

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Business Meeting Minutes – March 23, 2011 – 4:30 p.m.**

CALL TO ORDER

Committee Chair Susan McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 p.m. in the Green Lake County Courthouse, County Board Room, Green Lake, Wisconsin. The requirements of the open meeting law were certified as being met.

Present: **Eugene Henke, Susan McConnell, Don Peters, Thomas Traxler, Jr.**
Absent: **Rick Perr**
Also Present: **Al Shute, County Surveyor/Land Development Director**
 Carole DeCramer, Committee Secretary
 Dan Priske, County Board Chairman
 Jeff Haase, Assistant Corporation Counsel

APPROVAL OF AGENDA

Motion by Traxler/Henke, unanimously carried, to approve the amended agenda.

PUBLIC COMMENT - None

PUBLIC APPEARANCES

a. Dan Timm, Advanced Engineering, Inc.

Attorney Jenna Walker, Sorenson Law Office, representing Mr. Timm – Explained that Al Shute has made the determination that a conditional use permit is not needed. There was, originally, talk of a need for a conditional use permit and that the timeframe for that application is approximately two and a half months. This amount of time puts a hardship on a business and we would like to be included in the discussion on the expedited permits to explain our position.

Dan Timm, Advanced Engineering, Inc. – Described his business to the committee. The primary focus is on road-race engines. The engines are taken apart and searched for failures. Mr. Timm is working with a sound-proofing company to keep the sound low.

CORRESPONDENCE

a. Little Green Lake Sanitary District

Shute – The Little Green Lake Sanitary District has contacted the department to see if staff could check on some of their properties for failing septic systems. Shute explained that the department responds to known failures; we have not gone out randomly checking systems. The department does not have trespass rights to do that and the manpower isn't available.

Jim Hebbe, Green Lake County Land Conservationist - Pointed out that this happened in the Green Lake Sanitary District years ago and the county let them know that the sanitary district has the power to do that on their own.

The committee agreed that the Land Use Planning and Zoning Department should not be going out and actively looking for failed systems for many reasons. Shute was directed to send the Little Green Lake Sanitary District a letter outlining why the department would not be able to do what they requested.

b. Voluntary days off – Unpaid

Shute – The voluntary days off for county employees is one of the new programs for saving money. Two employees are interested in taking advantage of this. Missy Sorenson is requesting April 8th, and Carole DeCramer is asking for April 25th and May 27th. We should have no financial impact with these requests. The form needs to be signed by the department head and the committee chair.

Motion by Traxler/Peters, unanimously carried, to approve the unpaid days requested by Missy Sorenson and Carole DeCramer.

Motion by Henke/Peters, unanimously carried, to move to #9 on the agenda.

DEPARTMENT/COMMITTEE ACTIVITY REPORT

a. Discussion of Agricultural Conversion Fees

Henke reiterated what he has said at past meetings; Green Lake County should not be collecting agricultural conversion fees at this point. Whether or not the state budget bill is passed, he would like to do away with the county's portion of the fees. Traxler agreed with Henke. Peters stated that he would prefer to see what the state does. McConnell explained that, to do away with the county's fee, an ordinance amendment would be necessary. This would take a few months to accomplish. It might be prudent to wait and see what the state does. Jim Hebbe, Green Lake County Land Conservationist, stated that the Agricultural Board came out last week opposing the governor's proposal to cut the conversion fees from the state budget. Hebbe believes that there is a ground swell starting up to keep these programs in place. The state does not have the momentum that everyone thought they had. He proposed setting up an easement agreeing to keep the land in agriculture to avoid the fee. Attorney Steve Sorenson stated that, in his opinion, an easement of that type could not be created because you can't create an easement for zoning.

The discussion then turned to the need to be able to create ten-acre parcels in the county. Shute reminded the committee that this has been attempted a few times; however, another ordinance usually becomes a priority and the agricultural districts are placed on the back burner.

This will continue to be placed on future agendas.

b. Egbert Excavating Conditional Use Permit

Shute reminded the committee that the stormwater management plan is the last condition that Mr. Egbert needs to complete before a land use permit can be issued. Mr. Egbert has been working with the Land Conservation Department to complete this task; however, the one-year deadline has passed and it is not yet finalized. According to a letter written by Tom Jonker, Land Conservation Department, (copies given to each of the committee members) Mr. Egbert has been given deadlines to complete the project. Shute asked the committee if they were comfortable issuing a land use permit before the stormwater management plan was completed.

Jim Hebbe, Green Lake County Land Conservationist, was in attendance to discuss this matter with the committee. After further discussion, Hebbe said that he was confident that Mr. Egbert will follow through with the completion of this last condition.

Motion by Peters/Traxler, unanimously carried, to issue a land use permit to Dan Egbert, Egbert Excavating, enabling him to begin building his project before his final condition is completed.

WORKSHOP - SHORELAND PROTECTION ORDINANCE – ALL ARTICLES

a. Review comments from previous workshops

Shute gave each of the committee members a copy of a letter he had sent to the WI-DNR. He suggested that, when municipalities are dealing with amending the shoreland protection ordinance, it would be helpful if a DNR representative would attend the meeting to help with designing standards that fit each county's uniqueness.

The committee reviewed and discussed comments submitted by Kathleen Moore after she reviewed the proposed shoreland protection ordinance.

CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85 (1)(G) CONFERRING WITH LEGAL COUNSEL REGARDING LITIGATION, WHICH THE COUNTY IS INVOLVED AND/OR IS LIKELY TO BECOME INVOLVED.

- a. DISCUSSION OF LEGAL ISSUES; REVIEW PENDING VIOLATIONS**
- b. THOMAS AND LINDA KLOOSTERBOER, UPDATE FROM COUNSEL AND REVIEW NEGOTIATION CORRESPONDENCE**

6:05 p.m. Motion by Henke/Traxler, unanimously carried on roll call (4-ayes, 0-nays), to move to closed session per Wisconsin State Statute 19.85 (1)(g) Conferring with Legal Counsel regarding litigation, which the County is involved and/or is likely to become involved. (Discussion and review of pending legal issues and violations; Thomas and Linda Kloosterboer, update from counsel and review negotiation correspondence.)

RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION

6:41 p.m. Motion by Traxler/Peters, unanimously carried on roll call (4-ayes, 0-nays), to resume into open session.

Findings:

McConnell: – Referencing the letter of March 16, 2011, from Thomas and Linda Kloosterboer to Al Shute; the committee will accept the Kloosterboer offer of settlement and has directed the attorney for the committee and department to prepare an appropriate stipulation.

In addition, the committee has directed Assistant Corporation Counsel Haase to write new procedures for pending violations.

GENERAL COMMITTEE DISCUSSION

- a. Such other matters as authorized by law**
- b. Future activities**

After discussing the proposed ordinance amendments, the committee directed Shute to obtain a copy of Winnebago County's five-in-one package for their review.

c. Expedited permits

Traxler stated that, after talking with Shute regarding expedited permit fees for non-metallic mining, he thought it might be another opportunity for additional revenue if the committee would consider expedited fees for all permits. This will be placed on future agendas. Also discussed was the per diem rate for committee member meetings. This needs more discuss and research.

d. Stormwater ordinance

Traxler explained that, after talking with the code enforcement officers, he thought it would be a good idea if the Land Use Planning and Zoning Department took over the enforcement of Chapter 284 Construction Site Erosion Control and Stormwater Management. Traxler stated that he had discussed this with Jim Hebbe and Mr. Hebbe also thought it was a good idea. The Land Conservation Department currently enforces this ordinance and Traxler feels that it would make more sense to have this department take control of it.

NEXT MEETINGS DATES

April 6, 2011

- Business Meeting 4:30 p.m.
- Public Hearing 6:00 p.m. - None

April 27, 2011

- Business Meeting 4:30 p.m.

ADJOURN

Motion by Traxler/Peters, unanimously carried, to adjourn.

Time: 7:17 p.m.

Recorded by:

Carole DeCramer
Committee Secretary

APPROVED ON:

April 6, 2011