

**SAUK COUNTY BOARD OF SUPERVISORS  
LAND RESOURCES & ENVIRONMENT COMMITTEE  
Tuesday, September 24, 2019  
County Board Room, Sauk County West Square Building**

Conservation, Planning, and Zoning (CPZ) Committee members present: J. Dietz, C. Spencer, G. Johnson, C. Whitsell, and B. Newport.

Absent: M. Krueger, J. Berlin, R. Puttkamer (all gave prior notice).

Others present: L. Wilson, G. Templin, B. Simmert, C. Fowler, W. Christensen, B. Cunningham, M. Stieve, and P. Dederich. See Registration slips for others.

At 9:00 a.m. Spencer called the Land Resources and Environment Committee meeting to order and Templin certified to be in compliance with the Open Meetings Law.

Adopt agenda: Motion by J. Dietz/C. Whitsell to adopt the agenda as presented. Motion carried, all in favor.

Adopt minutes: Motion by C. Whitsell/G. Johnson to approve the September 12<sup>th</sup> and September 20<sup>th</sup> LRE minutes. Motion carried, all in favor.

Public Comment: Heidi Geilz, Town of LaValle supervisor, appeared and requested the replacement of the dam and restoring the park. She spoke of the timing of the decision and coming to a conclusion to restore the dam and the park.

Communication: None.

Discussion and update on Hemlock Dam: Stieve provided an update on the dam and questioned the necessity for the bathymetric survey. Stieve suggested voiding the contract with Ayres due to the study being unnecessary for the committee to make a decision on the dam.

Whitsell stated that he was interested in the study primarily because he was interested in knowing what the depth of the water may be. However, he agrees with Stieve, but everyone needs to understand that the height of the water was artificially increased by someone acting independently; and may not be able to be restored to the artificial height.

Johnson stated that he did not feel that the study will detail the formation or lack thereof, of other wetland information and given that, he has enough information to make a decision.

The committee agrees that no study is required to move forward with a possible decision.

Stieve then spoke of the DNR suggesting that the 400 trail is now part of the Hemlock Dam and the trees on both sides of the dam would need to be removed as part of the grant application. He stated there is approximately 700 yards of trail to remove trees along both sides. He spoke of the possible seriousness of the tree removal and cost for such a project.

Spencer asked if this is required with a removal or repair. Stieve verified if there is a removal, no tree removal project is required. He then verified the cost estimate could be around \$50,000. He spoke of a future meeting with the DNR engineers to review what is required.

Spencer asked about timeline. Stieve stated there would be plenty of time for the Highway Dept to do the work, but we need something in writing that the County is willing to do this work so the grant can move forward.

Whitsell asked about the railroad that was previously there and if there is a property delineation. Stieve stated all of the trees are on DNR property, but they are suggesting that if Sauk County wants to have a dam in this location they should be responsible for the maintenance. Spencer spoke of "rails to trails" language. Whitsell felt that the DNR should be responsible for their side and the County responsible for the dam side.

Stieve advised the committee they are meeting with the DNR engineers, state parks officials and others on October 1<sup>st</sup> and the tentative location is the 400 trail in Hemlock Park.

**Public hearing: To begin at approximately 9:15 a.m. (Committee to consider and take possible action at the conclusion of the respective hearing.)**

At this time Chair Spencer recused himself from the immediate hearing and turned the hearing over to Johnson.

a. Petition 13-2019. A petition to consider a conditional use permit pursuant to s.7.027(3)(g) for an Agriculture tourism (winery). Said conditional use is located in the Town of Excelsior, Sauk County, tax parcel 010-0911-10000.

Cunningham appeared and provided the history and background of the request. He reviewed the staff report, conditional use permit, photos of the property and Town action. He concluded with staff recommendations to be considered should the conditional use permit be approved.

Johnson asked if it in the county required the 5 year term. Cunningham stated that they have the options to renew for 5 years; however, the applicant had concerns that it is only for 5 years and explained the compliance issue, but felt that that it is an issue of being extra work for staff.

Jill Quandt, applicant, appearing in favor, stated that they have been operating in accordance with all the conditions on them for the past 5 years. They have met with the Town Board and have done everything they can do to work with the neighbors. She stated they are agreeable to all conditions except the 5-year limitation and the difficulty of running a business having to come back every 5 years.

Whitsell asked how much staff time goes into preparing a CUP. Cunningham stated it varies case by case and mentioned having to take pictures, but felt approximately 6-10 hours.

Johnson asked about sales of goods and if they make all the wine produced on premise. Quandt stated they sell everything that is produced on-site, however they do bring in grapes from other places.

Kurt Muchow, appearing as interest may appear, representing the Town of Excelsior and Town Plan Commission, spoke of the comprehensive plan and how this ties into the Town's plan. He spoke of the request for the Town to have the opportunity to complete their process. He also spoke of the request for a 5-year permit and reasoning for it. He also asked that whatever conditions the town requests for conditions that the county include in their lists of conditions with the CUP.

Whitsell asked about the process and wanting to see the something from the Town before making a decision.

Casey Holloway, appearing in favor of the request, stated he is the manager. Holloway stated they are always trying to be compliant with the conditions and feel that they cannot plan for the future when they are being handicapped with meetings every 5 years.

Whitsell commented about the 5-year permit, but with the growth in the business and transitions to something outside of the conditions that the committee puts in place, they have to come back anyway. Holloway stated that is a risk they are willing to take.

Laurie Hasenbalg, appearing as interest may appear, Town of Excelsior plan commission, requested the committee hold off on making a decision until the October 10<sup>th</sup> meeting. She asked that the committee include the Town of Excelsior conditions as part of the CUP if approved, which were developed through several meetings with the applicants, the town and the county. She also spoke of the 5-year renewal and the reasoning for the renewal request.

Susan Miller, appearing in opposition, stated she is an adjacent neighbor to the business and the noise disturbance and the fact that she cannot enjoy her own property. She spoke of the music that is played and stated it has destroyed her peace. Miller asked them to keep the people inside and the music inside, not outside.

Jill Quandt, reappearing, stated that they have put trees up, and they do have people outside to play under the pavilion, do not play music past 4 p.m., and are not sure what else they can do to appease the neighbors.

Kurt Muchow, reappearing, spoke of the Town's ordinance not allowing outdoor music and the hours of operations, the business plan is changing, and this is why the Town wants a 5-year permit and the conditions that are put forward. He spoke of the Town trying to mitigate issues that were spoke of by the adjacent neighbor.

Seeing that no one else wishes to speak, Acting Chair Johnson closed the public portion of the hearing at 10:10 a.m. and the committee began deliberation.

Motion by C. Whitsell/B. Newport to postpone action on the CUP until the October 10<sup>th</sup> LRE meeting. Motion carried, all in favor.

At this time, Spencer returned to the board.

b. Petition 14-2019. A petition to consider a rezone from an Exclusive Agriculture zoning district to an Agriculture zoning district and conditional use permit pursuant to s. 7.027(7)(i) for a Landscape Center on property owned by Tim and Paige Ederer. Property is located in the SE 1/4, SE 1/4, Section 18, T10N, R5E, Town of Honey Creek, and as further described in Petition 14-2019. Part of tax parcel identification number 020-0715-20000.

Fowler appeared and provided the history and background of the request. She reviewed the staff report, conditional use permit and rezoning request, photos of the property and Town action. She concluded with staff recommendations to be considered should the conditional use permit be approved.

Tim Ederer, applicant, appearing in favor of the request, stated that the business started as a mowing service and the business kept growing and expanded into the landscaping business. He verified he is self-employed and there is no retail at the site.

Spencer asked about equipment. Ederer explained.

Seeing that no one else wishes to speak, Chair Spencer closed the public portion of the hearing at 10:19 a.m. and the committee began deliberation and reviewed the Findings of Fact.

Spencer verified the Town approved the request.

Motion by G. Johnson/C. Whitsell to approve the request to rezone from Exclusive Ag to Agriculture and CUP with the conditions provided by the LRE staff. Motion carried, all in favor.

c. Petition 15-2019. A petition to consider a rezone from an Exclusive Agriculture zoning district to an Commercial zoning district and conditional use permit pursuant to s. 7.040(4)(d) for self-storage facility. Said conditional use is located in the Town of Ironton, Sauk County, owned by Robb Thompson, parcel 022-0093-00000.

Christensen appeared and provided the history and background of the request. He reviewed the staff report,

conditional use permit, photos of the property and Town action. He concluded with staff recommendations to be considered should the conditional use permit be approved.

Robb Thompson, applicant, appearing in favor, stated his intent is to build storage shed. Johnson asked about the proposed building. Thompson stated they will be pole shed type building.

Spencer clarified where his property is located.

Paul Bodendein, appearing as interest may appear, stated he is an adjacent owner and feels they need commercial development and it is a good idea and the applicant takes good care of the property.

Seeing that no one else wishes to speak, Chair Spencer closed the public portion of the hearing at 10:36 a.m. and the committee began deliberation and reviewed the Findings of Fact.

Motion by G. Johnson/C. Whitsell to approve the rezone and CUP with the conditions provided by the LRE staff. Motion carried, all in favor.

d. Petition 16-2019. A petition to consider a conditional use permit pursuant to s. 7.033(1)(g) for a Home-based Business on property owned by Tim and Lesley Markley. Property is located in the SW 1/4, NW 1/4, Section 27, T10N, R5E, Town of Honey Creek, and as further described in Petition 16-2019. Part of tax parcel identification number 020-0952-00000.

Fowler appeared and provided the history and background of the request. He reviewed the staff report, conditional use permit, photos of the property and Town action. She concluded with staff recommendations to be considered should the conditional use permit be approved.

Spencer asked about an antique shop. Fowler explained.

Spencer asked where the products are made. Fowler believes they are made at home.

Spencer asked how much is purchased items. Fowler stated she is not sure.

Applicants were not present to speak.

Seeing that no one else wishes to speak, Chair Spencer closed the public portion of the hearing at 10:47 a.m. and the committee began deliberation and reviewed the Findings of Fact.

Spencer stated he has concern with the antique shop.

Motion by C. Whitsell/G. Johnson to approve the CUP with the conditions provided by the LRE staff. Motion carried, all in favor.

#### Surveyor -

a. Discussion and possible action on 2020 draft budget. Dederich appeared and stated his budget has not changed much, however the monumentation preservation and remonumentation bounty line item has been reduced. He stated the other significant change is his phone charges because he upgraded his cellphone plan through the County so that he can have unlimited data through his phone and his computer.

Whitsell asked for a summary of the monument preservation and what work goes into that. Dederich explained.

Motion by G. Johnson/J Dietz to approve draft budget as presented. Motion carried, all in favor.

b. Discussion and possible action on department report and vouchers. Dederich presented vouchers in the amount

of \$104.34 for cellphone charges. He stated he doesn't have a munis printout because he needs to get training from Accounting. Motion by G. Johnson/C. Whitsell to pay the cellphone bill, as submitted, in the amount of \$104.34. Motion carried, all in favor.

Discussion and possible action on a conditional use permit for a Planned Rural Development (PRD) lot for Lyle and Dorothy Kuhnau, located in Section 25, T09N, R3E, Town of Troy, Sauk County, pursuant to Chap 7 Subchapter IX, of the Sauk County Code of Ordinances. Fowler appeared and reviewed the conditional use permit to for a PRD lot within the Town of Troy. She concluded with the conditions recommended for the conditional use permit. Motion by C. Whitsell/B. Newport to approve the conditional use permit with conditions, as presented. Motion carried, all in favor.

Review and approval of vouchers – Templin reviewed vouchers in the amount of \$1,474.92. Motion by G. Johnson/J. Dietz to approve the vouchers as submitted. Motion carried, all in favor.

Next meetings of the Conservation, Planning, and Zoning Committee will be held on Thursday, October 10<sup>th</sup> and Tuesday October 22<sup>nd</sup>, 2019.

Motion by J. Dietz/C. Whitsell to adjourn the meeting at 11:10 a.m. Motion carried, all in favor.

Respectfully submitted,

Glen Johnson, Secretary