

10-21-2024

Sanitation/Planning & Zoning/Animal Control

Meeting called to order at 6:00 p.m. by James Kuhn in the Monroe County Board Assembly Room 1st Floor - Room #1200, 210 W. Oak Street.

Present: James Kuhn, Mary Cook, Cedric Schnitzler, Todd Sparks, and Remy Gomez.

Also Present: Alison Elliott-Sanitation, Zoning, and Animal Control Director, Jeff Leis, On-Call Humane Officer and Kerry Flock-Monroe County Corporation Council.

Possible Corrections and Approval of September 16, 2024 Meeting Minutes.

A **motion** was made by Todd Sparks, seconded by Remy Gomez, to approve the minutes from September 16, 2024. Motion carried: 5-0.

Public Hearings

Application of Steve Waldner for a **conditional use permit** (CUP) for a small business for sorting scrap and recycling on property located at 8877 Ellsworth Rd in part of the SW ¼, SE ¼, Section 8, T18N, R1W, 3.05 acres in the Town of LaGrange, Tax Parcel ID# 020-00198-0000. The adjoining land use is agriculture.

Steve Waldner was present. He wants to sort and separate the metals from scrap and discarded machine parts and recycle the individual metals for profit. This would involve bringing dumpsters of discarded machine parts onto the property and separating the parts. Mr. Waldner stated that he has built a garage for this business.

A **motion** was made by Todd Sparks, seconded by Mary Cook to put the application on the floor for discussion. Motion carried 5-0.

Town of LaGrange Chairman was present. (Brendan Smith)

He stated that the Town Board voted 3-0 to recommend denial. The Town's reasoning was:

- 1) Mr. Waldner made no attempt to contact the Town regarding his request. Given his participation in his previous request action, he is presumably aware of the Town's role in the process and still chose not to engage us.
- 2) There is overwhelming opposition to his activities by his neighbors without a single person speaking in favor of the CUP.
- 3) The fact that legal enforcement actions were required to get Mr. Waldner back into compliance on the initial denial doesn't instill confidence in the LaGrange Board that he would voluntarily comply with any potential conditions established as part of a CUP.

Steve stated he did not communicate with the Town of LaGrange because the last go around for application of CUP, the Town was in favor.

Discussion was held between the Committee members regarding the background and history of this site. This is the same business that Mr. Waldner had already been operating on this property for over a year without permits. In 2023 he applied for an after-the-fact CUP and was denied by the County Zoning Committee. Legal action had to be taken by the County before he ceased operation on the property. He is now reapplying after waiting the required 9 months per section 47-14 of the Monroe County Zoning Code.

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Neighbors' concerns/comments:

Jeff Dauterman states nothing has changed from Mr. Waldner's last attempt to get a CUP. He is worried about the groundwater being contaminated and junk piles accumulating all over the property.

Carol Mullen, owns 20 acres around Mr. Waldner's property. She stated that at one point there were piles of junk on her property. She is very much against granting this request and is concerned for the environmental impacts and junk that will be everywhere.

Kerry Sullivan-Flock summarized the enforcement action that was taken by the County in order to bring the property into compliance after the CUP was denied in 2023. She stated that Mr. Waldner was given several months to cease operations and remove materials from the site. When he had not done so by the deadline a citation was issued in February of 2024. The citation was dismissed on June 1, 2024 because Mr. Waldner came into compliance by that date.

Remy Gomez stated that he agrees with Town for denial.

Jim Kuhn explained the reasons the CUP application was denied in 2023.

Discussion was held.

A **motion** was made by Todd Sparks, seconded by Remy Gomez, to deny the application for Steve Waldner for a conditional use permit for a small business for sorting scrap and recycling on property located at 8877 Ellsworth Rd, Town of LaGrange. Motion carried: 5-0.

In summary, reasons for denial of the application are as follows:

- 1) The proposed use is inconsistent with surrounding land uses in the area.
- 2) Concern regarding the applicant's failure to follow State and Local regulations. This business was established and has already been in operation on this site without any permits.
- 3) Concern regarding the potential environmental impact of air and water pollution from materials on the site.
- 4) The proposed use of an industrial type business is inconsistent with the County's and Town's Comprehensive plan which designates residential use for this area.
- 5) Town of LaGrange recommended denial.

Application of Noah and Emma Schrock for a **conditional use permit** for the purpose of constructing a two family dwelling, located at 24730 Lincoln Ave, Wilton, WI., in part of the NW ¼ of NE ¼, Section 28, T16N, R1W, in the Town of Wilton, in part of Tax Parcel ID# 048-00587-3000, on 22.70 acres. The adjoining land use is agriculture and residential.

Noah Schrock was present. Mr. Schrock stated he currently has two houses and would like to attach them with a breezeway.

Alison stated that she heard verbally from the Town of Wilton and they recommended approval for the application.

Mary Cook commented that she was concerned with fire hazard of dwellings that close together.

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Discussion was held:

A **motion** was made by Cedric Schnitzler, seconded by Remy Gomez to approve the application for Noah and Emma Schrock for a conditional use permit for the purpose of constructing a two family dwelling, located at 24730 Lincoln Ave, Wilton. Motion carried: 5-0.

A petition by property owners on Ermine Ave, for a **change of zoning** district from GA-General Agriculture to R2-Suburban Residential for parcels of land at 27742, 27690, 27670, 27642, 27628, 27582, 27508, 27557, 27679 and 27709 Ermine Ave, Tomah, WI, in the SW 1/4, NE ¼, Sec. 13, T18N, R1W, Town of LaGrange, tax parcel #s 020-00320-2400, 020-00320-7700, 020-00320-7500, 020-00320-8200, 020-00320-8500, 020-00320-8400, 020-00320-2100, 020-00320-5700, 020-00320-8000, 020-00320-8100 and 020-00320-5000, 23.96 acres total.

Denise Prise, representing the subdivision, was present. Denise stated that the reason for the petition by the property owners on Ermine Ave is to bring the zoning in line for what they pay taxes for.

Some neighbors elected not to change their zoning, but the majority of the neighbors petitioned to have it rezoned.

Town of LaGrange Chairman, Brendan Smith was present. He stated the Town agreed to pay the \$400 fee for rezoning if all residents of the subdivision wanted to rezone their parcels. However, it could not be agreed upon by the whole subdivision in this specific development.

Cedric Schnitzler stated, there are five property owners that were not part of this petition so this would now be “spot zoning”.

Brendan Smith stated, the Town does have the ability to do a “blanket” rezoning but chose to leave it up to the property owners if they wanted rezoning or not at this time.

Discussion was held:

A **motion** was made by Mary Cook, seconded by Todd Sparks to approve the petition by property owners of Ermine Ave for a change of zoning district from GA-General Agriculture to R2-Suburban Residential and forward to the Full County Board on October 23, 2024 for final approval. Motion carried: 5-0.

A petition by property owners on Elan Rd., for a **change of zoning** district from GA-General Agriculture to R3-Rural Residential for parcels of land at 9528, 9552, 9572, 9588, 9668, 9716, 9752, 9760, 9774, 9796, 9816, 9828, 9842, 9898, 10074, and 9899 Elan Rd, Tomah, WI, in the NE ¼, SE ¼ and SE ¼, SE ¼ of Sec. 18 and the NE ¼, NE ¼ of Sec. 19, T18N, R1W, Town of LaGrange, tax parcel #s 020-00567-0200, 020-00567-0300, 020-00567-0400, 020-00567-0500, 020-00567-0100, 020-00567-0102, 020-00575-2000, 020-00575-2001, 020-00575-2003, 020-00575-2004, 020-00575-2005, 020-00575-2006, 020-00596-7013, 020-00596-7014, 020-00596-7016, 020-00596-7017, 020-00596-7018, 020-00576-2000, 020-00576-2001 and 020-00576-0001, 34.14 acres total.

Brendan Smith, Town Chair for LaGrange was present and representing the property owners on Elan Rd. Brendan stated that the property owners on Elan Rd were all in favor of rezoning from GA-General Agriculture to R3-Rural Residential. There are a total of 20 parcels, some owners own multiple parcels.

Discussion was held:

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A **motion** was made by Cedric Schnitzler, seconded by Remy Gomez to approve the petition by property owners on Elan Rd for a change of zoning district from GA-General Agriculture to R3-Rural Residential and forward to Full County Board on October 23, 2024 for final approval. Motion carried: 5-0.

Sanitation & Zoning Dept Questions & Updates **FEMA Buyout Grant update**

Alison informed the Committee that the final close out letter from FEMA was received in late September. The FEMA buyout Grants are officially completed after 5 years.

Resolution to amend Monroe County Code of Ordinances Chapter 41-Utilities-regarding septic system requirements for new dwellings

Alison went over some of the proposed changes. The biggest change would be the proposal to add the use of a non-plumbing sanitation system (privy, outhouse or portable restroom) as a prohibited type of facility if for a new full time dwelling. Other proposed changes would bring the County Ordinance into alignment with state codes.

Kerry Sullivan-Flock reported that a recent United States Supreme Court decision regarding a county in the State of Minnesota vs the Amish community determined that the government cannot force the use of septic systems on the Amish.

Kerry Sullivan-Flock sent an email the end of September to Alison and Jim Kuhn relaying this information. She strongly recommends the Committee not include a prohibition on the use of a privy for full time residence in Monroe County.

Discussion was held.

A **motion** was made by Remy Gomez, seconded by Cedric Schnitzler to amend the proposed resolution to remove the prohibition of the use of a non-plumbing sanitation system for new construction. Motion carried 5-0.

The proposed amendments will be brought back for further discussion at the November meeting.

Animal Control Dept Questions & Updates **Grant application approval**

Jeff Leis was present to address the Committee. Jeff received information late last month that American Society for Prevention of Cruelty to Animals (ASPCA) is giving \$3 million in grants to qualifying shelters. The Grant application deadline was October 18th, 2024 so Jeff filed the application requesting 25K for: Rabies Clinics, Spay and Neuter Clinics and Emergency Vet Care. Per the new Monroe County Grant Policy Jeff is notifying the Committee of the grant application. Jeff stated that the grants will not be awarded until December. If Monroe County is successful in receiving a grant Jeff will request approval from the Committee to accept that grant at that time.

Jeff informed the Committee that prior to applying for the grant he had talked with 3 veterinary clinics to assist with rabies and spay/neuter clinics. All three clinics said they would be willing to assist. The grant allows for monies to be utilized for cats, dogs and horses.

Financial Report

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

Line item transfer:

Alison explained that in 2023, \$10,000 was transferred from the General Fund to cover the anticipated attorney fees for the defense of a Board of Adjustment decision that was appealed to Circuit Court. The case continued into 2024 so the balance of \$8,126.95 was rolled over from the 2023 budget into the 2024 budget. Anticipated 2024 attorney expenses are more than the amount rolled over. BOA revenue from permit fees received in 2024 is enough to cover both the regular expenses and the overage in the contracted services line item without having to request additional monies from the General Fund. It is proposed to transfer \$700 from the BOA-zoning department-printing and \$400 from the BOA-Zoning Department- Mileage line items to the BOA-zoning department, contracted services line item to cover this expense.

A **motion** was made by Cedric Schnitzler, seconded by Remy Gomez to approve the line item transfer from the BOA-Zoning department, printing and mileage into the BOA-Zoning department, contracted services to cover the extra expenses. Motion Carried: 5-0.

September 2024

Department Vouchers		Interdepartmental Transfers		Credit Card Voucher	
Sanitation	2,123.61	Sanitation		Sanitation Credit	
Zoning	89.89	Zoning		Zoning	29.16
Dog Control	3,111.93	Dog Control		Dog Control	812.85
BOA	3,234.79			LR	
Total	8,560.22				842.01

Set Date for Next Meeting and Possible Agenda Items.

The next meeting will be held Monday, November 18, 2024 and will start at 6:00 pm in the Monroe County Justice Center Monroe County Board Assembly Room 1st Floor - Room #1200, 210 W Oak Street, Sparta, WI 54656. Agenda: (2) CUP, Town of Sparta, Town of Wellington. Todd Sparks would like to add further discussion regarding “Premium Water” for the Zoning and Sanitation department to our next meeting.

A **motion** to adjourn was made by Todd Sparks, seconded by Cedric Schnitzler. Motion carried: 5-0. Meeting adjourned at 8:00 p.m.

Recorded by Cassie Cunitz

The minutes are not official until approved by the Zoning Committee at their next regular meeting.