



**Marathon County  
Environmental Resources Committee Minutes  
Thursday, February 6, 2020  
212 River Drive, Wausau WI**

<b>Attendance:</b>	<b>Member</b>	<b>Present</b>	<b>Not present</b>
Chair	Jacob Langenhahn.....	X (arrived at 4:30)	
Vice-Chair	Randy Fifrick.....		X
	Rick Seefeldt .....	X	
	Jim Bove .....		X
	Allen Drabek .....	X	
	Sara Guild.....	X (arrived at 5:15)	
	Arnold Schlei .....	X	
	Dave Oberbeck.....	X	
	Marilyn Bhend .....		X
	Eric Vogel .....	X	

Also present: Rebecca Frisch, Dominique Swangstu, Paul Daigle, Cindy Kraeger, Matt Repking, Dave Decker – Conservation, Planning, and Zoning (CPZ); Scott Corbett – Corporation Counsel; Jamie Polley– Park, Recreation, and Forestry (PRF); Peter Weinschenk – Record Review, Scott Weber, Gary Imhoff, Rorik Peterson – EDP; Nathan Wiles, Debra Derfus, Larry Seehafer, Tim Vreeland, Paul Hackel, Rich Hohl, Travis Hill, Stacey Hill, Rob Posteluk.

1. **Call to order** – Frisch called the meeting to order at 3:05 p.m. at 212 River Drive Room 5, Wausau, WI, and asked for nominations to chair the meeting. **Motion /** second by Drabek / Seefeldt to nominate Schlei to Chair the meeting. No other nominations were received. Motion **carried** on voice vote, no dissent, approving Schlei as temporary chair.

2. **Public Comment** – None.

3. **Approval of January 2, 2020 Environmental Resources Committee (ERC) minutes.**

**Motion /** second by Seefeldt / Oberbeck to approve of the January 2, 2020 Environmental Resources Committee minutes with a typing correction to Item 1 – *Called to order by Chair Langenhahn to Called to order by Vice Chair Fifrick.* Motion **carried** by voice vote, no dissent.

4. **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. Tim Vreeland on behalf of Blake and Lacey Czerwonka – Town of Elderon

Discussion: Swangstu was sworn in, and reviewed the staff report, noting that the decision sheet had been included in the meeting packet. Request to rezone 7.357 acres Lot 1 of the Preliminary Certified Survey Map submitted to the department.

The Town of Elderon was unable to meet and will have the rezone on their February agenda.

Vreeland was sworn in and discussed the rezone request for the above mentioned use.

Discussion among the committee members regarding approving the rezone but the Town Resolution needs to be received before moving it forward to County Board.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:20 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion /** second by Seefeldt /Drabek to recommend approval to County Board, of the Tim Vreeland on behalf of Blake and Lacey Czerwonka rezone request after receiving the Town Resolution from the Town of Elderon. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not located in the Farmland Preservation Plan. Adequate facilities are present and providing public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board following receipt of the Town Resolution.

2. Robert Posteluk, on behalf of Yellowstone Crossing LLC – Town of McMillan

Discussion: Swangstu was sworn in, and reviewed the staff report in regard to the rezone petition in question. The staff report went over different applicable zoning, land use, and future land use maps as well as site conditions, while making recommendations to the committee. There are currently violations onsite, the first of which was the construction of an accessory structure (used for salt storage) without obtaining the required permits and approvals. The second is related to the use(s) of the parcel, the business use has begun onsite

without proper review, permitting, and approval. It was noted that the Town of McMillan, City of Marshfield and local residents have all expressed their concerns with the proposed development specifically regarding the salt storage (proximity and potential effect on wells and waterways) as well as the drainage issues already on the parcel. The Town of McMillan recommended approval of this rezone at their last Town Board meeting on January 30<sup>th</sup>, 2020 noting "Motion contingent upon applicant complying with all requirements of the DNR, DOT Marathon County and State of WI". Swangstu finished the staff report by giving the staff recommendation of: "Based on the information provided and the Town of McMillan's input, CPZ staff finds the Environmental Resources Committee should recommend Approval to Marathon County Board of Supervisors if the committee finds the applicant adequately addresses the towns concerns as well as any issues in regard with the standards shown in the ERC Decision Form at the time of the Public Hearing on February 6<sup>th</sup>, 2020. The committee may recommend Approval, Denial, or Postpone (Table) for further considerations. If further information is needed to adequately address the concerns of the town or standards of rezoning, CPZ staff recommend the ERC postpone (table) for further considerations." Swangstu answered any additional questions of the committee in regard to the violations and use concerns onsite while noting some questions could be better answered by the petitioners when they are sworn in.

Robert Posteluk was sworn in. Posteluk discussed the history of the property which was a bar and zoned as a commercial zoning district therefore started a business of installing a salt shed and was not aware of the process required to start the business; and wants to come into compliance. He is currently awaiting correspondence from the Department of Transportation and Department of Natural Resources.

Debra Derfus was sworn in and is the Town Chair of the Town of McMillan. The Town of McMillan approved the rezone request; Debra provided information related to her concerns as a local resident in regard to the rezone request due to concerns with the salt storage and drainage issues. Numerous complaints have been received on the salt shed; water issue on the property; not being in compliance.

Gary Imhoff was sworn in and is opposed to the rezone request. His concerns which were addressed were in regard to the having the wells in the area contaminated from the salt storage as well as the water issues/runoff in that area.

Scott Weber was sworn in and is in opposition of the rezone request. His concern is the runoff issues affecting multiple wells and an intermittent stream within 250 feet of the salt shed.

Stacey Hill was sworn in and her husband is the owner of Yellowstone Solutions and is in favor of the rezone request. She stated they do not want to cause any property problems and would do their due diligence to clean up the property in the spring and consider installing a privacy fence.

Travis Hill was sworn in and is in favor of the rezone request. He has removed the snow from the property to help reduce the water problems and will try to clean up the property in the spring.

Larry Seefeldt was sworn in and is concerned about the city wells that supply water to the area.

Additionally, throughout the public hearing, CPZ staff provided clarity during the discussions and answered questions in regard to differentiating the use of the parcel, the zoning district of the parcel, and the permitting process for the structure/salt storage onsite, if/when the rezone is approved.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 4:20 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Oberbeck /Vogel to approve the Robert Posteluk on behalf of Yellowstone Crossing LLC rezone.

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

### 3. Public testimony on text amendment changes to the General Code of Ordinance for Marathon County Chapter 17 Zoning Code

Discussion: Swangstu discussed changes related to the annual text updates to Chapter 17 and the inclusion of new Wind Energy Systems and removal of old Wind Energy text to align with state regulations. At the previous committee meeting on January 2<sup>nd</sup>, 2020 the committee was briefed on the proposed revisions. There were no questions from committee members. There was no testimony in favor or opposed to the text amendments in regards to the annual text changes. A letter was read into the record from Eric Erpenbach, requesting new language regarding signs and the specific standards for billboards. The requests were primarily in regard to aligning the more restrictive county standards with the state requirements, which will ultimately promote more local businesses as well as to be more consistent. The letter did not comment on any changes suggested and published by CPZ. The letter requested that the committee consider possible changes in the future, but did not supply any actual amendment language for the committee to act on. Therefore, no action was taken by the committee in regard to Eric Erpenbach's request.

Corbett provided information on discussions with EDP attorneys regarding wind energy language, with specific recommendations to the committee for consideration. Corbett and Swangstu reviewed the recommendations and incorporated the majority of the comments which are contained the draft that posted on February 5<sup>th</sup>, 2020. Corbett recommended to the committee address different language than what was proposed by EDP dealing with Section 17.405.02(B)(2)(b) which addresses what is required to be submitted with an application for a wind energy system in regard to the anticipated effects to land uses within 0.5 miles of the system; as well as 17.405.04(A) which provides more clarity in regard to what additional conditions or restrictions an application could be subject to as authorized by Wis. State. 66.0401 and PSC 128 Representatives from EDP testified in regards to the wind energy language.

Nathan Wiles, EDP was sworn in and discussed filing the application within the next month or soon after.

Rorik Peterson, EDP was sworn in and is currently working on the permit application and land acquisition.

There was no additional testimony in favor or opposed to the text amendment changes to the General Code of Ordinance for Marathon County Chapter 17 Zoning Code. The committee closed the public hearing at 5:20 p.m. and deliberated.

Action: Motion / second by Schlei / Seefeldt to approve the text amendment revisions, except the wind energy section. Motion **carried** by voice vote, no dissent.

Action: Motion / second by Seefeldt / Drabek to approve the wind energy section revisions as posted on February 5<sup>th</sup>, 2020.

Action: Motion / second by Vogel / Guild to amend the original motion to the wind energy section revisions to include language outlined in Swangstu's email to Corbett date February 6<sup>th</sup>, 2020 at 2:33 pm. Section 17.405.04(A).

Action: Motion / second by Guild / Oberbeck to amend the wind energy section revisions to include language outlined in Swangstu's email to Corbett date February 6<sup>th</sup>, 2020 at 2:33 pm Section 17.405.02(B)(2)(b).

Motion on original 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.)

1. Town of Emmet 215235 County Rd S Edgar

Discussion: Town of Emmet is independently zoned and submitted a zoning district change from C1 to R1 at 215235 County Rd S. The zoning change was approved at the town board meeting on January 14, 2020. Although the town is independently zoned, County Board approval is still needed.

Action: Motion / second by Drabek / Schlei to recommend approval to County Board, of the Town of Emmet zone change. Motion **carried** by voice vote, no dissent.

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

C. Review and Possible Action

1. Stone Horizon Preliminary Plat

Discussion: Decker discussed the details of the Preliminary Plat including survey, zoning, environmental, sanitary sewer, and access requirements. Prior to the most recent approved final plat of "Stone Horizon" being recorded, the developer had purchased adjoining property and added it to the platted area at the request of the Town of Rib Mountain.

Action: Motion / second by Guild / Seefeldt to approve the Stone Horizon Preliminary Plat located in the Town of Rib Mountain. Motion **carried** by voice vote, no dissent.

Follow through: The final plat will be submitted for approval at a later date for future committee action. Approval by County Board is not required.

2. Revised Appendix A – PRF Casual, Seasonal and Temporary Wage Rates

Discussion: Polley discussed each year it is getting more difficult to attract seasonal staff. PRF needs a separate Appendix due to the number of different payroll codes, but will replicate the format of the Countywide Chapter 9 which would establish consistency among departments and give PRF flexibility in seasonal hiring. The Park Commission has reviewed and recommended approval of the revised Appendix A of the revised casual, seasonal, temporary wage rates for the PRF department.

Action: Motion / second by Seefeldt / Drabek to recommend approval of the revised Appendix A of the casual, seasonal, temporary wage rates for the PRF Department to the Human Resources and Finance Committee.

Follow through: Polley will present the revised Appendix A to the HRFC at their regular scheduled meeting on February 10, 2020.

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

A. **Animal Waste and Nutrient Management Ordinance – education on proposed revisions**

Discussion: Daigle discussed the memo drafted by Repking and timeline of the proposed policy revisions related to the Animal Waste Ordinance including expanding and clarification of definitions, clarification of the activities subject to regulation; setbacks from property lines and roads; implementation of State Performance Standards; clarification of enforcement, variance and appeals process. Daigle reviewed the power point that was included in the meeting packet, giving an overview of the proposed changes of the Animal Waste and Nutrient Management Ordinance.

Action: **None.**

Follow through: CPZ will hold an open house on February 24, 2020 and finalize the draft ordinance to bring back to the Committee in March.

B. Land and Water Plan review and discuss proposed goals

Discussion: Daigle discussed the goals, objectives strategies and outcomes of the 2020-2030 Marathon County Land and Water Management Plan.

Action: **None.**

Follow through: CPZ will provide more information in the upcoming months of the new Land and Water Resource Management Plan.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration**

A. Legislative and Budget Report: current and future legislative initiatives

Discussion: Frisch distributed the legislative report. Chairman Gibbs is giving a report to the Executive committee on February 11, 2020 which will cover several letters Gibbs sent in regards to proposed State land and water legislation where the county has a defined policy.

Action: **None.**

Follow through: CPZ continues to monitor any updates and update the Committee.

1. Assembly Bill 681

Discussion: Chairman Gibbs is giving a report to the Executive committee on February 11, 2020 which will cover the letter of concerns Gibbs sent in regards to proposed requirement for a supermajority vote of the county board for matters affecting only towns.

Action: **None.**

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

Thursday, March 5, 2020 3:00 p.m. 212 River Drive, Room 5 Wausau WI

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

B. Announcements/Requests/Correspondence

- Eric Vogel was welcomed to the committee:

8. **Adjourn – Motion** / second by Seefeldt /Schlei to **adjourn** at 6:10 p.m. Motion **carried** by voice vote, no dissent.

Rebecca Frisch, CPZ Director

For Jacob Langenhahn, Chair

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