

SAUK COUNTY BOARD OF ADJUSTMENT
May 28, 2015 Session of the Board

PRESENT: Linda White, Chair
Dan Kettner, Vice Chair
David Allen
Henry Netzing
Nick Ladas

ABSENT: None.

STAFF PRESENT: Dave Lorenz
Gina Templin
Brentt Michalek
Steve Sorenson

OTHERS PRESENT: See Registration slips

Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:00 A.M. The Chair introduced the members of the Board, explained the procedures and the order of business for the day. The staff certified that the legally required notices had been provided for the scheduled public hearing. The certification of notice was accepted on a motion by Netzing, seconded by Allen. **Motion carried, 5-0.**

The Board adopted the **agenda** for the May 28, 2015 session of the Board on a motion by Kettner, seconded by Netzing. **Motion carried, 5-0.**

The Board adopted the minutes for March on a motion by White, seconded by Allen. **Motion carried 5-0.**

The Board adopted the minutes for April on a motion by White, seconded by Ladas. **Motion carried 5-0.**

COMMUNICATIONS: None.

APPEALS:

A. David Wiegmann (SP-11-15), requesting a variance to authorize the construction of a residence and detached garage within the minimum road setback.

Dave Lorenz appeared and gave a brief history and background of the property, as well as reviewing photos and a video of the site. He then recommended conditions to be placed on the appeal if the request were approved.

Allen asked if the footprint where the old garage was is where the new garage is going to be built. Lorenz stated there was not a detached garage there before, but a previous residence.

White spoke of a small corner of the house plus the garage as designed.

David Weigmann, applicant, appearing in favor of the appeal, stated that they purchased the property last fall and it was an old cottage that was 400 square feet that has an attached single stall garage, there was no plumbing, no heat, etc., and originally thought they would rebuild but it wasn't in a spot and it didn't meet the setback requirements as they are today. He spoke of the road as it was platted and as it was built and feel that is what creates the unique property limitations and hardship. He also stated he spoke to many of the residents on Allbrite Road to address the public interest in support of the variance, as well as the fact that it is a dead end road. He concluded that the home will meet all other setbacks, as well as all the Town of Merrimac setbacks. The variance for the garage would allow for off street parking and enhance the neighborhood. He feels the location of the house, septic and well would put limits on the garage and where it can be located which creates the unique property limitations and hardship. He also stated that due to it being a dead end street it does not create an issue with public safety.

White asked if anyone has a two story home in the area and if there are restrictions on height. Weigmann stated there is a neighbor with a two story garage and he could have a home that is two story.

White stated she feels that the home could be two story they could fit a home within the setbacks and that the structure not fitting within the setbacks is a choice. Weigmann stated that they felt a two story is possible but they choose to build this way and use it as a retirement home and feels the way the lot is he feels it is a hardship.

White explains the difference between hardship and choice. Weigmann spoke of the original structure and that not meeting the setbacks.

Ladas spoke of the plan and a 1700 sq. ft. home fitting within the setback outside of the one corner. Weigmann stated that if the road would have been built to a Class C highway when platted. Ladas stated if the road would have been built 63 feet wide, the lot would have been even smaller.

White stated a lot was purchased that had certain setbacks, the lot is still a buildable lot, it is just not buildable for your choice of home. She explained the ordinance and where the requirements for a variance that the Board has to look at to grant a variance.

Weigmann stated that even though he is proposing to build into the County's setback, it still meets the Township's setbacks and feels it is reasonable and it is good for the residents of the area, even though it is not part of the proof of what is needed to grant a variance. He also stated that his proposed building is not big and they are only talking about a small sliver of land.

Allen asked what the setback is on the house across the street. Weigmann stated he does not.

Allen asked why the garage cannot be moved to the East. Weigmann stated it can be moved further to the east, but they can't build a garage if they can't build the house where they want to build the house the size they want to build it.

White asked if there is a reason the house can't be built with an angle design wise or is just want. Instead of having a square corner, have an angle. Weigmann stated it would require more money and it is a truss built structure and in order to change the corner, it would require re-engineering.

Kettner, referring to Exhibit V-2, photo 4, the road behind the old foundation, is Allbrite Road, verified where it dead ends, and spoke of the Class C highway definition and asked if he knows what the legal definition of a Class C highway is. Weigmann stated he does not.

Kettner asked what the speed limit on Allbrite Road is. Weigmann stated he thinks it is 15 mph, but is not sure. He stated it does intersect with Idlewild Road which intersects with State Highway 78.

Lorenz reappearing.

Kettner asked if this road is designated for a roadway under a Class C highway. Lorenz stated a Class C highway is a designation for who is in charge of maintenance of the road and explained.

Kettner asked about setbacks and such related to Class C highways. Lorenz explained.

Kettner asked about the existing foundation. Lorenz spoke of the setback and also spoke of averaging.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:50 a.m.

White stated that she feels there is no harm to public interest, however she doesn't feel there is nothing shown that there is unique property features nor was there testimony given to show that there was unique property features. She also spoke of the hardship requirements and that the financial aspects or the choice to build a certain size or type of home on the lot does not qualify as a hardship.

Kettner stated he feels that a structure seems to be able to be built on this lot within the setback distances on the lot, although it is not the size, shape or design that the owner originally wants on the lot, it doesn't meet the hardship requirement.

Allen stated he agrees with the statements made by Kettner and White.

Netzinger stated he agrees with previous statements made in regards to the lack of evidence to the hardship. He also spoke of the garage and the distances proposed from the lot line. He also stated he feels something can be designed to fit on this lot to fit within the setbacks and if you want something that is 1700 square feet, you may simply have to go with 2 stories.

Ladas also agrees with previous statements and stated that he feels there is no unique property limitations and feels the road being built at 63 feet would actually make the lot smaller. He also

feels the lot can be built on and that financial requirements cannot be used to justify a hardship and would not be in favor of granting a variance.

Motion by Ladas, seconded by Kettner, to deny the variance request, based on the lack of unique property limitations and hardship, as required to grant a variance. **Motion carried 5-0.**

B. Neumann Brother's Dairy Farm, LLC (SP-12-15), requesting a variance to authorize the reconstruction of a dairy barn on the existing foundation within the minimum road setback.

Dave Lorenz, appeared and gave a brief history and background of the property, as well as reviewing photos and a video of the site. He then recommended conditions to be placed on the appeal if the request were approved.

White asked about the setback for expansion operations. Lorenz explained.

White verified that the rules changed after the barn was already existing. Lorenz stated that was correct.

Kettner stated the rules changed and the barn existed, so it is grandfathered and he questioned if the barn was gone, could they rebuild. Lorenz explained that if the barn was destroyed by natural causes, there are provisions, however if it is taken down by will, it needs to follow current ordinances.

Ladas asked about the appeal application stating that it will be at least 125 feet from the setback. Lorenz stated the other end will be 8 feet short of the setback.

Kettner, referring to photo 3, verified the structures shown in the photo.

Netzinger asked about legal non-conforming and you can improve anything within the footprint.

Allen asked about the Town of Troy and verified if they are in favor of the request. Lorenz confirmed the Town of Troy is registering in favor of granting the variance.

Jeff Neumann, applicant, appearing in favor of the request, stated that they are asking for the variance due to the improvements that they plan to make and the ones they have already made and the improvement will allow them to grow and continue with the a milking parlor. He also addressed the manure storage that is currently in place and the use of the facility, the pipeline and well as the financial burden to tear everything down to rebuild.

White explained the variance was the setback due to housing cattle and not because the structure itself was in a road or side yard structure setback. It is a DATCP rule setback merely because the structure is housing cattle.

White stated the variance is an area variance.

White verified the use will change from storing cattle to milking and then back out. Neumann stated that is correct.

Alene Bolin, Assistant Corporation Counsel.

White asked if the applicant is doing this on the same foundation and if he is changing the entire structure. Bolin explained state law does not allow the County to regulate if the repair is less than 50% of the assessed value – because he is replacing the entire thing, he has to comply with the ordinance.

Kettner asked if this was just a storage building for equipment, the distance within the setback would be acceptable. Bolin read the definition of a livestock structure from ATC 51.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 10:30 a.m.

Allen spoke of the difference if the barn were to be taken down by fire or weather.

White spoke of Exclusive Ag zoning and the definition of Exclusive Ag and the purpose of the zoning, the historical purpose, it is not within the road right of way, it is merely due to the fact that the building is going to have livestock in it. There are not close neighbors, the rule changed after the barn was already in the process of being built and she feels the applicant has met the requirements of hardship. This is also not a public safety issue.

Kettner stated this is not an issue where public safety equipment such as fire, ambulance, etc is going to be an issue, the structures are not being built within the side yard, road or other setbacks for the structures themselves, they are merely within the “use” setback because they will be milking cattle.

White stated it is not contrary to public interest because it does not change the road in any way, there is a definite hardship, as the rules were changed due to comfort based on animals being there and there is a unique property limitation with the barn being half in and half out.

Kettner feels there is no public safety issue, there is no hindrance in the line of sight as far as traffic is concerned. He stated as far as unnecessary hardship, a new and moved, relocated structure makes the rest of the structures and equipment immediately surrounding it unavailable and unique property limitation.

Allen stated that it does meet the hardship, as they were in the middle of the plan for the milking parlor and the state changed the rule in the middle of their plan.

Netzinger spoke about the ability to improve the legal nonconforming structure. He stated that feels he can support the variance due to the testimony given and feels the public interest is protected.

Ladas stated he agrees with everything that has been said, as well as the Town of Troy requesting approval of the variance and supports the request.

Motion by White, seconded by Allen, to approve the variance, as it meets the hardship requirements, it meets the public interest and meets the unique property limitations due to the surrounding structure. **Motion carried 5-0.**

The Board recessed for 5 minutes.

C. Nathan & Naomi Gaetzke (SP-13-15) requesting a variance to authorize the construction of an addition to a dairy barn within the minimum road setback..

Dave Lorenz, appeared and gave a brief history and background of the property, as well as reviewing photos and a video of the site. He then recommended conditions to be placed on the appeal if the request were approved.

Kettner asked about Exhibit II,3, and the proposed structure and where it will be attached. Lorenz explained it will be attached to the existing barn and referred the Board to Exhibit II,5 which explains a little better.

White asked about an expansion versus rebuilding a non-conforming.

Nathan Gaetzke, applicant, appearing in favor of the request, gave a history of the projects on the property and stated that they can't build the structure and be in compliance with the setbacks. He spoke of the barnyard that was designed and that it was not designed to hold the weight of a structure.

Kettner asked at the time this was constructed was this proposed structure part of the original plan, was this planned when the barnyard was designed and built, this addition was planned to be built. Gaetzke stated that was correct, back in 2011 when the barnyard was designed and built, this was all part of the plan.

Kettner verified that when Gaetzke originally submitted the plans, did the proposed addition originally fall within the setback rules. Gaetzke stated it would have been in compliance back then.

White asked if he owns the property. Gaetzke stated the lifetime estate has since been vacated.

Dave Baumgarten, Chair, Town of Freedom, appearing in favor, stated he is appearing personally, as a neighbor, in favor of the request, spoke of application and his drive and passion for farming. He also spoke as Chair of the Town of Freedom, and the Town supports the request, no neighbors objected to the request and the Plan Commission also is in support of the request.

Craig Gaetzke, appearing in favor of the request, stated he is a neighbor and father to the applicant and stated that they operate a family farm. He spoke of the NRCS designed barnyard.

Kettner referred to photo 4, where the penned barnyard goes beyond, there are gates designed into pens. Gaetzke explained the design for pens and how they would work with the new proposed structure.

Kettner verified if the structure needs to be connected to the barnyard or the barn. Gaetzke stated the structure needs to be connected to the barnyard.

White asked how much of the property the applicant owns. Gaetzke stated about 19 acres.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 11:16 a.m.

White stated there was a barnyard plan that was approved, a design that was done, funding was provided through NRCS and the government was involved to protect the environment in the first place. The public interest has been protected.

Ladas feels there is an unnecessary hardship as the applicant has worked with the NRCS to design and plan for the barnyard to plan for this and the rules changed before they could complete the project, which meets the hardship and does not feel that there is public harm and can support the request.

Netzinger states he can support the request, as this is a project that was done in conjunction with NRCS and needs to be completed. He feels it is in the public interest to keep the farm in business.

Allen stated you cannot use financial aspects to be a determining factor in a hardship. However, this barnyard is part of a design and plan that was started and is in the process while the rules changed and feels that meets the hardship.

Kettner feels phase I and phase II was in the process when the rules changed and feels that creates the hardship. If the structure had not been part of the overall plan that had been approved, it would not meet the criteria.

Motion by Allen, seconded by Ladas, to approve the variance with the conditions recommended by Conservation Planning and Zoning, **Motion carried 5-0.**

D. Dellona Enterprises, LLC (SP-14-15) requesting numerous variances to bring into compliance a campground that has been in operation since 1984.

Alene Bolin, Assistant Corporation Counsel, appearing and gave a history and background of the request and the legal frame work of the request and spoke of the differences between an area variance and a use variance. She also reviewed the Sauk County Zoning ordinance and definitions pertaining to the request.

Steve Sorenson, Conservation Planning and Zoning, appeared and reviewed a staff report and photos and video of the site, as well as recommendations should the Board chose to grant the variance requests and long term plans should the variance be denied.

White asked for the definition of structure. Sorenson explained a structure is anything with shape form or utility. White verified it does not have to be attached to the ground. Sorenson confirmed.

White asked about a campground and the requirements for male/female restrooms. Sorenson explained.

Kettner asked about comments on recreational vehicles. Sorenson explained.

Kettner asked about permanent camping. Sorenson explained.

Ladas spoke of the deviations of variances and the fact that it is a use variance and also asked for Counsel to make a determination in that this could actually be an administrative appeal in that there are so many deviations of use variances being asked for.

White stated she visited the site and asked questions about the 20' roadway shown on the maps provided in the 1997 appeal. Sorenson responded. He provided Exhibit J, which is a report he provided regarding the roads located at Christmas Mountain.

Michael McKenna, providing legal Counsel for the Board of Adjustment, Corporation Counsel for Portage Counsel. Suggested the Board to proceed and hear testimony and if during deliberation you decide that you feel it is in essence a rezoning, you can make that determination at that time.

White asked about the determination that the multiple variances making them a use variance. McKenna stated to hear the testimony and it could be a valid conclusion.

Bolin, reappearing, stating the variance request taken as a whole would not be a rezone, but feels they are a use variance, and the ability to live their permanently would be a rezone. An area variance to be in the setback is not a rezone. She feels there are two different parts of it.

Sorenson reappearing.

Kettner asked about the zoning of the property and the definition of a campground. Sorenson explained.

White asked about the history and photos and additions shown in 1997. Sorenson responded.

Joseph Bartol - Agent, representing Christmas Mountain Campground Association.

White asked if he was representing the individuals here today. Bartol stated he was not.

Bartol asked for a portion of the variance request to be postponed, due to a way of the variance requests to the additions will be dealt with by the Zoning Department.

White stated she would like to hear the testimony of the people who have come today.

Bartol stated the area variance request for the size of the units added, it may not affect them. White confirmed those only interested in one thing could come back.

Bartol reviewed his disagreements with the staff report provided by the County and history on how they came to this hearing and clarified what they are not requesting.

White asked how this property is taxed. Bartol stated this property is assessed under the real estate tax code, but the additions are taxed as personal property, however the park models that qualify as RV's are not taxed.

White asked him to explain what that means. Bartol explained that park models are not taxed.

Andrew Pascaly – Agent, representing Christmas Mountain Campground Association, appearing in favor, spoke of length of stay requirement, stated the campground is not required to adhere to any length of stay in the special exception permit. Feels they can meet unnecessary hardship, unique property limitations and public interest. He stated there could be an issue where an owner could be physically or financially unable to find housing for the other days of the year and that would be a hardship. He said granting the variance does not harm the public safety of the neighborhood and that compliance with UDC would be cost prohibited, but do meet other codes. Hardship is unique and not self-created due to the original special exception permit and feels it is not a public safety issue based on the UDC code.

Ladas questioned the special exception permit gives the right to live there permanently, but just in case it doesn't, you want a variance to give them the right to give them the right to live there permanently. Pascaly stated that is correct.

White asked Pascaly to define camping. Pascaly referenced the zoning code and read the definition of campground and camping unit.

White asked Pascaly to define residence. Pascaly stated he does not have a response.

White asked for a reasonable use of the property. Pascaly stated it is unreasonable to force them financially and physically. He stated there is a possible use to use the property for something else, but doesn't feel it is reasonable.

Kettner asked if there is anywhere in state or county codes is permanent found anywhere.

White stated other than their own terminology there is no place that states permanent sites in the 1997 application, but refers to 92 camp sites in a campground. The county never identifies permanent.

White asked if there was water/electric always available. Pascaly referred to owners.

Kettner asked if this was always designated as a campground. Pascaly stated that is correct.

Kettner asked if there is a limit to how long someone can live in a campground. Pascaly stated 4 consecutive months.

Pascaly continued to speak of the setbacks.

The Board took a recess.

Stephen Prial, appearing in favor of the request, stated he has been the resort manager for Christmas Mountain Village, and stated that services are provided 365 days a year, however, if owners leave, they do winterize for them.

Kettner asked to the best of your knowledge are there people that live there year around/permanently. Prial stated he has been at meetings where people have stated that they do.

Prial also stated that he has copies of communication from March 21, 2014 / TSW (Timeshare Ware) that shows who is checking in/checking out that show who is in and who is out, and that tracks and shows who is there.

White asked how they know he arrived. Prial stated they are to check in and be issued a parking pass. While asked where they are supposed to have a parking pass. Prial stated they are to have something located in the vehicle. He also stated they have a lot of owners that don't feel the need to do that or whether they are compliant in doing so. He also stated he has never been asked by the County to get a copy of this information.

White asked if they are not following the rules, what the consequences are. Prial stated he is simply stating that he is addressing the fact that it was stating there is no process. He also stated they are contacted by the front desk to come forward and get a parking pass and check in, but hasn't followed up on compliance.

Ladas confirmed that everyone checks in and checks out with him and he has a record of this and this can be provided to the county. Prial stated that he disagrees with everyone does it. Ladas confirmed people come in and out and Prial is not aware of it.

White asked when a parking permit is issued, do they tell you they are there for 7 days or they are there one and off. Prial stated they are dated for 1 days after their scheduled departure period.

Dennis Thurow, appearing in favor of the request, stated he has been involved with this for a while as he is the President of the Campground Association.

Richard Kramer, appearing in favor, stated he lives at Lot 173 (dog leg drive 73), stated they have been camping at Christmas Mountain for several years. He provided Exhibit K – photos.

Daniel Artl, appearing in favor of the request, stated that he is representing his mom who owns lot 57 in phase I of the campground, have used the property since the mid-1990's and feels they are in compliance, as it is only 40 foot park model, have a deck, and a shed.

White stated there are no permits listed for lot 57 for a deck or shed. She asked about the concerns about the side setback or the staying more days of the year. Artl asked what is the resolution of moving forward while everyone passes the buck.

White asked about the tax bill. Artl stated he pays taxes on the deck and shed and pays property tax to the home owners association to Christmas Mountain and there is a separate fee for water and sewer.

Kettner asked about the tax bill and if there is a Town assessment of the property. Artl stated he believes so but not sure. Artl explained how the property would be sold (park model and then the property).

Lee Guif, appearing in favor, stated he is lot 152 (which is lot 52 in phase 1), and they were told by Christmas Mountain that they were permanent sites.

White reviewed permits issued on his lot.

Kettner asked about how he became an owner. Guif stated he was in the regular campground before he became an owner in the park model area and traded in his RV for a park model. He stated when they started there were only 30 sites, then they started selling the other sites and then they added the third.

White asked what they were told they were purchasing. Guif stated they were told they were purchasing 1/30th of the property, which is phase I, was that was all that was there, when those were sold, then they started selling phase II. He stated he goes south in October and comes back in April.

Clinton Soule, appearing in favor of the request, stated he owns a park model at #17 on 19th hole drive.

White reviewed the permits issued for this lot and asked if the location of his property is an issue with the setbacks. Soule stated it is not. He spoke of the parking permit, the taxes he pays, which is only on the deck and the shed and is told that the actual unit is not taxable. He spoke of the permitting process.

Henry Wilkins, appearing in favor, stated he owns RV lot 53, and is here based on misinformation from meetings they've attended.

White asked if he lives there year around. Wilkins stated he did not and stated that it because a year around site because they had things for you to do year around.

White stated that your impression was that the RV's stayed permanently, but the people did not. Wilkins stated that is correct.

Kettner asked if the property was to be sold, would they write a check to you for one number or would they write separate checks for the park model for the land, the shed, etc. Wilkins stated it depends on how you want to sell it, if you sell it based on living in it year around, it's what you can get for it. He said their deed is for 99 years.

Barbara Card, appearing in favor of the request, stated she owns lot 28 phase 3, and was one of the first owners in phase 3, which was a deeded real estate for 365 days use of your property for a permanent site. She stated they stay here for 8 months and then go to Costa Rica for 3 -4 months during the winter and wants to be able to stay her permanently.

White stated the problem is the over the word permanent and whether that is a permanent place to have your park model or a permanent place to live. Card stated Christmas Mountain told them they could be there 365 days.

Linda Rassmussen, appearing in favor, stated she lives in phase 3, lot 12, is concerned about living there year around.

Dale Wehman, appearing in favor, stated he is lot 27 in phase 3, and purchased their park model through a realtor and live there permanently.

Kettner asked about the 99 year deed with Christmas Mountain and asked if he was buying the property in the 98th year would he have purchased the property. Wehman stated if it were disclosed to him he would not have purchased the property. It was not disclosed that was part of the deed.

Carolyn Johnson, appearing in favor of the request, stated she owned lot 67, dogwood drive, and they have owned for 11 years and purchased through a realtor as a real estate transaction with the intent to live there as a permanent resident.

Alene Bolin, reappearing, stating that she cannot find any 99 year leases, but what is on record is warranty deeds.

Joseph Bartol, reappearing, stated he has not reviewed the documents, but has only seen warranty deeds.

Johnson reappearing.

Kettner asked about permanent RV camping. Johnson stated they purchased through a realtor and it was like buying a house.

Victoria Lincoln, appearing in favor, stated that lives in phase 3, lot 31 and her title with DMV says it is 396 sq. ft. and has a deck and shed.

White asked if she is aware of anyone living there year around. Lincoln stated not 365 days a year.

Kettner asked where everyone parks that comes to visit her. Lincoln stated occasionally people will park near the mini golf.

Kettner asked if anyone parks on the road. Lincoln stated no one parks on the road.

Sandra Radtke, appearing in favor, stated she lives at lot 66.

White asked if her property is involved in the setback issues. Radtke stated she doesn't know for sure as they never get accurate information. She also spoke about the information they received from Christmas Mountain.

Dave Grau, appearing in favor, stated he has been an owner in phase I, lot 56, since 1993, and it was advertised by Christmas Mountain as a year around permanent RV Park.

White asked how many days a year before he retired was he here. Grau said not a lot, but planned to be here often, now that he is retired.

Darrin Schaefer, appearing in favor of the request, stated he needs to live on the site permanently because he has no other place to go, has a family as well and that is their home. Christmas Mountain provides facilities immediately in the area for him.

Lesa Nelson, appearing in favor of the request, stated she lives on lot 28, phase 2, purchased the lot 10 years ago, and worry about being able to resell and can't because of the issues going on and would like to put on a deck, but can't.

White asked when the park model was purchased did they buy the land and park model separate. Nelson stated they purchased through a realtor so they paid one price. She clarified that the wheels and hitch are still attached to the park model.

Pamela Hutmacher, appearing in favor of the request, lot 21, phase 3, 19th hole drive. Stated that she does stay year around and there are some of them that do live there year around but want the board to understand it is financial and there is nowhere else for them to go.

Donald Sprague, appearing in favor of the request, stated that he lives on lot 71, and were told at that time they can retire there and live there year around permanently since 1993.

Debra Douglas, appearing in favor of the request, stated that she lives in lot 19, phase 3, has a deck and a shed, and has owned it for about 5-6 years ago and knew of friends who lived there mostly year around. She stated they would like to live there year around, but can't sell anything because of all of the uncertainty of what is going on.

Dan Coulon, Town of Dellona Supervisor, stated he is not in favor of a blanket variance, but is in favor of certain parts of bringing it into compliance. He also read a statement.

White asked if his home is individual residence. Coulon stated it is and explained.

Kettner verified ownership. Coulon explained.

Paul Bremer, Town of Dellona Chair, appearing in opposition, referred to and read from Exhibit I. He spoke of material requested from Christmas Mountain and was never provided. He also addressed what was taxed.

Kettner asked about the difference in tax rates. Bremer referred to the Clerk who deals with that.

Bremer then spoke of the permits and why they are issued and whether or not they are issued in error, it is still up to the property owner to follow the rules.

White asked about the meetings at the Towns and how many people would show up. Bremer stated it would vary.

White asked if there were public meetings on this. Bremer stated they had several meetings where people attended.

Lyn Eberl, Clerk Town of Dellona, appearing as interest may appear, addressed the taxing at the park model sites at Christmas Mountain site.

White asked about for tax purposes where the ownership falls. Eberl explained.

White asked about someone who lives there fulltime in a park model would pay no tax outside of for additions. Eberl explained.

Kettner asked about the ability to deduct these taxes. Eberl stated he is not qualified to answer that question.

White asked about the additions being permanently attached. Eberl explained.

White asked if this changes and they get permission to stay year around, would the status of RV to permanent residence change. Eberl stated they would consult their attorney on that.

Richard Flasch, appearing as interest may appear, commented about self-imposed hardship and the permitting process.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 4:30 p.m.

Motion by Netzinger, seconded by Allen to postpone the meeting until early July. **Motion carried 5-0.**

Motion by Netzinger, seconded by Allen to adjourn. **Motion carried 5-0.**

Respectfully submitted,

Henry Netzinger, Secretary

DRAFT