

OWN OF RHINE
BOARD OF SUPERVISOR'S MONTHLY MEETING MINUTES
With Public Hearing

Tuesday, September 7, 2021 at 6:30 p.m.
Held at the Town Hall, W5250 Cty Rd. FF, Elkhart Lake, WI 53020 and virtually.

To attend virtually, join Zoom meeting:

<https://us06web.zoom.us/j/88325279577?pwd=YVNOTDRSTGlxNnZPRtkvMnBuV0Q4UT09>

Meeting ID: 883 2527 9577 Passcode: 505868

Present: Ron Platz, Al Feld, Larry Eberle, Jon Rost, Paul Dirkse, Amy Weber
Remote attendees: Bill Jacob, Lexann Hoogstra

1. Call to order for public hearing and regular town board meeting: Called to order at 6:32 pm.
2. Verification of compliance with open meeting law: The meeting was published and posted as required by law.
3. Pledge:
4. Approve minutes from August 3, 2021: Motion to approve as presented by Rost and 2nd by Feld. All in favor.
5. Clerk/Treasurer's report: Read into record by Chairman Platz
6. Building permits for August: Read into record by Chairman Platz
7. Public hearing – road vacation:
 - A. Final Resolution to discontinue or vacate a portion of an unimproved street between E. Shoreland Road and Elkhart Lake

Platz reviewed the history of this item. Per legal counsel, the DNR will need to be notified before this can be finalized. There were no public comments on this, and the public hearing was closed. The board will address this at the next town board meeting.
8. Public comments of a general nature:

Randy Boeldt is asking for the town's continued support in making contributions to abatement programs at Elkhart Lake Improvement Association, and they would like a larger contribution if possible.

Paul Booher responded to this request and gave information on how much money was spent by LEL Association for abatement matters. In the past the town has given all of the lakes \$1000 per year and he would like to see the donations continued.

There were no other public comments.
9. Discuss and Possibly Act on:
 - A. Property utilization issues at 6693 Esker Ridge: Platz reviewed the situation at this property and how it is currently used as a short-term rental; the garage is being rented as a dwelling. The

town has received several complaints about this. He reviewed the four main issues with this. The town's ordinances are being violated. The town does not allow property owners to have a separate rental property on a parcel which already has a separate residence/building on it. Ordinance allows for one main dwelling or building on a lot.

The county has concerns with possible septic problems because another bedroom and bathroom have been added to the building. The town does not regulate VRBOs, so this matter is governed by the county. The Home Owner's Association also has some concerns as to whether HOA regulations are being violated.

James Schumacher is the owner of said property. He gave a lengthy discourse on the use of the property and why he disagrees with the town. The previous owner was using the garage as an office, but he does not need to use the property as an office, so it became a bedroom. He expressed his unhappiness with the recently issued warrant and "forced inspection" of his property. He contests that the use of his property is a violation of code.

He reviewed the 8 items which the building inspector found to be in violation of code and/or ordinance. Those items are being worked on. He also stated he has been working with the county to meet their requirements. He has consulted with an attorney and with members of the HOA. He stated again that the Town of Rhine is wrong in this pursuit.

Angela Schumacher commented. She echoed her husband's sentiments on the beauty and use of the building. If neighbors have issues with the use of the property she would address those matters with them.

He also stated he has been working with the county to meet their requirements. He has consulted with an attorney and with members of the HOA. He stated again that the Town of Rhine is wrong in this pursuit.

There were no other public comments:

Consideration by the board: The town's issue is that of the rental property, per Platz. Platz commented on the code violations as cited by the building inspector; most were electrical.

Paul Dirkse, town's legal counsel, commented on all of the quoted legal definitions. He noted that the Schumacher admitted that for 4 months out of the year they rent the property out. He does not feel that usage is in compliance with the town's ordinances.

Platz noted that if the town allows this, then it opens the door for future issues with non-compliance on the use of garages. He does not feel the current use of the property is permitted in the town's long range plan. Schumacher could apply for a variance.

Rost brought up that the unit has no kitchen, and so the property might lean more to the definition of an accessory building. He does not think an occupancy permit could be issued with no kitchen.

Bill Jacob commented that if the current use is permitted to continue, then a worrisome precedent could be set. It could open the door to other possible undesirable situations that would not be in keeping with the long range plan of the town.

Eberle reiterated that the current use does not meet terms of the LRP.

After continued discussion, Platz reiterated that the board is there to help people, but the board's duty is to uphold the town ordinances.

Feld motioned to allow them to go to the Board of Appeals for consideration. No 2nd. Motion did not carry.

There was a motion by Rost to allow the Schumachers to continue their rental efforts provided the building inspector violations are corrected and the county signs off on health, safety and sanitary restrictions, and that the accessory building is not recognized as a dwelling since it lacks a kitchen and an occupancy permit can't be issued due to the lack of a kitchen. There was no 2nd. Motion did not carry.

Feld made a motion that Schumachers are in violation of having 2 dwellings on one property, and he recommends they go to the BOA for a variance if they want to continue the current use of the property. 2nd by Eberle. Roll call vote. Eberle – yes. Jacob – yes. Rost – yes. Feld – yes. Platz – yes. The motion carried. They are being cited, not fined.

Platz explained a citation will be issued so the Schumachers will know what ordinances are being violated.

B. Outdoor wood burner at N8724 Ridge Creek Road: This is an ordinance violation. Platz gave a review of the history of Dippel's outdoor wood burner on this property.

A citation was previously issued, and the matter went to court. Information provided by Dippell was reviewed. A decision needs to be made as how to resolve this.

Public comments: Johnathan Dippell explained that he understands the main concern with his wood burner is the smoke. If he moves it back, it won't solve the problem. If he jacks up the pipes to be higher, it could solve the smoke problem.

Patricia VanderLoo and Brian VanderLoo commented that they have dealt with the smoke problem since 2008. They have made complaints for years and there is still no resolution. The intense smoke has caused severe health conditions for Patricia. They provided photos of the smoke.

There were no other public comments;

Platz outlined options. Jacob noted this has been a long term problem with no good solution. Dippell relies on this to heat his home. Jacob asked about other kinds of wood burning furnaces that burn clean; he isn't sure why this one causes so much trouble.

Jacob noted the town has nuisance ordinances and that the town should ask the Dippells to correct or eliminate the problem. He noted that other wood burning operations in the town don't have this kind of problem.

Feld motioned to ask Dippel to voluntarily cease burning wood in his wood burner, and if does not, the town will issue citations and take it to court if needed. 2nd by Rost. Roll call vote: Eberle – no. Jacob – yes. Rost – yes. Feld – yes. Platz – yes.

C. Ryan Henschel Pond – W5556 Garton Road:

Aaron Brault of Sheboygan County clarified that there are no Shoreland zoning issues with the property, due to the fact that pond overflow water does not discharge into navigable waters. Henschel clarified that the slope has been corrected to be in compliance with town ordinances.

There was a motion to approve the pond permit for Henschels by Feld. 2nd by Eberle. Roll call vote: Eberle – yes. Jacob – yes. Rost – yes. Feld – yes. Platz – yes.

D. Consider changing office days from Tuesday and Thursday to Tuesday and Wednesday:

Platz would like to at least try this on a trial basis. Feld suggested starting in November so there would be adequate time to notify the public. Feld made a motion to change the office hours on a trial basis from Tuesday and Thursday to Tuesday and Wednesday, beginning the first week of November. 2nd by Eberle. Hours will remain the same. All in favor. Motion carried.

E. Approve price increase from ServiceMaster Clean: (for town hall cleaning) This is only a slight increase. *Motion to approve rate increase by Feld. 2nd by Rost. All in favor. Motion carried.*

10. Chairman's information report and correspondence:

Camp Anokijig. Dirkse is ready to proceed if the town is. He explained the process to vacate the roads. He has an initial resolution prepared. There will be a public hearing on November 2. The matter will be heard by the Planning commission first in October. *Feld made a motion to start the process to formally abandon the town's portion of Camp Anokijig Lane. 2nd by Rost. All in favor. Motion carried.*

Platz explained that nuisance citations have been issued for unsightly yards. He also noticed the problem of people buying ag property and wanting to use the property for a motor sports operation. One individual has requested a CUP to run a motor vehicle repair business on ag property. The other individual has signed an agreement to use the building for ag purposes only.

11. Sub-committee reports:

Feld gave an update on roads and the collection site.

The collection site will be closed on Christmas Day.

Rost gave an update on the Broadband Committee and Bertram communications grant.

Jacob noted the Planning Commission will meet in October.

The Ordinance committee continues to work on completion of chapter 4.

Eberle gave an update on properties, and he is looking for someone to cut the box elder trees.

12. Approve vouchers: *Motion to approve by Feld. 2nd by Eberle. All in favor.*

13. Announce Next Meeting Date and Adjourn: The next meeting will be October 5, 2021.

14. Adjourn: *Motion to adjourn by Eberle. 2nd by Rost. All in favor. Meeting adjourned at 8:42 pm.*

APPROVED