

Sauk County Planning, Zoning and Land Records Committee Meeting

July 22, 2008

Committee Members Present: Cassity, Ashford, Gaalswyk, Lehman, and Netzing.

Committee Members Absent: Lehman

Others Present: Mark Steward, Brent Bailey, Gina Templin, and others.

Chairman Cassity called the meeting to order at approximately 9:05 a.m. And staff verified compliance with open meeting law. Motion by Gaalswyk, seconded by Ashford to approve the agenda. **Motion carried 4-0.**

Motion by Gaalswyk, seconded by Netzing, to approve the minutes of the July 8, 2008 meeting. **Motion carried 4-0.**

**Communications:**

Cassity reminded the committee the Steward did send a letter to Duane Brooks as requested. He also spoke of a letter sent to Harry Zastrow and Craig Hillman and requested that the committee have access to those correspondence.

**Business Items:**

None to report.

**Departmental Updates:**

The Mapping Department had nothing to report.

The Register of Deeds did not have a monthly report. Steward, for Bailey, presented vouchers in the amount of \$3,874.91. Motion by Gaalswyk, seconded by Ashford to approve the vouchers as presented. **Motion carried 4-0.**

The Surveyor did not have a monthly report.

Lehman present at this time.

Gaalswyk asked about the Hutter resolution. Steward explained.

Steward then reviewed the Planning and Zoning's Departmental report. He presented the final updated budget from 2007. The committee questioned the 2008 budget numbers. Steward also presented the Board of Adjustment year end 2007 final budget numbers as well as the Baraboo

Range Program budget numbers. Ashford explained to the committee where the Baraboo Range is at with the amount of funds left and the amount of funds that may be currently committed.

Cassity requested that Steward get all the numbers in a format that is more easily understood by the committee than the reports provided by the Accounting office. Specifically how much money is left in the Baraboo Range fund, what amount is committed to property owners currently in the works.

Motion by Ashford seconded by Lehman to approve the vouchers for the Planning and Zoning Department. **Motion carried 5-0.**

Steward then spoke of the improved relationships with the Towns and ways to better address any issues they have. He reviewed processes that are in place currently and spoke of improvements being made to make towns aware of resolutions of complaints received. They talked of the farm building checklist and the fact that some towns use the checklist and others have voted not to use it. The committee was uncomfortable to know that some towns do not use it, however, it is up to the county to address violations even if the town has allowed building.

Cassity spoke of issues in the towns where some clerks may leave information sitting on a desk and not ever provide the information to the rest of the town board or community.

Motion by Netzinger, seconded by Ashford to move to the public hearing and return to this portion of the agenda at that time. **Motion carried 5-0.**

Cassity called the public hearing to order at 9:40 a.m. The Committee then introduced themselves and staff certified that the notice has been legally published.

- A. Petition 10-2008 to consider a petition to rezone certain lands in the Town of Freedom, Sauk County from a Resource Conservancy 35 to a Recreational-Commercial Zoning District for the purpose of bringing the existing restaurant and tavern use into compliance with current zoning requirements and to allow future expansion of the facility including a kitchen, possible camping area, outdoor stage and sports field(s).

Ben Vondra, Sauk County Planning and Zoning, provided the committee with the history and background of the request, present adjacent land uses and zoning, physical constraints to development, consistency with local development plans and ordinances and the recommendation of approval by the staff.

Ashford asked if each of the special events would require a Board of Adjustments hearing, such as a large band event. Mark Steward, Sauk County Planning & Zoning Director, stated that he would have to make application to include all events that he would plan on having, so that he could avoid going to the Board every time.

Lehman asked about the rail line shown on the map. Vondra confirmed that was correct.

Mike Kessenich, applicant, appearing in favor, stated that it is a 100 year old establishment that used to be a meeting place for events such as dances, weddings, anniversary parties, etc., and would like to bring those kind of uses back and needs to expand to provide the adequate space for those types of services. He also addressed the camping request and that the current zoning doesn't allow any type of the business or expansion.

Cassity mentioned that if the rezone is approved, all permits and other public hearings will need to be taken care of as well.

Ashford asked about the amount of tents and toilet facilities to handle the capacity. Kessenich stated he has 4 outdoor toilets, which should handle about 100 people or more and has easily enough room for 100 tents to be pitched. He did say that he does not foresee that many tents, but maybe more like 10 or 12 and for only 1 night stay.

Gaalswyk asked how long he has been in operation. Kessenich stated he just purchased the business and opened up this year.

Gaalswyk also asked about the number of buildings. Kessenich explained the buildings that are there and what they are used for. Gaalswyk asked if they are substantial enough to add a larger kitchen onto. Kessenich stated the kitchen will be added onto the same building, and also add 2 nice bathrooms and a large banquet facility in the rear of the bar.

Lehman asked if this is all the property that is owned and if the Town is going to reimburse you for part of the rezone. Kessenich stated this is all the property he owns and has not addressed a reimbursement with the Town.

Ashford asked how far away any residences are that a large band would affect if playing outdoors. Kessenich stated that the large bands would play on the south side and in that direction there are 4-5 residences and he has spoken to all but one, and none have had a complaint with it. He did state that he is only looking at bands being there once or twice a month and has a lot of support from the Town and Village.

Dave Baumgarten, Chair Town of Freedom, appearing in favor of the request, stated that the Town approved this request.

Gaalswyk asked if the Town Board wishes to continue the operation of this business and does the Town feel this is a historic business that should be kept. Baumgarten stated that he believes the Town board feels it is important to keep the business in operation and get back to some of the uses that it used to have. He also addressed the map that is included in the staff report package and explained some of the uses and buildings surrounding the applicants property.

Lehman asked about a plat of survey and the need to vacate an alleyway. Baumgarten stated that the old plats have been vacated a number of years ago. Lehman also asked about any opposition to the request at the town hearing. Baumgarten stated there was no opposition.

Cassity asked about getting a commercial tax base in the Towns and if these kind of establishments will draw from the Dells. Baumgarten was not sure, but stated that the owner has expressed interest in getting something going with the Rail Museum as part of the tours.

Seeing as no one else wished to speak, Chair Cassity closed the public portion of the hearing at 10:05 a.m.

Motion by Lehman, seconded by Netzinger to approve the rezoning petition. **Motion carried 5-0.**

Motion to adjourn the public hearing by Lehman, seconded by Gaalswyk. **Motion carried 5-0.**

The Committee reconvened at 10:10 a.m., and continued the discussion on the open dialogue with the towns.

Ashford asked what is not working with towns. The committee discussed and suggested that it seems as if the Towns need to improve their communication and ability to work with the County.

Lehman asked Mr. Baumgarten about the relationship with the towns and county. Mr. Baumgarten felt that the Town has been back-doored by the county, but feels that part of the problem is the Town taking responsibility for their issues. He also spoke of an issue of the County Highway Dept issuing a driveway permit and the Town denied the permit, but because the land owner received a permit from the County, they put in their driveway.

Marty Krueger, suggested the need to move forward and the responsibility that the Towns need to take on the issues and actions and requested some suggestions from Mr. Baumgarten or others on how to improve communications with the Department. Krueger stated that he believes in good planning and proper zoning and the need to address any issues to improve communications. Its a two way street and feel that the committee and department can work together to improve processes and explain the responsibilities to the Town Chairs of exactly what they have.

Netzinger suggested that the Towns that don't have their own zoning are dumping it off on the county and the county has cookie-cutter zoning. He also talked about people being good stewards of their land and zoning is part of that. He discussed the fact that zoning is an enforcement agency and that will always cause tension and you only hear the negative part. He also stated that you need to give any enforcement agency the benefit of the doubt when they have to deal with issues because you will only hear the negative issues.

Cassity suggested that it is inappropriate to roast the County staff and the Committee should be more involved in presenting resolutions and communications with the Towns. Cassity stated he would like to get more out of the Towns Association and their Chair to do more and work more and suggested a sub-committee or a better unit of government there.

Steward then provided an update on the county comprehensive planning process. Cassity asked about an effort to see which towns have completed their plans and where they are going. Steward confirmed that will be a part of it and explained the process in greater detail.

The Committee moved to closed session pursuant to Wis. Stats. 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Performance evaluation of Director of Planning & Zoning. Motion by Ashford, seconded by Gaalswyk. **Ayes: Ashford, Lehman, Gaalswyk, Netzinger, Cassity. Neys: None. Motion carried 5-0.**

Motion by Netzinger, seconded by Ashford to end closed session. **Motion carried 5-0.**

Motion by Lehman, seconded by Gaalswyk to adjourn. **Motion carried 5-0.**

Respectfully submitted,

Judy Ashford, Secretary

Minutes by Templin

