

Minutes
DCTA ANNUAL MEETING
Wednesday, May 21, 2014, 7:00 pm
Dunkirk Town Hall - 654 County Road N, Stoughton, WI

Present:

Town Officers:

Tom Wilson, John Van Dinter, Westport. Mick Klein-Kennedy, Perry. Steve Schultz, Medina. John Brixy, Blue Mounds. Phil Van Kampen, Oregon. Jerry Derr, Bristol. Jim Pulvermacher, Springfield. Tim Roehl, Middleton. Ted Olson, Norm Monsen, Eric Quam, Dunkirk. Don Madelung, Windsor. Stan Beuthin, Fred Wolf, Mazomanie. Jeff Freppon, Vienna. Jeannette Walker, Rutland. Bob Lee, Dane. Bob Venske, Albion. Steve Anders, Cottage Grove.

County Board:

Bob Salov and Gloria Salov, Sharon Corrigan, Patrick Miles.

Other:

Renee Lauber, DCTA Policy Advisor. Mark Hazelbaker, Legal Counsel. Don Heilman, President, Clean Lake Alliance. Tom Larson, Wisconsin Realtors Association.

Meeting called to order by President Derr at 7:10 pm.

Pledge of Allegiance led by Ted Olson.

Thank appointees/update - Lyle Updyke was reappointed to the Lakes and Watershed Commission. Jim Pulvermacher and Steve Anders were appointed to the DaneCom Governing Board.

Tom Larson – WI State Realtors Association talked about working closely with the Wisconsin Towns Association. Mr. Larson is VP of Legal and Public Affairs for the WI Realtors Association. He is both lobbyist and attorney. Mr. Larson spoke about new EPA rules involving “waters of the US.” Previously the Clean Water Act (CWA) has been interpreted to apply to all “navigable waterways.” EPA has introduced new rules regarding the CWA interpreting waters covered by the act as both navigable and non-navigable thus adding drainage ditches and intermittent streams. This has raised concerns because the EPA’s jurisdiction has been limited by connectivity to navigable waterways. The new rules may extend their jurisdiction. Does it extend to piers on lakes and ag drainage ditches? We don’t know yet. Congress has been asked to step in and change the rules.

Q: Can you comment on the Realtors Association’s position on local control.

A: On impact fees and local control, the Realtors Association often sides with the property owner over local government. For example, the issue of when municipalities can enact moratoria on development. We fought to limit the use of moratoria to health and safety rather than general welfare concerns.

Q: What position did you take on the proposed legislation regarding towns out of county zoning?

A: We initially opposed it because the more units of government you have to go through, the more burden it is for the property owner. In other parts of the state towns are not as sophisticated as those in Dane County. We did work with Tim Roehl and DCTA and changed our position as the bill was modified to only apply to Dane County. It makes sense in Dane County.

Q: In Dane Co. we are looking at 500 year flood plain restrictions and mapped Resource Protection Corridors that regulate hydric soils – what effect would that have on property owners?

A: I am not aware of any other parts of the state that are considering that. The hydric soils issue will have a big impact on the ability of property owners to use their property. There are other ways to deal with flooding. Regulating to the 500 year flood plain will definitely impact insurability of the property and regarding hydric soils it will impact the sale ability - definitely. Changes could also affect an appraisal. Significant restrictions impact value.

Q: Withdrawal from Co Zoning. As that moves forward is DCTA going to take a position?

A: Mark Hazelbaker: For many years the position of the DCTA has been to allow towns to opt out of county zoning. It is an option. It would not force any town to withdraw. There will still be a uniform zoning ordinance for all towns – is just the entity that approves zoning change petitions that would change. Mick Klein-Kennedy asked that an analysis of the pros and cons be given to towns. Discussion ensued on the benefit of having County legal counsel. Mark noted that the County will not always support towns with legal work. He used the strip club in Middleton as an example. The County settled instead of fighting for removal as the town wanted. Mick responded that the County stood up for the Town of Perry in support of their Land Use Plan and Density Policy when those policies were challenged by a landowner in court. He also stated that four out of the five towns in his district favor remaining in County Zoning and that they have had differences with the County in the past, but felt staying part of County Zoning would be the best way to work out those differences.

Clean Lakes Alliance (CLA) Update – Don Heilman passed out booklets that show what the CLA has done this past year. CLA is 4 years old, has a good solid organization and plans and is now accomplishing things. Yahara Pride Farms group (over 100 members) is making agricultural changes. Another highlight is work with a landowner on Lake Kegonsa – from start to finish the project to build retention ponds and keep sediment out of the lake was done in 3 months. There is new modeling showing urban areas contribute a bit more than previously thought. This is CLA has many projects that are making a difference.

Sheriff Mahoney – The Sheriff addressed the recent incident in the town of Primrose. The reliance on law enforcement to deal with mental illness is an increasing issue in Dane County. It is also an issue in the jail. He commented on space needs in the jail. He will be bringing forward a very expensive proposal for a new jail. He invited town officials to tour the jail. Also, if a town like him at meeting – call and he will make that a priority.

Q: How much has the state decision to close off Mendota to emergency detentions impacted you?

A: You now have to take them to Winnebago in Oshkosh. Taking them to Mendota was a 1 hour event. Now it is 8 to 12 hours. Two people have to go to do the transport. That means cops/deputies off the street and not answering calls for service. Also deputies do not want to do the 5 hour drive so they are finding ways to take them to jail and then they don't get the mental health care they need.

Mineral Extraction OA Update - Jerry Derr stated that he met with Patrick Miles and felt that we are headed in a better direction. Patrick noted that in response to some of the concerns he modified the OA to define what is an active site. The definition provides that an active site is one in which a reclamation plan is in place and is in compliance with Chapter 74, mineral extraction. He is holding the amended OA back to allow staff time to communicate facts to towns. He has also asked staff to contact the 34 property owners that have non-conforming, inactive sites and will get feedback on their intentions. Do they want to maintain that active status? If they do, getting them through the process will be part of the plan. He will have staff send notice to property owners, follow that with phone calls and then get back to them with something in writing. He will also have staff let towns know what is going on. Is there a continued need for OA 26 once this is done? Once we have

conformation with property owners, we can move forward with the OA so in the future we can treat all inactive sites the same and go through the CUP process. Getting in contact with these property owners is the first step.

Comments:

- If the issue isn't resolved in the township – then it can be dealt with locally in the elections -not by going around the process to the county.
- Give Sup. Miles credit for the effort he has done in reaching out to towns.
- The County Executive is painting anyone who is opposed to OA 26 as a shill for the mineral extraction industry. There isn't a whole lot that OA 26 can do for us that we can't do for ourselves. It is a local control issue.
- Regarding staff contacting site owners, let the towns know before this begins because it is our offices that will get the first calls with questions.

Resource Protection Corridor proposal update

Renee gave an update on the process. There is a meeting tomorrow to revise plan language based on comments received at the last public meeting. She thanked Mazomanie and Berry for their comments and passed out a summary of comments received to date and staff response. Renee met with staff and was encourage by several of their proposals including removing land zoned for development from the corridors and defining hydric as 100% hydric soils. That said the DCTA is officially opposed to any changes to increase floodplain regulation and regulate hydric soils. Plans are in place to have another public meeting to review changes to the proposal in July. It will be held in the western part of the county.

Comments:

- Hydric soils – if they are not a wetland, floodplain or shoreland – there is nothing wrong with filling and draining – about 15 years ago we has an issue with increasing the scope of county subdivision authority – the compromise proposal agreed to is the current threshold of 38 acres. Later Dane County tried to go to change that to 160 acres. They tried to expand. This case in the same, if we compromise people will only come back for more later.
- Comment from Springfield. Don Hoffman wanted info relayed that we understand the county concerns but we don't think there is a problem. Springfield is not notifying the landowners – but if you are going to take someone's rights away – it is the county's responsibility to notify every landowner that will be effected. If you are taking away people's rights they need to be notified.

ZLR Composition Update. Patrick Miles stated that he understood the DCTA proposal to get rid of the ZLR and replace it with an appointed commission. He does not think that is politically realistic. He talked about recent changes made to the ZLR. Land area is now the criteria. The majority of ZLR members now have to have 50% or more of the land in their district in a town. It is the first step. If there are other things that we can do - he is willing to have that conversation. Other ideas are advisory members from towns plan commissions or town boards. What redistricting did to rural representation was discussed. Bob Salov, one of the five on the ZLR, talked about the committee. He pledged to do his best to be fare in dealing with these difficult issues.

DaneCom

Steve Anders gave an update. The proposed burn in date now is the middle of July. Regarding mutual aid – they have discovered some pretty serious holes. They are in negotiations to establish a temporary fix until a permanent fix can be found. In the town by Blue Mounds – the tower is substandard. They don't know if they will need a new tower or can shore up the existing one. It could be a half to one million dollar price tag. Not a good sign. Steve has questioned how come private ambulances can use the system and don't have to pay for it.

Jon Dejung promised to put that item on a future agenda. Tim Roehl stated that some county staff believe towns that have signed the contract are in it for perpetuity.

A letter from the town of Blue Mounds regarding action taken on March 18, 2014 was passed out (it was also emailed to towns) was discussed. Mark will look at the contract and withdrawal dates.

John Van Dinter commented that there are major problems in places as close as Waunakee. Less than a block from our station we don't have contact. In our station the station pager goes off and our individual ones do not. Dispatch and DaneCom know about these problems. Jim Pulvermacher state that Jon Dejung has agree to come to our July 16th meeting.

Wisconsin Towns Association (WTA)

Resolutions for the WTA state convention are due soon. If you have ideas they should be adopted as town resolutions and passed on to DCTA. Also listening sessions are happening around the state. Workshops on Implements of Husbandry are happening. The WTA has an accepted offer for a new director starting Aug. 1.

John Van Dinter – commented on the May 12, 2014 letter sent to Jerry Derr regarding “Call to Action and Solidarity Against Dane County Zoning Change Attempts.” He reminded everyone in the room that their towns depend on aggregate. The biggest cost towns have are transportation costs. The DCTA Executive Committee needs to resist any of these changes – we need to think long term as a group – it is a slippery slope – we either stand together or we hang separately.

Request to discuss Dane County's cost shifting at the next meeting.

Adjourn. Motion: Pulvermacher/Roehl. Meeting adjourned at 9:47 pm.