

Buffalo County Minutes

Committee/Board: Zoning Committee

Date of Meeting: August 2, 2018

Electronic and Hardcopy Filing Date: October 16, 2018

The meeting was called to order at 9:00 a.m. by Michael Taylor, chairperson. Role call was taken, Michael Taylor, Bernard Brunkow, Dennis Bork, David Danzinger, Max Weiss were present.

Others present for all or part of the public meeting include Mike Owecke, Zoning Administrator, Keith Bollinger, Zoning Specialist, Julie Lindstrom, Administrative Assistant in the Zoning Department. Others may have been there that did not sign in.

Minutes are summarized as follows:

Public Comments Relating to the Agenda: There were no public comments relating to the agenda.

Meeting Minutes. Motion by Mr. Brunkow seconded by Mr. Bork to approve the minutes from the June 7, 2018 Zoning Committee meeting as mailed. All in favor. Carried.

Comprehensive Zoning Ordinance Revision. Mr. Owecke explained that a mailing is ready to go out to each Town, which includes 2 copies of the ordinance revision and a letter from the Zoning department letting the Town know what they need to do to adopt the new ordinance; they pass a resolution saying they approve of the ordinance, return a certified copy of the resolution to our County Clerk along with a copy of the ordinance. When our County Clerk receives that, she will record it and from that date, the Town is then under the new ordinance. The County Clerk is also required to notify the County Board as Towns opt in, so the Board knows when this happens. Mr. Owecke stated that in his letter he reminded the Towns they have one year to opt in; if they do not opt in within that year, they become un-zoned. Also included in the mailing was a sample resolution they can use to adopt and approve the new ordinance. Mr. Owecke, in his letter also reminded the Towns they have a 90 day grace period to do any final changes to their zoning maps, which is 90 days from the date the County Board adopts the new ordinance; the grace period ends October 22, 2018. After the 90 days, any changes need to go through the official state statutes requirement for re-zone. Mr. Owecke continued by saying there are 2 Towns that are actively considering changing their zoning from ANR-5 to ANR-40, so their residents can participate in the state Farmland Preservation Program. DATCP required about 75(seventy-five) percent of the Town be in the ANR-40 Zoning District or they will not certify that Town for Farmland Preservation Program. Mr. Danzinger suggested and Mr. Owecke stated that he would follow-up with the Town Chairmen in about a month to offer help to get all the Towns approved as soon as possible. Mr. Danzinger commented that it would be easier for the office if all the Towns get approved fairly soon, to reduce the time the Zoning Department is operating under both ordinances.

Resolution to Establish and Adjust Permit Application Fees for Ordinance Administered by the Zoning Department. Three documents were sent to the committee members to review prior to the meeting, a list of our current fees, a copy of the resolution to adjust the fees and the list of county comparison with an average of selection of counties in the state. Mr. Owecke explained the current fee schedule and pointed out where fees need to be established for the new permits that are required with the new Zoning Ordinance Revision. This document also provided a range of recommended or suggested fees for consideration. Mr. Owecke reviewed the list of fees charged by other counties and explained that it was put together by Marathon

County with the fees provided by other counties; where no county shows on the document, that county did not provide fees. Mr. Brunkow stated that in his review prior to the meeting, a lot of counties with a lot higher fees than Buffalo and his first thought is to go with fees on the higher side to eliminate having to revisit this in the near future. Mr. Bork suggested that increase in fees should be in smaller increments and may be not until we hear back from the Towns. Mr. Bork further suggested that we send this information to the Towns to review with the mailing going out to the Towns on the ordinance revision that was discussed in the previous agenda item. Mr. Taylor stated that the Towns have asked what the fees are going to be. It was noted that Mr. Seipel at the County Board meeting on July 23, 2018 when the ordinance was passed, questioned what the fees were going to be. Mr. Bork further suggested that maybe not raise the fees at this time and only add fees to those permits where there is no fee and maybe fee increases come at a later date. Mr. Owecke explained that part of the reason why this is being discussed at this time is because when he went to the Finance Committee to review his 2018 budget, the Finance Committee gave the Zoning Department a directive to try to capture fifty percent of the operating budget through permit application fees. Mr. Taylor questioned and Mr. Owecke stated that Zoning Revenue currently covers about seventy-five percent of operating costs and further stated that meeting the fifty percent goal will have a lot to do with development, which is hard to forecast. Mr. Owecke continued by saying that it is important to remember the Zoning Department has the ability to capture revenue to offset operating expenses, unlike other departments. Mr. Owecke reminded the committee that there are state mandates where there is no funding provided by the state, such as Shoreland, Floodplain and Sanitary ordinance requirements and that is why the Finance Committee expects the Zoning Department to implement user fees and the county makes up the difference in unfunded mandates. Mr. Danzinger felt the committee should have a recommendation of what fees the Zoning Committee is proposing with the letter that is going out to the Towns. Mr. Taylor questioned and Mr. Owecke responded that the resolution to increase fees will need to be passed by this committee and forwarded to the Finance Committee and approved by the County Board for adoption. Mr. Danzinger suggested that it would just be a recommendation to the Towns, based on action of this committee. Mr. Bork questioned the impact the increased fees might have on whether someone puts up a structure. Mr. Taylor did not feel that would have much impact. Mr. Owecke responded saying that fees probably have little affect on whether a new structure would get built when you compare it to the overall cost of the structure and the levels being proposed are reasonable to cover the cost for issuing the permits. Mr. Weiss questioned whether the county comparison document could be filtered to show counties that are closer to population and pertinent to size of Buffalo County for a better and/or true comparison and Mr. Owecke stated that what we do to issue those permits is exactly the same thing as a larger county by population or size. Mr. Owecke explained that he received an email from Sonya Hansen, County Administrative Coordinator yesterday; Committee of the Board met and defined four priorities. One thing she asked is that departments should do whatever they can to raise revenue, not necessarily for their own department, but in an effort to help the county meet their four priorities. Mr. Brunkow commented that county ordinances are a way to capture user fees. Mr. Weiss questioned and Mr. Owecke explained the difference between Class I and Class II Towers and stated that new communication towers fall under the new tower application fee. Mr. Bork questioned how funds are spent in the department and Mr. Owecke stated that we have a very tight operating budget and the budget is the next agenda item for this meeting. Mr. Owecke stated that he did not receive 2019 budget numbers until three days ago, that is why budget information was not mailed to the committee to review prior to the meeting. Mr. Bork stated that he felt the timing of this resolution is bad with just pushing out the ordinance right now and felt it would be better to wait three to six months. Mr. Brunkow stated that he likes the idea of approving the resolution at the committee level now and sending it out to the Towns for review. Motion by Mr. Brunkow, seconded by Mr. Danzinger to recommend for the mailing to go out to the towns today with the user fee set at the low side of the recommended with committee approval and forward to the Finance Committee. Mr. Danzinger, Mr. Taylor, Mr. Brunkow and Mr. Weiss voting yes. Mr. Bork voting no. Carried.

2019 Zoning Department Budget. Copies of the 2019 Zoning Department budget paperwork was passed out to the Zoning Committee for their review. Budget was reviewed and explained as follows: There are no grant funds to cover operating costs in the Zoning Department; there are no computer requests in the budget; there is no specific general equipment or furniture the department needs, however Mr. Owecke stated that he put a small amount in this line item in the budget in case something comes up that we need to purchase in 2019. Training and lodging; similar costs to last year with different types of training and lodging costs are associated with training. Big budget worksheet. Revenues were budgeted about the same as 2018; there is a slight downturn in permitting in 2018. Mr. Owecke continued by saying that he would like a year of experience to see how permitting plays out. Mr. Owecke explained that the Finance Committee suggested that each budget include a three percent increase in salaries. Mr. Danzinger stated that the Finance Committee just wanted to see what the numbers look like. Health insurance is showing a decrease. Mr. Danzinger stated there are more interested in bidding on our health insurance, so the Finance Committee is proposing a decrease in the cost. Mr. Owecke continued by explaining that contractual services shows the annual fee for maintenance and upkeep of our scanning software and the project of trying to digitize all of our files. Mr. Bork questioned revenue being the only true unknown in the budget and Mr. Owecke explained that it is hard to predict what impact the change in the fee schedule will have on revenues in 2019. Mr. Bork questioned any discussion at the Committee of the Board meeting in regard to combining the Zoning and Conservation Departments. Mr. Bork referred to the meeting on July 9th, where Mr. Lien from Trempealeau County talked about his combined department. Mr. Brunkow stated there was some conversation about having fewer committees, however that discussion also included the fact that meetings may last longer. Mr. Brunkow continued by saying there was no discussion about combining departments. Mr. Owecke reminded the committee that the county tried combining the departments and it did not work. Mr. Owecke stated that Trempealeau County has a lot more staff and even though they combined departments, they still have a department head in the Conservation Program; it would not be as efficient in a department with less staff. Mr. Bork expressed concern for a tight budget that if additional cuts were necessary, how the office would function; just because you request additional funds, does not mean you will receive them. Mr. Taylor questioned the cost of stated unfunded mandates and Mr. Owecke stated that a county does not have a choice. Mr. Owecke continued by saying the sanitary ordinance is the most time consuming mandate and takes almost one full-time person to administer it. Motion by Mr. Brunkow, and seconded to approve the 2019 Zoning Department budget as written and forward to the Finance Committee for review. All in favor. Carried.

Zoning Administrator Comments. Mr. Owecke reported he has the final 2017 Zoning Department Annual Report with only a few grammar and punctuation changes and no big language changes from what was presented to the Zoning Committee in June. The annual report will be presented to the County Board at their August 2018 meeting along with the resolution for the fee schedule changes. Mr. Owecke reported on a policy change in the department; as of July 1, 2018, a copy of all the permits issued in the Zoning Department will be emailed to the Towns when they are issued, rather than mailing a report at the end of each quarter. Mr. Owecke continued by saying the next step in the Ordinance Revision is to complete a lengthy application to DATCP, Conservation Program for certifying the ordinance for the Farmland Preservation Program. Following October 22nd, when Towns have a final opportunity to make changes to their Zoning maps DATCP will do their final paperwork for certification. Mr. Owecke also reported that the next big task for the Committee is a comprehensive revision of the Shoreland Ordinance since changes have been made to the Shoreland state statutes over the last couple years. A copy of revised Buffalo County Shoreland Ordinance was sent to the DNR for review and has been returned and will need to be reviewed and move forward for adoption. Mr. Owecke continued by saying the changes to the Shoreland Ordinance will be consistent with State Statute and there is not a lot of leeway that a county can do; a county can't be more restrictive than the state. A lot of Shoreland Ordinance comes from the northern part of the state in the lakes country.

Chairpersons Report. Mr. Taylor commented that he thinks passing the recommended fee schedule to the Towns right now is a good idea.

There were no public comments not related to the agenda.

The next meeting was scheduled for September 4, 2018 at 9:00 a.m.

Motion by Mr. Bork, seconded by Mr. Weiss to adjourn. All in favor. Carried. The meeting was adjourned at 10:20 a.m.

Respectfully Submitted,

Julie Lindstrom
Zoning Administrative Assistant