



**Marathon County  
Environmental Resources Committee Minutes  
Tuesday, January 31, 2023  
500 Forest Street, Wausau WI**

<b>Attendance:</b>	<b><u>Member</u></b>	<b><u>Present</u></b>	<b><u>Not present</u></b>	
<i>Chair</i>	Jacob Langenhahn.....	X		} Via in person, Webex Or phone
<i>Vice-Chair</i>	Allen Drabek.....	X		
	Rick Seefeldt .....	X		
	Dave Oberbeck .....	X		
	Andrew Venzke.....		X(excused)	
	Tony Sherfinski.....	X		
	Kim Ungerer .....	X		
	Mike Ritter.....	X		
	Marilyn Bhend.....	X		
	Rodney Roskopf.....	X		

Also present via Webex, phone or in person: Laurie Miskimins, Nicole DeLonay, Shad Harvey, Garrett Pagel, Kirstie Heidenreich, Jeff Pritchard– Conservation, Planning, and Zoning (CPZ); Chris Holman – Deputy County Administrator, Mike Puerner – Corporation Counsel, Jamie Polley – Parks & Forestry; Kevin Lang – Highways, Kurt Gibbs, Raeann Brandt, Norman Kurtz, John Kennedy, Al Niebur, Ben Niffenegger, Scott Blado, Lucas Koenig, Dorothy Olson, Bruce Wineman

1. **Call to order** – Called to order by Chair Langenhahn at 3:00 p.m.
2. **Pledge of Allegiance to the Flag**
3. **Public Comment** – None.
4. **Approval of January 3, 6 & 24, 2023, Committee minutes**  
**Motion / second by Drabek/ Oberbeck to approve of the January 3, 6 & 24, 2023, Environmental Resources Committee minutes. Chair Langenhahn noted Supervisor Morache was present for the January 3<sup>rd</sup> ERC meeting and to add her to the “others present” section of the Jan. 3<sup>rd</sup> minutes.**  
 Motion **carried** by voice vote, no dissent.
5. **Operational Functions required by Statute, Ordinance, or Resolution:**
  - A. **Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes)**
    1. Laurie A Bootz Trustee, on behalf of Magdalen Conrad Trust - G-A General Agriculture to R-E Rural Estate - Town of Elderon

Discussion: Pagel was sworn in and noted the staff report and decision sheet had been included in the packet. Pagel reviewed the rezone request shown on the Preliminary Certified Survey Map (CSM) that was submitted with the petition. Pagel additionally reviewed the reasoning behind why Conservation Planning and Zoning (CPZ) staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics. The Town of Elderon has reviewed the application and recommends approval without any concerns or additional comments. Seefeldt questioned if there is an easement allowing access to the barn to the north, which will be sold separately.

Raeann Brandt was sworn in and indicated she believes there is an easement for the lot to the north.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. Testimony portion of the hearing was closed at 3:16 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

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Action: **Motion** / second by Seefeldt/Sherfinski to recommend approval to County Board, of the Magdalen Conrad Trust rezone request. Noting the reasoning provided in the staff report and conclusions of law, the Committee determined the rezone is consistent with the Marathon County Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

2. Jordan Weaver - RE Rural Estate to RR Rural Residential and from RE Rural Estate to NC Neighborhood Commercial - Town of Hull

Discussion: Pagel noted the staff report and decision sheet had been included in the packet. Pagel reviewed the rezone request described as lot 1 preliminary CSM. Pagel additionally reviewed the reasoning behind why CPZ staff are recommending approval of the rezone request, citing the rezone standards, requirements, and pertinent site characteristics. Pagel noted, The Town of Hull has reviewed the application and recommends approval without any concerns. Oberbeck questioned the town's future land use map and the staff report, that the map is very different from the rezone request. Shad Harvey was sworn in and stated that the county relies on the town's response to the rezone request. If they say the rezone is in alignment with their future land use, then we accept their opinion on it. Drabek questioned the use of the property.

There was no additional testimony in favor or opposed to this rezone request virtually or in person. Testimony portion of the hearing was closed at 3:28 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Typically, there should be a statement in the staff report indicating a town should update their comprehensive plan and future land use map to reflect the rezone, and the ERC directed staff to update the staff report to this effect. The packet has been amended to reflect that the staff report indicated that the town should update their comprehensive plan to reflect the rezone request to ensure consistency. Future staff reports will also include this.

Mike Puerner from Corporation Counsel indicated the ERC Committee is responsible for the approval/ decline the rezones using the conclusions of law to determine if the standards are met, including that the rezone is substantially consistent with the plans and in relation to the Marathon County Comprehensive Plan, Town Comprehensive Plan, and the Farmland Preservation Plan. In the findings of fact they can state rezone is consistent with the Town Comprehensive Plan because the town indicated it is consistent.

Action: **Motion** / second by Drabek/ Sherfinski to recommend approval to County Board, of the Jordan Weaver rezone request. The ERC Committee recommends noting the town update their comprehensive plan to reflect this rezone. Noting the reasoning provided in the staff report and conclusions of law, the Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans and is not located in the Farmland Preservation Zoning District. Adequate facilities are present or will be provided and providing any necessary public facilities will not burden local government. Based on the proposed land division and existing land uses onsite the rezone should not result in any adverse effect on natural areas. The committee made their recommendation of approval based on the information, findings of fact, and conclusions of law as described in the CPZ staff report included in the ERC packet.

Motion **carried** by voice vote, no dissent.

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Follow through: Forward to County Board for action at their next regularly scheduled meeting.

3. Shad Harvey, Conservation, Planning and Zoning (CPZ) – Text amendment changes to the General Code of Ordinances for Marathon County Chapters 15, 17 and 18

Discussion: Harvey was sworn in and discussed the changes related to the annual text amendments to Chapter 15, 17 and 18 Codes. CPZ held an open house on January 19, 2023. Harvey shared the proposed revisions with the ERC committee.

Harvey noted that the special events update is for temporary events and is only for County Zoned Towns. Mike Puerner indicated that Marathon County has a special events ordinance within the County's General Code of Ordinances that is countywide, but it is not enforceable at this time. There is a county task force being put together to update this ordinance. Kurt Gibbs was sworn in and stated once the task force is created it will involve many departments countywide. Any changes to the countywide ordinance would need to be checked against Chapter 17 to ensure consistency and make it clear which ordinance is used in which circumstances.

Langenhahn asked how many town comments were received. Harvey noted the Town of Guenther was in contact regarding the open house. Harvey also stated CPZ received less than 10 comments from the towns.

There was no additional testimony in favor or opposed to the text amendment changes to the General Code of Ordinances for Marathon County Chapters 15, 17 and 18 Code virtually or in person. Testimony portion of the hearing was closed at 4:06 p.m. Committee deliberated.

Action: **Motion** / second by Ritter/ Seefeldt to approve the text amendment revisions to the Marathon County Chapter 15, 17 and 18 Codes.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

- B. Review and Possible Recommendation to County Board for its Consideration (Town Zoning changes pursuant to §60.62(3) Wis. Stats.) – None.

- C. Review and Possible Recommendations to County Board for its Consideration

1. Resolution for use of Environmental Impact Funds (EIF) to fund repair and replacement of aerators at the Big Eau Pleine

Discussion: Lucas Koenig, WDNR Fisheries Biologist, was present and shared a presentation on the renowned fishery in the Big Eau Pleine reservoir, most notably before and after the 2009 fish kill. Ben Niffenegger, Vice President of Environmental Affairs, WVIC, discussed what they do to manage and operate the aerators at the Big Eau Pleine in the winter months to provide oxygen for the fish. Niffenegger explained the history of the aerators, a timeline of the partnership that exists to coordinate the aerators, and how the aerators function at the Big Eau Pleine reservoir. A PBS video from 2009 was shown that went into more detail regarding the detrimental 2009 fish kill and how the aerators are in place to prevent that from happening again. Heidenreich explained how the partnerships between DNR, WVIC, BEPCO, and Marathon County keep the aerators up and running. Heidenreich also stated that the partnership has been contacting multiple contractors to get quotes and cost estimates for the replacement and repair of the key components of the aerators, as they are at the end of their life span (originally from the 1960s). Heidenreich continued regarding how the EIF funding will be used and how the other partners are also contributing large sums of money to the aerator costs via annual maintenance. The ask before the ERC is up to \$175,000 to replace the existing aerators.

The committee discussed and asked additional clarifying questions.

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**Motion** / second by Ritter/ Oberbeck for approval of use of the Environmental Impact Funds for the replacement of the aerators at the Big Eau Pleine.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to HR Finance Committee for action at their next regularly scheduled meeting.

2. Recommendation of Adoption of the Westside Master Plan

Discussion: Jamie Polley briefly reviewed the Westside Master Plan including feedback received from partners and County Board Supervisors following the presentation to the County Board. She reviewed the goal of the masterplan. The plan is a long-term concept plan or vision of the County Board and is subject to changes over time. Polley discussed a few comments that were brought forward by a couple of County Board Supervisors.

The committee discussed and asked a few clarifying questions.

**Motion** / second by Sherfinski/ Seefeldt to approve the Adoption of the Westside Master plan.

Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting

D. Review and Possible Action - None.

**6. Educational Presentations/Outcome Monitoring Reports and Committee Discussion**

A. Department Updates: Conservation, Planning and Zoning (CPZ), Parks Recreation and Forestry (PRF), Solid Waste

1. Brief Update on Proposed State Legislation related to Salt Pollution Prevention, De-Icer Applicator Certification, and Liability Protection

Discussion: Miskimins mentioned the members of the state legislator are looking for co-sponsors to bring a bill forward that would offer limited liability to deicing applicators. This would be a voluntary action. This effort would align with our strategic plan, 6.3 Strategy D. If this goes to the floor, the ERC may want to consider a letter of support or a resolution in favor of the bill.

2. **Motion** / second by Seefeldt/ Drabek to go into closed session (roll call vote suggested) pursuant to § 19.85(1)(e) for the purpose of conducting other specified public business, whenever competitive or bargaining reasons require a closed session, with updates relative to cost estimates for Marathon Park water project.

Motion **carried** by roll call vote, no dissent.

3. Motion to Return to Open Session (roll call vote not required)

**Motion**/ Second Drabek/ Ritter to Return to Open Session (roll call vote not required)

Motion **carried** by voice vote, no dissent.

4. Announcements and/or Action Regarding Closed Session Discussion - None

**7. Policy Issues Discussion and Committee Determination to the County Board for its Consideration** – None.

**8. Next meeting date, time & location, and future agenda items:**

**Tuesday, February 28, 2023, 3:00 p.m. Marathon County Courthouse, Assembly Room 500 Forest Street Wausau WI**

A. Committee members are asked to bring ideas for future discussion

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B. Announcements/Requests/Correspondence

1. Miskimins announced there are a few Conservation program events coming up in March and April and she will email the ERC further information. These events will be opportunities to interact with farmers and grazers, and learn about conservation efforts in the county

9. **Adjourn** – **Motion**/ second by Drabek/Ritter to **adjourn** at 6:09 p.m. Motion **carried** by voice vote, no dissent.

Laurie Miskimins, CPZ Director

For Jacob Langenhahn, Chair

cc: (via email/web site) ERC members; County Administrator; Corporation Counsel; County Clerk

LM/nd