

Vernon County Zoning Committee Minutes

County Boardroom, 3rd Floor Courthouse

March 12, 2019

Committee Members in attendance: Eric J. Evenstad – Chairman, Will Beitlich, Kevin Larson and Roger Call.

Others in attendance: Susan Burkhamer, Zoning Administrator and Tim Hundt, River Valley News, Chris Henshue (Bug Tussel), Melvin L. DeWitt, Paul Krause, Donna De Witt, Bob Maas and Jerry Jorstad. Corporation Counsel Swayne joined the meeting at 10:30.

Evenstad brought the meeting to order at 8:35 a.m.

Proper public notice affirmed by Burkhamer.

The committee introduced themselves for the benefit of visitors, and visitors did the same.

Call moved to excuse the Olerud absence and acknowledge Larson left the meeting at 9:33, second by Beitlich with all in favor.

There was no public comment at this time. (Audience was for the Cell Tower Public Hearing).

Evenstad called for approval of last meeting minutes. Call offered a correction to the minutes and moved to approve the minutes as corrected, second by Larson with all in favor.

Burkhamer presented the Work-Income report. There were 20 work days with 2 days in the field. The department received one sanitary permit and one reconnect permit. Five soil evaluation reports were filed and twenty people visited the office.

Revenue totaled \$2,590. with expenses of \$ 10,872.84 reflecting a loss of \$8,282.84. Revenue was 24% of expenses.

Burkhamer presented the monthly voucher in the amount of \$920.16. Motion by Larson, second by Beitlich to approve the bills with all in favor.

Burkhamer said she contacted the Highway Department regarding the repairs to the truck. Phil Hewitt noted that he could not do the work until spring weather. The issue and risks were discussed to waiting for repair. Burkhamer noted that Hewitt told her that a thorough review of the vehicle is required for them to do the work and relayed a story she was told about Land Conservation taking a vehicle to them for an oil change which resulted in the replacement of an axel for \$3,000.00. The committee recommended calling for local estimates on the work.

Burkhamer said there was a lot of excitement going on with the change in Register of Deed employees and she had been working with Doug on the floodplain affidavit program. Doug will be working with the ROD to come to an agreement on the process of recording to the specific deeds. Doug also spoke to GCS regarding a “bulk” entry on the on-line tax records at the section for a short legal description. The goal is to get a floodplain comment on the tax form as that is the first document usually checked by the public/realtors is the tax record. Burkhamer said she was assured by the Treasurer that the “short legal” does show up on the tax bill as well. Call asked about the process. Burkhamer explained that Doug has not yet completed the tax parceling, but once that is done he can run a routine on the database to extract the floodplain and hydraulic shadow parcels for inclusion on an affidavit (one per township) and have GCS work through the process of including them on the tax record.

Addressing the backlog of Land Use Permits, Burkhamer explained that she had completed one of the older permits that involved working with DNR, Corps of Engineers and the state floodplain engineer reviewing the H&H report. Two are ready to write, four are awaiting information from the land owners, three are pending the buyout program, four involve the FEMA Audit and one is pending a court case.

Burkhamer reported that at the spring plumbing seminar in Sparta a new product was introduced that is designed to downsize the space a system drainfield takes up and it can be used in a mound system without the requirement of a pump if it is properly placed down slope. Call asked for a brief explanation of how that works. Burkhamer said it looks like a mattress made of plastic product. This product, regardless of system type, requires a foot of sand beneath it. It appears that the mattress would accept the effluent and disburse it throughout the product for even distribution and then seep to the sand layer. The amount of sand layer would be dependent on the depth of friable soil. This is an approved product called Eljen. There is still some confusion amongst the plumbers as to whether the county or state approves the plan.

We seem to be having an influx of out of county plumbers. The difficulty with that is, if they are using this product they are supposed to have a sales representative present for the first install. The out of county plumbers are stating they are trained, but we are not. Angela Reed is attending a state training on the product tomorrow. Beitlich suggested that Angela give a brief presentation on the product in April.

Burkhamer noted that Chris Bornreger, Amish Bishop has asked to come to the office for a meeting on Friday but did not indicate what he wanted to meet about. The conversation was a bit cryptic, but Burkhamer feels he is simply seeking guidance.

Burkhamer gave the committee members a copy of one of the Substantial Damage Estimates so that they could see the work product being done in relationship to the August flood. Burkhamer said that it was difficult for her to actually produce the damage estimate as it required some level of expertise to produce construction needs and estimates. The larger hold-up on the reports is that FEMA requires the final report be presented with detail of what it will take to bring the structures into compliance. The Blaser case was described and discussed by the committee as to "how it works". This case has been effected by several flood events and in this flood they finally provided insurance documentation for this flood. Which is what the substantial damage determination is based on. Larson asked about the remodel of homes after a flood. Burkhamer said this is where the 50% rule comes into play. Burkhamer noted that in the Kagel case, there is a registered letter sitting at the Chaseburg Post Office and has not been picked up. Plans are in place to repeat the mailing first class so that the weight of the situation can at least be put in the landowners' hands for review, but this is a case that is going to be difficult to remedy. Of the homes under the county (unincorporated) community effected by the August flood, five were substantially damaged. Two of them are seeking the FEMA buyout, one is seeking an appeal, to date it is unknown what the Blasers' will do, and Kagel has refused to acknowledge requests from the department. Two that are not substantially damaged and on the FEMA audit are seeking the buyout, but it is likely they will be excluded once the priorities are set based on funds available. The one case that is seeking appeal, refused to provide a time to inspect the home. After speaking to FEMA, it is acceptable to utilize other information to make the determination. This case has been on-going as she had initially been involved with Diane for the FEMA buyout, but pulled out before the flood. Larson questioned the buyout program in Bloomingdale. Burkhamer said the Zohimsky case was considered for the initial round of buyouts, but she cancelled the appraisal and therefore missed a deadline to be included. Finally, two are not substantially damaged, but are on the FEMA audit for further examination.

Call restated that the case provided was just for their review and no action was required from them. Burkhamer confirmed and stated she thought it was a good idea for the committee to understand how the process is handled and perhaps offer questions from a different perspective than the "lens" that Burkhamer is examining them through.

Concern was expressed on the meeting going long and the need to leave for another meeting. Evenstad said he felt the meeting would conclude before 10:30. Discussion went on to the replacement of the Zoning Administrator. Scheduling was discussed for potential interviews.

Evenstad noted it is 9:00 and we will transition to the public meeting for cell towers. Chris Henshue introduced himself and presented the two cell towers up for permit at this meeting. Lengthy discussion with the landowners present ensued regarding land values, potential health issues, lighting. Responses to the issues were provided with the caveat that the state statutes are narrowly written as to what powers the county has. If a tower company provides the limited data required (fall down area, removal bond, reasoning substantiating the placement, co-location), the permit must be approved. Burkhamer explained how the equipment is taxed, how the land is taxed vs. personal property. The public hearing was closed at 9:37.

Evenstad moved on to the agenda item 9 for permit consideration. Call moved to approve the permit for the Gratz Tower in the Town of Jefferson, second by Beitlich with all in favor. Beitlich moved to approve the permit for the Pine River Trust/Melvin De Witt Tower in the Town of Hillsboro, second by Call with all in favor.

Nikki Swayne, Corporation Counsel joined the meeting and gave a brief power point presentation on the enforcement process. Swayne noted the ordinances the committee/zoning department administered, the general duties of the administrator, process for appeals including the 30 day period set aside for the landowner to challenge an order.

Swayne explained that a citation seeks to thwart certain activities by placing a monetary fine on an activity, but unless the violator seeks a trial, the payment of the citation is the final requirement and does not provide for compliance. Should they not bring the violation into compliance, a summons and complaint would be the appropriate process to seek compliance. It is common to use both methods as each day constitutes a new violation per the ordinances. The process generally begins with a notice of violation and request for voluntary compliance. If voluntary compliance is not attained, an order to abate is issued which kicks in the 30 day period for a landowner may appeal. No further action may be taken before 30 days has passed. Swayne suggests that the committee put into place a fee schedule and present increasing citation forfeitures before moving onto summons and complaint. It appears that the ordinance has conflicting information on forfeiture schedules that need to be resolved.

Swayne went on to discuss the private onsite wastewater treatment system ordinance. Swayne recognized that this was a lot of information to take in and asked for feedback or questions from the committee. Call said he is looking at the next step as to what is the cost to the county in doing this. His concern was the continual back and forth between the Zoning Department and the landowners. Swayne said that her cover letter for citation spells out all those details that gets prolonged before the actual order is written.

Evenstad said he is interested in having continuity with the corporation counsel to go forth with the new administrator.

Beitlich inquired if this needs to be revisited at another meeting. Evenstad said he felt this was a good start and the administrator (present and future) need to own it with the desired results of 1. A daily guide for the administrator to layout a good defined process for them (the administrators) to follow and 2. How do we communicate this out to our partners out in the Townships so there is a better awareness and encourage them to assist their constituents to obtain the proper permitting through the county. We have townships across the board in terms of how they are enforcing things. Our goal is to get more buy in from them so that they can help their constituents comply with the county requirements. There is a misconception out there that Vernon County does NOT have zoning.

Evenstad expressed this process may be important for the upcoming meeting on Friday with the Amish.

Call said it seems that a disclaimer could be included on the town permits, but cite examples of when a county permit is needed.

Evenstad called for public comment – none.

Next meeting is set for April 9, 2019 at 8:30 at the county boardroom.

Beitlich moved to adjourn, second by Call with all in favor.

Minutes recorded by Susan Burkhamer