

Vernon County Zoning Committee Minutes

County Boardroom, 3rd Floor Courthouse

October 30, 2018

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

Others in attendance: Vince Schmitz (UDC Inspector), Gail Muller (Co. Board Supervisor), Jill Zohimsky (resident) and John LaDue (Chairman, Town of Clinton) were also present. Serena Inman (Personnel Director) joined the meeting at 9:00)

Evenstad brought the meeting to order at 8:35 a.m.

Larson questioned guests as to their purpose for attending. Olerud made a motion to move up Item 8 to the top of the agenda, second by Larson with all in favor.

Evenstad noted a letter was presented to the County Board by Frank Easterday regarding a plea from the Amish community to support them in deferring septic laws. Evenstad asked Burkhamer where she stood on the situation. Burkhamer said her attitude was that this is a law derived from public safety concerns and she expected both Amish and English alike to comply. To exacerbate the problem the Amish report that, Kathleen Bernier, state representative, had indicated to the Amish complainants that they were not breaking the law and they could continue with their current wastewater disposal methods. The issue here is that most Amish also include a stool in their basement and run the black water out as well.

Burkhamer described the recent activity that agitated the Amish regarding their efforts to comply with the law and communication from Burkhamer to Bernier. Bernier has not responded. Burkhamer further stated that she had several examples of case law that addressed both septic systems as well as a Supreme Court case that originated in Wisconsin. While that (the Supreme Court Case) was a school issue, the case law states that not all Amish issues are relieved under the law.

Burkhamer further noted that she was surprised that Frank Easterday was not in attendance and did not understand what his expectations were regarding the County Board.

Schmitz told the committee of his experiences in the field with the Amish and the further issue that without a sanitary permit, a building permit cannot be issued. The Amish have decided to ignore the entire permitting process and the English community is pushing back as to the requirement for them to comply.

Eric- the law is the law and it applies to all.

Schmitz said the issue is not religious as they are already concocting systems, but not following the rules for health and safety.

La Due described many examples of the discharge of wastewater “over-the-hill”.

Olerud questioned the issue with a gravity system install. Burkhamer noted that not all systems are gravity and it takes some planning ahead to address the issues.

Olerud expressed that he understood the nature of issues with existing systems in place but felt we must enforce the need for sanitary permits to build new homes. Olerud questioned the fine. Burkhamer replied \$100 per day. Burkhamer said she was warned by the Town of Harmony that the Amish often

pay the fines, but fail to comply. Burkhamer said she felt that once the issue is settled by the committee the Amish will come around to permitting and proper installation. Evenstad noted that this is a health and safety issue with science behind it.

Schmitz said he had discussed this with the chain-of-command at the Department of Safety and Professional Services and questioned when the DNR get involved as he sees it as the pollution of DNR water. Burkhamer noted the protocol of who is responsible for effluent discharge. Direct from home is County, if a holding tank is in place and is being discharged by neglect or willfully it is then a DNR responsibility.

Zohimsky offered that she felt ordinances were too on-size-fits-all and wanted to look at alternatives or an amendment to the ordinance. Burkhamer said that what is going on today is an effort to reach out to the Amish to find common ground and described that the state has in place a method of looking at alternatives and “experimental” systems. In this case the burden to provide the proposal is on the land owner.

Olerud said that what Zohimsky was describing is that there is not “grey area” to consider. Olerud reiterated, just as in floodplain, non-conforming uses (that existed prior to the law) are subject to alternative treatment under the law. But, a new home in the floodplain needs to conform to the law, black-and-white. If you build a new house, you need to provide it with a legal new septic system.

Evenstad furthered that if you can afford to build a home you need to afford all of the utilities that apply to the law. Larson added that this is not an issue of the Amish Community not knowing the rules. Prior permitting activity under the waiver program proves that they are up to speed with the rules, the rules are the rules and we expect them to abide by them. Olerud said that friendly letters and verbal warnings are not getting the job done and it is time to move on to citation.

Olerud restated that the process has to be perfected with the inclusion of citations. Conversation continued on handling the issue with the full County Board.

Olerud suggested a response letter be written based on state law permitting rules. Schmitz suggested that a meeting with the elders be conducted to have this discussion.

Burkhamer said she will respond with a letter relaying the committee direction and suggest that a meeting be held with the Bishops.

Olerud moved that the County Board be apprised of the committee decision by Burkhamer or Corporation Counsel, second by Call. Discussion followed regarding utilizing the regular agenda item for reports to the county board as a special or standing committee report. Evenstad called for a vote, all were in favor.

Larson moved to go into closed session to address review of applicants for the Zoning Administrator position, second by Olerud with all in favor.

Call moved to come into open session, second by Olerud with all in favor.

Olerud moved to approve the minutes from the prior meeting as mailed, 2nd by Call with all in favor.

Burkhamer presented the work-income-expense report as of October 29, 2018. There were seven field days with 20 stops. Nine systems were installed and sever soil and site reports filed. Three land use permit applications were filed. Revenue for the month was \$8,610.00 and expenses \$13,730.20 with a revenue to expense ratio of 63% (92% year-to-date).

Olerud left the meeting at 9:50 to attend Land Information Council.

Burkhamer presented a voucher in the amount of \$3,842.02 including US Cellular, WI DSPS, payment to USPS for the annual self-addressed envelope purchase, Kwik Trip and Vernon Communications. Larson moved to approve the voucher, 2nd by Call with all in favor.

In the Administrators Report Burkhamer reported on the finance committee action on the Ho-Chunk funding and noted that Brad Stafslie had been served with a summons and complaint on October 24 (Yttri Dam Breach Route issue). Burkhamer updated the commit on efforts to move forward with a citation program and in the meantime work with the sheriff's department on paper citations as appropriate.

There was no public for the second opportunity for comment.

Evenstad said the next meeting would be for job interviews on November 15 at 2:00 p.m., Erlandson Office Building, 1st floor conference room.

Larson moved to adjourn, 2nd by Call with all in favor.

Minutes recorded by Susan Burkhamer

With corrections noted at 12/11/2018 meeting