

**DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE
MINUTES
November 17, 2014**

The Dodge County Planning, Development and Parks Committee met on November 17, 2014 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Tom Schaefer, Allen Behl, Randy Grebel, Joseph Marsik and Janice Bobholz. The staff present at the request of the Chairman were Joyce Fiacco, Bill Ehlenbeck and Joseph Giebel.

The Chairman asked the staff to confirm compliance with the open meeting laws. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law.

The agenda was reviewed and approved as posted.

TOWN REZONING REQUESTS

Town of Williamstown– A petition to amend the Town of Williamstown Zoning Ordinance and the Town Zoning Map has been submitted by the Town of Williamstown Town Board to the County Board of Supervisors for approval. The Town Zoning Ordinance and Zoning Map were comprehensively revised by the Town in order to bring the ordinance and map into compliance with the farmland preservation program and to receive certification from the Department of Agriculture, Trade and Consumer Protection (DATCP).

Motion by Grebel to submit a favorable recommendation to the County Board for the petition to amend the Town of Williamstown Zoning Ordinance and the Town Zoning Map as proposed.

Second by Marsik Vote 5-0 Motion carried.

ADMINISTRATIVE BUSINESS

1. Planning and Development

Court of Appeals Case – Hegwood vs. Town of Eagle Board of Appeals – Continue the discussion of the options to amend the Shoreland Protection Ordinance to include zoning regulations in the shoreland areas for the 15 towns that have not adopted County Comprehensive Zoning. Report on related discussions at the WCCA Convention and WTA Convention.

Mr. Giebel noted that the Hegwood Case was discussed at the WCCA Fall Convention. Dan Bahr – Government Affairs Associate for the Wisconsin Counties Association and Mike Koles, Executive Director of the Wisconsin Towns Association were in attendance for the discussion.

Mr. Giebel indicated that the Wisconsin Towns Association is pursuing a legislative fix to resolve this issue. The WTA is expecting that legislation will be submitted at the beginning of the year to address the issue of Town Zoning in the shoreland area; however, he gave no indication on what the legislative fix may be.

Mr. Giebel also noted that the WCA is expecting a legislative fix in 2015 and recommended that the Counties and the Towns work together to deal with this issue. Giebel noted that at

this time, there are very few Counties that will be modifying their shoreland ordinance immediately to include zoning provisions in the shoreland areas and that he is not aware of any other Counties or Towns were considering moratoriums at this time.

Giebel also noted that Fond du Lac County is working with the Towns to approve a temporary zoning ordinance in the shoreland areas. They are planning on adopting the individual town zoning ordinances by reference and then have an agreement with the Towns to have the Town enforce the temporary ordinance provisions. Fond du Lac will also include a provision in the Town agreements that would allow the Town to get out of the temporary zoning when a legislative fix has been completed.

Chairman Schaefer noted that he attended the Towns Association conference and he indicated that very little was mentioned regarding this matter. Schaefer noted that the Towns Association is anticipating that legislation will be submitted sometime in 2015 to address the issue of Town Zoning in the shoreland area. The Towns are keeping a low profile on this issue and seeking a legislative fix to the problem.

Joe Marsik provided the Committee with a copy of the resolution that Fond du Lac County is using to adopt zoning in the Shoreland area. Fond du Lac County is temporarily adopting the individual Town Zoning Ordinances by reference and then will be working out an agreement with the Towns to have the Town's enforce the ordinance. There is also a clause in the resolution that the resolution will be repealed on the end of December 2015. Marsik mentioned that landowners may not be able to take the farmland preservation credits for 2014 for land located within the shoreland areas in those Towns that have not adopted County Zoning because they are not located in a certified farmland preservation district. Marsik also expressed his concerns that this new case law leaves the Towns unprotected and the County should take the steps necessary to adopt zoning in these areas. In his discussions with the Towns Association members, it may be a year before any legislative fix could be completed. In the meantime, the Towns would have no zoning protection in the shoreland area.

Allen Behl indicated that he believes that the County should be proactive in addressing this situation. His opinion is that the County should amend the Shoreland Ordinance to include zoning regulations until this matter can be resolved.

Randy Grebel also indicated that the County should be proactive in seeking a solution that would protect the Town shoreland areas. He indicated that the Committee needs to get answers from the DATCP and the Department of Revenue regarding whether the state will be allowing owners to take the farmland preservation credit in 2014 and we need to get answers if a legislative fix will happen in 2015.

Janice Bobholz indicated that she had discussions with the Town of Beaver Dam Town Board on this issue and the Town Board members were unaware of the implications of this case law and didn't believe that the case law pertained to the Town. She indicated that many Town Board members may not truly understand the implications of this case law.

Giebel noted that there may be potential problems with taking the Fond du Lac approach to providing temporary zoning in the shoreland areas. He mentioned that when the County updated the County Airport Ordinance, one of the issues addressed by the Corporation Counsel during the adoption of this Ordinance was whether the County had the authority to

allow the City of Juneau to enforce the County's Airport Ordinance within the City. The decision at that time was that the County does not have the authority to give a municipality the authorization to enforce a County Ordinance. Marsik indicated that the Fond du Lac County believes that they have the authority to allow the Towns to enforce the temporary zoning ordinances and believes that the Corporation Counsel should review this issue again before the Department proceeds with any ordinance amendments.

Giebel indicated that no matter which way the Department would proceed, it would be unlikely that the County would be able to get the required approvals before the end of the year to obtain DATCP certification of any new shoreland zoning and Ordinance amendments.

The committee decided that no action will be taken by the Committee at this time until more information is known about what the legislative fix may be.

2. The minutes from the October 20, 2014 meeting were reviewed by the Committee.

Motion by Bobholz to approve the minutes as written.

Second by Marsik Vote: 5-0 Motion carried.

3. No Committee Member Reports
4. No additional per diems.

PARK SYSTEM

1. Consider Special Use Permit for Society of Creative Anachronism event at Ledge Park.

Motion by Marsik for staff to issue a Special Use Permit to Wesley Adams for the use of Ledge Park for a Society of Creative Anachronism event for the weekend of September 25-27, 2015.

The following conditions are required as part of the permit.

1. All campsites shall be rented at the regular rental rate for Friday and Saturday night and the upper Shelter shall be rented at the regular rental rate for Friday, Saturday and Sunday. Any extra pavilion tents may be installed near the Shelter. An extra fee of \$25 per tent exceeding 12'x12', will be required.
2. A minimum 50% deposit shall be submitted within 60 days to reserve/hold the campsites and shelter reservation. Balance is due by September 1st, 2015.
3. Set up at and around the Shelter may begin no earlier than 9am on Friday, September 25th. However access to campsites will be subject to availability prior to the normal 1pm

check in.

4. The park shall remain open to the public and all roads and access to the playground area shall remain clear and available for normal vehicle and pedestrian travel during the event.
5. The event shall not be advertised to the general public, however event organizers and participants must be aware that park visitors are likely to be curious and become onlookers to the activities. Reasonable safety precautions shall be the responsibility of event organizers.
6. The selling of any tangible or intangible items, as part of the event primarily for purposes of event attendees will be permitted.
7. Any music and noise shall be kept at reasonable sound levels so as not to adversely affect park neighbors. Sound levels shall be reduced by 10:30pm.
8. Alcohol may not be sold or served, however participants of legal age are permitted to bring and responsibly consume their own.
9. A horse may be allowed on the park premises as part of the event activities, but is not permitted on the trails and it shall be cleaned up after.
10. All reserved buildings and grounds areas shall be cleaned up and free of event debris and litter at the conclusion of the event.
11. A Certificate of Insurance naming Dodge County as additional insured shall be submitted to the parks office prior to the event.

Second by Bobholz. Vote: 5-0 Motion carried.

2. Review Park Ordinance Updates

Bill Ehlenbeck reviewed the proposed changes and updates to the County's Code of Ordinance in regards to Park rules with the Committee. The key changes made would include updating the Committee and Department names, adding Nitschke Mound and Harnischfeger Parks to the parks list, modification to the definition of a camping unit and to family and youth groups to more closely match the state definitions. A special use permit provision was added along with additional provisions dealing with Power Driven Mobility Devices and abandoned vehicles were added. The gun/weapon possession provisions were updated to meet the current conceal-carry laws. The fees for extra tents on campsites were specified in the Ordinance. Provisions were added to govern geocache and use of a metal detector in the parks. The hours for the parks were adjusted and a provision was added to allow after hour use of the Derge Park boat launch and for shoreline fishing and for the use of the Wild Goose Trail. The forfeiture schedule was also adjusted.

Motion by Behl to submit a favorable recommendation to the County Board on the proposed changes and updates to the Code of Ordinances as discussed.

Second by Grebel Vote 5-0 Motion Carried.

3. Consider request for monitoring wells at Nitschke Mounds Park

The NRCS has requested permission to install monitoring wells at Nitschke Mounds Park in order to study the ground water fluctuations in select soils located on the property.

Motion by Grebel that the request of USDA/NRCS Soil Survey Project Team to install 4-6 groundwater/water table monitoring wells in Nitschke Mounds Park is hereby approved with the following conditions:

1. Approval from Wisconsin Historical Society is obtained prior to installation.
2. The exact location of the wells construction shall be approved by the Parks Manager and placed outside of the designated "Archeological Preserve" as identified on Exhibit A of the Memorandum of Understanding Map of the park.
3. The wells will be constructed with a hand auger to a depth of 60" and width of 3 ½" with a 2" PVC tube standing a maximum of 1.5' above ground.
4. The exposed PVC tube will be camouflaged with a natural color and with a log or brush around it.
5. The wells will be properly abandoned, including removal of the PVC tubes at the conclusion of the study or by April 1, 2018 whichever is earlier, unless approval is given for an extension.

Second by Marsik

Vote 5-0

Motion Carried

4. Park Report

Ehlenbeck provided the Committee with an update on park activities. An update on Fall Fest financials was given. Attendance was down substantially because of the bad weather, however expenses were down and revenues were up compared to last year. Ehlenbeck noted that the bathroom structure at Harnischfeger Park is substantially completed and the final cost was approximately \$8,000.00 below the budgeted amount. A new registration office building was constructed at Harnischfeger Park. Bill updated the Committee on the Eagle Scout bench and boardwalk project and the Ashippun Lions volleyball court work that were completed this year at Harnischfeger. An update on the Gold Star Memorial Trail was also given. The group continues to pursue grant funding from the DNR and other grant sources. The Beaver Dam Lake Improvement Association has submitted a request to keep the fish rearing trailer at Derge Park during the months of March and April. An update on the Wild Goose State Trail paving project was given. The Juneau to Burnett segment scheduled for resurfacing this year may be delayed until next year due to Highway Department equipment problems and the onslaught of cold weather. Ehlenbeck noted that this segment was the very 1st segment of the trail to be developed 25 years ago. Ehlenbeck indicated that the recommended re-surfacing for limestone trails is every 10-15 years before major degradation of the trail requires extra work and expenses. It is estimated the trail has 40,000 to 50,000 users annually. Ehlenbeck also provided them with campsite occupancy rates at Astico Park showing a significant decline in occupancy rates in the Danville camping area over the past 4 years. The other sections of the park have seen an increase in occupancy or stayed about the same. The Danville section is slated for upgrades which should reverse the decline in use.

5. Tom Schaefer read the following statement into the record regarding a proposed closed session:

The Committee may convene in closed session for the purpose of considering, discussing, and deliberating the purchase of public property, which, because of bargaining reasons, requires a closed session, specifically, a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2733-001 has been assigned and a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2844-000 has been assigned, which are owned by Joyce A. Roll and Bernice B. Hahn, and which are located in the Town of Williamstown, Dodge County, Wisconsin. The meeting is closed pursuant to Section 19.85(1)(e), of the *Wisconsin Statutes*. Immediately following the closed session, the Committee will reconvene in open session to consider the following matters:

Consider and take action regarding the purchase of public property, specifically, a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2733-001 has been assigned and a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2844-000 has been assigned, which are owned by Joyce A. Roll and Bernice B. Hahn, and which are located in the Town of Williamstown, Dodge County, Wisconsin, and which was the subject of the closed session.

Motion by Behl to convene in a closed session for the purpose of considering, discussing, and deliberating the purchase of public property, which, because of bargaining reasons, requires a closed session, specifically, a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2733-001 has been assigned and a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2844-000 has been assigned, which are owned by Joyce A. Roll and Bernice B. Hahn, and which are located in the Town of Williamstown, Dodge County, Wisconsin.

Second by Marsik

A roll call vote was taken. Vote 5-0 Motion Carried.

The Committee met in a closed session pursuant to Section 19.85(1)(e), of the *Wisconsin Statutes*.

Immediately following the closed session, the Committee reconvened in open session to consider and take action regarding the purchase of public property, specifically, a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2733-001 has been assigned and a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2844-000 has been assigned, which are owned by Joyce A. Roll and Bernice B. Hahn, and which are located in the Town of Williamstown, Dodge County, Wisconsin, and which was the subject of the closed session.

Motion by Marsik to direct the Department to proceed with having an appraisal completed for the parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2733-001 has been assigned and a parcel of real estate to which Dodge County Parcel Identification Number 048-1216-2844-000 has been assigned, which are owned by Joyce A. Roll and Bernice B. Hahn.

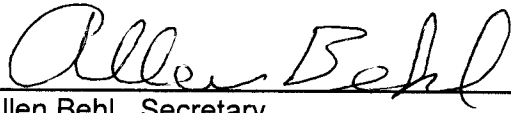
Second by Grebel Vote 5-0 Motion carried.

Motion by order of the chairperson to adjourn the meeting.

Motion carried.

Meeting adjourned at 8:50 p.m.

Respectfully Submitted,



Allen Behl, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.