

**Lincoln County Land Services Committee
Minutes of Thursday, June 8, 2023 3:30pm
Lincoln County Service Center, Room #257
(Meeting recording is available on the Lincoln County website: co.lincoln.wi.us)**

MEMBERS PRESENT In-Person: Marty Lemke, Bill Bialecki, Randy Detert, Greg Hartwig, Elizabeth McCrank, and Greta Rusch

MEMBERS PRESENT Teleconference: none

MEMBERS ABSENT: Steven F Roets (no business) and Julie DePasse (excused)

DEPARTMENT HEADS/STAFF In-Person: Mike Huth (Land Services Administrator), Karry Johnson (Corporation Counsel), Sarah Koss (Register of Deeds), Elizabeth Peronto (Program Assistant), and John Hanz (Highway Commissioner)

DEPARTMENT HEADS/STAFF Teleconference: none

VISITORS In-Person: John Blaubach, Diane Blaubach, David Bethel Sr, Terry Gaeu, Jill Gaeu, Tom Burch, Tony Tomashek, Thomas Kolbek, Jon Smith, Robin Islo, Walter Horabik, Mike Heise, Eric McLeod, Ben Mehring, Robert Servais, John Heckendorf, and Kathleen Metzenbauer

VISITORS Teleconference: Maria Schalow and Julie Allen

1. Call Meeting to Order – Meeting was called to order by Chair Lemke at 3:30pm.
2. Roll Call – Roets and DePasse absent (excused). All other members present.
3. Adopt Agenda – M/S Bialecki/Rusch to adopt the agenda as presented. Motion carried on a voice vote.
4. May 18, 2023 LSC Meeting Minutes – M/S Rusch/Detert to approve the 5/18/2023 minutes as presented. Motion carried on a voice vote.
5. Public Comment – There was none.

DEPARTMENT REPORTS

6. Register of Deeds
 - a. Monthly Financial Reports – Koss explained that, due to the department being short staffed, this month's financial report will be presented next month. No discussion occurred.
 - b. Monthly Written Reports – Koss explained that, due to the department being short staffed, this month's written report will be presented next month. No discussion occurred.
 - c. Travel Expense Report – Koss explained the travel expenses.

M/S McCrank/Rusch to approve the travel expense report. Motion carried on a voice vote.

M/S McCrank/Bialecki to suspend the rules and move to agenda item #9. Motion carried on a voice vote.

9. Authorization to Replace Fiscal Clerk Position/Staffing Adjustments – Koss explained the proposed staffing changes and distributed a presentation of the fiscal impacts of this change. Bialecki recused himself from this topic and vote. McCrank expressed the desire to see this position moved back to full time should there be a lack of qualified applicants when it is posted at part time. Discussion occurred.

M/S Hartwig/McCrank to approve the staffing changes as proposed. Motion carried on a voice vote.

Meeting resumed at item #7

7. Land Services

- a. Administrator Department/Programs Report – Huth gave an overview of the department report. No discussion occurred.
- b. Monthly Financial Report – Huth gave an overview of the financial report. No discussion occurred.
- c. Zoning Program Manager/Land Services Administrator Timesheets (5/1/2023-5/28/2023) –
M/S McCrank/Hartwig to approve the timesheets. Motion carried on a voice vote.

OLD BUSINESS

none

NEW BUSINESS

8. Agency Updates – none

10. Award Tax Delinquent Title Search RFP – Huth gave an overview of the submitted bids.

M/S Hartwig/McCrank to award the RFP bid to Knight Barry Title Services LLC. Motion carried on a voice vote.

M/S Detert/Rusch to suspend the rules and move to agenda item #12. Motion carried on a voice vote.

12. Text Amendment – 17.3.02 Rural Land Uses – Huth gave an overview of the proposed amendments. Discussion occurred.

M/S Detert/McCrank to approve the proposed changes. Motion carried on a voice vote.

Meeting resumed at agenda item #11.

11. **4:00pm Public Hearings** – Public Hearing was called to order at 4:00pm by Chair Lemke. Lemke explained the rules of conduct for public hearings and introduced the Committee members and staff. Lemke further explained that items d and e will be discussed simultaneously.

CONDITIONAL USE REQUEST

- a) OLD BUSINESS - A request by Milestone Materials a division of Mathy Construction Co (Representative: Robert Servais) to amend an existing Conditional Use Permit (CUP-96-1075) regarding non-metallic mining in the Rural Lands 4 (RL-4) zoning district.

Lemke asked staff if there is an update to the Staff Report. Huth informed the committee that the Town of Skanawan submitted a recommendation.

Lemke read into the record a letter in support for the request. Lemke asked for additional testimony from proponents of the request. Robert Servais, the representative of the request, was present and informed the committee that Milestone Materials agrees to the Land Services Staff conditions as stated in the staff report.

Lemke asked for additional proponents of the request. There were none.

Lemke asked for additional testimony from opponents of the request. Ben Mehning, Town of Skanawan Chair, was present and explained the additional conditions requested by the Town of Skanawan. Mehning clarified that

the Town is in support of the request so long as the town proposed conditions are added onto the CUP. Discussion occurred.

Additional opponents giving testimony include Mike Heise, John Heckendorf, and Wally Horbik.

Lemke permitted Thomas Tomashek to rebut statements by opponents.

Lemke asked for input from Land Services Staff. Huth and Johnson gave an overview of the proposed Land Services Conditions and ordinance standards relating to CUP decisions. Discussion occurred.

Lemke closed the public hearing for the request. Discussion occurred.

Lemke asked if the applicants agree to the seventeen conditions listed on the Lincoln County Staff Report. Tomashek stated that they do.

M/S Bialecki/Hartwig to approve the Conditional Use request by Milestone Materials with the seventeen recommended conditions as listed on the Land Services staff report. Motion carried on a voice vote.

Conditions:

1. The Conditional Use Permit (CUP) is for a sand and gravel mining operation including gravel/aggregate material crushing. No asphalt plants, cement plants, or blasting will be permitted with this CUP.
2. The mineral extraction mining operation shall be restricted to the area and depth shown on the applicant's approved site plan. Any work beyond the approved plan boundaries will require application for a new conditional use permit.
3. The applicant is to follow the prepared reclamation plan in accordance with NR 135, Wis. Adm. Code, and the Lincoln County reclamation ordinance. The site is to be completely restored upon completion of non-metallic mineral extraction.
4. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
5. The site is to be cleaned of all debris and equipment after closure of the pit.
6. The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 10 feet from any lot line.
7. To prevent tracking of mud onto public roads, access driveways shall be paved or use crushed recycled asphalt (RAP) within 100 feet of public roads, unless the adjacent road is unpaved.
8. Access to the site shall only be through points designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.
9. A bond or other performance guarantee for such work is required prior to the start of excavation in the expanded area providing that a clear relationship/document is established between the operation and the need for road upgrades, repair, and maintenance. If the County road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
10. Spraying of the site and driveways shall be conducted to control dust.
11. On-site bulk fuel storage areas and appropriate places for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with ILHR 10 and other chapters of the Wis. Adm. Code and provisions of Wisconsin Statutes.
12. The applicant shall furnish a certificate of insurance before operations commence.
13. Approval shall be subject to amendment or revocation if noncompliance with approved plans, this section, or approval conditions is identified.

14. Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
 15. Parking Requirements: One space per each employee on the largest work shift. Parking shall not occur on the county road or within the road right-of-way.
 16. Owner is responsible for obtaining any permit or approval required for project under other State Statutes, Administrative Codes or by municipal, town or county zoning ordinances, and by the Department of Natural Resources and U.S. Army Corps of Engineers before starting the project. No filling or dumping of spoil material in wetland – must be disposed of in upland project.
 17. Hours of operation shall be 6am to 6pm Monday thru Friday and 6am to noon Saturday.
- b) A request by Terrance and Jill Gaeu to allow an Outdoor Commercial Entertainment (Wedding/Event Barn) in a Commercial Mixed Use zoning district. The property is located at W4754 County Rd Q in Section 30, T31N-R7E, in the Town of Scott.

Lemke asked for testimony in support of the Conditional Use application. Terrance and Jill Gaeu, the applicants, were present and explained the request.

Lemke asked for additional testimony in support of the request. There was none.

Lemke asked for testimony from opponents of the request. There was none.

Lemke asked for the staff report. Huth presented the staff report. Huth informed the committee that the Town of Scott submitted their recommendation. County staff recommends that the committee approve the Conditional Use Permit with the five recommended conditions, as written in the staff report. Discussion occurred.

Lemke closed the public hearing for the request. Discussion occurred.

Lemke asked the applicants if they agree to the conditions listed in the staff report. Jill and Terrance Gaeu stated that they do.

M/S McCrank/Detert to approve the Conditional Use request by Terrance and Jill Gaeu with the five recommended conditions as listed on the staff report. Motion carried on a voice vote.

Conditions:

1. Shall follow all applicable regulations of Department of Agriculture, Trade and Consumer Protection (DATCP), Wisconsin Department of Safety and Professional Services (DSPS), and the Lincoln County Health Department.
 2. One parking space per every 2 persons at the maximum capacity of the establishment.
 3. No guest parking shall occur within the county road right of way (ROW).
 4. Signage shall comply with Chapter 17.6 of Lincoln County Ordinance.
 5. Exterior Lighting shall comply with Chapter 17.5.04 of Lincoln County Ordinance.
- c) A request by Texas Recreational Center Inc (Representatives: Mike and Steve Malinowski) to allow an Outdoor Commercial Entertainment (Golf Course) land use in a Recreation zoning district. The properties are located in Section 18, T31N-R7E, in the Town of Scott.

Lemke asked for testimony in support of the Conditional Use application. There was none.

Lemke asked for testimony from opponents of the request. Richard Rauschl, expressed concerns regarding water pollution due to chemical and fuel storage in the building, hours of operation as it pertains to noise, and potential house devaluation.

Huth presented the staff report and informed the committee that the Town of Scott requested a 30-day extension in order to file the recommendation. County staff recommends that the committee wait until the Town submits their recommendation, as written in the staff report.

M/S McCrank/Rusch to approve the 30-Day extension as requested by the Town of Scott. Motion carried on a voice vote.

COMPREHENSIVE PLAN AMENDMENTS AND PETITION FOR REZONING

- d) A request by John and Diane Blaubach to amend the Lincoln County Comprehensive Plan Map from Non-Residential (Planned Business) to Rural/Environmental (Rural Lands) for tax parcel pin# 00435061639996. The property is located in Section 16, T35N-R6E, in the Town of Bradley.
- e) A request by John and Diane Blaubach to rezone tax parcel pin# 00435061639996, from Planned Business (PB) to Rural Lands-2 (RL2). The property is located in Section 16, T35N-R6E, in the Town of Bradley.

Lemke asked for testimony in support of the request. Diane and John Blaubach, the applicants, were present and explained the requests.

Lemke asked for additional testimony in support of the request. Dave Bethel Sr, Planning Commission from the Town of Bradley, was present and informed the committee that the Planning Commission has heard this request and will be recommending approval to the Town Board.

Lemke asked for testimony from opponents of the request. Tom Kolbek, expressed concerns regarding the smell of diesel in his house, hours of operation, and neighborhood aesthetics.

Robin Islo, expressed concerns regarding fuel and chemical runoff from the Blaubach property onto his adjacent property.

Huth presented the staff report and informed the committee that the Town of Bradley requested a 30-day extension in order to file the recommendation. County staff recommends that the committee approve the requests, as written in the staff report, once the Town recommendation is received. Discussion occurred.

M/S McCrank/Hartwig to approve the 30-Day extension as requested by the Town of Bradley. Motion carried on a voice vote.

PETITION FOR REZONING

- f) A request by RuttnRod Properties LLC (Representatives: Jon and Michelle Smith. Petitioners: Dean and Maria Schalow) to rezone tax parcel pin# 01431060119919, from General Business (GB) to Crossroads Mixed Use (CMU). The property is located in Section 1, T31N-R6E, in the Town of Merrill.

Lemke asked for testimony in support of the request. Jon Smith, representative of RuttnRod Properties LLC, was present and explained the request.

Lemke asked for additional testimony in support of the request. There was none.

Lemke asked for testimony from opponents of the request. There was none.

Lemke asked for the staff report. Huth presented the staff report. Huth informed the committee that the Town of Merrill has submitted a favorable recommendation. County staff recommends that the committee approve the rezone request, as written in the staff report. Discussion occurred.

Lemke closed the public hearing for the request. Discussion occurred.

M/S Hartwig/Detert to approve the rezone request by RuttnRod Properties LLC as listed on the staff report and forward to the County Board. Motion carried on a voice vote.

13. Text Amendment – 17.3.03 Residential Land Uses – Huth gave an overview of the proposed amendments. Discussion occurred.

M/S Detert/Rusch to approve the proposed changes. Motion carried on a voice vote.

ANNOUNCEMENTS

14. Future Agenda Items – Proposed Text Amendments

15. Confirm next meeting/public hearing date – The next meeting will be July 13, 2023. The meeting will begin at 3:30p.m. with the Public Hearing to begin at 4:00p.m.

16. Adjourn – M/S Hartwig/McCrank to adjourn at 5:35p.m. Motion carried on a voice vote.

Minutes prepared by Elizabeth Peronto