

**SAUK COUNTY BOARD OF SUPERVISORS
CONSERVATION, PLANNING, AND ZONING COMMITTEE
Thursday, November 8, 2012 – County Board Room/Gallery, West Square Building**

Conservation, Planning, and Zoning (CPZ) Committee members present: J. Ashford, J. Dietz, F. Halfen, J. Lehman, D. Nobs, D. Polivka, R. Puttkamer

Others present: B. Bailey, P. Dederich, K. Felton, J. Godfriaux-Leystra, A. Kleczek Bolin, M. Krueger, T. Liebman, T. McCumber, B. Michalek, P. Pohle, E. Robkin, K. Schauf, B. Simmert, S. Sorenson, B. Wenzel

At 9:00 a.m. Chair Lehman called the Conservation, Planning, and Zoning Committee to order and certified to be in compliance with the Open Meetings Law.

Adopt agenda: Motion by Ashford/Puttkamer to adopt the amended agenda and to move the Town of Merrimac zoning ordinance agenda item up under the communications. Motion carried, all members in favor.

Adopt minutes of previous meeting-October 23: Motion by Dietz/Puttkamer to adopt the minutes as presented at the meeting from the October 23 Conservation, Planning, and Zoning Committee meeting. Motion carried, all members in favor.

Public comment: Eugene Robkin presented background on the Badger Oversight Management Commission (BOMC) stating that even though not all the signatures were received on the Memorandum of Understanding (MOU), they felt that by participating they were following the rules.

Tim McCumber, Town of Merrimac, informed the CPZ Committee that the Town of Merrimac has drafted a resolution “Supporting the Development of a New Commission to Oversee the Badger Reuse Plan and the Sauk Prairie Area Recreational Area.” They support that the long-term vision of the Badger Reuse Plan be maintained and that a newly formed commission be responsible for this support in the future by restructuring and replacing the interim BOMC. Noted that there are some concerns with municipalities having economic interests in this and are not being involved (i.e. City of Baraboo). The Town of Merrimac will finalize the draft resolution and approve it.

Bill Wenzel agrees that the BOMC has no binding authority and is concerned that this resolution sends a message that the BOMC is not supported by one its members. If this committee wants to send that message, they can.

Todd Liebman discussed the Badger Reuse Plan, the MOU, and the Intergovernmental Agreement. If the county no longer has an interest to participate, the county can give a one-year notice and withdraw. This will require County Board action. Currently DNR is developing a master plan for the property. The county did a lot of leg work to create the commission, but it is not a county entity. Therefore, the BOMC’s comments on the master plan do not reflect the position of the county. Sauk County’s comments can only be expressed by the County Board. Approval of any state plan would need to come back through the county. The BOMC can make recommendations. Both the CPZ Committee and the Executive & Legislative (E&L) Committee can have oversight. Can assign oversight to one committee through the Rules of the Board. Can have under both committees. Can hold joint meetings. Have a conduit back to the County.

At this point in time, my thoughts are that the CPZ Committee is a better fit than E&L due to the master plan being related to land use. Liebman stated that he does not make this decision, the E&L Committee makes the decision.

Marty Krueger noted that currently Corporation Counsel reports on Badger at E&L Committee meetings. At their last meeting, it was questioned which committee is the primary contact for the DNR, state, or federal government. When issues deal with multiple committees, both committees weigh in on the matters. Most issues in the future might be land use and zoning related. Consensus of E&L was that no change in status needs to be taken. The BOMC still has a purpose. Consensus of E&L was that the CPZ Committee be the primary conduit because most of the future issues are going to be land use related. If there is something deemed intergovernmental, CPZ would work with E&L. Tasked Corporation Counsel to research the need and to change the Rules of the Board.

Communications: Michalek stated that the Land and Water Resource Management (LWRM) Board sent requirements to be met in order to receive approval of the LWRM Plan extension. They removed some of the requirements after discussion with them. CPZ Department staff will go before the LWRM Board on December 4 to get the five-year extension approved.

Michalek noted the Corps of Engineers approved the county farm tiling. Will let the CPZ Committee know when the tiling will be done.

Michalek discussed the three options given for the field driveway on Ritzer's parcel from the Corps of Engineers. The Sauk County ordinance is written to be able to grant the access on a limited basis.

Discussion and possible action on an amendment to the Town of Merrimac zoning ordinance pursuant to Wis. Stat. 60.62(3) to permit the keeping of chickens: Michalek informed the Committee that after speaking with Corporation Counsel on the Committee's actions at the last meeting, it was decided the CPZ Committee needs to look at a denial resolution, postponement, or reconsideration of the resolution. The motion to approve that failed did not mean the resolution is a denial resolution. Would need to approve the denial resolution.

McCumber explained the reasons for the proposed ordinance change which has been through the town's public hearing process.

Motion to approve the Town of Merrimac zoning ordinance by Nobs/Halfen. Motion carried with Ashford, Halfen, Nobs, Polivka in favor; Dietz, Lehman opposed; Puttkamer abstained.

Report, update, and discussion on the request to receive recommendations from the Executive and Legislative Committee in regards to Badger Army Ammunition Plant:

a. What oversight committee should be the primary conduit in handling matters related to the Badger Army Ammunition Plant-This was discussed earlier in the meeting.

b. Status and continuing need for the Badger Oversight Management Commission-Consensus of the CPZ Committee is to maintain as currently being done.

Discussion on office policy for financial assurance for nonmetallic mining: Sorenson noted that since this was discussed with the CPZ Committee, direction is needed on how to handle certain situations. The Committee received a copy of the Nonmetallic Mining Reclamation Ordinance

24.07(4) Forms and Management. One of the mine operators might be in financial trouble, and they had a valid letter of credit that expires in spring 2013. The CPZ Department either needs the financial assurance renewed or the county starts the process of acquiring the financial assurance. Sorenson will prepare a letter to the mine operators that have financial assurances expiring to remind them to renew their financial assurances before expiration.

Kleczek Bolin stated the nonmetallic mining ordinance requires that any operator have a letter of credit on file. If the operator does not reclaim the property, then the county has to. In order to get money from their financial assurance, we need to revoke their permit. The CPZ Department had been accepting a letter of credit after it expired for one year, but then we do not have any financial assurance. Most of the mines out there are on a holding pattern and not to the reclamation stage. We should be requiring the financial assurance at the time of the reclamation plan. This requirement is in our ordinance, it just has not been done. The bigger mining operations do have bonds that last the life of the mine. That is what we really need to do. The ordinance and state law requires the financial assurance last the lifetime. Letter of credits expire after one year.

The bank backs up the letter of credit. The county needs to protect themselves and cannot clean up all these sites if they fail.

The CPZ Committee will review Sorenson's mailed letter during the December CPZ Committee meeting.

Discussion on the Private Sewage System Ordinance Chapter 25.12(9) on permit expiration: Sorenson noted that permits are good for two years and can be renewed once for an additional two years. After four years the systems must be installed. Previous policy allowed permits to be renewed many times and the sewer was not getting replaced. Changed policy to current four-year permit run. After discussion the Committee desired to keep the current ordinance and sees no reason for change at this time.

The Wisconsin Fund provides grants to help offset a portion for the repair, rehabilitation, or replacement of failing systems which have gone out to applicants. For the grants, there are three basic requirements-the system needs to be located on the primary residence, can receive one time per property, and there are income and site restrictions.

Discussion and possible approval of a cemetery plat for the 3rd Addition to Resting Green Cemetery located in the SW 1/4 of the NE 1/4 of Section 3, T12N, R3E, Town of Ironton pursuant to Wis. Stat. § 157.07(1): Expanding this cemetery and the property is not Class I farmland and not being cultivated. Motion by Nobs/Polivka to approve the cemetery plat addition. Motion carried, all in favor.

Discussion on Chapter 7 zoning ordinance rewrite: Simmert stated that they are meeting with DATCP on Friday to discuss the uses that do not meet the Chapter 91 requirements and if DATCP can certify. Townships have the right to opt out of Exclusive Agriculture. Simmert stated that they are finishing up the ordinance and will take out to the townships. Plan to approve at County Board in April. Need in writing from DATCP that they will certify before taking to County Board. Will have a complete Chapter 7 at December CPZ Committee meeting. Briefly discussed how to address family health care in the home under same roof and/or in a separate building on the property. Also, discussed this use related to farmers and after the family health care is done, renting out the separate building. It was decided that staff will

discuss with the townships and report back to the CPZ Committee after the open house meetings.

Land Records Modernization:

- a. Department reports and updates: Felton presented the department report.
- b. Review and approval of vouchers: Motion by Halfen/Ashford to approve vouchers in the \$2,165.00. Motion carried, all in favor.

Surveyor:

- a. Department reports and updates: Dederich discussed excavating on Hwy. G, did not find the section corner monumentation, the standard of care needs have to be followed.
- b. Review and approval of vouchers: Motion by Ashford/Halfen to approve vouchers in the amount of \$8,685.00 and \$765.00. Motion carried, all in favor.

Register of Deeds:

- a. Department reports and updates: Bailey stated they plan to collect \$30 for redaction fees in 2013. Schauf and Beghin are aware of this, but he will send a memo to Finance Committee and Marty Krueger on this.
- b. Review and approval of vouchers: Motion by Nobs/Polivka to approve the vouchers in the amount of \$5,872.43. Motion carried, all in favor.

Discussion and possible action on 2013 CPZ Committee and Board of Adjustment meeting schedule: Motion by Polivka/Halfen to approve the CPZ Committee schedule as presented. Motion carried, all in favor. The Board of Adjustment schedule was provided for informational purposes and does not require CPZ Committee approval.

Conservation, Planning, and Zoning Department

- a. Department reports and updates: Michalek briefly reviewed the department report. Announced that a staff person may be accepting another position outside of the CPZ Department. This may require a request to replace the position. At the December 14 Personnel Committee meeting, they will be acting on reclassifying Simmert from a Planner/GIS Technician to a Senior Planner and to a salaried position.
- b. Review and approval of vouchers: Motion by Polivka/Ashford to approve 2012 and 2013 vouchers in the total amount of \$60,257.20. Motion carried, all in favor.

Reports

- a. Natural Resources Conservation Service (NRCS) report: Miller informed the Committee that NRCS is looking at alternative fund sources for various projects within Sauk County. They are issuing Conservation Security Program (CSP) payments this month to about 20 contract holders. If he is unable to attend a CPZ Committee meeting, he will provide a written report.
- b. Farm Service Agency (FSA) report: None.
- c. Foresters' report: None.

d. Economic Development Committee report: Polivka informed that they will be meeting next Tuesday evening.

e. Mirror Lake District report: Nobs stated they are meeting next week and the Village of Lake Delton may sell their weed cutter to the Mirror Lake District.

Michalek stated that the Johansen property signing is November 30.

f. Lake Virginia Management District report: Nobs noted that dam grubbing and seeding was done. The District notified Joe Fish not Nobs.

g. Lake Redstone Management District report: None.

Next meeting of the Conservation, Planning, and Zoning Committee will be held at 9:00 a.m. on Thursday, December 13.

Motion by Ashford/Nobs to adjourn at 11:55 a.m. Motion carried, all members in favor.

Respectfully submitted,

Don Nobs, Secretary