



VERNON COUNTY ZONING

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- Opening:** The regular meeting of the Vernon County Zoning Committee was called to order at 8:38 AM on July 9, 2019 in the Vernon County Boardroom by Will Beitlich.
- Present:** Will Beitlich, Vice-Chair
Eric Evenstad, Chairman – By Phone
Kevin Larson, Committee Member
Roger Call, Committee Member

Dennis Brault was also in attendance.
- Absent:** Garrick Olerud, Committee Member
- Affirmation of Proper Public Notice of Meeting:** Ashley Oliphant confirmed proper public notice of meeting was given.
- 1st Opportunity for Public Comment:** The meeting was opened to public comment by Will Beitlich.
- Lonnie Muller stated he had multiple requests for clarification on the septic maintenance program specifically if the three year cycle was strictly ordinance or state law
 - Susan Burhkamer stated it was in fact a state law that required maintenance on a three year cycle and a list of area pumpers/maintainers was provided on the back of the form
- Approval of Minutes:** The minutes of the previous meeting were reviewed and amended by Roger Call and unanimously approved.
- Roger Call made first motion to approve amendment.
Kevin Larson made second motion to approve amendment.
- Department Report:** Ashley Oliphant read income and expense report along with the bills report. These reports were unanimously approved.
- Kevin Larson made first motion to approve.
Roger Call made second motion to approve.
- Administrator's Report:** Ashley Oliphant gave Administrator's Report regarding the following:
- Amish compliance issue with septic program – while they are having soil tests performed they are not obtaining sanitary permits or willing to install septic systems as they are waiting to see what legal action is taken against the Whitestown community
 - GCS – Permit Tracking update – still experiencing issues, Doug Avoles has agreed to assist in the creation of forms and reports
 - Intern process – the UW system is in process of hiring a new director after which the Department hopes to establish an intern partnership with the UW
 - The Department is reviewing current applications and forms in hopes of creating more user friendly forms and improve efficiency
 - BOA - the Department has approximately six or seven land owners requesting or

- considering BOA review
- Website Development – have future meeting planned to develop a Department website, filters have already been added to the current website which allows customers to streamline their request by Sanitary, Floodplain or Zoning improving internal organization and efficiency
- Dennis Brault was concerned at the number of BOA requests, thought it was high
- Susan Burkhamer stated these were floodplain related
- Roger Call asked for more information on the GCS software
- Susan Burkhamer stated that the software is not intuitive, however, it is the same software as utilized by the Register of Deeds, Treasurer, and Land and Water
- Kevin Larson expressed concern regarding the expense of the software and the assistance being provided by the company
- Ashley Oliphant stated time constraints with the heavy workload and lack of a user's manual were a factor
- Susan Burkhamer stated the Department has received training by phone and one site visit to GCS
- Will Beitlich stated the GCS software was a less expensive software option but expressed concern over the lack of progress
- Eric Evenstad suggested the Department contact the owner of the company regarding the issues and ask if a better liaison from the company could be provided
- Ashley Oliphant stated the Department was hoping to send Susan Burkhamer to GCS to work on several of the issues
- Dennis Brault felt someone from IT as well as Ashley should attend the meeting with GCS and asked if other counties were utilizing the same software with similar issues
- Susan Burkhamer stated several other counties do utilize the software and has spoken with them and they have expressed similar issues with the software
- Kevin Larson would like Ashley, Ben and Doug to work together to resolve issues with GCS

**Public Hearing on
Cell Tower Permits:**

The Public Hearing on Cell Tower Permits was called to order at 9:00 AM on July 9, 2019 in the Vernon County Boardroom by Will Beitlich.

- Susan Burkhamer asked if Chris Henshue from Bug Tussel would be making a presentation
- Chris Henshue stated he was available for questions
- Ashley Oliphant introduced the tower permits for Genoa and Greenwood
- Idelle Fauske expressed concern regarding the negative impact on property values
- Chris Henshue stated Bug Tussel does not comment on property values
- Idelle Fauske stated she had heard from realtors that buyers do not want to purchase properties with views of cell towers so bids tend to be lower. She also provided an example of a site with 10-11 properties within one mile of the center of the tower which affected 18-20 land owners with 13-15 full time residents
- Susan Burkhamer asked if Representative Oldenburg was contacted regarding concerns
- Idelle Fauske indicated she had not contacted Representative Oldenburg
- Susan Burkhamer stated the County has to follow the law and, like any other issue, half are for and half are against
- Suzanne Harris felt internet service and cell towers were separate issues. She believed the impact on property values is a real issue. She wanted to know how many letters were sent out
- Ashley Oliphant stated 10 letters were sent to land owners in the Town of Greenwood and 4 letters were sent in the Town of Genoa
- Susan Burkhamer stated the Public Service Commission views an area that is served by less than two providers is an underserved area and the Federal government requires providers in rural America

- Suzanne Harris stated the County already had more than two providers, Bug Tussel's costs were too high and as their service was over air rather than ground, there would be greater chances of regularly going out. She would rather see money be provided to Vernon Communications to expand
- Susan Burkhamer stated fiber optic is not available statewide so the Federal government requires availability by satellite
- Chris Henshue stated reliability of service was not an issue
- Susan Burkhamer again reminded all to contact their legislator
- Idelle Fauske asked Chris Henshue about the notification process of removal
- Chris Henshue stated the homeowner is notified of termination 60 days prior to auto renewal then the owner has 90-120 days to tell the company to take down the tower or the land owner can take ownership of the tower and if the company would go bankrupt the county holds a \$20,000 bond to remove the tower
- Idelle Fauske asked if the \$20,000 bond would cover costs if they go up in the future
- Chris Henshue stated it was county ordinance which required the \$20,000 bond and it did not include potential inflation for the 40 year life of a tower
- At 9:16, Will Beitlich asked two times for any further comments or questions, there was none, session was closed for public comment.

Vote on Cell Tower Permits:

At 9:17 a unanimous decision was made to approve the cell tower permits

Kevin Larson made first motion to approve.
Roger Call made second motion to approve

Committee Discussion on Cell Tower Permits:

- Ashley Oliphant proposed changing cell tower permits from conditional use permits to land use permits, a copy of the county ordinance was provided with proposed changes and stated the Department was waiting to hear from Corporation Counsel to advise the process to amend an ordinance
- Dennis Brault mentioned a conditional use permit requires public hearings whereas a land use permit does not. He explained the county may choose to continue public hearings regardless of permit type
- Kevin Larson felt no action should be taken until we heard from Corporation Counsel
- Dennis Brault stated the change would still need to go before the Board and felt the Committee should approve the change. If legal affairs determined a public hearing was needed then one could be scheduled
- Will Beitlich agreed the change request needed to be sent to legal affairs
- Eric Evenstad asked if Ashley had reviewed the ordinance in its entirety
- Ashley Oliphant stated no modification was being made to the ordinance except amending the permit type

Will Beitlich made first motion to send request to Legal Affairs.

Kevin Larson made second motion to send request to Legal Affairs.

Committee Discussion on Cell Tower Conditions:

- Ashley Oliphant stated conditions/limitations come from the ordinance Sec 62-5(i)
- Susan Burkhamer stated this was for performance assurance before construction begins, the limitations get put on as conditions
- Kevin Larson commented that the County is meeting conditions
- Roger Call asked if Sec 62-5 (9) regarding parking areas and access roads was done at the township
- Susan Burkhamer indicated the driveways are addressed by the township
- Eric Evenstad stated he believed Garrick Olerud was looking at adding more conditions similar to that of other counties with comprehensive zoning but we have to be careful not to conflict with state statute
- Chris Henshue gave comparisons from the La Crosse County ordinance on additional conditions such as a minimum of 2600 feet required between towers,

FAA clearance, NEPA clearance, also said 300' is a general rule of notification to adjacent landowners, and township sign off before County issued permit

- Dennis Brault asked if those types of conditions should be added to our ordinance and asked that it be looked at by Legal Affairs
- Kevin Larson also liked the modification of the ordinance to include similar conditions of La Crosse County, especially the adjacent landowner notification
- Roger Call commented the additional conditions were good communication tools

**Committee
Discussion on
Communication with
Townships:**

- Ashley Oliphant provided past township communications and asked for feedback
- Kevin Larson felt the communication between Zoning and the townships was very good. He had learned that there was a communication breakdown within a township itself due to new staff, which was unrelated to County Zoning's communication practices.
- Susan Burkhamer stated we send communication odd years after elections
- Eric Evenstad felt review and update odd years was adequate

**Committee
Consideration on
Proposal for
Additional Employee:**

- Ashley Oliphant provided request and resolution for additional employee to meet the demands of the workload
- Kevin Larson was concerned about financial impact
- Roger Call would like a more detailed comparison to similar counties
- Eric Evenstad commented that a lot of changes have occurred over the last 10 years which has and will continue to increase Department workload. He explained, additional staff would allow for better management of FEMA requirements, allow for pursuit of citations, and improve customer service. Being a small department, a new employee would provide necessary administrative help, be cross trained, and obtain licensure
- Kevin Larson, Will Beitlich and Dennis Brault expressed finance and budget concerns
- Ashley Oliphant stated the Zoning Department does not receive grants or financial support but the work done in the Department creates money for the County. Therefore, it is imperative to shift the perspective from the cost of an employee to what positive financial impact the employee will create for the County by maintaining compliance with the State and FEMA. Without compliance the financial benefits the county receives would cease.
- Susan Burkhamer stated there are two employees working to full capacity and beyond while answering very technical questions
- Will Beitlich asked about the money brought into the department from the maintenance program
- Susan Burkhamer stated the Department gave back \$7000 last year
- Ashley Oliphant stated the Department has traditionally given back money each year
- Roger Call stated if the issue isn't addressed up front, the eventual cost in legal fees will surpass the cost of adding a third person
- Ashley Oliphant expressed concerns over employee burnout and stated the Department could not handle any turnover of staff
- Dennis Brault advised this should be looked at by Finance in priority budgeting as the County does not want to be in violation with FEMA which would negatively impact homeowners.
- Will Beitlich agreed this is serious and needs to go to Finance and the County Board
- Kevin Larson wondered if some of the cost would be offset by Susan's retirement

At 9:52 a unanimous decision was made to take the proposal for an additional employee to the Finance Committee.

Kevin Larson made first motion.
Roger Call made second motion.

2nd Opportunity for Public Comment:

The meeting was opened to public comment by Will Beitlich.

- Idelle Fauske advocated for continued communication regarding future cell towers and recognized the time and cost constraints in doing so. She would like to see similar conditions to that of La Crosse County added and encouraged the Committee to consider population density in the area of proposed sites. She also asked the Department to supply her with information as future sites are determined
- Will Beitlich instructed Idelle to work with the Zoning Department for future notifications
- Kevin Larson stated the County does not know about future towers until a permit is applied for
- Susan Burhkamer stated the Department knows at best three weeks in advance and advertises the notification two weeks prior to the public meeting. Additionally, information is posted on the County's website.
- Idelle Fauske stated she would like notification when a permit is submitted
- Suzanne Harris remarked she did not want the board to make it easier for cell tower permits to go through, would like to see more consideration given to the people and environment, would like to see the cell tower company provide an economic impact statement, and disagreed with the Harmony tower being approved as she believed the Township did not sign off prior to County approval.
- Idelle Fauske stated she has attended three Zoning Committee meetings and will continue to do so. She stated she is working for local people making local decisions and wants to work with and assist the County
- Ole Yttri stated Chris Henschue from Bug Tussell would be attending the Town of Webster meeting Tuesday, July 16 at 7:00 PM.
- Will Beitlich asked two times for any further comments or questions, there was none, session was closed for public comment.

Confirm Next Meeting:

The next Vernon County Zoning Committee meeting will meet at 8:30 AM on August 13, 2019 in the Vernon County Boardroom, 3rd floor Courthouse.

Adjournment:

The meeting was unanimously adjourned at 10:05 PM.

Kevin Larson made first motion to adjourn
Roger Call made second motion to adjourn

Minutes recorded by Angela Reed