

**Vernon County Zoning Committee Minutes
County Boardroom, 3rd Floor Courthouse**

July 10, 2018

Committee Members in attendance: Eric J. Evenstad - Chairman, Will Beitlich – Vice-Chair, and Garrick Olerud, Kevin Larson and Roger Call. Ole Yttri and Gail Muller (Vernon County Supervisors) were also present.

Evenstad called the meeting to order at 8:30 a.m. Burkhamer affirmed that the meeting was properly noticed. There was no public comment.

Evenstad called for review and approval of last month's minutes. Olerud moved to approve the minutes as mailed, second by Beitlich with all in favor.

Burkhamer presented the Work-Income-Expense report for June noting 22 work days in the month with 19 field days and 25 stops. Twelve sanitary permit were issued. Seventeen soil evaluations were filed and Three land use (floodplain) permit applications were filed. Revenue for the month was 208% of expenses and 79% year to date.

Burkhamer presented a voucher in the amount of \$2,428.22 including US Cellular, WI DSPS, and postage reimbursement to Angel Reed, Kwik Trip and Vernon Communications. Olerud moved to approve the voucher, 2nd by Beitlich with all in favor.

In the Administrators Report Burkhamer said a Board of Adjustment training took place on July 2 in Prairie du Chien presented by UW Stevens Point and WIDNR National Flood Insurance Program coordinator Michelle Staff. Michelle is the individual conducting the FEMA Audit. Shawn Reddington, BOA Chair, Darrell Clark and Nikki Swayne also attended. Burkhamer reported that an additional structure surfaced that is illegal and must be removed. Battle Island in Wheatland is going to be a major problem for the FEMA Audit as there is a history of poor assessment of property. This is causing an increase in legwork searching records for further documentation. Burkhamer said the difficult part of this work is that the response to individual property owners tends to get very black and white (seemingly cold). Burkhamer expressed that the department is understaffed to handle the floodplain permitting requirements with pre-inspections, documentation and final compliance inspection.

Burkhamer reported on Bolchen and Fossum (Wheatland) and the former Mahan property below Runge Hollow Dam in Jefferson.

Burkhamer explained that a new issue brought to her is that the County is obligated to permit water crossings (culverts and bridges) to assure that the structure passes the 100 year flood. Prior to this it was assumed that the DNR issuing a bridge permit was looking at the floodplain aspect. Burkhamer noted that the office policy is that every inquiry on a property today is reviewed for septic, wetland, floodplain hydraulic shadow. Burkhamer gave a description of two properties that are now subject to buyout and the difficulties of finding violations and notifying landowners of the violations before a property is sold.

Burkhamer explained the process of permit, denial or conditions, board of adjustments and then relief in court. The process is long, but these are the steps required prior to being heard in court. Burkhamer said that the process of citations or summons and complaint are being worked out with Nikki Swayne for violations. Based on information provided on the WCCA chat board, the citation process is difficult. Beitlich said he felt that the townships had some responsibility in their permitting. Ole Yttri added that permit applications are not always accurate or honest in what the landowner really intends to do.

Olerud questioned remediating floodplain problems. The Stafslie mobile home situation was discussed on the options to bring the property into compliance. Further discussion followed on the County being in compliance with the NFIP. Burkhamer said she did question the NFIP coordinator regarding a case that went through the full process and then to court where the Judge allowed the structure to stay in place for a fee (does not follow the ordinance). The NFIP coordinator said that as long as the Zoning Department is following the code they are in compliance. What the Judge decides does not affect the NFIP Program, but a structure in violation would be flagged by FEMA and services would not be available to that landowner in the event of a flood disaster.

Olerud questioned the role of the Zoning Committee in this process. Burkhamer responded that as a County Supervisor his role is that of a legislator, making or adjusting the ordinance and oversight of the Zoning employees.

Regarding the Stafslie violation, Olerud stated that he felt the floodplain issues were moot since the property is deed restricted and a citation could be issued on that alone. Burkhamer said she is working with Corporation Counsel to bring this process to a timely conclusion. Evenstad asked when an answer was expected from corporation counsel. The process of citations was discussed. Burkhamer said that she has been working with Nikki and the Sheriff's department regarding the citation issue. Ole Yttri offered that the visual impact of Stafslie occupying a floodplain site is causing problems with the issues in Avalanche. Will Beitlich offered that perhaps outside counsel should be sought that has more expertise.

Burkhamer asked the committee what role they wished to play as far guidance for legal action. Evenstad added that the Ordinance rules the department activity. The committee agreed that Burkhamer should carry on as she has been with a report to the committee to keep them apprised as to what is going on and the status of cases. Discussion went on to address whether the committee was getting personal calls on any issues and Burkhamer asked if they did receive calls would they please contact the office so we can discuss the issues.

The Corrective Action Plan (CAP) and extension was discussed. Burkhamer said that the CAP was filled with background so that the reader (whoever that may be) would understand the issues the county has experienced and why we are where we are. The NFIP coordinator indicated we had a good start on the corrections. Burkhamer said that the point to remember is that any activity in the floodplain requires a permit. Regardless if the work done follows the ordinance, without a permit there is a violation. Burkhamer noted that, although the ordinance must be followed, her attitude is that she works for the property owner, not for FEMA, and the underlying issues such as poor assessments must be considered. Evenstad agreed with the approach being employed by Burkhamer and said that all viable solutions need to be considered and we need to turn every stone. Burkhamer said she asks the landowners to offer solutions as well.

Olerud moved to approve the Corrective Action Plan as presented, second by Beitlich with all in favor.

Evenstad moved to item 9, replacement of Administrator prior to her retirement. Although Evenstad supports the proposal, he felt that the Resolution required a financial impact statement. Discussion went on as to when retirement was anticipated. Larson asked if the position had been advertised yet. Burkhamer said that is why this is being brought forward so that the process can be started as soon as possible. Evenstad read the proposed resolution. Olerud felt it was money well spent to have a person with history in the county train the incoming administrator. Beitlich moved to approve the resolution with the addition of an impact statement for up to six months of overlapping salary. A roll call vote was taken: Evenstad – yea; Beitlich – yea; Larson – yea; Olerud – yea; Call – yea.

Burkhamer noted there were many opportunities for flexibility in this offer. The department has a laptop that has the capability of remote access to the Zoning computer.

There was no public comment.

The next meeting was set for a date that blends with the County Board training. Burkhamer said she would consider the dates and apprise the committee member.

Larson moved to adjourn, second by Beitlich with all in favor.

Minutes recorded by Susan Burkhamer