



VERNON COUNTY ZONING

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- Opening:** The regular meeting of the Vernon County Zoning Committee was called to order at 8:30 AM on May 14, 2019 in the Vernon County Boardroom by Eric Evenstad.
- Present:** Eric Evenstad, Chairman
Garrick Olerud, Committee Member
Kevin Larson, Committee Member
Roger Call, Committee Member
- Dennis Brault, Ole Yttri and Nikki Swayne were also in attendance.
- Absent:** Will Beitlich, Vice Chair, was unanimously excused from meeting.
- Roger Call made first motion to excuse Will Beitlich
Garrick Olerud made second motion to excuse Will Beitlich
- Affirmation of Proper Public Notice of Meeting:** Susan Burkhamer confirmed proper public notice of meeting was given.
- Approval of Agenda:** The agenda was unanimously approved as distributed.
- Roger Call made first motion to approve.
Garrick Olerud made second motion to approve.
- Approval of Minutes:** The minutes of the previous meeting were reviewed and amended by Eric Evenstad and unanimously approved.
- Kevin Larson made first motion to approve amendment.
Roger Call made second motion to approve amendment.
- Department Report:** Susan Burkhamer read income and expense report along with the bills report. These reports were unanimously approved.
- Garrick Olerud made first motion to approve.
Roger Call made second motion to approve.
- Administrator's Report:** Susan Burkhamer gave Administrator's Report regarding the following:
- Computer issues were resolved and office was setup for Ashley
 - The Department attended GCS training for new computer software
 - Tammy Hanson is being utilized as an on-call for clerical purposes
 - FEMA update – More need than money, currently prioritizing
 - Graff's BOA Case – Waiting to schedule a BOA meeting now that all have received training. Eric asked if the Graff's application was complete. Susan stated the application was currently under review.
 - Reviewing legal challenges with Nikki Swayne.
 - Working on a floodplain case with Michelle from the DNR regarding a Zone A in which the bank is requiring the land owners to provide a Regional Flood Elevation. Hoping to get map from FEMA showing out as shown and conservative Regional Flood Elevation.
 - FEMA contacted the department to advise the Hillsboro Dam study is complete and our ordinance needs to be amended to include the new study.

- FEMA Audit Update – started with 294 properties, 111 are completed, 183 outstanding, 30 currently in process
- Garrick stated he received a call from Heide Jansky regarding her property being in the floodplain and hydraulic shadow. Susan gave background on Heide's property. A site visit was performed by Susan and Mark Erickson the County's Dam Manager. The uncertain future of the Jersey Dam will have an impact on Heidi's property. Garrick asked if the county should have a meeting with title companies to educate them. Susan commented she is working with Register of Deeds to file an affidavit on all floodplain properties. Garrick and Eric both commented the burden ultimately falls on the home owner.
- Meeting update with Loren Oldenburg and the Amish. Still some confusion, continuing to communicate with them regarding the process.
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Public Hearing on Cell Tower Permits:

The Public Hearing on Cell Tower Permits was called to order at 9:00 AM on May 14, 2019 in the Vernon County Boardroom by Eric Evenstad.

- After committee member introductions the meeting was opened to public comment
- Approximately 25-30 member of the community were in attendance, 1 permittee was in attendance (did not state his name). Chris Henshue was in attendance as a representative from Bug Tussel to answer questions. Nikki Swayne was in attendance to provide legal advice to the county.
- Chris Henshue began the discussion by giving an update and background on the cell tower project in Vernon County.
- Jodi Oliver asked if a property owner could get out of a contract once one was signed with Bug Tussel. Nikki Swayne commented that would depend on the terms of the contract. Chris Henshue commented it would be difficult.
- There were many comments regarding co-locating towers rather than installing more, adverse health effects, environmental impact, decrease to property values, strobing light concerns, site locations and how they are selected, liability issues, payments to landowners, and many felt they did not receive adequate notice regarding the installation of cell towers in their neighborhoods.
- Several community members and board members from the Town of Harmony were present and felt Bug Tussel had not followed the proper procedure as outlined in their zoning ordinance.
- Ole Yttri stated the Town of Webster would like Bug Tussel to come to a town meeting for presentation and to address questions from community members.
- Susan Burkhamer explained the townships needed to have specific language in their ordinance adopting the 2011 Act 20 law regarding cell towers for their ordinance to be legal.
- Eric Evenstad read ordinance explaining the only legal means that a community can deny a cell tower.
- Several community members asked for reports regarding the microwatts per square meter emitted by cell towers. Chris Henshue asked that they contact their Radiofrequency Engineer, Adam Craig at 262-424-9947 or adam.craig@bugtusselwireless.com for that information.
- At 10:53, Eric Evenstad asked 3 times for any further comments or questions, there was none, session was closed for public comment.

Recess:

Eric Evenstad announced a short recess before continuing.

Vote on Cell Tower Permits:

Eric Evenstad called the meeting back to order at 11:02 AM to vote on the cell tower permits.

- Dennis Brault commented the committee had three options: postpone and hold another public meeting, follow state statute and permit the towers, or deny the permits and open the county to a lawsuit from Bug Tussel and the State.
- Kevin Larson felt postponing would be appropriate as he wanted more information regarding the Town of Harmony's ordinance
- Susan Burkhamer questioned if they wanted to postpone the entire group of

- permits or only the Town of Harmony's permit
- Garrick Olerud felt all should be postponed pending further feedback from the communities
- Eric Evenstad commented that approving could lead to an appeal and denying could lead to lawsuit
- Susan Burkhamer read a note from Nikki Swayne, who was no longer in attendance, stating the committee has 90 days from time of application to make a decision. Nikki also indicated she felt should review the applications
- Kevin Larson advised the decision should be postponed and the applications should be reviewed by Nikki
- Susan Burkhamer stated the conditional use permits could be approved with the condition of the Town's review
- Roger Call commented one of the applications was submitted on March 19, 2019 and one on April 3, 2019, therefore, a decision would need to be made in June
- Susan Burkhamer stated she spoke with Town of Harmony and was advised their minutes stated they signed on for the county to manage
- Eric Evenstad stated the Town of Harmony would need to address their concerns with Nikki
- Susan Burkhamer stated she was unsure of what the Town of Harmony's zoning process was or what conditions they were referring to. The Townships can write an ordinance to adopt Act 20.

Roger Call made a motion to postpone the decision on Cell Tower Permits until June 11th
 Kevin Larson made a second motion to postpone until June 11th

A unanimous decision was made postpone the Cell Tower Permits until June 11, 2019

- Garrick Olerud advised the public to contact their legislators if they wanted to make change as the County is obligated to follow state law
- Eric Evenstad commented on appeal process

Excuse: Kevin Larson was unanimously excused from meeting.

Roger Call made first motion to excuse Kevin Larson
 Garrick Olerud made second motion to excuse Kevin Larson

Closed Session – Personnel Matter: The meeting was unanimously approved to go into closed session to discuss personnel matters at 11:20 AM.

Garrick Olerud made first motion to go into closed session
 Roger Call made second motion to go into closed session

Open Session: The meeting was unanimously approved to go back into open session at 12:08 PM.

Garrick Olerud made first motion to go back into open session
 Roger Call made second motion to go back into open session

Confirm Next Meeting: The next Vernon County Zoning Committee meeting will meet at 8:30 AM on June 11, 2019 in the Vernon County Boardroom, 3rd floor Courthouse to review and approve prior meeting minutes, PUBLIC HEARING on Cell Tower Permits, review/approve payment of bills, possible closed session to consider personnel matters, and Administrators Report.

Adjournment: The meeting was unanimously adjourned at 12:14 PM.

Garrick Olerud made first motion to adjourn
 Roger Call made second motion to adjourn