

**SAUK COUNTY BOARD OF SUPERVISORS  
LAND RESOURCES AND ENVIRONMENT COMMITTEE  
Tuesday, August 31, 2021  
County Board Room  
Sauk County West Square Building**

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

Others Present: L. Wilson, G. Templin, L. Digmann, T. Hillmann, W. Christensen, B Desmond, B. Miller

Absent: None

At 9:00 am Chair Krueger called the Land Resources and Environment Committee meeting to order and certified compliance with the Open Meeting Law.

**Adopt agenda** - Motion by Curry/McAuliffe to adopt the agenda. Motion carried, all in favor.

**Adopt minutes of previous meeting- August 12, 2021 and August 23, 2021** - Motion by Polivka/Nelson to approve the August 12, 2021 and August 23, 2021 LRE Committee meeting minutes. Motion carried, all in favor.

**Public comment** - None

**Communications** – Wilson informed committee that the Fall Conservation Chronicle is available for their viewing online.

**Review and approval of vouchers** - Motion by McAuliffe/Curry to approve the vouchers in the amount of \$30,054.42. Motion carried, all in favor.

Discussion and possible action on identified missing land use permits.

Wilson presented information from GIS on the missing land use permits. Nelson asked what the consequences would be for not having a permit. Wilson stated that the staff would work to gain compliance. Nelson questioned if this could mean possibility removing something. Wilson stated that permits may need to be obtained, variances may be an option, or potential removal. Puttkamer feels it is a good time to reiterate the seriousness of these permits. Motion by McAuliffe/Kinsman to authorize staff to review and bring all missing land use permits into compliance. Motion carried, all in favor.

Discussion and possible action on GSST retaining wall in Prairie Du Sac.

Desmond presented the retaining wall issues on the GSST in Prairie Du Sac and noted the need to hire an engineer to look at the wall from a structural standpoint and make recommendations. Polivka asked what kind of money we are looking at to hire an engineer. Wilson stated that it could be little as \$5000 and would go up from there. Wilson noted that staff would obtain quotes and if certain amount was exceeded and RFP may be necessary. Chair Kruger stated that Sauk County took the responsibility to get the GSST built so it will be the County to take care of the problem with the wall. McAuliffe said it is very unsightly and the County needs to take a hard look at this, since Prairie Du Sac put a lot of work into building the community park where the trail runs through. Nelson asks where the money will come from. Wilson said it would probably come from the GSST funds. Curry stated that if we don't do the work, it could potentially be more costly if something would happen to the adjacent properties. Motion by McAuliffe/Kinsman for staff to obtain cost estimates to hire an engineer to review the retaining wall on the GSST. Motion carried, all in favor.

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

- a. Petition #18-2021 Conditional Use. A petition to consider a conditional use permit pursuant to s7.027(3)(g) for an Agriculture tourism (winery). Said conditional use is located in the SW ¼, SW ¼, Section 33, T10N, R3E in the Town of Bear Creek, Sauk County. Lands affected by the proposed conditional use are in the SW ¼, SW ¼, Section 33, T10N, R3E, Town of Bear Creek, Tax parcel identification number 004-0959-00000.

Templin appeared and provided a background and history. Templin noted that the Town of Bear Creek is in favor of the conditional use permit. Nelson asked if the wine would be produced on site and does it fall within our restrictions. Templin explained.

Applicant, Mary Nachreiner explained her organic farming operation. Nachreiner plans to expand their organic farm, growing fruits and other items to process and package wine. Nachreiner stated that she would like to offer wine tasting events.

Chair Krueger closed the public hearing at 9:49 a.m. Motion by Polivka/Curry to approve the conditional use permit for an Agriculture tourism (winery) in the Town of Bear Creek, based on the Findings of Fact and Conclusion of Law and subject to the staff analysis and conditions as presented. Motion carried, all in favor.

- b. Petition 19-2021. A petition to consider a conditional use permit pursuant to s7.039(7)(d) for a retail establishment, outdoor. Said conditional use is in the Town of Sumpter, Sauk County. Lands affected by the proposed conditional use in the SW ¼, SW ¼, Section 3, T10N, R6E, Town of Sumter, Tax parcel identification number 034-0014-00000.

Hillmann requested to postpone the conditional use permit for a retail establishment, outdoor subject to the request of the property owner until the November 30, 2021 meeting. Motion by Lohr/McAuliffe to postpone the hearing as noted until the November 30, 2021 meeting. Motion carried, all in favor.

- c. Petition 20-2021 Conditional Use. A petition to consider a conditional use permit pursuant to s7.040(2)(d) for a storage yard. Said conditional use is in the Town of Dellona, Sauk County. Land affected by the proposed conditional use located in the SE ¼, NW ¼, Section 21, T13N, R5E in the Town of Dellona, Tax parcel identification number 006-0428-20000.
- Hillmann appeared and provided a background and history. Nelson said it looks like construction has already been done on the site. Hillman said there is some construction already done. Krueger requested that Templin come forward to explain the history of this request. Committee questioned the erosion issues. Templin explained and noted that the applicant's engineer was present. Hillmann distributed three letters from surrounding property owners that were not in support of the request.

James Heyn, attorney representing the applicant presented the case.

James Brandt, an engineer, from Team Engineering provided information regarding stormwater and erosion control for the site. Brandt distributed photos of his findings on-site on Friday (8/27/21). Curry asked if there are improvements needed. Brandt explained. Polivka stated there are concerns from the neighbors about the runoff. Nelson asked if the applicant is aware that the March 2019 conditional use permit could be pulled if his property does not become compliant. Heyn stated that the applicant is willing to improve site to become compliant. Krueger asked what the timetable would be to become compliant. Brandt noted that a timeline had not been determined.

Gerald Dallman, Chairman for the town of Dellona, stated that the development has been an improvement. Dallman stated they have only received 1 complaint. The Town of Dellona is in favor of the storage facility.

Susan Brott, appearing in opposition, stated that the water now backs up to her property and she had to install a sump pump. Brott noted that the property looks like a junkyard with all the vehicles around the property and seems to be a repair shop, that operates at all hours of the night.

Colton Brock, appearing in opposition, is a small business owner and would like to see the March 2019 conditional use permit become compliant before a new permit is issued.

Michael Kowolski, brother to applicant, said all this is a family dispute with his sister Susan Brott. Kowolski stated that there was always water on the property for years. Kowolski said that Brott had to build up her own property to keep water out of her basement.

Brott provided rebuttal that she is here as a concerned neighbor and for her property.

Nelson asked about a conditional use permit for an outside storage yard. Templin explained. Polivka questioned if there is an ordinance that you cannot store your own RV on your property. Templin explained. Polivka asked if the property was lower than the neighboring properties before work began. Templin was unsure but it was heavily vegetated. Brandt said there were some higher and some lower areas, so the property was leveled. Chair Krueger asked if outside storage was discussed on the March 2019 permit. Polivka asked if the hours of operations were discussed on the March 2019 permit. Templin stated that she did not recall. Heyn stated that in the March 2019 conditional use permit it may have stated material could not be stored outside. Heyn stated that materials does mean vehicles. Krueger questioned what the hours of operation are. Heyn stated it has 24 hours access.

Chair Krueger closed the public hearing at 11:01 a.m. and went into deliberation.

Curry stated the water issues need to be addressed immediately.

Nelson said the erosion to the neighbor's yard should be added to the conditional use permit.

Polivka stated that he supports business, but the property needs to be brought into compliance.

McAuliffe stated that in conjunction with the water runoff, she has concerns about what substances are running in to Dell Creek.

Krueger stated that 24-hour access is not acceptable and working on vehicles all hours of the night could be problematic. Nelson stated there are 3 major concerns, time of operation, water runoff, and vegetation. Lohr said all issues need to be address. Lohr stated that he did want to take a hardline approach but would like to work together.

Motion by Kinsman/Curry to approve the conditional use permit for a Storage Yard based upon the Findings and Fact and Conclusion of Law and subject to the staff analysis and conditions and subject to the following additional conditions: amend condition G to include and engineered plan and implementation schedule to address the erosion control and water runoff issues shall be submitted and approved by LRE staff within 60 days. Failure to do so may result in suspension or revocation of the CUP; include conditions J to limit the hours of operation to 6 a.m. to 10 p.m. 7-days a week; and include condition K that no repairs or maintenance of any stored item can be completed at this location. The premises is for storage only. Motion carried all in favor.

- d. Petition 21-2021. A petition to consider a conditional use permit pursuant to s7.040(3)(i) for a metal fabrication business, and pursuant to s. 7.027(2)(i) for an agriculture related business (repairing farm equipment). Said conditional use is located in the Town of Woodland, Sauk County. Lands affected by the proposed conditional use are located in the SE ¼, NW ¼, Section 35, T13N, R2E, Town of Woodland, Tax parcel identification number 044-0709-00000.

Christensen appeared and provided a background and history of the request.

Adin Yutzy, applicant provided comment to his request. Chair Krueger closed the public hearing at 11:33 a.m. and went into deliberation. Kinsman stated that Mr. Yutzy keeps an immaculate property and has a business that supports the farming community. Motion by Kinsman/McAuliffe to approve the Conditional Use Permit for Adin Yutzy backed upon the Findings and Fact and

Conclusions of Law, subject to the staff analysis and conditions as noted in the staff memo.  
Motion carried, all in favor.

10. Next meeting dates - Thursday, September 9, 2021 and Tuesday, September 21, 2021

11. Motion by Polivka/Nelson to adjourn at 11:38 am. Motion carried, all in favor.

Respectfully submitted,

Ross Curry, Secretary