

Town of Eldorado Plan Commission (EPC) Meeting Minutes

October 8, 2019

Plan Commission Member Attendees (5):

x	Norbert Chesney, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Kathy Thunes, ECWRPC	Gary Miller, Town Chairman	Dave Jahns, Town Supervisor	Wayne Kemnitz	Jesse Zempel
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Call to Order and Agenda Review: Meeting called to order by Norbert Chesney at 7:00 p.m.

Review of Minutes: EPC reviewed the minutes from August 13, 2019. Motion made by Wenker/Chesney to approve minutes. Motion carried 5-0. EPC reviewed the minutes from September 10, 2019. Motion made by Averbeck/Wenker to approve minutes. Motion carried 5-0.

New Concept Plans: Jesse Zempel verbally presented plans to acquire the “old Don’s Used Car house” for use with his current asbestos removal business (no addresses provided). No written information was provided to EPC. Zempel stated he intends to demolish the building and use the lot for parking his trucks along with storage of a dumpster. It is unclear how the property is zoned and Zempel has not yet been to the Fond du Lac County Courthouse to inquire on the property. EPC discussed the current Future Land Use Map and stated that the parcel is currently within the Mixed Use Overlay which would allow for residential/commercial use. EPC informed Zempel the Zoning Ordinance is available on the Town’s website which includes a description of each zoning district including permitted uses. EPC discussed the process to submit a concept plan application with attachments referenced on the application in advance of a future EPC meeting for further discussion. EPC provided Zempel with a copy of the application instructions and a concept plan review application form.

Review Attorney comments on EPC procedure & discussion: Chesney stated that at the September Town Board meeting, Rosalind Lyness commented to the Town Board that the EPC did not know what they were doing at the Xiong public hearing. Chesney went on to report to EPC that Lyness especially highlighted that the 40% required to remain open space needs to be specifically designated. In response, Chesney consulted with Town Attorney Matt Parmentier after the September Town Board meeting. According to Parmentier, the public hearing was conducted by EPC in accordance with requirements. Furthermore, EPC is not required to specifically designate where the 40% is required to be maintained on the parcel or how the 40% is required to be maintained as open space (e.g., specifically state ag use, woodland, wetland or native grassland).

Parmentier reportedly informed Chesney that the Land Division and Subdivision (LD/SD) Ordinance does include issuing letters to adjacent property owners prior to land divisions but the Town did not violate any laws by not issuing the letters in advance of the Xiong hearing. There is no statute that requires written notification.

Parmentier did inform Chesney that EPC needs to update/reconcile the LD/SD and Zoning Ordinances with application materials where there is currently discrepancy (e.g., EPC no longer needs 15 hard copies of application materials, reference the Fee Rule Ordinance adopted since adoption of the LD/DS & Zoning Ordinances, etc.) and this should be done as part of the Comprehensive Plan update process with the public hearing.

Town Clerk duties within EPC review & discussion: Chesney provided EPC with a hard copy of an email dated September 19, 2019 that is a list of Town Clerk duties regarding EPC developed by Chesney at the request of Karen Fontaine, Town Clerk. Chesney reviewed all applicable Ordinances and compiled a list of tasks for the Town Clerk, including tasks historically performed by the Town Clerk, as well as those supported by Ordinances. Chesney asked EPC to review the list and provide comments on anything missed, that should be changed or that EPC does not agree with. The intent is to compile a comprehensive list for the relatively new Town Clerk to use as a guide. Borski stated

that Averbeck, Chesney, Borski and former Town Clerk, Cathy Winters, met a couple times to hammer out these items when Cathy was new to the position and suggested that an in-person meeting be scheduled with Averbeck, Chesney, Borski & Fontaine to review these tasks together. Averbeck and Chesney agreed that should be done.

Public Input:

Gary Miller, Town Chairman, continued the topic on the Town Clerk duties and stated he does not want EPC to meet with the Town Clerk. Miller went on to heatedly challenge Chesney on the intent of the list, Chesney's authority to develop the list and the significant number of items apparently being assigned to the Town Clerk by EPC. Miller stated it is the Town Board's responsibility to provide the Town Clerk with duties and not EPC. Chesney defended his actions by stating he developed the list at the request of the Town Clerk and that the list is a compilation of Town Clerk duties already designated in ordinances as well as tasks historically performed by past Town Clerks in an effort to provide a comprehensive list for discussion. Miller and Chesney continued in an escalating argument that Averbeck, Wenker, Brenner and Jahns all attempted to de-escalate. Jahns also provided comment that it appears the list of duties for Town Clerk regarding EPC is excessive and there are items on there that Jahns has historically done as Building Permit Officer, such as receiving (culvert, building, demolition, etc.) applications and fees. There was no resolution.

Wayne Kemnitz stated he is interested in dividing half his 16 acre parcel for rezone as residential and would like this land to be listed as Residential on the revised Future Land Use Map as part of the Comprehensive Plan update process. EPC stated the request will be recorded and discussed further with Kathy Thunes, ECWRPC. EPC reviewed Residential lot and building requirements (e.g., frontage, front, rear and side yard setbacks) for Kemnitz.

Comprehensive Plan Review:

Kathy Thunes from East Central WI Regional Planning Commission (ECWRPC) attended to review the following:

- Vision Statement
- Review Agricultural, Natural and Cultural Resources Element
- Review Land Use Element
- Review Intergovernmental Cooperation Element
- Review Implementation
- Next steps

Thunes took notes for purposes of ECWRPC. There was not enough time to review the Land Use Element, Intergovernmental Cooperation Element and Implementation which will be done at the November meeting.

Thunes also provided comments to EPC regarding past requests by Rosalind Lyness and Wayne Kemnitz to change the Future Land Use Map during the Comprehensive Plan update process. Thunes advised against allowing any individual requests to be incorporated in a revised Future Land Use Map. Rather, recommended any changes be initiated by the individual property owners in a separate process to change the Future Land Use Map outside of the Comprehensive Plan update process. Thunes stated this is typically how it is done. EPC needs to discuss further.

Future Meetings & Agenda Items: Next meeting November 12, 2019 at 7:00 p.m. and will include review of the Land Use Element and Intergovernmental Cooperation Element, Implementation and next steps. Review of the Conditional Use Permits for Mitch & Jenna Vis and D&K Endeavors is planned for December 10, 2019.

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Wenker/Brenner to adjourn the meeting. Motion carried 5-0.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission