

Vernon County Zoning Committee Minutes

County Boardroom, 3rd Floor Courthouse

April 9, 2019

Committee Members in attendance: Eric J. Evenstad – Chairman, Will Beitlich, Kevin Larson, Garrick Olerud and Roger Call.

Others in attendance: Susan Burkhamer, Zoning Administrator and Tim Hundt, Great River News, Phyllis Pasch and Diane Garvin, Phil Hewitt, and County Board Chair Dennis Brault.

Evenstad brought the meeting to order at 8:30 a.m.

Proper public notice affirmed by Burkhamer.

Olerud made a motion to address item #4, Review of Minutes, second by Beitlich with all in favor. Evenstad noted several typographical errors to be corrected. Olerud moved to approve the minutes as corrected, second by Beitlich with all in favor.

Kevin Larson arrived at 8:45.

Under 1st Opportunity for Public Comment Phyllis Pasch and Diane Garvin were in attendance to discuss an on-going problem with a neighbor.

Each attendee introduced themselves. Pasch and Garvin stated that they were appearing at the Zoning Committee as they have had contact with other county offices without result. Their issue is with a neighbor who is somewhat combative and continually litters onto their property. Attempts to gain cooperation from the neighbor have been unsuccessful and often result in verbal abuse and harassment. Concerns are that camper vehicles are parked in the County Road right-of-way, the property is generally unsanitary, the septic system is self-pumped into the highway ditch at night, animals are allowed to run at large, and the landowner goes out of his way to be verbally abusive and is loud and threatening in his manner. There have been many attempts to curb the activity via calling the sheriff. The attendees asked if the zoning committee could help them.

Evenstad responded that it sounds like there are many things here outside the control of the Zoning Committee, but we can certainly look at the items that are under our purview.

Burkhamer noted that additional complaints had come to the office from neighbor Bob Steffen. Burkhamer further said that report from Steffen was that several complaints had gone before the district attorney but were not pursued by the DA. Burkhamer said she spoke with Troy Moris, Vernon County environmental sanitarian. Moris noted that he had been involved with this individual as well as Social Services when the children were young. Burkhamer said that she had a thorough discussion regarding the possibility of collecting samples from the road ditch and issues of cost of testing and evidentiary issues with the source of the wastewater. From her perspective the only avenue currently available from her program is to process the failure to maintain the septic system and report such maintenance under the citation process.

Will Beitlich questioned the format of the back and forth interaction under a public comment category. Dennis Brault stated that it is the committee chairman's prerogative to allow the discussion, it simply could not be acted upon. Brault offered dates and times of other committee meetings that may be attended to bring their concerns forth. Evenstad recognized the concerns and encouraged working with the Sheriff's Department. Olerud said he felt this is a Township issue and should go back to the town to determine if their local zoning would be effective.

Beitlich offered that perhaps during the meeting with the sheriff the town chairman could participate.

Burkhamer described the process of citation and said she could not go to summons and complaint as she did not have sufficient proof of illegal activity that would rise to this action. Discussion continued regarding the process of the maintenance program.

Discussion concluded at 9:00 and visitors left the meeting.

Burkhamer presented the Work-Income report. There were 23 work days with 14 field days and drove 874 miles (Wausau Conference). 241 phone calls were received and 25 people visited the office. One holding tank was installed. The department received seven sanitary permits and one telecom permit. One soil evaluation report was filed.

Revenue totaled \$7,165. with expenses of \$15,503.09 reflecting a loss of \$8,338.09. Revenue was 46% of expenses for the current month as well as year-to-date. The monthly voucher was presented in the amount of \$1,561.89. Olerud moved to approve the voucher as presented, second by Larson with all in favor.

Under discussion of Town Permit Language Burkhamer said she had obtained two permit examples from the Town of Kickapoo and the Town of Hamburg noting that Kickapoo is reflecting some standard language required by DNR regarding wetland and shoreland. Several suggestions were made regarding making handouts available to the Towns. Evenstad said some really concise language needs to be included on the town permits and an offering that may be included on their permits. In addition to the town permit, it was suggested that an additional page be provided to give thorough instruction to landowners regarding their obligation to recognize county zoning requirements. It was the consensus that towns would welcome some support from the county to provide information. The misinformation regarding the lack of "countywide" zoning needs to be clarified. Brault offered that perhaps it was time to re-address comprehensive planning for consideration. Larson expressed that he did not believe the towns would be averse to having a handout available. Evenstad described his efforts with Burkhamer to produce a flow chart as a handout. Burkhamer offered that a positive statement that Vernon County IS zoned would be helpful, but noted that all townships are not using permits at all. Larson expressed that he felt that ramifications of not following the rules should be included.

Under #8, Discussion on Enforcement, Burkhamer said the mailing under Corporation Counsel Letterhead as a pre-citation effort has been sent and is receiving a lot of feedback both over the phone as well as in person in the office. The initial blush that this is proving to be a successful effort. The only glitch to this format is, even though the letter clearly states to work through the zoning office, corporation counsel is getting visitors and phone calls. Burkhamer said she believes this is a "small town" thing. Evenstad inquired about the citation process. Burkhamer described the activity of issuing five citations. It has been a bit "jerky" issuing the citations issued. Communication with the citation deputy has been difficult and delayed by "phone tag". Burkhamer noted that enforcement was a subject at the recent conference and the counties statewide shared the various difficulties they experience and offered how they handled the issues. Burkhamer further explained the process of paper citation and the data entry required by the citation officer, input required at the clerk of court's office and tracking at zoning. Deputy Torgerson has expressed that he expects we will have accomplished the "electronic" program by the end of May when the next round of citations are anticipated.

Tim Hundt questioned the septic program. Burkhamer described the process of discovery the department has been working through since 2010. The state mandate is to have everyone on the maintenance program by October 2019.

Under Administrators Report Burkhamer recapped the current floodplain issues noting that she received a variance request from the Graff's. Burkhamer said it is difficult to get through to folks that the bar is high to achieve changes to the ordinance through the board of adjustments.

May 10th is planned for a Board of Adjustments/Appeals training.

Burkhamer said she received a letter from Zohimsky but its intent was unclear. Burkhamer was contacted by a flood recovery counselor on behalf of Zohimsky. The counselor felt that the substantial damage letter was pretty straight forward. Because Ole Yttri (also on the flood recovery team) was more familiar with the case and issues in Bloomingdale, the case was referred to Yttri. Burkhamer e-mailed Yttri to open a conversation. Yttri has yet to respond.

Kagel – registered mail was returned from the post office. A follow up first class letter was mailed and was not returned. It is a possibility that this will result in a summons and complaint.

Stafslin has hired an attorney. Olerud said this seemed like a cut and dry case. Burkhamer said there are negotiations in process between corporation counsel and Attorney Menn. Larson spoke to FEMA floodplain on this lot, Burkhamer noted that the issue is hydraulic shadow. Interest in stronger deed restriction language and process of changing this was discussed. Burkhamer responded to several inquiries and described the various details that make this case difficult. Burkhamer expressed that the law works too slow for her, but she does understand the process.

Regarding the Amish issue, Burkhamer said the Amish have requested another meeting with groups of three men from each community who will be acting as their community's permitting team. Burkhamer described an office meeting with David Borntreger where they discussed the outhouse issue as that community does not allow indoor restrooms. Amish claims of lower water usage, system downsizing based on water use and utilizing holding tanks for privies was discussed. Burkhamer said the amount of communication is cumbersome as the Amish folks are basically attempting to "reinvent the wheel" and are not receptive to complying with a "cookie-cutter" scenario as they view it as more expensive.

Burkhamer said that the lobbyist that was supposed to contact her (Samuel Mast) has not done so. She believes that this individual is actually working on some method of working with the state to establish an alternative water usage chart specific to the Amish community, but he will have to work with the state on that proposal. Evenstad expressed concern about creating alternative systems that would not likely fit the next owner. The fairness issue was again noted that the

current practice is requiring a system to match the house (# of bedrooms) for the general population. Olerud offered that an affidavit was available to address that issue.

Regarding floodplain work, Burkhamer said the residents near Viola immediately responded to her substantial damage letter. There seemed to be some confusion on their behalf about permitting – again mixing the issue of a town permit vs. county permitting. They did state that they intended to vacate their property next year and attain an adjacent property that is on the hillside and not impacted by floodplain.

Burkhamer updated the committee on the changes being affected by FEMA in the buyout program. FEMA did not complete the initial three buyout properties prior to the August flood and have now “re-prioritized” how they are awarding grants and two of the three initial buyouts will be moved to the bottom of the list due to specific details about their property situations.

Larson questioned the status of the FEMA audit and where we stand on properties resolved. Burkhamer said she could not give an exact response because of situations like the buyout. Burkhamer said she will try bring an orderly explanation that can be tracked month to month.

Beitlich asked about the Eljen training and Angela giving a short presentation. He is interested in the product and how it will be used.

The Sugden complaint discussed earlier in the meeting was revisited and options to resolve were discussed.

The next meeting date was set for May 14th with a public hearing for telecom towers.

Beitlich moved to adjourn at 10:05, second by Larson with all in Favor.

Minutes recorded by Susan Burkhamer