

**SAUK COUNTY BOARD OF SUPERVISORS
LAND RESOURCES AND ENVIRONMENT COMMITTEE
TUESDAY, JULY 26, 2022
COUNTY BOARD ROOM
SAUK COUNTY WEST SQUARE BUILDING**

Land Resources and Environment (LRE) Committee members present: M. Krueger, D. Polivka, R. Spencer, L. Eberl V. McAuliffe, R. Puttkamer

Others present: L. Wilson, B Simmert, M. Schlupp, L. Digmann, T. Hillmann, W Christensen, B. Desmond, G. Templin-Steward

Absent: B. Lohr (excused), P. Kinsman

At 9:01 a.m. Krueger called the Land Resources and Environment Committee meeting to order and certified the meeting to be in compliance with the Open Meetings Law.

Adopt agenda: Motion by Eberl/Spencer to adopt the agenda as presented. Motion carried, all in favor.

Adopt minutes of previous meetings – July 14, 2022: Motion by McAuliffe/Spencer to approve the July 14, 2022 LRE Committee meeting minutes. Motion carried, all in favor.

Public Comment: None

Communications: Wilson presented the July 2022 Pollen flyer. Wilson informed the committee that there were some emails provided by both the applicant and the opposition for petition 19-2022. Wilson stated that those emails will be entered into the record as exhibits when that item is presented.

Review and approval of vouchers –Wilson presented the LRE vouchers in the amount of \$11,999.87 and Parks vouchers in the amount of \$600.00. Motion by McAuliffe/Spencer to approve vouchers in the amount \$11,999.87 for LRE and \$600.00 for Parks. Motion carried, all in favor.

Discussion and possible action on a Resolution Authorizing the Director of Land Resources and Environment to Enter into a Memorandum of Understanding with the Sauk Soil & Water Improvement Group.

Wilson presented the Resolution Authorizing the Director of Land Resources and Environment to Enter into a Memorandum of Understanding with the Sauk Soil & Water Improvement Group. Wilson stated the preliminary 2023 budget is anticipating \$20,000.00 available for next year.

Motion by McAuliffe/Puttkamer to approve the Resolution Authorizing the Director of Land Resources and Environment to Enter into a Memorandum of Understanding with the Sauk Soil & Water Improvement Group. Motion unanimously approved.

Discussion and possible action to Approve the Five-year Review of the Sauk County Land and Water Resource Management Plan.

Schlupp presented the five-year Review of the Sauk County Land and Water Resource Management (LWRM) Plan. Schlupp stated the plan will head to the State Land and Water Conservation Board for approve or disapprove. Schlupp stated the plan must be in place to receive funding from the state. Schlupp stated we get a staffing grant from the state which covers about 1 ½ positions in our office and also receives funding from Department of Agriculture Trade and Consumer Protection for cost share for conservation practices. Schlupp stated next week the department will be presenting before the State Board and one of the requirements is that we present our review for approval by the committee. Schlupp stated some of the things they will ask about is our accomplishments, struggles, how we implement our priority farm strategy, and how will we change our strategy over the next five years. Schlupp stated the review form is on Granicus.

Puttkamer would like to compliment the department on how we are evolving a plan throughout the 10 years with changing circumstances. Motion by Puttkamer/Eberl to approve the Five-Year Review of the Sauk County Land and Water Resources and Environment Management Plan. Motion unanimously approved.

Public Hearing: Chair Krueger opened the public hearing portion of the meeting at 9:17p.m.

Petition 18-2022. A petition to consider amending conditions of approval for conditional use permit 6-2020 originally approved by the Land Resources and Environment Committee on May 26, 2020 and documented in the Decision Letter addressed to Kingdom Storage, LLC pertaining to CUP 6-2020 pursuant to s7.040(4)(d) for mini warehousing. Land affected by the CUP is located in the E ½. SW ¼. Section 3 T10N, R6E, Town of Sumpter, tax parcel identification number 034-0779-00000, and owned by Kingdom Storage, LLC.

Simmert appeared and presented the background and history.

Polivka asked to clarify the staff recommendations is to leave it as is. Simmert explained. Eberl asked if the owner offered any reasoning as to why they wanted to make these changes. Simmert stated that would be a question for the applicant.

Scott Stiffler, applicant, appeared in favor of the request. Stiffler stated his intentions and reasons for this request.

Robin Meier, Plan Commission for the Town of Sumpter and Administrator for Bluffview Sanitary District spoke in opposition to the request. Meier noted the long-standing issues with the Town, which included failure to follow plans and failure to meet conditions. Eberl questioned the timeline, when the original permit issued, and when the units were constructed. Chair Krueger stated the original CUP was approved on May 26, 2020 by this committee. Meier stated the construction happened the following 9 months and the facility opened the following year.

Seeing as no one else wishes to speak, Chair Krueger closed the public portion and went into deliberation at 9:41 a.m.

McAuliffe stated she thought there is room for negotiations. McAuliffe stated a living fence would be much better than a chain link fence and there could be some movement of the driveway. Polivka stated that many Towns have ordinances on how many driveways enter on to a road. Polivka stated he was concerned about the living fence over sewer and the unforeseen costs in the future for the sanitary district. McAuliffe stated that trees can be removed. Eberl stated that if the Town has a driveway ordinance the Town can generally make an exception to grant an additional driveway and that could be taken up with the Town Board.

Motion by Polivka/Eberl to disapprove the request to amend the conditions of approval for conditional use permit 06-2020 originally approved by the LRE on May 26, 2020 on lands in the Town of Sumpter and owned by Kingdom Storage, LLC based on the findings of fact and conclusion of law, as contained in the staff report. Motion carried 4-1 with McAuliffe in opposition.

Petition 19-2022. A petition from Scott Littell, agent for Parallel Infrastructure to consider a conditional use permit pursuant to s. 7/038(9)(i) for a mobile tower siting on land owned by Donald and David Fulkerson. Said condition use is located in the Town of Baraboo, Sauk County. Lands affected by the proposed conditional use are located in part of the NE ¼, SW ¼, of Section 15, T11N, R6E CSM 575, Lot 1, Town of Baraboo, Sauk County, tax parcel identification number 002-0445-00000.

Chair Krueger asked Brian Desmond from Corporation Counsel to provide guidance on what the Committee should consider this morning. Desmond stated the application has been deemed complete by the Department. Desmond outlined the law as it pertains to conditional use requests and substantial evidence.

Hillmann appeared and presented the background and history of the request. Hillmann provided copies of emails sent to department staff and the committee as Exhibits V, W and Z.

Scott Littell, applicant on behalf of Parallel Infrastructure, spoke favor of the request.

Jim Jermain, Regional Vice President for AT&T, spoke in favor of the request.

Paul Jonas, Attorney with Michael Best & Friedrich representing the applicant, spoke in favor of the request.

Morgan Olson, Town Clerk for Baraboo, appeared as an interested party.

Don Fulkerson, Landowner and Campground Owner, spoke in favor of the request.

Aaron Eickhorst, Fox Hill Campground Owner, spoke in favor of the request.

Claude Krawczyk, Attorney with O'Neil Cannon Hollman Dejong & Laing, representing SBA Communications spoke against the request.

Committee members questions the coverage map provided. Jermain provided clarification to the questions.

Chair Krueger asked the committee if they would like Krawczyk to respond. Committee agreed to have Krawczyk to respond. Krawczyk provided rebuttal to the questions asked by Committee and the statements made by Jermain.

Chair Krueger closed the public hearing portion and went into deliberation at 11:13 a.m.

Desmond wanted to remind committee member that all three standards do not have to be met for the colocation requirement. There are 3 separate areas, and if any of those are met, colocation would not be required. Committee members deliberated on the evidence provided by both sides.

Motion by Polivka/McAuliffe to approve petition 19-2022 from Scott Littell, agent for Parallel Infrastructure for a conditional use permit pursuant to s. 7.038(9)(i) for a mobile tower siting on land owned by Donald and David Fulkerson located in the Town of Baraboo based on the findings of fact and conclusion of law, with the additional findings that there is a substantiated economic burden as well as proof that the proposed location will increase coverage over that of the existing tower and with recommended conditions.

Motion by Krueger/McAuliffe to amend the original motion to remove that there is not a reasonable assumption that economic burden has been substantiated but that colocation on the existing tower does not allow for increase in coverage. Motion unanimously approved.

Chair Krueger stated that brings us back to the original motion.

Motion by Polivka/McAuliffe to approve a petition 19-2022 from Scott Littell, agent for Parallel Infrastructure, for a conditional use permit pursuant to s. 7.038(9)(i) for a mobile tower siting on land owned by Donald and David Fulkerson located in the Town of Baraboo based on the findings of fact and conclusion of law, contained in the staff report, and based on the fact that colocation on the existing mobile tower cannot achieve the improved service that AT&T has put forward for the new tower. Motion carried 4-1, with Eberl in opposition.

Petition 20-2022. A petition to consider a conditional use permit pursuant to S7.027(10)(g) to operate a sawmill. Said conditional use is located in the Town of Westfield, Sauk County. Lands affected by the proposed conditional use are located in part of the SE 1/4, SW 1/4, Section 30, T11N, R4E, Town of Westfield, and as further described in Petition 20-2022. Tax parcel identification numbers 040-0645-00000.

Christensen appeared and presented the background and history.

Norman Mast, applicant appeared in favor of the request.

Krueger questioned if the revised hours of operation from 7:00 a.m. to 4:00 p.m. would be okay with Mast.

Mast agreed to the hours of operation of 7:00 a.m. to 4:00 p.m.

Seeing as no one else wishes to speak, Chair Krueger closed the public portion and went into deliberation at 11:54 p.m.

Motion by McAuliffe/Spencer to approve petition number 20-2022, a conditional use permit to operate a sawmill located in the Town of Westfield based on the findings of fact and conclusion of law, subject to the staff analysis and recommended conditions in the staff report which includes the hours of operation from 7:00 am – 4:00 p.m. Motion unanimously approved.

Discussion and possible approval of a reduced access easement width pursuant to s.22.15 of the Sauk County Land Division & Subdivision Regulations Ordinance. Said request is located in Section 36, T12N, R5E Town of Dellona, tax parcel 006-0844-00000.

Simmert presented a reduced access easement width pursuant to s.22.15 of the Sauk County Land Division & Subdivision Regulations Ordinance in the Town of Dellona. Simmert stated the reduction of the access easement would be to 30 feet.

Motion by Polivka/McAuliffe to approve a reduced access easement width to 30 feet pursuant to s.22.15 of the Sauk County Land Division & Subdivision Regulations Ordinance in the Town of Dellona. Motion unanimously approved.

Next meeting dates – Thursday, August 11, 2022 and Tuesday, August 23, 2022

Motion by Eberl/McAuliffe adjourn at 12:00 p.m. Motion carried, all in favor.

Respectfully submitted,

Brandon Lohr, Secretary