbar, Street/Park Superintendent Scott Turner, Community Development Director Steve Kunst, Clerk Joanne Ruechel and Attorney Dean Dietrich.

On August 30, 2019, copies of the meeting notice were made available to the media, Town Board, Town Attorney, and posted at the Rib Mountain Municipal Center, SAFER Fire Department, Rib Mountain Sanitary District office and Town website.

Comments from the Public Related to Town Board Agenda Items – James Nauta of 728 E Lakeshore Drive asked about the work that is being done in the Lilac Avenue area. He stated the Town should consider completing all necessary road projects before approving any additional development. This would include identifying traffic concerns for commercial users and the residents served by Lilac Avenue. Mr. Nauta also has concerns regarding the fact that there will be no retaining pond in the Lilac Avenue area. It was told by the Street and Park Superintendent Turner that there will be an underground storage unit for the development. Mr. Nauta would like to know who will be responsible for making sure that the underground storage unit is working properly.

John Fink of 10408 Bittersweet Road spoke that he would like to build a shed on his property. He would like to build a 24 x 32 shed, however, the Town will only approve him for a 24 x 24 shed. He stated that his property is 20 acres and that it should not matter what size shed he builds. Mr. Fink also collected signatures from all of his neighbors stating that there would not be an issue if the larger shed was to be built.

Tim Engestrom of 10307 Bittersweet Road spoke in favor of John Fink being able to build a larger shed on his property.

Karlan Dietsche of 10602 Bittersweet Road stated that John Fink is a good neighbor and he has no objections to Mr. Fink putting up a larger shed to store his tractor.

Approve Minutes of the August 6, 2019 Regular Town Board Meeting and Open Meeting Minutes from August 6, 2019– Motion by Schaefer/Legner to approve the Town Board August 6, 2019 regular meeting minutes and the August 6, 2019 open meeting minutes. Questioned and carried 5:0.

Plan Commission

a. Minutes from the 8/14/2019 Meeting and the 8/28/2019 Meeting- Community Development Director Kunst stated all of the items are being brought forward to the Town Board meeting this evening.

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b. Dan Higgenbotham, agent, requests Certified Survey Map approval for a land division at the property addressed 202 Sunrise Drive. Parcel #34.232807.013.010.00.00- Kunst stated the applicant would like to create one new single-family residential lot along Sunrise Drive. The property is currently 0.84 acres and includes one single-family residence. As proposed, each lot is compliant with the Town's zoning and subdivision ordinances.

Motion by Schaefer/Legner to approve the Certified Survey Map request for the property addressed 202 Sunrise Drive as presented. Questioned and carried 5:0.

c. John Fink, owner, requests conditional use approval for construction of a detached accessory building in excess of 1,000 square feet of gross floor area, side wall height greater than 12 feet, and a door opening greater than 10 feet in height at the property addressed 10408 Bittersweet Road. Parcel #34.332807.013.001.00.00. Kunst noted the applicant is requesting approval of a 24' x 24' detached garage resulting in a total of 1,500 square feet of total detached building area and three detached buildings (both represent Town maximums). Kunst indicated the applicant desires to construct a larger garage; however, the current Zoning Code does not allow approval of anything more than 1,500 square feet with the conditional use process. Kunst also indicated the Plan Commission is in the early stages of discussing amendments to this ordinance that may permit larger garages in some instances.

The Town Board discussed it is possible for the Town to amend the Ordinances in the future to allow for a larger shed to be built. An amended Ordinance would need to be approved by the Planning Commission as well as the Town Board. It was explained to Mr. Fink that he had two options. He could wait and see if the Ordinance would be amended or he could build a 24 foot by 24 foot shed.

Motion by Schaefer/Conklin to approve the conditional use request for a 24 foot by 24 foot accessory building resulting in 1,500 square feet of total accessory building area, side wall heights exceeding 12 feet, and a door opening exceeding 10 feet in height at the property addressed 10408 Bittersweet Road. Questioned and carried 5:0.

d. Discussion and possible action on potential amendments to the RMMC Section 17.214(3) – Electronic Message Sign Requirements. Kunst stated this a proposed amendment to the Town's electronic message sign regulations. The amendment would allow for a conditional use application to install an electronic message sign within the Suburban Office zoning district, subject to all other conditions within the code.

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The Town Board discussed the distance an electronic message sign should be away from a residential area.

Motion by Schaefer/Klein to send the item back to Staff for further consideration of the proximity of electronic message signs to residential areas. Questioned and carried 5:0.

e. Tim Vreeland, agent, requests Certified Survey Map approval for a land division at the property addressed 2601 South Mountain Road. Parcel #34.222807.006.017.00.00 and #34.222807.006.018.00.00. Docket #2019-30. – Kunst that the applicant requests approval of a Certified Survey Map to create one new single-family residential lot at the southwest corner of South Mountain Road and Magnolia Avenue. Currently, the property is two vacant residentially zoned lots. The proposal calls for creating one additional residential lot, with the intent is to construct a new single-family residence on each parcel.

Motion by Schaefer/Conklin to approve the CSM request for the property addressed 2601 South Mountain Road, as presented. Questioned and carried 5:0.

f. ISG Inc., agent, requests Certified Survey Map approval for the property addressed 4611 Rib Mountain Drive. Parcel #34.142807.006.032.00.00. Docket #2018-27.- Kunst indicated the proposed Certified Survey Map is to split the property of 4611 Rib Mountain Drive into three parcels for a proposed commercial redevelopment project. The Planning Commission reviewed the request and recommended approval of the CSM, with the following conditions:

1. Contingent upon approval of the associated General Development Plan.
2. Town receiving a copy of any cross-access agreements.
3. Dedication of seven (7) feet of right-of-way along Lilac Avenue, per the Town approved Traffic Impact Analysis.
4. Rounding the right-of-way dedication along Unnamed Street to 49.5

Motion by Schaefer/Klein to approve the amended CMS request for the property addressed 4611 Rib Mountain Drive with the following conditions:

- 1. Contingent upon approval of the associated General Development Plan.**
- 2. Town receiving a copy of any cross-access agreements.**
- 3. Dedication of seven (7) feet of right-of-way along Lilac Avenue, per the Town approved Traffic Impact Analysis.**
- 4. Rounding the right-of-way dedication along Unnamed Street to 49.5**

Questioned and carried 5:0.

g. ISG Inc., agent, requests General Development Plan approval for a retail development at the property addressed 4611 Rib Mountain Drive. Parcel #34.142807.006.032.00.00. Docket #2019-28.- Kunst noted the applicant seeks General Development Plan (GDP) for a new retail development at the property addressed 4611 Rib Mountain Drive. The subject property represents the vacant land adjacent to the north of Kwik Trip included in the previous agenda item. The proposal calls for a standalone retail building, an automotive service facility, and a potential retail/restaurant building.

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The Planning Commission held a public hearing and reviewed the request, recommending approval of the GDP contingent on the following conditions:

1. The Developer entering into a developer agreement covering all necessary public improvements and financial considerations.
2. An approved stormwater management plan
3. Town receiving a copy of the three-party agreement for stormwater maintenance as the proposal calls for a shared facility.
4. Town receiving a copy of any/all cross-access agreements covering access and shared parking.
5. Sidewalk being moved to the north allowing for a four-foot terrace. With that, a five-foot sidewalk is adequate.
6. Considerations should be made for handling offsite water currently entering the northwest corner of the site.
7. A retaining wall may be necessary due to grade issues on the southeast corner. Further investigation necessary to determine needs.

Motion by Schaefer/Klein to approve the General Development Plan for the property addressed 4611 Rib Mountain Drive, subject to the conditions outlined by the Plan Commission and additionally:

1. MSA and Town Staff work on an adequate Lilac and no-name street signage and traffic controls.
2. The monitoring and maintenance of the stormwater facility be very detailed regarding its ongoing reporting obligation as to the status of the stormwater.

Questioned and carried 5:0.

h. Azura LLC, applicant, requests Conditional Use approval for a new community living arrangement at the property legally described as part of the SW ¼ of the SE ¼, Section 10 and part of Lot 26 of Woodlawn Pines, Lot 1 CSM Volume 57, Page 98. Docket #2019-29. –Kunst stated the applicant seeks approval of a conditional use request for a new Azura Memory Care Facility containing 40 units capable of holding 48 resident beds. Azura Memory Care currently operates a 20- resident facility in Rib Mountain at 3704 Hummingbird Road. The proposed facility would replace the existing operation.

Motion by Schaefer/Conklin to approve the conditional use request for a new Community Living Arrangement at the above described property conditioned on the following items:

1. A finalized stormwater management plan approved by the Street and Park Superintendent
2. A stormwater maintenance agreement approved by Street and Park Superintendent calling for ongoing maintenance and a schedule for the maintenance.
3. Revised landscape plan approved by Town staff.

Questioned and carried 5:0.

Discussion and Recommendation for Hiring Code Enforcement Officer- Administrator Rhoden reviewed the financial records and stated that there is enough money in the budget to hire a Code Enforcement Officer until September of 2020. In September 2020, the Town is planning to get a dedicated officer from the Marathon County Sheriff's Department. The candidate who will be offered the job is aware that the job may only be available for one year.

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Motion by Klein/Legner to approve hiring Orval Quamme as Code Enforcement Officer at the payrate of \$16.71 per hour subject to background and reference checks. Motion questioned and carried 5:0.

Approval of Commercial Brokerage Services-2800 Martin Avenue- This is the old Tanglewood Lanes building on Martin Avenue. Administrator Rhoden stated that this would be a one-year contract for brokerage services and the listing price is going to be \$325,000. A 6% commission will be paid to CBRE if they sell the property or a 7% commission for co-broker sales.

Motion by Schaefer/Legner to approve the attached listing contract subject to Town Attorney review. Questioned and carried 5:0.

Approval of Refuse and Recycling Contract 2020-2024- At the August 2019 Town Board meeting, the Town Board approved the refuse and recycling contract with Harter's Disposal. Harter's has not seen the draft agreement. The Town Attorney has reviewed the contract and has made the necessary revisions. The total contract costs without additional adjustments over a five-year period is \$2,062,459.80.

Motion by Schaefer/Legner to approve the contract as presented. Questioned and carried 5:0.

Approval of Ordinance #19-06 Fire Code- Administrator Rhoden stated that the Town Attorney has reviewed the old fire code and new proposed fire code. Attorney Dietrich is recommending approval of this Ordinance. He would also be willing to add in a private hydrant maintenance Ordinance if needed.

Motion by Schaefer/Legner to approve Ordinance #2019-06 Fire Code. Questioned and carried 5:0.

Approval of Resolution #19-07 Internal Control Policy- Finance Director Dunbar brought this before the Town Board with the changes that were requested. The reference to policies was pulled out and the fixed assets were updated.

Motion by Schaefer/Legner to approve Resolution #19-07 Internal Control Policy. Questioned and carried 5:0.

Approval of Re-hire Crossing Guards- Administrator Rhoden stated that the crossing guards started on September 3, 2019. One crossing guard was reassigned this year and will be at Bittersweet Road and South Mountain Road. It was asked that the Public Works Director help make a space near the intersection where the crossing guard could park her vehicle in the winter.

Motion by Schaefer/Legner to approve the recommendations subject to background checks. Questioned and carried 5:0.

Approval to Withdraw from the Wausau Area Tanker Association- Finance Director Dunbar recommended, on behalf of Fire Chief Savage, that the Town of Rib Mountain withdraw from the

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Wausau Area Tanker Association as the tanker truck is an aging apparatus that we do not use anymore.

Motion by Schaefer/Legner to withdraw from the Wausau Area Tanker Association. Questioned and carried 5:0.

Amended Alcohol License-Midway Hotel Club LLC- Clerk Ruechel stated that at last month's Town Board meeting, the Midway Hotel was approved to add a patio area on to the hotel. Midway Hotel would like to serve alcohol beverages on the patio, so they are looking to amend their current alcohol license.

Motion by Legner/Conklin to approve the amended alcohol license for Midway Hotel Club at 2901 Hummingbird Road. Questioned and carried 5:0.

Picnic License-Big Brothers Big Sisters of Northcentral Wisconsin- This picnic license is for an event to be held on October 24, 2019 as a fundraiser for Big Brothers & Big Sisters. It will be held at Granite Peak in the Sundance Chalet.

Motion by Schaefer/Legner to approve the application for a picnic license for the Big Brothers/Big Sisters Big Taste event to be held at Granite Peak in the Sundance Chalet on October 24, 2019. Questioned and carried 5:0.

Picnic License-Central Wisconsin Off-Road Cycling Coalition- The Central Wisconsin Off-Road Cycling Coalition asked for a picnic license for an event to be held on September 19 thru September 21, 2019. The event will be held at Nine Mile Recreation area and will be a fundraiser.

Motion by Legner/Klein to approve the application for a picnic license for the Central Wisconsin Off-Road Cycling Coalition Ragnar Trail event to be held at Nine Mile Recreation Area on September 19 thru September 21, 2019. Questioned and carried 5:0.

Approval of Developers Agreement for Pelican Lane- Community Development Director Kunst stated that Marathon County approved the CSM for this development. The Developers Agreement would ensure that adequate funding will be available to the Town if the developer cannot complete the project.

Motion by Schaefer/Klein to approve the Developers Agreement for Pelican Lane subject to Town Attorney Review. Questioned and carried 5:0.

Approval of Operator's Licenses- Attorney Dietrich reviewed the applications and recommends approving the operator's licenses. **Motion by Schaefer/Conklin to approve the operator's licenses for Kimberly Bargender, Jill Carlovsky, Seth Carlson, Abigail Gall, Allen Kuehl, Brittany Manderfield, Casey Merklein, Daniel Myhre, Sydney Smith and Maria Theisen. Questioned and carried 5:0.**

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Reports/Minutes

Town Board – Supervisor Conklin inquired about the Lion’s Club building a garage at the Municipal Center. Administrator Rhoden stated that costs estimates were given to the Lion’s Club and the Town is waiting for their response. He also stated that he was contacted by the landowner of the lake access property across from Liberty Park. He was not able to give the land owner any updates about the property.

Supervisor Schaefer stated that he toured the lake access property and stated that the access is very steep.

Supervisor Legner will not be able to attend the SAFER meeting on September 10, 2019.

Chairman Opall updated that Town Board about what is currently happening with the Marathon County jail project.

SAFER – There will be a SAFER meeting on September 10, 2019.

Other Agencies – No report

Town Attorney – No report

Town Administrator – A written report was provided. Administrator Rhoden stated that she has been receiving telephone calls and emails from unhappy residents regarding their road name changes.

Community Development Director – A written report was included in the packet. He informed the Board that there are 5 items on the next Planning Commission agenda. He also stated that once again this has been a banner year for development projects in the Town of Rib Mountain.

Street-Parks Superintendent – A detailed report was provided. Superintendent Turner stated that he has been contacted by several residents about keeping the South Mountain tennis courts. He also mentioned that Marathon County will begin to install the new road signs next week.

Finance Director – A written report was included in the packet. Finance Director Dunbar has been working on the 2020 budget.

Town Clerk – A written report was included in the packet. Clerk Ruechel stated that open book will now begin on September 16, 2019.

Code Enforcement Officer – No report.

Park Commission – There will be a Parks Commission meeting on September 10, 2019.

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Finance & Personnel – There was a meeting on August 28, 2019. The Internal Control Policy was approved and they discussed the Code Enforcement Officer position. Direction was also given on 2020 wages and health care insurance.

Public Works Committee – No report.

Public Safety Committee – There is no meeting scheduled. Supervisor Conklin reported that a crossing guard has been moved to the area of Bittersweet Road and South Mountain Road. He also received a request to put up a stop sign at the intersection of Lily Lane and Violet Lane.

Bicycle/Ped Committee –None

General Comments – James Nauta of 728 E Lakeshore Drive inquired if the Town can choose what color the refuse and recycling containers will be. It was stated that we do not have choice and that the garbage hauler will provide the cans to the residents.

Adjourn - **Motion by Schaefer/Legner to adjourn at 7:38 p.m. Questioned and carried 5:0.**

Submitted by
Joanne Ruechel, Town Clerk

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