

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
Public Hearing Minutes – January 2, 2008 – 6:00 p.m.**

**CALL TO ORDER**

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 6:01 p.m. in the Green Lake County Courthouse, County Board Room, Green Lake, Wis. The requirements of the open meeting law were certified as being met.

Present:       **Sue McConnell, Gus Mueller, Howard Sell, Wallace Williams**

Absent:         **Orville Biesenthal**

Also Present: **Al Shute, County Surveyor/Land Development Director**

**Jeff Haase, Assistant Corporation Counsel**

**Carole DeCramer, Committee Secretary**

**Orrin Helmer, County Board Chair**

**APPROVAL OF AGENDA**

**Motion by Williams/Mueller, unanimously carried, to approve the agenda. Motion carried.**

**PUBLIC HEARING MATTERS**

Committee Chair McConnell read the Rules of Order.

*Audio of testimony is available upon request from the Green Lake County Land Use Planning and Zoning Department.*

**Item I: Owners:** Michael and Judi Schubert   **Applicants:** Richard and Lillian Slate   **Site Address:** N1512 CTH S, All of parcel #012-0245-0000 being part of the NW¼ and the SW¼, Section 14, T14N R12E, Town Manchester (±18.00 Acres)   **Explanation:** Dual rezone from A-1 Exclusive Agriculture District to A-3 Light Agriculture District and R-1 Single-Family Residence District.

- a) Public Hearing

Rich Slate, 295 S. Main Street, City of Markesan - Applicant for the owners, speaking in favor of the request.

Public hearing closed.

- b) Committee Discussion and Deliberation

- c) Committee Decision

**Motion by McConnell/Mueller, unanimously carried on roll call (4-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to the county board for final action. Motion carried.**

- d) Execute Determination Form/Ordinance

**Item II: Owner:** Kathleen Egbert   **Applicant:** Egbert Excavating, Inc.   **Site Address:** Thomas Road, Parcel #006-0033-0000, Being part of the SW¼, Section 2, T15N R13E, Town of Green Lake

(±10.00 Acres) **Explanation:** The owner/applicant is requesting a conditional use permit to expand a non-metallic mining operation to the southern 10 acres of the current site.

a) Public Hearing

Dan Egbert, Egbert Excavating, Inc., W1302 N. Lawson Drive, Green Lake – Applicant explained the operation and spoke in favor of the request.

James Fox – Town of Green Lake Chairman, N3195 Luedke Road – Spoke on behalf of the town in favor of the request.

Wayne Albright, County Road A – Adjoining property owner spoke in favor of the request.

Attorney Mark Slate, Representing Don Koller (adjoining property owner) – On behalf of Mr. Koller, spoke against the request.

Tom Fisher, Representing James and Violet Fisher Trust, 4214 Heffernan Drive, Madison, WI, (neighbor) – Spoke against the request; explained his concerns about safety and ground water. Suggested that experts look into the neighbors' issues.

Shute – Read letter from Leo Wilke, an adjoining property owner, who opposes the request.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee asked questions of Mr. Egbert and Mr. Slate, and suspended the rules to allow Mr. Koller to speak.

Don Koller, Route 2 (adjoining property owner) – Spoke against the request.

The committee also discussed the need to rezone this parcel from agricultural to mining.

c) Committee Decision

**Motion by Mueller/Sell, unanimously carried on roll call (4-eyes, 0-nays), to lay this request over pending the rezoning of this area from agricultural to mining. Motion carried.**

**PUBLIC COMMENT**

Jim Fox – Town of Green Lake Chairman – When it comes to water, 30-40 years ago, anytime a well is drilled within 5 miles of this site, anyone within 3 miles away gets a cloudy, red, and contaminated well because it must be on the same stream so this isn't a new issue. I have documents that show this. When Brooks drilled those irrigation wells, for a few days the water of the neighbors within 3-4 miles lost its color and taste. This is not a new issue in that area of the Town of Green Lake.

With Mr. Koller being closer to the site, it may be more severe. Now everything is getting more technical. I think these questions should be answered.

**CORRESPONDENCE** - None

## **APPROVAL OF MINUTES**

**Motion by Williams/Sell, unanimously carried, to approve the minutes of November 28, 2007, and December 5, 2007. Motion carried.**

## **CLAIMS**

Claims totaling \$1,055.73 were submitted.

**Motion by Sell/Mueller, unanimously carried, to approve the claims in the amount of \$1,055.73 for payment. Motion carried.**

## **APPROVAL OF DEPARTMENT ACTIVITY REPORT – NOVEMBER, 2007**

**Motion by Sell/Mueller, unanimously carried, to approve the November, 2007, department activity report. Motion carried.**

**DEPARTMENT/COMMITTEE ACTIVITY - None**

## **GENERAL COMMITTEE DISCUSSION**

### Shute:

- A letter was sent to Jack Akers, developer for the Lake Maria plat, indicating the 24-month time limit. The end of that time period is November, 2008.
- Jim Hebbe shared his state bid list for vehicles. Many of the vehicles on the list are newer vehicles with fewer miles with full warranties. These may be better deals than the Highway Department vehicle.

**SUCH OTHER MATTERS AS AUTHORIZED BY LAW - None**

## **CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85 (1)(G) CONFERRING WITH LEGAL COUNSEL REGARDING LITIGATION, WHICH THE COUNTY IS INVOLVED AND/OR IS LIKELY TO BECOME INVOLVED.**

**7:46 p.m. On a motion by Mueller/Sell, unanimously carried on roll call (4-eyes, 0-nays), the committee adjourned to closed session per Wisconsin State Statute 19.85(1)(g) Conferring with legal counsel regarding litigation, which the county is involved and/or is likely to become involved. Motion carried.**

## **RESUME INTO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION.**

**7:55 p.m. On a motion by Sell/Mueller, unanimously carried on roll call (4-eyes, 0-nays), to resume into open session. Motion carried.**

## **NEXT MEETINGS DATES**

- January 15, 2008 – Workshop – 5 p.m.
- January 23, 2008 – Business Meeting – 6 p.m.
- February 6, 2008 – Public Hearing – 6 p.m.

## **ADJOURN**

**Motion by Williams/Mueller, unanimously carried, to adjourn. Motion carried.**

Time: 7:56 p.m.

Recorded by Carole DeCramer  
Committee Secretary

**APPROVED ON:**  
January 23, 2008