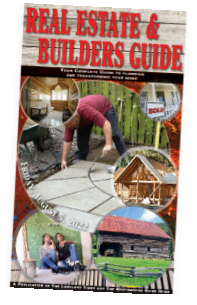




# THE LAKELAND TIMES

INSIDE TODAY'S EDITION:  
WATERFRONT AND REAL ESTATE & BUILDERS GUIDE



MINOCQUA, WISCONSIN • FRIDAY, AUGUST 5, 2022

\$1.50

"THE VOICE OF THE NORTHWOODS SINCE 1891"

WWW.LAKELANDTIMES.COM

## Minocqua's pier ordinance likely to be challenged in court

### East Chicago residents file claim against town

By Trevor Greene  
OF THE LAKELAND TIMES

On July 8, a claim was filed against the town of Minocqua by attorneys Elizabeth Stephens and Charles "Buck" Sweeney on behalf of East Chicago Avenue residents Teresa and Rich Hahn.

Attached to the claim was a document which follows the events following the town board's adoption of an ordinance which was introduced at the end of March that would allow the town to "regulate the placement of

piers and related structures in or extending from town rights-of-way" parallel to homeowners on East Chicago Avenue, East Park Avenue and West Park Avenue.

Because homeowners on those streets have historically placed piers and related structures on bordering land and in the abutting waters of Lake Minocqua, a part of the crux of the issue is it's been unclear as to if it was a homeowner's right to do so, given it went unchecked for so

long.

According to town chairman Mark Hartzheim, previous town boards had chosen not to take any action on the matter because of the legal murkiness which came with it.

Town officials have contended, though, residents placing piers and related structures couldn't be ignored any longer because of some residents "overstepping their bounds."

At first, the town claimed it owned the land abutting the waters of Lake Minoc-

qua, but those claims were put to rest as the matter grew more contentious and additional research was done. The town — with its legal team of attorneys Gregg Harrold and Larry Konopacki — still claimed its right to regulate by extension of town road rights-of-way.

Through the process of the town adopting the ordinance, a number of residents spoke up during the first and second readings.

Questions concerning the legality of the town's ability

to regulate piers and related structures arose after aspects with respect to riparian rights, land ownership and equal treatment became focal points for homeowners who wondered how it could impact their property value, especially the Hahns.

After the March 31 meeting where the town board introduced and proposed the pier ordinance, Rich Hahn told *The Lakeland Times* he was "pretty sure" he knew who was included in the 5%

See **Pier** . . . page 21

TREVOR GREENE/LAKELAND TIMES

## SMILING SKI-TERS

Plum Ski-TERS, from the left, Kate Draeger of Lac du Flambeau; Ella Miljevich of Rhinelander; Hannah Johnson of Arbor Vitae; Jill Nelson of Mesa, Ariz.; and Sophia Miljevich of Rhinelander interlock arms and smile toward the crowd while skiing backwards holding onto the rope with only one foot during the Plum Ski-TERS water ski show on Saturday, July 30, in Plum Lake.



## Ritter, Fath square off in Vilas County sheriff primary

By Brian Jopek  
OF THE LAKELAND TIMES

One of the more interesting races locally in the Aug. 9 primary is that of Vilas County sheriff in the Republican primary.

Gerard Ritter, with just over 20 years with the Vilas County Sheriff's Office and currently, its patrol captain, is opposing the incumbent, Joe Fath, who's been with the sheriff's office since 1981 and sheriff since September, 2013, when he was appointed to the position by Wisconsin Governor Scott Walker to succeed Frank Tomlanovich, who was elected in 2010 and died

See **Sheriff** . . . page 49

Print Run 6,600  
Vol. 131 - Issue 48  
3 Sections, 124 Pages



## In governor's election, a race to the outside

### Neither candidate wants the establishment label

By Richard Moore  
OF THE LAKELAND TIMES

According to polls, the race for the Republican nomination for governor is a dead heat with weeks to go before the primary, and as the candidates sprint toward the finish line, they are both trying to use the outside lane to win.

As in being the outsider, anti-establishment candidate.

In the primary, former lieutenant governor Rebecca Kleefisch is tangling with businessman Tim Michels as the major candidates after Kevin Nicholson dropped out. Nicholson re-

See **Gov.** . . . page 21

## In U.S. Senate race, Johnson tries to keep the focus on Biden

### Democrat Barnes takes aim at incumbent

By Richard Moore  
OF THE LAKELAND TIMES

In a campaign that could be critical to which party controls the U.S. Senate next year, incumbent Republican U.S. Sen. Ron Johnson is trying to keep voters focused on Joe Biden's policies, particu-

larly the economy and inflation, while his opponents are zeroing in on abortion and, to counter the GOP's inflation narrative, the need for unions and a higher minimum wage.

Johnson has minor competi-

See **Senate.** . . . page 48



## Pier

From page 1

Hartzheim referenced when he told those in attendance he's confident about 95% of property owners will be able to maintain a pier.

According to the claim, the Hahns purchased their East Chicago residence in May of 2020, "including the riparian and flowage rights which appertain and belong to the property."

Fast-forward to early May of 2022, when the Hahns decided to place a single-section pier adjacent to their property in what they believed was within their riparian zone.

The Hahns' residence sits adjacent to a public boat landing of Lake Minocqua at the corner of East Chicago and East Park avenues.

Included in the new ordinance was the establishment of three public facility zones, one of which included the public boat landing near the Hahns.

Because the boat landing is in such close proximity to the Hahns' riparian zone, the two zones encroach one another and the town ultimately ordered for the Hahns' pier to be re-

moved by May 23. If the Hahns refused, the town said, then town employees would be ordered to remove the pier at the Hahns' expense.

"The Removal Letter did not identify the statute, rule or ordinance the Hahns' placement of the Pier purportedly violated, nor did the Removal Letter provide the Hahns the opportunity to challenge the Town's demands as set forth in the Removal Letter," the complaint states. "Rather, the Removal Letter erroneously implied that the Town maintained exclusive riparian rights to regulate the placement of piers adjacent to the Property."

By not issuing the Hahns any sort of citation, the claim argues, the town acted in opposition to its own general code of ordinances — under 1-15 — where it explains the town's ability to enforce an ordinance violation is by way of issuing a citation.

After receiving the removal letter, the Hahns wrote the town asking for a formal opinion and explanation as to the legal basis of the letter. The town, according to the com-

## "If they sign the pier permit, they give up all rights against the town."

Rich Hahn

plaint, "refused to respond."

Under protest, the Hahns surrendered to the town's demands and removed their pier by May 23.

In the meantime, the town was making arrangements to enhance the public boat landing by expanding its public pier system.

"On June 22, 2022, the Town's Public Works Director (Mark Pertile) informed the Hahns that the town planned to expand the Facility (public boat landing)," the complaint states. "On information and belief, the Town's planned expansion of the Facility will result in the Facility's further encroachment into the Hahns' riparian zone of interest."

In the town's eyes, the Hahns' riparian zone of interest doesn't exist. As mentioned, the Hahns' riparian zone has been determined by the town to be within one of three "public facility zones" — a term, the claim

adds, isn't defined within the ordinance.

As a result, and according to the complaint, the town developed a list of properties along East Park Avenue, West Park Avenue and East Chicago Avenue in which it would require a permit application be submitted by homeowners to maintain placement of piers and related structures, as warranted by the new ordinance.

Left off of that list was the Hahns.

"On or about June 21, 2022, the Hahns contacted the Town Clerk (Roben Haggart) to request an explanation as to why they did not receive a licensing application for the placement of a pier adjacent to the Property," the complaint states.

"The Town Clerk explained that the Town Board unilaterally excluded the Property because of its proximity to a 'public facility zone,' the functional equivalent of a 'public safety zone,' as set

forth in the Proposed Ordinance."

Like the removal letter, the Hahns asked the town for explanation as to its legal basis in establishing the three "public facility zones," as well as not being sent a licensing application for an opportunity to place a pier. But, the Hahns' inquiry was to no avail.

"Despite additional attempts by the Hahns to ascertain the bases for the development of the proposed 'public facility zone,' and the reason the Property was included in 'public facility zone,' the Town refused to provide further explanation," the complaint states.

In conclusion, the notice of circumstances of claim and claim requests court rulings on a wide variety of claims and actions made or taken by the town, including that the Hahns are the riparian owners and exclusive users of the land abutting Lake Minocqua adjacent to their residence, that the town is not the owner of, and cannot control, the land associated with all or a portion of the Hahns' riparian zone and that the town's boat landing and planned expansion

encroaches the Hahns' riparian zone.

The claim also requests judgment that by the town's enforcement of the adopted pier ordinance, while being arbitrary and unreasonable, it is "violative of the Constitution, the statutes, and the laws of the State of Wisconsin."

### Additional comments

One question Rich Hahn still wants an answer to is who exactly is deciding who gets a pier permit application and who doesn't.

In an email to the *Times*, he said there is at least one example of a property owner who was in a "public facility zone" — like him — and received a pier permit application.

With regard to all residents who received the application, Hahn wondered: "What are they supposed to do?"

"If they sign the pier permit they give up all rights against the town," he said. "If they don't sign the permit they risk having their pier removed by the town and being charged for that removal."

*Trevor Greene may be reached via email at [trevorgreene@lakelandtimes.com](mailto:trevorgreene@lakelandtimes.com).*

## Gov

From page 1

mains on the ballot. State Rep. Tim Ramthun and Adam Fischer are also on the ballot.

Both Kleefisch and Michels are well-heeled, and both have drawn major support — Kleefisch from former Gov. Scott Walker and Michels from former President Donald Trump.

As far as issues go, both candidates are running over familiar and similar turf, from vague pledges to reform and lower taxes to support for universal school choice. As such, the race may come down to who better wears the party's populist badge — a former lieutenant governor who hails from the establishment GOP suburbs in southeastern Wisconsin and who vociferously supported Foxconn corporate subsidies that populists despised, or the owner of a big business whose construction company opposed right-to-work laws and was sued and settled in 2015 for firing a worker who refused to pay union dues.

The Michels Corp., which Michels co-owns, belonged to the Wisconsin Contractor Coalition, a group that opposed right-to-work proposals that later became law.

### Tim Michels

Michels is co-owner of Michels Corporation, which employs some 8,000, and Michels says his career as a businessman in the private sector rather than as a career politician makes him the outsider in the race.

Michels says he is pro-life

and pro-gun and that people from northern Wisconsin should vote for him for the same reason as other Wisconsinites should vote for him — to end politics as usual.

"If you no longer want politics as usual, then stop voting for the usual politicians," Michels told *The Lakeland Times* in an interview last week. "It's time for a change. It's time to have an outsider, a businessman, a non-career politician to run the state that will put the people of Wisconsin first."

In his administration, Michels says, there will be only one constituency — the hard-working, taxpaying, law-abiding citizens of Wisconsin.

Michels says he has three priorities he intends to accomplish in his first 100 days as governor: Election integrity, crime, and education reform.

But he says that's for the first 100 days. A top priority for the entire four years is the economy, Michels adds.

"The economy. Jobs," he said. "The hard-working people of Wisconsin are always at the top of my agenda, not just for the first 100 days but for the entire four years and maybe eight years if I am re-elected. I am the one who understands the economy and the importance of businesses and small businesses and how they are the driver of our economic engine. I am the only one in this race who has ever created a job. I am the only one in this race who has read a balance sheet. I am the businessman. I am the outsider. I've done this. People are hungry for a change. They are tired of the

career politicians. That's what I bring to this race."

As governor, Michels says he will look for tax relief anywhere he can find it.

"If we have \$5 a gallon gas or, God forbid, higher, we'll look for relief wherever we can find it," he said. "Maybe it's the gas tax. Maybe it's also all taxes across the board. The reason we haven't had any tax reform in Wisconsin for decades is because everybody in Madison is worried about getting re-elected."

That is not his priority, Michels said.

"I'm going to turn things upside down," he said. "That's why I will be able to do big things like tax reform. I want to lower taxes, make it fairer, make it simpler, and that includes anything, including the gas tax."

Like Kleefisch, Michels could not say whether he would support eliminating the income tax.

"I'm going to look at all taxes across the board — income tax, sales tax, personal property tax, real estate tax," he said. "I think we can reform taxes here in Wisconsin. We will have fairer, simpler, and lower taxes in this state."

Michels says he knows how hard and frustrating it can be to be a business owner in these economic times, with labor shortages and supply-chain disruptions.

"I know what it takes to run a business, and I understand how hard it is to find employees," he said. "We [his company] are dealing with that challenge every single day, but we are overcoming it. We value people. As governor, I will under-

stand the hardships that business owners go through, and I understand the hardships they have in hiring people."

Michels said he will provide leadership at the top to make it better for businesses to get people off their couch and back to work.

"They all got lazy during Covid because they were given money to sit at home," he said. "That will change, and we will have a governor who understands that businesses are the driver of our economic engine."

Another priority is education reform, Michels said,

"I am for universal school choice," he said. "I'm for bringing competition into the education marketplace. Competition is a great motivator. In our business, if we're not innovating, if we are not improving every day, we're losing. Schools that are failing need to be in the same position and have to answer for the consequences for failing their students."

And, Michels said, those schools will have to answer because they will have students leaving their school.

"That's no way to run a business and that's no way to run a school," he said.

Finally, Michels said he will tackle the challenges of over-regulation and the administrative state. The business owner says his corporation has 16 operating divisions, and each is reviewed continuously, while a deep dive into each occurs every quarter. Michels says he will do the same as governor.

"Depending upon how you measure their size, there's somewhere between 20 and 28 state agencies," he said. "I

will do a deep dive on every single one of them. What's your mission statement? What's your employee count? What's your budget? What's your return on investment? What's your productivity?"

Businesses need to have responsiveness from government, Michels said.

"I understand that," he said. "I've seen the burden of excessive bureaucracy in my business and it will end."

On the right-to-work issue, Michels says he is a supporter of it.

"Here's where the proof is: I employ thousands of nonunion workers," he said. "What would I say to my thousands of non-union workers, that you should all have to go join a union? I wouldn't do that. It's political garbage that I am against right to work."

Same thing with prevailing wage, Michels said.

"They are saying I am for prevailing wage," he said. "Why would I be for prevailing wage with thousands of non-union workers? Michels competes with non-union competition all the time. Sometimes we win; sometimes we lose. I have never asked the government to level the playing field for me as some would say. This is the United States of America. I am a free market capitalist and that's why I am for right to work and I am against prevailing wage."

Michels was also caught up this week in a controversy after his campaign sent out a flyer proclaiming that he had been endorsed by the NRA. That was not true.