

SAUK COUNTY BOARD OF SUPERVISORS
Land Resources and Extension Committee
Meeting Minutes
Wednesday, September 25, 2024
County Board Room
Sauk County West Square Building

Land Resources and Extension (LRE) Committee members present: M. Krueger, P. Kinsman, D. Polivka, V. McAuliffe, L. Eberl, B. Prosser, B. Spencer, B. Lohr,

Others present: L. Wilson, M. Schlupp, T. Hillmann, W. Christensen, B. Simmert, M. Krautkramer

Absent: R. Puttkamer (excused).

At 9:00 a.m. Krueger called the Land Resources and Extension Committee meeting to order. LRE Staff certified the meeting to be compliant with Open Meetings Law.

Adopt agenda - Motion by McAuliffe/Prosser to adopt the September 25, 2024, agenda. Motion carried unanimously.

Adopt minutes of previous meeting – September 12, 2024 - Motion by Eberl / McAuliffe to adopt the September 12, 2024, LRE Committee meeting minutes. Motion carried, unanimously.

Public comment – No public comment

Communications

- a. L. Wilson noted that she would be leaving meeting at 10:00 for another meeting.
- b. Krueger reported that the Mirror Lake Conservation Tour will not be occurring. In its place, a tour on October 14, 2024 at 9:00 a.m. of the Pelton Farm will be taking place to discuss rotational grazing/livestock management practices.

Land Resources and Environment

- a. **Discussion and possible approval of the 2025 Wildlife Damage Abatement and Claims Program operating budget.**

Phil Peterson presented the operating budget for 2025 in the amount of \$15,116.10.

Motion by Lohr/Spencer to approve the operating budget for the 2025 Wildlife Abatement Claims Program in the amount of \$15,116.10. Motion carried unanimously.

- b. **Discussion and possible approval of the crop prices for program farmers and establish a 90% harvest date.**

P. Peterson noted that the crop prices are as follows: \$4.25 / bushel corn, \$135.00 / ton hay, and \$11.30 / bushel soybeans. The crop prices presented represent the regional average. Peterson clarified that the 90% harvest date does not reflect the actual harvest, but rather a set date of December 1st.

Motion by Polivka / Lohr to approve the crop prices of \$4.25 / bushel corn, \$135.00 / ton hay, and \$11.30 / bushel soybeans and establishing the 90% harvest being December 1st.

P. Peterson spoke about the venison donation program and its benefits to the community. Peterson verified that processors get paid and the deer are tested for CWD.

Motion by Kinsman/Polivka to approve participation in the deer venison donation program.

Public Hearing: To begin at 9:15 a.m. or as soon thereafter for the Committee to consider and take possible action at the conclusion of the respective hearing. The Committee reached the public hearing portion of the meeting at 9:15 a.m. The Committee introduced themselves.

- a. **Petition 09-2024. A petition from Milestone Materials, agent of TKC Real Estate Holdings, LLC., to consider a rezone from a Resource Conservancy zoning district to an Agriculture zoning district. Said rezone use is located in the Town of Freedom, Sauk County. Lands affected by the proposed rezone are located in the SE 1/4 , NE ¼, of Section 21, T11N, R5E, Town of Freedom, Sauk County, tax parcel identification number 016-0436-00000, owned by TKC Real Estate Holdings, LLC.**

B. Simmert certified that the public hearing notice for Petition 09-2024 has been properly posted.

B. Simmert read the public hearing notice.

M. Krautkramer presented the staff report, background, and history. Krautkramer stated that the Town of Freedom Town Board recommended approval of the Rezone from a Resource Conservancy zoning district to an Agriculture zoning district as well as LRE Staff.

L. Eberl asked about the reclamation process. M. Krautkramer explained how reclamation is guided by the state and administered by the county.

Applicant, Bob Jewell, agent for Milestone Materials stated the reason for the rezone request is to allow for a mineral extraction operation on the subject property. Jewell defined the reclamation process as it applies to this site.

P. Kinsman asked if there had been any complaints about the operation. Jewell indicated that they have not received any complaints.

Tristan Gardner spoke on behalf of Milestone Materials and offered to answer any questions.

R. Daum spoke in opposition and noted that he is the property that hosts the access easement that is proposed to be used for access to the mining operation. R. Daum stated that the easement does not specifically state that the easement can be used for a mineral extraction operation. R. Daum expressed concerns that the operation would impact their well-being and wildlife. R. Daum also spoke about a lack of notification and impact on property values.

Maxine Marti spoke in opposition over concerns about the environment/wildlife regarding the possible access road and safety, quality of life and property values.

Terra Olson spoke in opposition and submitted a letter in opposition from a neighbor, Norbert and Donna Meunier. Olson reiterated the same concerns previously stated by R. Daum and M. Marti.

M. Krueger read a letter into the record submitted by Norbert & and Donna Meunier in opposition.

B. Prosser asked why the current access road cannot be used. M. Krautkramer explained that the original access to this property is now part of a different mining operation and an access easement has not been granted to Milestone Materials. Krautkramer explained that today the rezone is being

considered and that a special exception permit allowing the use will be considered by the Board of Adjustment tomorrow.

B. Lohr asked for greater clarification regarding the access road. M. Krautkramer explained that there is an easement, however there is no current road over the easement providing access.

D. Polivka asked when the easement was established. B. Jewell clarified that the access easement was established in 2017 with the purchase of the parcel.

L. Eberl asked for clarification as to where the quarry will be. B. Jewell explained that a 10-acre portion of the 40-acre parcel is already zoned Agriculture and the current request is for the remaining 30-acres to be zoned Agriculture.

V. McAuliffe asked who owns the property on which the easement is located. B. Jewell explained that the easement is on property owned by the Daum's and noted that the easement was on the property prior to the R. Daum's purchasing the property.

L. Eberl asked about mining operations and setbacks from existing buildings. M. Krautkramer explained that there are setback requirements for mining operations outlined in the ordinance.

M. Krautkramer reviewed the standards to consider as part of a rezone request; that it is consistent with Sauk County code, the comprehensive plans of the Town and County, and that consideration is made for changes since the original zoning adoption.

V. McAuliffe expressed concern about the lack of notice. M. Krautkramer indicated that the neighbors were first notified of the request back in June.

The public hearing for Petition 09-2024 closed at 9:59 a.m. for committee deliberation.

B. Lohr spoke about the use of the easement and location of the easement to an existing house.

B. Prosser spoke about the property with the easement and the fact that it existed before the purchase of the property by R. Daum.

Eberl spoke about the easement being needed when the property ownership of the previous quarry was divided and spoke about the rezone out of Resource Conservancy zoning.

P. Kinsman spoke about the need for mineral resources concerning hauling costs. P. Kinsman restated that the easement was on the deed of the property in question when the property was purchased.

D. Polivka agreed with Kinsman and stated his concerns.

V. McAuliffe spoke about Resource Conservancy zoning being an asset.

B. Spencer spoke about the location of the easement relative to the house location.

Motion by McAuliffe/Eberl deny Petition 09-2024 a rezone from a Resource Conservancy zoning district to an Agriculture zoning district located in the Town of Freedom, Sauk County. Aye: McAuliffe, Eberl, Spencer, Lohr, Krueger. Nay: Kinsman, Polivka. Motion to deny carried.

b. Petition 10-2024. A petition from Ivan Yoder to approve a conditional use permit pursuant to s. 7.027(10)(i) for a sawmill. Lands affected by the proposed conditional use are located at E2084 Keller Rd, in part of the SE ¼, SE ¼, of Section 35, T13N, R2E, Town of Woodland, Sauk County, tax parcel identification number 044-0720-00000.

B. Simmert certified that the public hearing notice for Petition 10-2024 has been properly posted. B. Simmert read the public hearing notice.

W. Christensen presented the staff report, background, and history. Christensen stated that the Town of Woodland Town Board recommended approval of the Conditional Use Permit as well as LRE Staff.

Applicant, Ivan Yoder, stated the reason for the CUP is to operate a sawmill at E2084 Keller Road in the Town of Woodland.

There was no public comment in favor, opposition or as an interested party.

The public hearing for Petition 10-2024 closed at 10:27 am for committee deliberation.

Motion by Prosser/Lohr to approve Petition 10-2024 to operate a sawmill at E2084 Keller Road in the Town of Woodland as presented based on the findings of fact and conclusion of law, subject to the staff analysis, and subject to conditions as noted in the staff report. Motion carried, unanimously.

c. Petition 11-2024. A petition from Quandt Vineyards LLC to consider a conditional use permit pursuant to s. 7.027(3)(g) for Agriculture Tourism. Lands affected by the proposed conditional use are located in part of the SW ¼, SE ¼, of Section 23, T12N, R5E, Town of Excelsior, Sauk County, tax parcel identification number 010-0911-10100 on land owned by Quandt Vineyards LLC.

B. Simmert certified that the public hearing notice for Petition 11-2024 has been properly posted. B. Simmert read the public hearing notice.

T. Hillmann presented the staff report, background, and history. T. Hillmann stated that the Town of Excelsior Town Board recommended approval of the Conditional Use Permit as well as LRE Staff excluding the town conditions outlined as R3 and R5 in the staff report.

B. Prosser asked about the limitation of 25% of space limited to products not produced on the premises. T. Hillmann explained.

Kurt Muchow, Town Chairperson, spoke on behalf of the Town of Excelsior and indicated that the proposal was approved by the town's plan commission and town board with conditions. Muchow noted changes to the conditions as compared to previous conditions. K. Muchow asked that the CUP be approved with the conditions that the town has requested to assure public safety and minimize the impact on the area. K. Muchow stated that the applicant utilizes a decibel meter and asked that this condition be approved and spoke about term limits as being good policy.

M. Krueger asked about item 3 Sale and Consumption of Alcohol and if the Sheriff's department can enforce this condition. Muchow spoke about the reason for including this condition.

B. Prosser asked if conditions 3. Sale and Consumption of Alcohol, 4. Type of Events and 5. Loud Noise Prohibited were approved as conditions 5-years ago. K. Muchow stated yes.

L. Hasenbalg spoke as interest may appear as herself and as a member of the town's plan commission and asked the committee to accept the conditions as requested by the town.

Applicant, Fred Quandt provided a background of the operation and stated the reason for the CUP is to operate a winery in the Town of Excelsior. F. Quandt asked for changes to the conditions to allow for a deli and suggested specific changes.

B. Prosser asked if LRE defined food and not the Health Department. F. Quandt said yes for his CYP application.

B. Lohr asked if Quandt would attend a future LRE Committee meeting to discuss changes to the ordinance.

L. Eberl asked if the changes he requested were discussed with the town. Quandt deferred to Muchow.

K. Muchow spoke about the conversation being interactive with county staff regarding the applicant's desire to include food. K. Muchow noted that one of the options would be to rezone to commercial, which is not allowed by the town's comprehensive plan. K. Muchow stated he is concerned with changing the application as requested by the applicant without review by the town as the changes are material in nature.

M. Krueger stated he has an issue with changing conditions, especially conditions agreed to by the town. If the applicant wants conditions changed, the hearing must be postponed or tabled. Discussion ensued regarding the procedure and when the petition should be considered for approval.

L. Hasenbalg spoke as an interested party and indicated that the applicant's request for changes to the conditions are new to the town and personally feels that a winery should be able to serve food and reiterated that a rezone would be required.

V. McAuliffe asked staff what his options were to serve food. T. Hillmann stated that a rezone to a commercial district is required.

M. Krueger brought up food trucks. T. Hillman stated that previous determinations by the Department was that food trucks are eating establishments and explained that City of Reedsburg Ordinances may not reflect Sauk County Ordinances.

B. Prosser asked if a deli would be permitted and questioned why deli items need to be prepacked.

T. Hillmann stated that the LRE Department determined that a deli is not permitted and that F. Quandt could appeal that decision.

B. Lohr asked that this matter be placed on a future agenda.

F. Quandt responded to Hasenbalg's comment and indicated that he did not have a conversation with the town regarding a deli versus a food establishment and that the county made this determination.

B. Lohr said that the LRE Committee would like to have F. Quandt come in and have a discussion with the Committee.

D. Polivka reiterated the need to explore this further.

Motion by Polivka/McAuliffe to approve Petition 11-2024 to operate an agriculture tourism business being a winery in the Town of Excelsior as presented based on the findings of fact and conclusion of law, subject to the staff analysis, and subject to conditions as noted in the staff report and including town conditions. Motion carried, unanimously.

V. McAuliffe stated that there seems to be a snag with the definition of a deli.

B. Spencer stated that the town needs to be part of the discussion.

L. Eberl spoke about not allowing spot zoning.

This concludes the public hearing portion of the meeting at 11:24 am

Land Resources and Extension Continued

a. **Review and approval of vouchers.** L. Wilson presented the vouchers for Land Resources and Environment Department in the amount of \$34,568.25. Motion by Lohr / Spencer to pay vouchers for the LRE Department in the amount of \$34,568.25. Motion carried unanimously.

b. **Discussion and Presentation on invasive species work completed in Sauk County, Jasmine Wyant, Upper Sugar River Watershed Association.**

J. Wyant presented on aquatic invasive species and spoke about the programs that are part of the Lake Monitoring and Protection Network Grant.

V. McAuliffe spoke about invasive species signage at the Prairie du Sac Dam.

c. **Discussion and possible action on a resolution approving a cooperative agreement with the Upper Sugar River Watershed Association and authorizing submission of the Lake Monitoring and Protection Network Grant Application.**

M. Schlupp explained the need for an updated cooperative agreement and the resolution to apply for Lake Monitoring and Protection Network Grant Funding.

Motion by Lohr/McAuliffe to approve a cooperative agreement with the Upper Sugar River Watershed Association and authorize submission of the Lake Monitoring and Protection Network Grant Application. Motion carried unanimously.

d. **Discussion and possible action on a resolution authorizing the County Administrator to submit a Multi-Discharger Variance Application to the Wisconsin Department of Natural Resources.**

L. Wilson summarized the Multi-Discharger Program.

Motion by Eberl/ Polivka to approve submittal of a Multi-Discharger Variance Application to the Wisconsin Department of Natural Resources. Motion carried unanimously.

Next meeting dates –Thursday, October 10, 2024, at 9:00 a.m.; Monday, October 14, 2024 at 9:00 a.m.; Tuesday, October 22, 2024, at 9:00 a.m.

Adjournment - Motion to adjourn by Kinsman/McAuliffe at 11:36 a.m. Motion carried, unanimously

Respectfully submitted,

Valeria McAuliffe, Secretary