

**MINUTES**  
**JACKSON COUNTY ZONING & LAND INFORMATION COMMITTEE**  
August 16, 2012

**August 15, 2012: Committee Site Visits**

**Meeting called to order** by Chairman Gaylord Olson at 8:00 a.m., the Site Visits followed.

**August 16, 2012: Committee Meeting and Public Hearings**

**Meeting called to order** by Chairman Gaylord Olson at 9:00 a.m. Committee members in attendance are Gaylord Olson, Ray Ransom, John Chrest and Norm Stoker. Others present were Tim Jeatran, County Surveyor; Lauree Kratcha, GIS Technician; Dustin McCune, Zoning Technician and Beth Storlie, Administrative Assistant.

**A Motion by Ray Ransom, to approve the July 12, 2012 minutes, seconded by Norm Stoker. Motion carried.**

**A Motion by Norm Stoker, to approve the vouchers for payment, seconded by John Chrest. Motion carried.**

**CSM REVIEW:**

- Jack Akers, Secluded Land Company, is proposing (4) five acre lots proposed along Shady Glen Rd and (2) twenty acre lots north of these five acre parcels, all in the Town of Hixton. They are requesting a 66 foot easement that will be over 660 feet in length to serve these parcels. There is no easement of record on file.

**A Motion by Ray Ransom, to approve a 66 foot easement for Secluded Land Company, seconded by Norm Stoker. Motion carried.**

**FINAL PLAT REVIEW - Clear Water Dells, Secluded Land Company**

- Terry received a response from Paul Millis, Corporation Counsel and read into the minutes. Based on our current language, we do not have the authority to require a payment in-lieu of dedication. If the committee wants this, it would require a text amendment to the ordinance.

**A Motion by John Chrest, to rescind the motion for a \$2,500.00 payment in-lieu of dedication for Clear Water Dells plat, seconded by Norm Stoker. Motion carried.**

**A Motion by Norm Stoker, to approve the final plat as presented for Clear Water Dells, seconded by John Chrest. Motion carried, 3-1 with Ray Ransom in opposition.**

The committee would like to discuss the in-lieu of dedication fee language in detail next month. Terry will contact Corporation Counsel for language recommendations.

**A Motion by Ray Ransom, to adjourn to closed session pursuant to s. 19.85 (1) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, seconded by Norm Stoker. Chrest – yes, Stoker – yes, Ransom – yes, Olson – yes, motion carried.**

**The committee adjourned to closed session at 9:20 a.m.**

**Returning to open session at approximately 9:40 a.m.**

**A Motion by Ray Ransom, to return to open session at 9:40 a.m., seconded by Norm Stoker. Motion carried.**

**A Motion by John Chrest, to authorize Tim Jeatran attending the Personnel Committee meeting and ask for the current GIS Technician job description to be changed to the Geographical Information Systems Specialist with the support of the oversight committee and to consider re-instating this wage back to before the 2007 restructure of the union wage scale and utilize the draft job description for evaluation with the wage study, seconded by Ray Ransom. Motion carried.**

**SURVEYOR'S REPORT – Tim Jeatran, see report.**

- Finished surveys in the Industrial Park for the pending timber sale for the county and the work east of Wazee Lake.
- Working north of City Point for a cabin encroachment off of Cty Rd Z. This requires a lot of section corner work, having to travel into Wood County to access the corners. Tim will need to compute for the best location of the corner. This will be a land swap and the owners will need to hire a private surveyor to do their survey. Tim will survey the strip along the north line of the forty that Jackson County will receive. Currently the snowmobile trail travels through the marsh but once this strip comes straight out to the road, they will move the trail to travel along this strip. It will be easier to maintain and provide access to another forty for timber sale. Van Ert Electric purchased the property in 1965 and built the cabin in 1966. Terry has sent a letter to them making them aware of the legal non-conforming cabin as it is only 35 feet from the ordinary high water mark. It was built before the ordinance took effect but with it being non-conforming, if the structure is destroyed they need to swap enough acreage to ensure that the cabin it can meet the ordinance setbacks. The only other issue is they moved in a storage building about 15 years ago that would have required a Land Use Permit to be issued. Once this land issue is resolved, we will address the Land Use Permit requirement.
- Started a project in Manchester last week to help determine lines for timber sales. The adjoining land owners want to make sure that there is no encroachment on to their properties.

- CORES Station Update. Wade Pettis, Clark County Surveyor has switched over to using the CORES stations two months ago. He saves over 1 ½ hours per day by utilizing these base stations. The cost would be \$29.99 to purchase a phone and \$39.50 per month for the cellular phone data plan. Tim would like to switch over to this system and he has the funds available in his budget.
- Reviewed the Land Information/Surveyor budget.
- Reviewed the GIS budget.
- At the April Committee meeting, a motion was made to pay the \$250.00 annual maintenance fee for the PayGOV app on the county mapping website from the non-lapsing Land Information account line. Tim is recommending moving this from the non-lapsing account to the software maintenance line.

**A Motion by Ray Ransom, to approve changing the \$250.00 PayGOV annual maintenance fee from account line 10.5172.0000.0000.5791- Land Information Non-Lapsing fund to account line 10.5153.0000.0000. 5398 - Software Maintenance, seconded by Norm Stoker. Motion carried.**

**A Motion by John Chrest, to approve the Land Information/Surveyor 2013 budget, seconded by Norm Stoker. Motion carried.**

**A Motion by John Chrest, to approve the GIS 2013 budget as presented, seconded by Norm Stoker. Motion carried.**

**GIS TECHNICIAN'S REPORT – Lauree Kratcha.**

- Still waiting for the five revals and the Town of Manchester, who have a new assessor.
- Spillman training is not on the schedule for this year. Lauree would like to attend sometime in the future.
- Working on the back logged splits as time allows, made a good dent in these and she is getting ready to send out split letters.
- Lauree is begin the bidding process for tax bill printing and supplies shortly.
- Continuing to complete clean-up in the Spillman software.

**ZONING REPORT – Terry Schmidt.**

- Terry attended the Town of Adams meeting Monday evening. Discussed some of the non-metallic mining issues.

- Green Expo is set for August 25<sup>th</sup>. Dean Swenson, of Midwest Recycling Association will be attending with a booth as well as performing a presentation on recycling. We contract with MRA for completing the educational elements of the grant program for Jackson County. In the past, this educational element was done in conjunction with several schools and age levels within the county. Terry feels that this is a great opportunity for education on the recycling efforts in Jackson County.
- Gaylord Olson II and Terry completed an onsite visit at Taylor Frac last week. They did a truck tour and will return for again when the storage silos are completed. There have been a couple of issues with the neighbor's and the Town of Springfield regarding the lighting at the site. It was shining into the neighbor's home and also one light caused a vision issue along State Highway 95. These have been adjusted and are now shining down on the property. They rebuilt their retention ponds, digging them deeper and bigger. This made it a 25 year capacity retention pond. There is a lot of seeding work that still needs to be done around the retention pond.
- Pelham site. Late last year, Pelham's applied for a conditional use permit for after-the-fact filling and grading within a shoreland area. They brought fill in for a driveway improvement and did it without the permits being issued. They were given until August 1<sup>st</sup> to complete hydrallogic and hydrostatic analysis to determine if the improvement would back-up flood waters onto neighboring property. This study has not been completed. They do not have dry land access. We could cite them and order the removal of the fill since this study was a stipulation of the conditional use approval. Terry has contacted Corporation Counsel and a response from their attorney.
- Additional discussion occurred regarding Taylor Frac and the financial assurance that's required with the Reclamation Plan. Gaylord Olson II is concerned that it is a little low. Their initial bond is only \$180,000.00. A concern is the amount of steel that is being installed at the site, their response was you could remove and sell that for additional funds. Terry and Gaylord don't feel that this is an appropriate issue for the County to deal with and having to salvaging steel at the site. As a comparison, Jackson Sand LLC has a bond of over \$3,000,000.00. Keep in mind that Taylor Frac is bigger and is a full processing facility. Since the Zoning and Land Information Committee was part of the approval process with the conditional use permit, he is looking for support to revisit the financial assurance with them and increase the bond amount.

**A Motion by John Chrest, to approve Gaylord Olson II revisiting the financial assurance amount for Taylor Frac LLC, seconded by Norm Stoker. Motion carried 3-1 with Ray Ransom abstaining.**

- The Court of Appeals agreed that the Circuit Court decision was not made appropriately for religious reasons and remanded it back to the Jackson County Circuit Court. Terry contacted Paul Millis for his position on where we stand with this issue. Initially, he said to try to get Mr. Borntreger to obtain the permit. Mr. Borntreger has correspondence on file that said to "throw him in jail". The Court of Appeals decision stated that the court had initially made the correct decision when he stated that the

landowner needed to pay the permit fee and obtain the permit. Additionally, taking the statements from the audience as unsworn testimony was not appropriate. The committee questioned if some of the costs for this litigation could be reimbursed and if the case could be heard by a different judge. Judge Lister may be biased to this case since it was over turned by the Court of Appeals.

- Reviewed and discussed the Zoning and Recycling budgets.

**A Motion by Ray Ransom, to approve the Zoning and Recycling Departments budgets as presented, seconded John Chrest. Motion carried.**

### **PUBLIC HEARINGS**

- **CONDITIONAL USE REQUEST # 2012-46** as requested by Ervin A. Miller on property located in the NE1/4-SE1/4, Section 6, T21N, R6W, Town of Springfield, Jackson County, WI. The request is to allow for a sawmill operation within the A-1 (Agriculture) District.

The Town of Springfield has not held their meeting at the time of this hearing.

**A Motion by Ray Ransom, to approve conditional use request # 2012-46 for Ervin A. Miller with the stipulation that the Town of Springfield approve the request, seconded by Norm Stoker. Motion carried.**

- **ZONE CHANGE PETITION # 2012-44** as requested by Curran-Hauser LLC, owners and Paul Hauser and John Curran, agents on property located in the NE1/4-NE1/4 and NW1/4-NE1/4, Section 1, T21N, R5W, Town of Albion and the SE1/4-NW1/4; the NW1/4-SW1/4; part of the SW1/4-NW1/4 lying south of Cty Rd A; the NE1/4-SW1/4 except that part of the forty lying northeast of I94, the public road lands and two acres in the R-3 District; the SE1/4-SW1/4 except Lot 1 of CSM 948 and Lot 2 of CSM 985; the SW1/4-SW1/4; all in Section 31, T22N, R4W, and the NW1/4-NW1/4, Section 6, T21N, R4W, Town of Adams, Jackson County, WI. The request is to change approximately 276 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the M-2 (Industrial Extractive) District for non-metallic mining.

Town of Adams supports the request with the stipulation that any additional conditions as recommended by their attorney must be met.

Town of Albion tabled the request for additional information. Public comment was received in opposition. A letter of opposition was read into the minutes.

The petitioner requested that the portion of their property located in the Town of Adams adjacent to Cty Rd. A and I-94 be removed from the request. This will reduce the acreage in the Town of Adams for consideration to approximately 105 acres.

**A Motion by Ray Ransom, to postpone the request for the NE1/4-NE1/4 and NW1/4-**

**NE1/4, Section 1, T21N, R5W in the Town of Albion, seconded by Norm Stoker. Motion carried.**

**A Motion by John Chrest, to approve zone change petition # 2012-44 for Curran-Hauser LLC in the Town of Adams with the stipulation that the portion located adjacent to County Road A and I-94 be removed from consideration with this request, seconded by Norm Stoker. Motion carried.**

- **ZONE CHANGE PETITION # 2012-47** as requested by Coulee Frac Sand LLC, Jon Sopher agent on property located in the SW1/4-SW1/4 and the SE1/4-SW1/4, Section 14, the NE1/4-NW1/4, and the SE1/4-NW1/4, Section 23 lying north and northeast of the road, all in T20N, R6W, Town of Franklin, Jackson County, WI. The request is to change approximately 130 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the M-2 (Industrial Extractive) District for non-metallic mining.

The Town of Franklin opposed the request since a moratorium is in effect for ordinance creation.

Tom Gapinske, representing the petitioner, explained that they are proposing a “dig and haul” operation with no water processing or wet plant operation. They intend on excavating only the premium grade sand with a 100 foot buffer around the perimeter and reclamation at the site would begin almost immediately after excavation.

Public comment was received in support and comment received in opposition of the request. Committee discussion occurred.

**A Motion by Norm Stoker, to deny zone change petition # 2012-47 for Coulee Frac Sand LLC, seconded by Ray Ransom. Motion carried.**

- **CONDITIONAL USE REQUEST # 2012-48** as requested by Badger Mining Corporation, Kurt Unangst, agent on property known as Lot 1 of CSM 1081 located in the SE1/4-SW1/4, Section 33, T22N, R6W, Town of Curran, Jackson County, WI. The request is to allow for filling and grading work within 300 feet of a navigable stream for railroad bed and track placement and also stream realignment. The request also includes filling in Zone A of the floodplain.

No position from the Town of Curran was received by the date of the hearing.

The petitioner stated that it would be an addition to the existing railroad tracks and that the required WI-DNR permits have been applied for with that public notice being published last week for the 30 day review period. The Army Corp of Engineers deferred to the WI-DNR.

Terry Schmidt added that it would include stream rehabilitation with the project and that it is located within Zone A of the floodplain. This is floodfringe, not floodway.

**A Motion by Ray Ransom, to approve conditional use request # 2012-48 for Badger Mining Corporation with the stipulation that all local, county, state or federal permits are obtained, seconded by Norm Stoker. Motion carried.**

- **TEXT AMENDMENT # 2012-49** as requested by Jackson County Zoning, Planning and POWTS Department. The proposed text amendments are for the Jackson County Floodplain Zoning Ordinance and bring the ordinance into compliance with WI-DNR and FEMA standards and requirements. This will allow Jackson County's continued participation in the National Flood Insurance Program. Proposed changes can be viewed at the Jackson County Zoning, Planning and POWTS Department.

Twelve townships were in support or took no position on the text amendment. The Town of Manchester opposed and their position was read into the minutes.

Terry Schmidt commented that all municipalities within Jackson County were noticed over nine months ago about the map amendments, WI-DNR Open Houses and public hearings. Copies were available for review by the public in our office for over 60 days. No one from the Town of Manchester inquired about this ordinance change. We are required to make these changes to continue participation in the National Flood Insurance Program and there are too many participants in the program to jeopardize our compliance.

**A Motion by Ray Ransom, to approve text amendment # 2012-49 for Chapter 20, Jackson County Floodplain Zoning Ordinance, seconded by Norm Stoker. Motion carried.**

**A Motion by Norm Stoker, to adjourn the meeting, seconded by Ray Ransom. Motion carried. Meeting adjourned at 1:15 p.m.**