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## **Sanitation/Planning & Zoning/Dog Control**

Meeting called to order at 6:03 P.M. by Alan McCoy.

Present: Cedric Schnitzler, Alan McCoy, Jim Kuhn, Ron Luethe and Mary Cook

Also Present: Alison Elliott-Sanitation, Zoning, Dog Control Administrator.

### **Possible Corrections and Approval of December 20, 2021 Meeting Minutes.**

A **motion** was made by Mary Cook, seconded by Ron Luethe to approve the minutes from the January 17, 2022 meeting. Motion carried: 5-0.

### **Public Hearings:**

Application of David Borntreger for a **conditional use permit** for small business-pallets, at 26148 Kiln Ave Wilton, WI in part of the SW1/4, NW 1/4, Section 14, T16N, R1W, Town of Wilton, parcel number 048-00294-0000, 8.320 acres. The adjoining land use is agriculture.

Mr. Borntreger was present and addressed the committee and public. He stated that he was basically making pallets for his family members.

Town of Wilton: Becky Pitel- Clerk, Dawn Pingel-Treasurer and Travis Woods-Supervisor were present. Becky stated that the Town of Wilton has not approved the application due to lack of information. Becky also stated that Mr. Borntreger has been operating his business for several months without his permit. She asked the Committee what they were going to do about issuing a citation due to this situation. Becky asked if Mr. Borntreger had received any zoning permits for this building. Alison stated the Mr. Borntreger did receive his zoning permits for the building and was informed that he could not operate his business until a conditional use permit was approved. Alison stated that he will need to pay the "after the fact" fee for starting without the permit. Alison stated as far as a citation was concerned the county is looking for the property owner to get their permits to be in compliance and if he does this a citation would not be issued.

Becky Pitel stated that Mr. Borntreger never attended the Town Board meeting to discuss the conditional use permit application. The Committee informed Becky that we were not aware that he did not attend the Town meeting and in these cases the public hearing is postponed until they attend the Town meeting.

A **motion** was made by Jim Kuhn, seconded by Ron Luethe, to postpone the public hearing for Mr. Borntreger for a conditional use permit for small business-pallets, at 26148 Kiln Ave Wilton, Town of Wilton until next month, March 21, 2022 at 6pm so that the Town of Wilton can have further discussion with Mr. Borntreger at their Town Board meeting.

Becky asked what could be done for Mr. Borntreger to stop operating his business until he gets his conditional use permit. Alison informed the Committee and public that a citation could be issued by corporation counsel for the operation of the business without permits. However, Mr. Borntreger is

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pursuing an application to bring the property into compliance so it is unlikely a citation would be issued.

Ray Wadinski, a neighbor that lives across the road from Mr. Borntreger asked to speak. Mr. Wadinski also stated that Mr. Borntreger has been operating his business for several months already. His concerns were noise level, hours of business and location.

Discussion was held:

Motion carried: 5-0.

### **Conditional Use Permit:**

Tracy Schaitel for a conditional use permit for a small business for a Dog Daycare on property located at 8175 Idol Ave, in part of the SW 1/4, SW 1/4, Section 35, T17N, R4W, Town of Sparta, parcel number 040-01194-3000, 1.79 acres. The adjoining land use agriculture & residential.

It was announced that Tracy Schaitel has withdrawn her application for a conditional use permit for a small business for a Dog Daycare.

### **Office relocation:**

Nothing to report at this time. This topic is on the Property and Purchasing Committee agenda for March to have further discussion.

### **Sanitation & Zoning**

#### **FEMA Floodplain Mitigation Grant & DNR municipal flood control grant-Presentation.**

The presentation was postponed until next month's committee meeting 3-21-2022 due to the weather.

#### **Zoning Chapter 47 amendments:**

Alison presented a revised hand-out of the proposed amendments to the zoning code Chapter 47 from what was mailed to the zoned towns last month.

Alison explained the purpose of the proposed changes were to amend the General Zoning Code Ch 47 to clarify which districts allow livestock, to allow a reduced setback for private solar arrays, to allow retail and manufacturing type business that support agriculture to operate in the same zoning districts where agriculture is a principle use, to retain all zoning fees collected by the county, to prohibit issuance of new conditional use permits for parcels in violation of County Ordinances or that are tax delinquent.

Howard Hanson-Town of Tomah Chairman had questions regarding Ag Business/GA-Retail Alison explained that the Agribusiness would apply more to the parcel that nobody is living on and would avoid the need for rezoning that parcel.

John Guthrie-Town of LaGrange Chairman had questions about chickens: He asked if someone already had chickens if they would be grandfathered. Alison explained if the use was legal and conformed to the ordinance at the time and then a change was made that would cause it to be non-conforming it would be "grandfathered" and that use would be allowed to continue. Currently chickens

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and other livestock are not allowed in a Residentially zoned district.

Dave Brooker resident of the Town of Wells addressed the Committee. Mr. Brooker stated they have had discussion at the Town Board meetings and they would like the Committee to look at changing the Conditional Use Permit application process to include requiring a business plan for all applications. They would also like to see a change in the conditional uses allowed in the General Agriculture zoning district specifically *Sec. 47-929(2) (2) Campgrounds, golf courses, trap and skeet shoot, rifle ranges, motocross courses, racetracks and festival grounds*; Mr. Brooker stated that this section was included in the original zoning code adopted back in 1980's and needs some revisions.

The Committee agreed to look into this and put it on the agenda at a later date to consider possible changes.

Discussion was held:

Alison explained the next step in the amendment process will be to hold a public hearing to approve the final wording. This hearing will be held at the next committee meeting, 3-21-2022 for the proposed amendments to Zoning Chapter 47. If approved it will be forwarded to the full County Board for final approval.

## **Dog Control**

At the January meeting the Committee asked that Alison and Corporation Counsel look into adding Kennel regulations into the zoning code.

Alison met with Corporate Counsel Lisa Aldinger Hamblin and Andy Kaftan regarding these potential regulations. Alison reported that Corporation Counsel see several issues with including kennel regulations into the zoning code. Mainly that it would not be a proper expression of zoning powers but more along the lines of police powers which a Town has the authority to utilize. The inspection request would bring up some 4<sup>th</sup> amendment issues. (Can't enter someone's property without their permission.)

Setting a limit on the number of dogs at a county level in the zoning code would be Arbitrary and Capricious and would open up the County to challenges in Court. In an agricultural zoning district why are animals being limited? Why single out dogs? Why not say limit of 10 cows or 10 sheep? Where did the number 10 come from?

Dog limits can be set by the Town as it is a dog "tax". Many other municipalities have already done this.

Alison clarified that a seller's license is through the State Dept. of Agriculture and Consumer Protection. A State dog seller's license is required for selling more than 25 dogs or having 3 or more litters of puppies in a year.

Gina Mason from Chasing Daylight Animal Shelter spoke and stated that this is getting to be a serious situation with the increase population of dogs statewide. At the state level they currently only have two state inspections with a third position open but unable to fill due to state funding shortages. Gina is asking that the county and towns work together to help resolve these issues. Gina felt that it would be very help to organize a group to work on these current issues and come up with a plan to help regulate the situation.

Raye Walz-Town Chairman of Glendale stated that their Town is unzoned and that they have hired an attorney to work on putting together a Town ordinance for dogs. He has also contacted State

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legislators to look at changing Wis. Stats 174 regarding how the dog tax (dog license) is collected with regard to individual vs multiple dog licenses.

Discussion was held.

This topic will be on a future agenda for further discussion.

### Annual Reports

Annual reports will be discussed at the next month's committee meeting (March 21, 2022).

### Financial Report

#### FINANCIAL REPORT - VOUCHERS - INTER-DEPARTMENTAL TRANSFERS – CREDIT CARD EXPENDITURES – LINE ITEM TRANSFERS – BUDGET ADJUSTMENTS

Discussion was held.

#### December 2021 (paid in January 2022)

| Department Vouchers |                 | Interdepartmental Transfers |  | Credit Card Voucher |  |
|---------------------|-----------------|-----------------------------|--|---------------------|--|
| Sanitation          | 219.35          | Sanitation                  |  | Sanitation Credit   |  |
| Zoning              | 135.54          | Zoning                      |  | Zoning              |  |
| Dog Control BOA     | 1146.90         | Dog Control                 |  | Dog Control         |  |
| <b>Total</b>        | <b>1,501.79</b> |                             |  |                     |  |

#### January 2022

| Department Vouchers |                 | Interdepartmental Transfers |  | Credit Card Voucher |              |
|---------------------|-----------------|-----------------------------|--|---------------------|--------------|
| Sanitation          | 670.09          | Sanitation                  |  | Sanitation Credit   |              |
| Zoning              | 264.03          | Zoning                      |  | Zoning              | 12.36        |
| Dog Control BOA     | 734.76          | Dog Control                 |  | Dog Control         | 67.68        |
|                     | 44.70           |                             |  |                     |              |
| <b>Total</b>        | <b>1,713.58</b> |                             |  |                     | <b>80.04</b> |

**Grand Total 3,215.37**

Discussion was held regarding a budget adjustment for the Dog Control Department for confiscated Animal Fees/Expenses. Alison explained the need for this line item.

A **motion** was made by Cedric Schnitzler and seconded by Ron Luethe to approve the line item adjustment for confiscated animals for Dog Control. Motion carried: 5-0.

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**Set Date for Next Meeting and Possible Agenda Items.**

The next meeting will be held Monday, March 21, 2022 and will start at 6:00 pm at the at the Monroe County Justice Center Monroe County Board Assembly Room 1<sup>st</sup> Floor - Room #1200, 112 South Court Street, Sparta, WI 54656.

Agenda items: (1) CUP-Town of New Lyme, (1) COZ-Town of Sparta, to include the postponed CUP for David Borntreger, Town of Wilton and public hearing for Zoning amendments.

A **motion** to adjourn was made by Ron Luethe, seconded by Alan McCoy. Motion carried:5-0.

Meeting adjourned at 7:30.

*Recorded by Gretchen Jilek*