

**SAUK COUNTY BOARD OF SUPERVISORS  
LAND RESOURCES AND ENVIRONMENT COMMITTEE  
Thursday, February 23, 2021  
County Board Room 326A & B  
Sauk County West Square Building**

Land Resources and Environment (LRE) Committee members present: M. Krueger, R. Nelson, R. Curry, P. Kinsman, B. Lohr, V. McAuliffe, R. Puttkamer, D. Polivka (phone)

Others present: M Schlupp, B. Simmert, L. Wilson, G. Templin, L. Digmann, R. Manthe (zoom), P. Dietrich, D. Thompson (zoom)

Absent: None.

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

Adopt agenda: Motion by Curry/Nelson to adopt the agenda. Motion carried, all in favor.

Adopt minutes of previous meetings – February 11, 2021: Motion by Nelson/Curry to approve the February 11, 2021 LRE Committee meeting minutes. Motion carried, all in favor.

Public Comment:

Gary Nolden, appearing regarding Chapter 26, and spoke of concerns with new regulations.

Mike Turner, representing Turner Legacy Farms and Sauk County Farm Bureau, appeared and spoke regarding the changes to Chapter 26 and concerns with the proposed changes.

Ken Nolden, representing the Sauk County Farm Bureau Board, and his own farm, appearing and speaking of concerns relating to the proposed Chapter 26 changes.

Brady Peper, appearing and speaking in opposition to the proposed changes to the Chapter 26 ordinance updates.

Kathryn Peper, appearing and speaking in opposition to the proposed changes to the Chapter 26 ordinance updates.

Brian Peper, Supervisor District 25, speaking regarding the proposed changes to Chapter 26.

Fritz Wyttenbach, appearing and speaking regarding the changes to Chapter 26.

Communications:

Wilson appeared and introduced Lori Digmann and spoke briefly of the final geotechnical project.

Review and Approval of Vouchers – Surveyor

Surveyor appeared and presented vouchers in the amount of \$700. Motion by Kinsman/McAuliffe to approve vouchers, as presented. Motion carried, all in favor.

#### Review and Approval of Vouchers – LRE

Templin presented vouchers for the LRE department in the amount of \$3,068.55. Motion by Kinsman/Curry to approve vouchers, as presented. Motion carried, all in favor.

#### Public Hearing: To begin at approximately 9:15 a.m. or soon thereafter. Committee to consider and take possible action at the conclusion of the respective hearing.

At 9:30 a.m. Chair Krueger read the procedure for conducting the public hearing and introduced the Committee and staff.

a. Petition 3-2021 Ordinance Amendment. An Amendment to Chapter 26, the Sauk County Agricultural Performance Standards and Manure Management Ordinance and a request to amend Chapter 20, Uniform Citation Ordinance.

Schlupp appeared and presented a background and overview of the proposed changes to Chapter 26. She reviewed a power point presentation.

McAuliffe asked for the presentation to be available to committee members. McAuliffe also asked about the ability to record transfers of acreages. Schlupp spoke of recorded documents and title searches when a sale has taken place.

Curry asked about input from local farmers. Schlupp explained.

Lohr asked about the state agencies that may require changes. Schlupp explained.

Puttkamer asked about the nutrient management plans and the ability to remedy the problems that are being discussed. Schlupp agreed, but felt would still be problems when a facility changes hands. Puttkamer then asked about the registering of manure pits. Schlupp spoke about working with the seller or buyer if an inspection showed a pit needed to be updated and the ability to offer cost share.

Nelson asked about the fee schedule and the adoption. Wilson explained.

Nelson then asked about possible burdens on a land owner. Schlupp spoke of possible financial burdens, however the department could offer cost share in the amount of \$40/acre for a nutrient management plan, if needed, as an example.

Kinsman asked about the fees being a one-time fee. Schlupp explained the fees and the inspection schedule. Kinsman spoke of the transfer of ownership, not necessarily transferring to a new owner, but maybe a LLC or a family member, etc. Schlupp said she was looking into that with the Register of Deeds, but has not heard back.

Lohr asked about the issues with the properties being sold and the fact that they are sold because they can't succeed. Lohr asked if it is more common to be sold and not coming back into operation. Schlupp stated she is uncertain, but many that she is aware of remain idle. Lohr asked if it is a fair statement to say that more sell and stay off line than come back on line. Schlupp stated it is hard to answer, as the department is unaware of many transfers.

Brian Peper, County Board Supervisor, asked about the fee schedule adopted by the county board of supervisors. Schlupp explained. Wilson explained the fee schedule approval.

Peper also asked about the wording of “compliance” with the certificate of use and “violation” of the chapter. Attorney Manthe explained the wording.

Peper also asked about reimbursement clause and asked why the department cannot take on those costs. Schlupp explained and stated that it can be looked at.

Peper spoke about the requirement of a professional engineer. Schlupp explained why that clause was removed.

Mike Turner, appearing and speaking in opposition to the proposed changes and feels there are too many gray areas if this ordinance passes and worries about future regulation down the road.

William Turner, Turner Farms LLC, appearing and speaking in opposition to the proposed changes.

Jamie Haag, Haags Family Dairy LLC, appearing and speaking in opposition to the proposed changes. He concern with registering something on the deed to a property and fears that could hurt the land value.

Kathryn Peper, appearing and speaking in opposition to the proposed changes and feels they are an attack on the farmer and offended they were never consulted on what they were already doing on the farms.

Brian Peper, appearing and speaking in opposition to the proposed changes, invited everyone presented to the county board meeting on March 16<sup>th</sup> to speak on this topic. He talked about fertilizing crops, and the overstepping of bounds with the regulations.

Nelson asked if a delay in the decision to next month would cause any issues. Schlupp stated there is no required timeline for it to be passed and she actually recommended that it be postponed.

Polivka spoke about support for the staff and the intention to do the right thing, however, he understands the comments coming from the public. Polivka suggested finding ways to be strict on those creating the problem, versus an ordinance that applies to everyone. Polivka would support reviewing the changes and bringing back for another hearing process.

Seeing as no one wishes to appear, Chair Krueger closed the public portion of the meeting at approximately 10:50 a.m. and the committee went into deliberation.

Motion by McAuliffe/Nelson to postpone until Tuesday, March 30<sup>th</sup>. Lohr stated he disagrees and feel that those that attended from the public deserve a vote today. He stated he won't support any of the ordinance. McAuliffe stated she doesn't feel informed enough to make a decision today and she has a great deal of respect for the public who attended, but she also respects the staff and the time they have put into the ordinance and their attempt to address the environmental concerns. Nelson agreed with McAuliffe. Puttkamer encouraged everyone in the room to contact the department and share their concerns with the staff. The issues that brought the changes are still out there and need to be addressed, but the farmers that are here to provide input and bring something forward to address the issues. Curry stated the public deserves a vote today and no matter what changes the staff makes, he isn't going to change his mind. Kinsman stated most farmers are good at what they do, but feels there are some changes that need to be made.

Krueger stated that he respects all the comments, but respects the recommendation of staff. Krueger also noted Randy's suggestion to contact the department and assist in modifying the proposed changes. Motion carried 5-2, with Lohr and Curry in opposition and Polivka absent for the vote.

b. Petition 2-2021. A petition from Decem Properties, LLC c/o Chris Gantz to consider a rezone from a Resource Conservancy to a Multiple Family zoning district and conditional use permit for a mobile home park pursuant to s. 7.037(3) of the Sauk County Zoning Ordinance. Said rezone and existing conditional use is located in the Town of Greenfield, Sauk County. Lands affected by the proposed rezone and conditional use are located in the SW¼, of the SW¼, Section 5, T11N, R7E. Tax parcel identification number 018-0130-00000.

Simmert appeared and presented the background and history on the property, reviewed the staff report and the agency findings.

Nelson asked about the functional difference between a mobile home and manufactured home. Simmert explained.

McAuliffe asked if the units were currently occupied. Simmert thought about 2/3<sup>rd</sup> were occupied, but the others were uninhabitable.

Seeing as no one else wished to speak, Chair Krueger closed the public portion of the hearing at approximately 11:25 a.m.

Motion by Kinsman/McAuliffe to approve the rezone and conditional use, based upon the staff findings of fact and conclusion with recommended conditions. Motion carried, all in favor.

Discussion and possible action on a conditional use permit for a Planned Rural Development (PRD) lot for Mike Pings located in Section 33, T10N, R6E Town of Prairie du Sac, Sauk County, pursuant to Chap 7 Subchapter IX, of the Sauk County Code of Ordinances. Simmert reviewed the request, background and history of the requested conditional use, explained the transfer of the density credit between two townships, and approval by the two Townships. Motion by Curry/Lohr to approve the PRD/CUP as presented. Motion carried, all in favor.

Discussion and possible approval of a site plan for a parking lot and access trail to the GSST. Simmert explained the project and next steps for the design of the parking lot and access trail to the GSST. Motion by Lohr/McAuliffe to approve the proposal as submitted, with the substitution of a new grass species that is more native. Motion carried, all in favor.

Next meetings of the Land Resources and Environment Committee will be held at 9 a.m. on Thursday, March 11<sup>th</sup> and Tuesday, March 30<sup>th</sup>, 2021

Motion by Curry/Puttkamer to adjourn. Motion carried, all in favor. Meeting adjourned at 11:45 a.m.

Respectfully submitted,

Ross Curry, Secretary