

Committee Members in attendance: Eric J. Evenstad - Chairman, Will Beitlich – Vice-Chair, and Garrick Olerud, Kevin Larson and Roger Call. Frank Easterday (Vernon County Supervisor) was also present.

Evenstad called the meeting to order at 8:34 a.m. Burkhamer affirmed that the meeting was properly noticed.

There was no public present for comment.

Discussion on Amish septic system issues. Committee shared ideas and observations on activities of the Amish Community.

Olerud said the legal standards have to be adhered to for new starts as a beginning to bring systems into compliance. Evenstad questioned the ability to address systems as we find them after-the-fact. Olerud noted that legal existing systems are being changed and that abuse needs to be addressed as well. Beitlich noted that in many cases the Amish are located in “dark corners” where they are less likely to be detected. Evenstad said it is more important than ever to work with and let the assessors and towns know that we rely on their information through permitting and new starts that may pop up without building permits. He noted that we are not setting a precedence here. The law exists and applies to both the English and Amish regarding bringing existing unpermitted systems into compliance. Evenstad suggested that a checklist be distributed to the Towns regarding the laws applicable to issuing permits.

The Sugden issue at Hillsboro was raised by Larson. Burkhamer provided background on the issue with the report of additional mobile homes reported to be in the right-of-way of the county road. Burkhamer said she had issued an order and gave them until the 15th to respond with a proposal to bring it into compliance. Burkhamer noted that she was warned by highway not to go to this property without protective services and this was confirmed by Torgerson. Olerud noted that this is a perfect example of why the ordinance has to be applied with legal consequences.

The use of holding tanks was discussed. Burkhamer pointed out that the state allows use of holding tanks without question, but it is the county ordinance that prohibits their use. This is because holding tanks are often abused by being self-pumped onto the ground.

Frank Easterday joined the meeting at 8:56. Easterday indicated he came in to join to the discussion on the Amish Community. He expressed his opinion that everyone should follow the law, but the Amish do not wish to lose the “liberties” they enjoyed in the past. We all live on the same land and have to protect it. Burkhamer said the Amish are widely using self-made illegal systems with no soil evaluation or system plan review to determine compliance with the law. Their argument is not with using the “technology”, it’s using it according to the law. Again, this is going to take continual education and constant contact to get compliance.

Evenstad added this is not an Amish issue, or is an Amish issue only because they make it so. The law is for everyone and everyone should comply. Easterday expressed the fairness issue that arose with the institution of the maintenance program. Why should land owners be required to pump every 3 years for two occupants and the Amish have large families and wish to ignore the law.

Evenstad said this is really a partnership with the Township, it is not to say that we are putting the onus back on them, but the landowners go to the towns for a building permit and to zoning for a sanitary permit. This is where we need to strengthen the communications with the townships. We need to be able to back it up with enforcement, but be reasonable. Evenstad stated that he did not feel we have been unreasonable about any of these and we are going to try to work with them the best we can, and still follow the law.

Burkhamer expressed that there is an English/Amish language problem in the actual use of words such as “flush” and she has often had a frank discussion to break through the barrier and tell them that a flush toilet does not necessarily mean the use of a porcelain throne. Any method of flushing that creates water carried human waste is to be regulated under the Ordinance.

Burkhamer said it is fortunate that we have not had a problem yet, but the law is proactive to prevent the health problems. Discussion followed as to the absence of the Amish at the meeting. Burkhamer said a notice was mailed to Chris Bortreger on behalf of the Amish Community and she had not had further contact with him.

Evenstad reported information provided to him by Loren Goede regarding the use of septic systems by the Amish in Iowa. It was noted that there were issues in the past and the Amish population ultimately accepted the law and are using septic systems and appreciate the convenience. Discussion went on to note that the issue seems to be a financial one more than a philosophical one. Evenstad noted that there are remedies in the law to address special needs for pumps that do not work off of electric and challenges to the actual volume of water usage vs. the state methodology that bases system size on the number of bedrooms establishing a design wastewater flow.

Regarding replacement of the Zoning Administrator, Evenstad said that he had spoken with Serena Inman about the position offering to the current candidate and the negotiation was at an impasse over paid time off benefits. Moving forward, Evenstad discussed the remaining applicants and consideration of re-opening the job posting. Discussion continued on the option of re-classification/re-structure to address an employee desiring to make an internal move.

Beitlich said we need to convene another meeting to discuss these issues in closed session. Discussion followed on whether it was more appropriate to adjust the offering to the current candidate or re-define the position. Olerud stated he was not in favor of reposting the position and spending another \$1,000 on recruitment. It was decided that a meeting will be convened on December 18 in room 309 at 8:30 to review applicants just prior to the County Board meeting.

Burkhamer told the committee that the FEMA substantial damage training was to address the issue of the lack of substantial damage reports. Burkhamer said she discussed the fact that the required notification was made to the land owners in the floodplain, but few had responded. There seems to be confusion caused by all the various inspections and contact by county officials as well as FEMA. Landowners report that they felt they had complied as they had contact with the officials. FEMA is pushing the use of a third generation software which is networkable and would streamline the process as well as create a permanent record for each affected property. Burkhamer said that she would work on the coordination, but Emergency Management has started some computer work with the Land Information Officer.

Burkhamer reported that GCS has made the software available and a morning telephone training was done November 30. The zoning department is to review the data and work with GCS to "perfect" any flaws that are discovered before "going live".

Burkhamer said Deputy Roy Torgerson is willing to process citations by paper and will likely be tested with the Sugden issue as Burkhamer feels it is unlikely that Mr. Sugden will comply by the 15th. Highway is supposed to be addressing the right-of-way issue.

Burkhamer described the ordinance requirement of dryland access and the rules with flood fringe. This has brought to light issues regarding folks with lots that have building sites across a creek/river/waterway. The ordinance does not address the issue of dryland access in this instance and it is obvious that there is every possibility that a landowner will be stranded without emergency services available if they have an emergency. Burkhamer proposed that she could at least bring the issue to light in a land use permit, but was concerned if these should be allowed as a building site (township issue). Where does the responsibility lie to provide emergency services and who is liable in the event of a life threatening situation? Burkhamer said she had sent an inquiry to the Towns Association. Beitlich said one of the issues is that Towns issue site permits without consideration of the challenges of the site. Evenstad questioned at what point is this a personal liability that the landowner has to accept?

Beitlich offered the comparison of the County Bait Shop on Battle Island. Burkhamer noted, if it is a matter of personal liability, at the very least the land use permit can put the landowner on notice.

Burkhamer updated the committee on the Donovan floodplain case describing the interaction with FEMA. Donovan pursued a letter of map amendment from FEMA which is tied to a "Community Acknowledgement Form" that discloses either the land is designated in the floodplain in error and the property is reasonably safe from flooding OR the structure is placed on fill in conjunction with the ordinance and is reasonably safe from flooding. A) The property is in a mapped floodway and cannot be considered safe from flooding and B) If fill was placed and blessed by the county it is an ordinance violation as no fill is allowed in the floodway. FEMA stands firm that they will not consider the application unless the county signs one or the other. This is not a statement that the county can make, therefore the application for LOMA will simply be left to lapse. The Donovan's do not understand this and blame the administrator for not taking action.

Burkhamer reported in the Stafslie case on STH 56, the landowner has filed an answer to the summons and complaint and Burkhamer has not had contact with Corporation Counsel regarding this.

The January meeting is tentatively set for the regular second Tuesday, January 8 pending changes due to the interview schedule.

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

Minutes recorded by Susan Burkhamer