

**In the Matter Of:**  
**JEFFERSON COUNTY**

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**BOARD MEETING**

*April 19, 2022*

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JEFFERSON COUNTY BOARD MEETING  
TUESDAY, APRIL 19, 2022, 4:00 P.M.  
\*ITEM NOS. 15 AND 20 ONLY\*

Transcribed by:  
Christine Aiello

J9367573

PROCEEDINGS

(58:08 - 01:48:40)

CHAIR WEHMEIER: That takes us to public comment. And I have one, two, three, four, five, six, seven -- I have 11 folks signed up for public -- public comment -- comment, and all would like to speak. So we'll begin with Dale Konle. We have three minutes each.

MR. KONLE: Hello. My name is Dale Konle. I live at N6204 Stonewood Drive, Watertown, Wisconsin. I am the Concord town chair. This is in regards to the Brunsons' opposed proposal for building ten large storage sheds on Highway B in Concord near I-94 interchange. I'd like to talk a little about town board and the comprehensive plan that's in relation to proposals in rezoning.

The district -- the desired role of the town board, the structure of the town board is well-suited for administering services. They get roads plowed -- plowed, potholes fixed, parks mowed, et cetera. If they are not doing a good job in two years, you can just elect a new board, say to improve; but land use changes are forever. In two years, you cannot elect a new board to remove a Walmart. That's why we have long-term comprehensive plans, to provide more

1 stability over time, rather than having town zoning  
2 approaches change with each election.

3 The value of a comprehensive plan,  
4 comprehensive plans -- comprehensive plans take a while  
5 to make. They provide a very thoughtful long-range  
6 view of what residents would like their community to  
7 look like and be like. State comprehensive plan laws  
8 require communities to be involved in the planning  
9 process. Plans must be updated every ten years, but  
10 changes can be made before then. The process on how to  
11 make changes is written into the plan.

12 For towns in Jefferson County, land use  
13 zoning is administered by the county. The county has  
14 its own plan, which it should follow. I believe the  
15 county plan refers to town plans, which means that  
16 county zoning decisions should follow town plans. The  
17 final word on that, I understand, is to be worked out  
18 by attorneys in the courts.

19 Jefferson County has been consistent in  
20 administering zoning in Concord up until this proposal  
21 for ten large storage buildings by Donald and Nancy  
22 Brunson on Highway B near I-94 Exchange. Two members  
23 of the county -- town board did approve this proposal,  
24 but they do not represent the town plan or the wishes  
25 of the citizens. At the County Zoning Committee

1 hearing, 40 people wrote or spoke at the hearing to  
2 oppose the storage buildings. One person spoke in  
3 favor, the Realtor.

4 In addition, we are in the process of  
5 updating our town plan. At those meetings, many more  
6 people have indicated that they oppose this barn  
7 proposal. I ask you to send this proposal of rezoning  
8 back to the zoning committee, table it, or just vote it  
9 down. There are several legal questions that would be  
10 easier to clarify before voting to approve this  
11 proposal.

12 Thank you.

13 CHAIR WEHMEIER: Thank you, Dale.

14 Kimberly Miller.

15 MS. MILLER: Thank you for this chance to  
16 speak. I'm here to speak about the Brunson proposal  
17 for rezoning for boat storage. I want to emphasize the  
18 abrupt change in county policy. On February 28, this  
19 proposal came before the zoning committee. They stated  
20 that they followed town plans and voted to postpone  
21 action, effectively sending this back to the town for  
22 us to work out the discrepancy between this proposal  
23 and our town plan. That seemed reasonable to us.

24 But then the proposal was put back on the  
25 next zoning committee agenda now for the March 28th

1 meeting. At that meeting, county staff claimed that  
2 the county would no longer follow town plans, but  
3 instead just the town board's vote. The committee,  
4 nonetheless, spent a lot of time discussing our plan  
5 and trying to justify this decision based on our plan,  
6 including one place where something was misread from  
7 how we -- how we have read it.

8 So it seemed puzzling to us that they spent a  
9 lot of time talking about our plan. It was also very  
10 puzzling to us that they, sometime in March, that they  
11 changed from saying that they followed town plans to  
12 saying that they would not follow town plans. So when  
13 you vote on this proposal, you are not just voting on  
14 this proposal, but on a substantial and abrupt change  
15 in county policy. This sets a precedent for every town  
16 in Jefferson County, and can even have statewide  
17 implications, for the legal status of town plans.

18 There's some unresolved questions about town  
19 plans. And we believe everyone should fully understand  
20 the reasons behind the policy change and the potential  
21 impacts of vote -- before voting on this specific  
22 proposal. Why are the county staff, you know, creating  
23 this change in policy? What are the implications of  
24 this change in policy? The county is required to  
25 follow its own comprehensive plan, which mentions town

1 plans in several places. Can the county simply change  
2 its interpretation of its comprehensive plan for this?

3 Also wanted to let you know, the Town of  
4 Concord does not currently have a town attorney.  
5 Citizens believed the town would hire an attorney at  
6 the April 12th board meeting to get legal advice on  
7 this, but the board did not hire an attorney, in part,  
8 because one member became very upset spending any money  
9 on an attorney. So now a group of citizens are working  
10 to hire an attorney, but neither of the attorneys we  
11 contacted were available before tonight's meeting,  
12 given the tight timeline from our board meeting, which  
13 was yeah, I guess just a week ago.

14 And finally, please note that those of us  
15 speaking today represent a wider body of concerned  
16 citizens. We know people who would have liked to  
17 attend and -- but and asked us to kind of convey their  
18 concerns, because -- and some of them, it's because of  
19 the 4:00 p.m. timeframe. This meeting being earlier,  
20 it makes it harder for people with jobs to be here. We  
21 also had some people who are have ill health but don't  
22 have computer access for Zoom, including one person  
23 with -- who is getting over COVID and so was not able  
24 to be here.

25 Thank you.

1 CHAIR WEHMEIER: Thank you very much.

2 I believe our next would be Sally Williams.

3 MS. WILLIAMS: Hi. I'm also asking you to  
4 deny the petition by the Brunsons to rezone 7.4 acres  
5 to A-2. The proposal is inconsistent with town and  
6 county -- county comprehensive land use plans. The  
7 town plan states on page 56, quote, the town will limit  
8 the establishment of new businesses to areas within the  
9 Town of Concord rural hamlet, and the town will not  
10 support expansion of the current rural hamlet.

11 The proposal in question creates a  
12 significant new commercial development outside the  
13 hamlet, and, thus, is inconsistent with the plan. The  
14 Jefferson County agricultural preservation plan states  
15 on page 31, quote, whenever land is proposed for  
16 rezoning from a certified farmland preservation zoning  
17 district, such as A-1, to a non-certified zoning  
18 district, like A-2, require that the following criteria  
19 is met, B, the zoning is consistent applicable with the  
20 town and county comprehensive plan.

21 So the county plan does direct the county to  
22 follow town plans, however, we have been told that  
23 county zoning approvals would now be based on town  
24 board decisions, rather than town plans. If this  
25 reflects an assumption by the county that an approval



1 by the town board indicates consistency with the town  
2 plan, that assumption is not valid. This petition  
3 passed our town board by a two-to-one vote.

4 One of the supervisors who voted for the  
5 proposal, indicated ahead of the vote, that he should  
6 recuse himself due to his personal relationship with  
7 the petitioners. He spoke at length as to why the  
8 petition should be denied, because it was inconsistent  
9 with the Concord plan, and then he voted to approve.  
10 He later justified his decision by saying he felt he  
11 had to take the financial status of the petitioner into  
12 consideration.

13 So if the county is no longer going to  
14 recognize town plans, but defer -- defer to the  
15 decisions of changing town boards, this leaves future  
16 development to be guided by the subjective criteria of  
17 favoritism and personal relationships rather than the  
18 objective criteria thoughtfully set forth in long-range  
19 planning.

20 Regarding A-2 zoning, at the county zoning  
21 meeting, the fact that the town had approved some  
22 petitions to rezone -- rezone to A-2 in the past was  
23 used as an argument that the town supports A-2 zoning  
24 requests in general. Basically, if one A-2 zone was  
25 consistent with our plan, then all were; but there are

1 61 conditional uses in A-2 zoning. Some are consistent  
2 with our plan, and some are not.

3 We have approved six A-2 zoning requests  
4 since the passage of our plan. Two for small increases  
5 in size for commercial enterprise, which pre-existed  
6 our plan; two for the storage of contractors' equipment  
7 by homeowners for businesses operated offsite; and two  
8 for agricultural use. The town has consistently denied  
9 requests for new commercial enterprises outside the  
10 hamlet and A-2 zoning. Denials include a wedding barn,  
11 landscape business, kennel, disc golf course, and a  
12 wrestling camp.

13 Questions have also arisen about whether or  
14 not our plan is valid since it expired in 2019. At  
15 that time the town chose to delay updating the plan  
16 until after the census and after the new county plan  
17 was complete. We're currently in the process of  
18 updating. I would point out that prior to the decision  
19 on the Brunson proposal, the town has continued to  
20 operate as though the plan were in force. Two of the  
21 A-2 zoning requests, which were denied by the town  
22 because they set up new commercial enterprises outside  
23 the hamlet, were -- were decided in the last two years.

24 Thank you.

25 CHAIR WEHMEIER: Thank you.

1 Ronald Brandt.

2 MR. BRANDT: Ronnie Brandt. I got some land  
3 adjoining the Brunson -- Brunson property where both  
4 units are supposed to go. It would be on my south side  
5 of my property. And I'm concerned about that, the  
6 units, they're going to be up in the air for -- it just  
7 wouldn't like right. I -- I oppose it. And I'm  
8 concerned about the watershed on there. Where is it  
9 going to go? It's going to go -- right now it's going  
10 on my land, but with the -- all the units, it's going  
11 to be a lot more problems. So I do oppose it.

12 Thank you.

13 CHAIR WEHMEIER: Thank you.

14 This takes us to, I believe, it's Mike is the  
15 first name. I cannot read the last name, but it looks  
16 like it starts with a B. It looks -- okay. Thank you.

17 MR. BOUCHE: I'm a neighbor of Ronnie's, and  
18 I'm -- I'm much concerned about the water runoff, too.  
19 We talk about having ten buildings put on a seven-acre  
20 plat. They've already put five -- five buildings on a,  
21 I don't know how big that piece of property is. But by  
22 the time you consider what's under shed, the percentage  
23 of land for it to soak in to the cover, you're talking  
24 almost a third of the property -- a quarter of the  
25 property is going to be just building. That doesn't

1 include the -- if they put asphalt in for a driveway,  
2 gravel in there, runoff.

3 We have not seen how big these buildings are  
4 going to be on this property. We have not seen any,  
5 you know, any type of engineering where there's going  
6 to be a retention pond put somewhere. Nothing. I -- I  
7 just, I -- I think there needs to be more thought put  
8 into what they want to do on that property before it  
9 goes forward, if it even goes forward, because that  
10 piece of property is not in the hamlet.

11 And as Sally talked about, you know, we must  
12 keep things in the hamlet if we're going to -- our  
13 hamlet isn't even barely touched with commercial  
14 property. So why would we want to go outside the  
15 hamlet? That's just going to set up a, you know,  
16 everyone that's on the edge of the hamlet being able to  
17 push out if this goes through.

18 Thank you.

19 CHAIR WEHMEIER: Thank you.

20 Pete Gross.

21 MR. GROSS: I am Pete Gross, N5921 Jefferson  
22 Road, Johnson Creek, Wisconsin. I'm the real estate  
23 guy in this county. And I talk to a lot of people that  
24 come into this county. And I've been dealing with the  
25 zoning office in this county for over 18 years. In

1 fact, I was a planning commission member for the Town  
2 of Aztalan for nine, was involved in the Smart Growth  
3 Plan Committee for the county, and I was also the one  
4 that helped develop our comp plan in the Town of  
5 Aztalan.

6 And the bottom line is, comp plans are a  
7 plan, they're a guide, they are not law. An ordinance  
8 is what is law and they adopted the Jefferson County  
9 ordinance.

10 It's interesting how people can twist the  
11 truth, and that's been going on in this whole process.  
12 We've been through due process. They've been delayed  
13 an extra month by going out and getting a posse behind  
14 them with nonfactual information. I'm going to tell  
15 you right now, there is an engineered plan for the  
16 runoff. The zoning committee has analyzed that. They  
17 postponed it a month to come in here.

18 Everybody has been really good. This county  
19 has been awesome to work with, with the zoning  
20 committee. They are very well-trained. They know how  
21 to follow their ordinance. The attorney was there  
22 guiding them, and they did approve it. And I would  
23 hope in this case the county board would also approve  
24 it.

25 Thank you.

1 CHAIR WEHMEIER: Thank you.

2 That takes us to, is it Daley or David Heckel?

3 FEMALE SPEAKER: (Indiscernible).

4 CHAIR WEHMEIER: It's Dick, okay. I'm -- I'm  
5 just having difficulty reading the handwriting.

6 MR. HECKEL: I'm Dick Heckel. I'm part of  
7 the Boat House, and we did put up the previous  
8 buildings prior to it. All those buildings were  
9 followed by an engineered plan thoroughly, and executed  
10 by the planning board, as well. So that's all I want  
11 to say. And the new -- and the new buildings in place  
12 will be also engineered with engineered plans and  
13 approved by the planning, as well. That's all.

14 CHAIR WEHMEIER: Thank you.

15 I'm trying -- is it Don and Nancy Brunson?

16 MR. BRUNSON: My name is Don Brunson, W1432  
17 County Road B. My wife and I have lived on that  
18 property for 36 years. Our children were raised on the  
19 property, and they reside in Jefferson County. We are  
20 both retired. Although my wife, she never retired  
21 because she is a housewife.

22 But anyway, we -- we've been there. And when  
23 I was approached by the Boat House to expand and talk  
24 to me, I thought it was a pretty good idea, to be  
25 honest with you, because it makes good sense for them

1 if they want to enlarge their -- their business. Half  
2 of that property, three and a half acres, has never had  
3 a plow on it in 60 years. It's just land that just  
4 sits there. It's never been agriculture -- agriculture  
5 at all.

6 So I just want the -- it has passed the --  
7 the Town Board of Concord. I would hope it would pass  
8 Jefferson's Board. We've had positive plus negative.  
9 We had a meeting in Concord with the town board. That  
10 meeting was -- was a full gymnasium and we had probably  
11 an hour discussion over this and it was passed by  
12 Concord, as well as the zoning committee in Jefferson  
13 County.

14 Thank you very much.

15 CHAIR WEHMEIER: Thank you.

16 And we have Becky Schuster. Good handwriting.

17 MS. SCHUSTER: My name is Rebecca Schuster. I  
18 live at North 5236 Golden Lake Park Road. I've been a  
19 resident of the Town of Concord since 1973. And my  
20 grandparents developed one of the R-2 subdivisions over  
21 at Rooters Circle (phonetic). I don't know if any of  
22 you know where that is. It's on the very east side.

23 The point of that being is I understand that  
24 there's always the controversy of development and so on  
25 and so forth, but the thing about this property is I

1 drive from one part of the Town of Concord to the other  
2 side of the Town of Concord every single day, drive  
3 through this intersection in the morning and in the  
4 afternoon, and I look at five red buildings that look  
5 just like the Mindeman Farm (phonetic) with their red  
6 barns and all the barns on Highway E.

7 I think they blend in nicely. They have  
8 landscaping in the front. I understand that there  
9 might be some trees that need to be replaced, but that  
10 can be taken care of. It's one of the cleanest sites  
11 that I drive by when I drive to work every day. I  
12 think it's very well-maintained. It's lit well. And  
13 you wouldn't even know there is a business there  
14 because there isn't any signage, either.

15 I am a taxpayer in the Town of Concord, and I  
16 would think that the tax base of this particular  
17 development might help us a little bit. I watched our  
18 roads be plowed this winter poorly, and I'm assuming  
19 that our budget is probably a little light. So I'm  
20 thinking a little extra tax dollars would not hurt.

21 I don't think it will negative impact our  
22 rural feel in any way, shape, or form, because I think  
23 the county zoning ordinance is well-written to make  
24 sure that we keep that rural feel throughout our county  
25 and through our towns.



1 I think the town has a guide for you to all  
2 follow, but it is being rewritten, and that was poorly  
3 notified, I think, for town members, as I got a teeny  
4 little yellow postcard saying that we are getting a new  
5 town plan or they're starting to plan one. So I  
6 understand that there's pieces to all the puzzle, but  
7 just being a town paying tax citizen, I just wanted to  
8 express my opinion that I think it's a good proposal  
9 being right adjacent to an existing business that's  
10 already in the Town of Concord.

11 Thank you.

12 CHAIR WEHMEIER: Thank you.

13 Andy Ingarra.

14 MR. INGARRA: Thank you for the time, for  
15 giving us this opportunity to -- to speak. And we are  
16 -- I'm with the Boat House. My name is Andy Ingarra.  
17 In favor of the Brunson proposal. As it's been  
18 mentioned with the few people -- people prior to me,  
19 this has been a long process, about five months or so.  
20 We started well before that with conversations with the  
21 Brunsons. And they have been unbelievable neighbors.  
22 I believe most of, if not all, of the neighbors in that  
23 area would -- would agree with that, that statement, as  
24 well.

25 We do not operate in this business year

1 round. This is a very seasonal business. We are in  
2 and out. It is very, very, very seasonal, to the point  
3 where even during the day we don't have people going in  
4 and out. So it is not your normal business in terms of  
5 people flow, traffic flow, and all of that.

6 Beyond that, this property is approved from  
7 an engineer standpoint. We wouldn't go this far  
8 without that. So we definitely have the backing from  
9 an engineer saying that the runoff is proper, and it  
10 will be aligned accordingly. Beyond that, the  
11 buildings are offset from the road, so as much as the  
12 -- the initial five buildings do blend in, this will be  
13 even further set back and further away from any traffic  
14 flow that would be going through County Road -- County  
15 Road B.

16 Thank you for your time.

17 CHAIR WEHMEIER: Thank you.

18 And lastly, Rick Donner.

19 MR. DONNER: Good afternoon. My name is Rick  
20 Donner. I'm the attorney for the Boat House of Lake  
21 Country. Thank you. They're the applicant for -- to  
22 rezone a seven-acre portion of W1432 County Road B in  
23 the Town of Concord, otherwise known as the Brunson  
24 proposal. I thank you for the opportunity to speak  
25 with you today.

1           As Andy mentioned, it's taken us five months  
2 to get to today's hearing. The Boat House rezone  
3 petition was submitted before Thanksgiving last year.  
4 The concerns the opponents have raised today were  
5 previously raised at the Town of Concord Plan  
6 Commission hearing on December 22nd; at the Town of  
7 Concord Board hearing on January 10th, at which time  
8 the board voted to approve the rezone; at the public  
9 hearing before the Jefferson County Zoning Committee on  
10 February 17th; at the Jefferson County Zoning Committee  
11 hearing on February 28th, at which time the committee  
12 tabled the matter for one month to allow the opponents'  
13 concerns to be investigated; and at the zoning  
14 committee hearing on March 28th, at which time the  
15 zoning committees voted unanimously to recommend  
16 approval of the Boat House rezone application.

17           No new information has been presented today  
18 by the opponents. These concerns have been thoroughly  
19 vetted over five months by the Town of Concord and  
20 Jefferson County zoning approval process. Today the  
21 opponents are asking the board to ignore the judgment  
22 of the elected Town of Concord Board and the Jefferson  
23 County Zoning Committee, who voted unanimously to  
24 approve -- to recommend approval. They seek to insert  
25 their own judgment over the judgment of the elected

1 representatives from the town and the Jefferson County  
2 Zoning Commission.

3 The board has -- the -- the Boat House is  
4 asking this board to accept the recommendation of the  
5 elected Town of Concord Board and the Jefferson County  
6 Zoning Committee and approve the proposed rezoning.

7 Representatives from the Boat House are  
8 obviously here today and happy to answer any questions.  
9 The Boat House is proud of the proposed project and  
10 looks forward to furthering its investment in the Town  
11 of Concord and the Jefferson County community. Thank  
12 you for your time.

13 CHAIR WEHMEIER: Thank you.

14 That ends our portion of the meeting of public  
15 comment, which takes us to committee -- committee  
16 reports, resolutions, and ordinances. We have a change  
17 in the agenda. So we will be taking Item 20 first,  
18 which is a -- which is a planning and zoning committee  
19 approval of petitions.

20 Mr. Jaeckel.

21 SUPERVISOR JAECKEL: Thank you, Mr. Chairman.

22 First of all, report to the honorable members  
23 of the Jefferson County Board of Supervisors.  
24 Jefferson County Planning and Zoning Committee, having  
25 considered petitions to amend the official zoning map

1 of Jefferson County, filed for a public hearing on  
2 February 17th and March 17th, 2022, as required  
3 pursuant to Wisconsin statutes, and the onus there of  
4 having been given and being duly advised of the wishes  
5 of the town boards and persons in effect -- areas  
6 effected hereby makes the following recommendations;  
7 approval of petitions as listed, dated this 28th day of  
8 March, 2022, Blane Poulson, secretary.

9           Onto the ordinance, ordinance number --

10           FEMALE SPEAKER: Two.

11           SUPERVISOR JAECKEL: -- 2022-2, amending the  
12 official zoning map, whereas Jefferson Board of  
13 Supervisors has heretofore been petitioned to amend the  
14 official zoning map of Jefferson County and whereas  
15 petition number -- is that the first one? I'm trying  
16 to see -- 23 is -- as -- petitions as listed were  
17 proposed -- and proposed amendments have been given due  
18 consideration by the Board of Supervisors in open  
19 session. Now, therefore, it be ordained that the  
20 Jefferson County Board of Supervisors does amend the  
21 official zoning map of Jefferson County as listed.

22           CHAIR WEHMEIER: Do I have a second? Do I  
23 have -- a second by Mr. Christensen?

24           SUPERVISOR CHRISTENSEN: Yeah.

25           CHAIR WEHMEIER: Discussion?

1 SUPERVISOR JAECKEL: Mr. Chair, may I ask to  
2 divide the question to vote on all the other ones first  
3 and -- and do the Brunson one second?

4 CHAIR WEHMEIER: So you --

5 SUPERVISOR JAECKEL: I would make that motion.

6 CHAIR WEHMEIER: The -- the one on your sheet,  
7 that would be from A-1 exclusive agriculture to A-2  
8 agriculture and rural business, that would be the very  
9 first petition there that we would divide?

10 SUPERVISOR JAECKEL: Correct. That -- that's  
11 my motion, to divide the question.

12 SUPERVISOR POULSON: Second.

13 CHAIR WEHMEIER: Second for Mr. Poulson.  
14 Discussion? Seeing none, all in favor of dividing --  
15 Supervisor Martin.

16 SUPERVISOR MARTIN: Thank you, Mr. Chair.  
17 From what I understand, a number of legal questions  
18 have come up --

19 CHAIR WEHMEIER: First of all, this is just a  
20 question on whether we're dividing the --

21 SUPERVISOR MARTIN: Oh.

22 CHAIR WEHMEIER: -- question.

23 SUPERVISOR MARTIN: I'm sorry.

24 CHAIR WEHMEIER: Yeah.

25 SUPERVISOR MARTIN: I'll table it.

1 CHAIR WEHMEIER: Anyone, any discussion on  
2 whether or not to divide this question? If not, all in  
3 favor?

4 SUPERVISOR: Aye.

5 SUPERVISOR: Aye.

6 CHAIR WEHMEIER: Aye.

7 Opposed? Hearing none, okay. Now, the  
8 question is divided. And what our -- and what  
9 Supervisor Jaeckel suggested, we will pass -- we will  
10 set that one aside, and we will vote on the remaining  
11 one, two -- seven petitions. Any discussion on the --  
12 the last of seven petitions, the remaining seven  
13 petitions?

14 Mr. Kannard.

15 SUPERVISOR KANNARD: I will abstain for  
16 potential conflicts of interest.

17 CHAIR WEHMEIER: Thank you.

18 Any discussion? Anything else? All in favor?

19 SUPERVISOR: Aye.

20 SUPERVISOR: Aye.

21 CHAIR WEHMEIER: Aye.

22 Opposed? Hearing none, those are passed.  
23 Now we will entertain discussion on the petition of A-1  
24 exclusive agricultural A-2 to agricultural rural  
25 business to grade a 7.4-acre to an A-2 zone near

1 W-41832 County Road B. Discussion?

2 Mr. Christensen.

3 SUPERVISOR CHRISTENSEN: Thank you, Mr. Chair.

4 I was notified of this here petition and a few problems  
5 that it presents. So what I would like to say is I  
6 think there's a real need to clarify, for more  
7 examination, and improvement of the decision-making  
8 process when there's a conflict between town board and  
9 that town's land use plan. I'll say a major benefit of  
10 county zoning has been, especially for me as a  
11 long-time county -- or town board supervisor, is that  
12 it has -- it has some distance from the local  
13 considerations.

14 When you're on a town board, you often are  
15 presented with a need to rule in favor or opposed to  
16 something that will affect your neighbors, your  
17 friends, your coworkers, and so on. That's a difficult  
18 situation to be in. It's always more comfortable if  
19 you make that decision, but then you have it -- you  
20 have that decision either ratified or -- or the -- the  
21 tough decision, anyway, made by the county.

22 My concern here is the devaluing -- devaluing  
23 of town land use plans. I think that we should  
24 probably favor supporting land use plans because they  
25 have a standing from long term; they've been passed by



1 the town, they've been ratified by the people, and  
2 they've been employed over years, whereas towns can  
3 come and go, and it is -- it is unfortunate to have  
4 things change more or less on a whim.

5 So what I would like to have happen, for --  
6 for my interest, is in the coming years, so that the  
7 new zoning committee, whenever it's formed, spend some  
8 time considering how to improve and clarify this  
9 process of deciding between either the town land -- or  
10 yeah, town land use plan or comprehensive plan or the  
11 town board, who would take precedence, so that you can  
12 avoid this difficulty that we're seeing here tonight.

13 Thank you.

14 CHAIR WEHMEIER: Other discussion?

15 Supervisor Martin.

16 SUPERVISOR MARTIN: Okay. Thank you. I agree  
17 with the comments from Supervisor Christensen regarding  
18 the need to look at this more closely. However, we do  
19 have a decision on the table here.

20 From what I understand, a number of legal  
21 questions have come up regarding this situation. I was  
22 able to attend the decision meeting on March 28th, and  
23 things just weren't quite as clear as I think some  
24 folks wanted. The state statutes do govern community  
25 -- county comprehensive plans and also town

1 comprehensive plans.

2 It would seem better to postpone a decision  
3 tonight on this until our May meeting so there can be  
4 more legal clarity. This way, we are not voting on  
5 something which potentially could cost Jefferson County  
6 a lot in legal fees, and, also, we wouldn't be  
7 unintentionally setting a precedent that we -- that we  
8 may not actually want. So I move to postpone this  
9 decision until the May meeting.

10 Thank you.

11 CHAIR WEHMEIER: There's a motion on the floor  
12 to postpone this until the May meeting. Is there a  
13 second?

14 SUPERVISOR JOHNS: Second.

15 CHAIR WEHMEIER: Who was the second?

16 SUPERVISOR JOHNS: Yeah.

17 CHAIR WEHMEIER: Second, Mr. Johns.

18 Discussion on the postponement? Hearing none, all in  
19 favor of postponement say aye.

20 SUPERVISOR MARTIN: Aye.

21 SUPERVISOR JOHNS: Aye.

22 CHAIR WEHMEIER: Opposed?

23 SUPERVISOR: No.

24 SUPERVISOR: No.

25 CHAIR WEHMEIER: No.

1 So we'll take a roll call vote.

2 MS. MCGRAW: I have to add it, so just give me  
3 one second. Okay. You can go ahead and vote.

4 MALE SPEAKER: Mr. Chair, would you just  
5 clarify the response is yes and no?

6 CHAIR WEHMEIER: Oh, the -- the yeses would be  
7 to postpone. No would be to not postpone.

8 MS. MCGRAW: I have several who are not -- it  
9 doesn't show as voting. Are you -- do you have  
10 connection issues?

11 FEMALE SPEAKER: Yes.

12 MS. MCGRAW: Supervisor Richardson, Supervisor  
13 Preuss.

14 CHAIR WEHMEIER: It didn't register.

15 SUPERVISOR: I'm trying.

16 MS. MCGRAW: Supervisor Mielke.

17 CHAIR WEHMEIER: It's not registering, so you  
18 can verbally tell us.

19 MS. MCGRAW: Supervisor Degner.

20 CHAIR WEHMEIER: That was a yes, I believe he  
21 said.

22 MS. MCGRAW: Supervisor Groose.

23 SUPERVISOR GROOSE: Yes.

24 MS. MCGRAW: Supervisor Smith.

25 SUPERVISOR SMITH: Yes.

1 MS. MCGRAW: Supervisor Martin.

2 SUPERVISOR MARTIN: Yes.

3 MS. MCGRAW: Supervisor Turville-Heitz.

4 SUPERVISOR TURVILLE-HEITZ: Yes.

5 MS. MCGRAW: Supervisor Callan.

6 SUPERVISOR CALLAN: Yes.

7 MS. MCGRAW: Supervisor Gulig.

8 SUPERVISOR GULIG: Yes.

9 MS. MCGRAW: We have 10 yes, 18 no, and two  
10 absent.

11 CHAIR WEHMEIER: That motion fails. So it is  
12 back to the floor to -- to the original motion to  
13 approve or disapprove of these -- this particular  
14 petition. Any further discussion on the petition?

15 Mr. Wineke.

16 SUPERVISOR WINEKE: Yeah, I'm wondering if,  
17 like, Matt Zangl could take a few minutes to summarize  
18 exactly what the issues are here. I've heard people  
19 that have indicated that the county had -- was not  
20 following their own rules, that kind of thing. And so  
21 if -- if that could all be clarified as -- as what the  
22 quick process was, and -- and I'm interested in why the  
23 -- the board voted unanimously to approve this and  
24 whether or not it's consistent with the county's plans.

25 CHAIR WEHMEIER: Is Matt here? Oh, okay.

1 Matt.

2 MR. ZANGL: Mr. Supervisor Wineke, good  
3 question. So I'll start by saying, I'm trying to think  
4 of where to start, it would be my opinion if this  
5 proposal was offered anywhere else in the county, that  
6 it would be approved. The planning zoning committee  
7 approved it at the last meeting on a five-to-zero --  
8 four-to-zero vote, and I think that shows that they  
9 would approve this in any area.

10 I agree with the committees determination  
11 that it meets the county's comprehensive plan and the  
12 county's zoning ordinances. The confusion, or the --  
13 the struggle, comes into play that the town planning  
14 commission voted to deny the petition. The town board,  
15 the one who makes the formal decision on behalf of the  
16 board, voted to approve it. So you're seeing here  
17 today the -- the conflict, or the struggle, between the  
18 question of, did the town follow their comprehensive  
19 plan.

20 Am I the one to offer that suggestion? I  
21 don't know. I didn't create the plan. I don't read  
22 the plan on a daily basis. I -- I don't know. I can't  
23 speak on behalf of that.

24 You've heard comments today that the town did  
25 not follow that comprehensive plan; however, the town

1 board did approve the petition, the formal decision or  
2 recommendation to the planning zoning committee, of  
3 which they review, was to approve the petition.

4 Does that answer it in a short statement?

5 SUPERVISOR WINEKE: (Indiscernible).

6 CHAIR WEHMEIER: I think Buck had his hand up  
7 first. Mr. Supervisor Smith.

8 SUPERVISOR SMITH: Thank you, Mr. Chair. My  
9 concern with this, I was contacted by several people,  
10 and as this went to the town, they were unaware that it  
11 was there, so they were not able to oppose it. And at  
12 the point it had passed, now they're arguing that  
13 that's the reason why we should support it. That I  
14 personally think this is like the property in Palmyra  
15 where it should get sent back to the town and then  
16 should figure it out.

17 And if they send it back, you know, pass it or  
18 not, but I think the town should -- this should go back  
19 to the town and let them decide more if they're in  
20 favor of it or not so people have more of an option to  
21 disagree -- agree or disagree with it.

22 CHAIR WEHMEIER: Supervisor Morris.

23 SUPERVISOR MORRIS: Without trying to put our  
24 corp counsel in a difficult position, I wondered if we  
25 could get an opinion from the corporation counsel.

1 MR. WARD: Thank you. Rezoning is presented  
2 -- the petition is presented to the county board.  
3 State statutes contemplate that it's a joint endeavor.  
4 The -- a rezoning doesn't happen unless the town and  
5 the county want it to happen. That's why state  
6 statutes give each government the authority to rezone.  
7 Specifically with a rezoning request, the county has  
8 the ability to approve a rezoning petition, which is  
9 what's on the floor right now before the county board,  
10 and the town has the authority to veto it. So 40 days  
11 after it's passed, if the county does approve the  
12 rezoning, the town can veto it.

13 So do we want to get into town politics? As  
14 a -- as a matter of doing business, the county asks the  
15 town before acting on a zoning petition, does the town  
16 support the rezoning petition? In this case, the town  
17 said, yes, it does support the rezoning petition, and  
18 the planning and zoning committee voted to rezone or  
19 grant the rezoning petition. Now we have the county  
20 board asked -- being asked to make that decision.

21 We have a number of people who are opposing  
22 the rezoning, but legally, we -- we have a petition  
23 before the board, and there is nothing preventing, or  
24 if -- if we do choose to deny the rezoning petition, I  
25 know that's not on the floor right now, there was --

1 there was a request to return it or postpone it, but  
2 what -- what basis does the county have to deny it?  
3 There have been some statements made that it's  
4 inconsistent with town county -- town -- town  
5 comprehensive plan.

6 Now, it -- it -- the town comprehensive plan  
7 is three years out of date, it's expired. So what  
8 relevance do you want to give that? Focus on the  
9 county's comprehensive plan, the county's zoning  
10 ordinance, the recommendation of the planning and  
11 zoning committee. And my opinion is that this is a  
12 petition to rezone that should be granted. There's --  
13 there's nothing inappropriate about granting this  
14 petition. I -- I see no issues.

15 Issues have been raised by the public, but  
16 these aren't issues that concern me where I would  
17 advise the county board to postpone the rezoning  
18 petition or deny it, but of course the -- the committee  
19 certainly -- or the county board has its option, I've  
20 -- I've addressed this with other supervisors, the  
21 county board can take action, as it would with any  
22 other matter before it, it can approve the rezoning and  
23 it can deny it, it can refer it back to committee, or  
24 -- or postpone it or amend the zoning petition.

25 I don't know what amendments would be made,



1 but those are the options that state law gives the  
2 county board in a situation like this.

3 CHAIR WEHMEIER: Further discussion?

4 Mr. Backlund.

5 SUPERVISOR BACKLUND: Yeah, I think corp  
6 counsel answered it, but he was asked -- Mr. Smith was  
7 asking about, you know, can we send it back, but the  
8 reality is they have the veto power. So even if we  
9 approved it, sending it back would only take time, but  
10 they still -- if we approve it, they can still veto it  
11 and stop the project.

12 MR. WARD: If the town chose to, the town  
13 could, yes.

14 CHAIR WEHMEIER: Mr. -- Mr. Kannard.

15 SUPERVISOR KANNARD: I will abstain for  
16 potential conflict of interest.

17 CHAIR WEHMEIER: Thank you.

18 Mr. Jaeckel.

19 SUPERVISOR JAECKEL: Thank you again,  
20 Mr. Chairman. A few of the things Mr. -- corporation  
21 counsel stated it very well. The way things have --  
22 are laid out, at least from what I understand, a lot  
23 after sitting through several hours with him at the  
24 Fair Park in the middle of winter for a We Energies  
25 thing. I -- I know there's -- there was lots of

1 questions going on that way.

2 I think if everybody actually has met, you  
3 know, us on the zoning committee, I would think you  
4 would realize we actually do thoughtfully think this  
5 stuff through. We do ask corporation counsel lots of  
6 times for guidance to it. A few of the points I will  
7 bring up, like (indiscernible) town plan is out of date  
8 three years. Most -- most places can get business done  
9 within three years. If they wanted to update it, amend  
10 it, or continue it, they could have done stuff like  
11 that pretty easily.

12 Second thing would be, everyone around here  
13 either lives in a town or a city, and I think you vote  
14 for new town board members, city board councils, and  
15 stuff like that every couple of years, regardless. So,  
16 you know, when -- when a board overrides committee,  
17 because technically, I think that's what a planning  
18 commission is, is a committee, they are not elected to  
19 that, at least not on any of the town boards I know of;  
20 they're all appointed. It would be like us, you know,  
21 just going off on one of our appointed administration  
22 -- administration people and leaving them have the full  
23 range of everything we do. That's why we do it here,  
24 you know, so we can oversee it.

25 But I think, you know, when the town had

1 approved it, and we said we would approve it and even  
2 thought back to say, you know, postponed it another  
3 time to -- to just see if the town came back within a  
4 month and said they had some major change, I don't see  
5 a reason for us not to go forward with approving this.  
6 Thank you.

7 CHAIR WEHMEIER: I saw another hand up here  
8 earlier. Any other -- Mr. Johns hasn't spoken yet.

9 SUPERVISOR JOHNS: Thank you, Mr. Chair.

10 CHAIR WEHMEIER: And then we can go back to  
11 you, Supervisor Martin.

12 SUPERVISOR JOHNS: This project is in my  
13 district over in -- outside of Farmington, so I -- I've  
14 been weighing this back and forth for the last couple  
15 of days. It's become quite an issue in my -- in my  
16 district there and certainly on that side of it.

17 But I think corporate counsel helped us out  
18 here a little bit with the possibility of the -- of the  
19 town board vetoing this if, in fact, they chose to do  
20 that. It's a town board and the town planning group.  
21 It gives them 40 days. It's an off-ramp. It's an  
22 opportunity for an off-ramp for them, if, in fact,  
23 that's what their constituents or that town board wants  
24 to do. I'm not advocating for that, but I'm just  
25 saying there is an off-ramp, in fact, if it's -- if

1 it's -- if it's -- if it's taken up by the town.

2 So I just want to thank you corporate counsel  
3 for pointing that out. It -- it does -- it is a  
4 factor. Thank you.

5 CHAIR WEHMEIER: Supervisor Martin.

6 SUPERVISOR MARTIN: Thank you, Mr. Chair.  
7 Just one question for clarification from corporate  
8 counsel.

9 Is it my understanding that we do not really  
10 have clarity on -- as to whether a town plan, which is  
11 technically outdated, still is legally binding? Thank  
12 you.

13 MR. WARD: No, that's a good question. I  
14 found -- through my research, I found no guidance on  
15 whether or not -- what -- what the effect of an  
16 outdated town plan would be; but it is my opinion that  
17 it would not be appropriate to say, just because the  
18 town plan is outdated, therefore, there can never be  
19 any rezoning petitions granted in that town. So  
20 assuming it has an -- an effect, well, what is that  
21 effect? And in my opinion that effect isn't a basis to  
22 deny the rezoning request.

23 SUPERVISOR MARTIN: Thank you.

24 CHAIR WEHMEIER: Mr. Poulson.

25 SUPERVISOR POULSON: I would make a motion to

1 call the vote.

2 MALE SPEAKER: He's just calling for the  
3 question.

4 CHAIR WEHMEIER: He's calling for the  
5 question.

6 Is there a second to that? This can only be  
7 approved by a majority -- majority vote, because  
8 basically what you're doing is -- is ending discussion.  
9 And so the motion is on the floor to -- it's a  
10 two-thirds vote, yes, it is a two-thirds vote. So  
11 motion on the floor to -- to call a question. This is  
12 not for the question, just whether or not to call it  
13 and end debate. So we'll take a roll call vote.

14 MS. MCGRAW: I have to add this.

15 CHAIR WEHMEIER: Okay, okay. The motion on  
16 the floor right now is to end debate. It is not for or  
17 against this petition. It is to end debate. That's  
18 all it is. If you vote yes, you want to end the  
19 debate. No, you want to allow people to have their say  
20 any further.

21 Mr. Kannard.

22 SUPERVISOR KANNARD: I would like to ask,  
23 Blair, do I need to abstain from this, or should I  
24 vote?

25 MR. WARD: My -- my advice is since you

1 abstained from the main motion, that you would abstain  
2 from any secondary or subsidiary motions, so yes.

3 CHAIR WEHMEIER: Let us know when you're  
4 ready, madam clerk.

5 MS. MCGRAW: I'm ready.

6 CHAIR WEHMEIER: Madam clerk, you're ready,  
7 okay.

8 We can vote.

9 MS. MCGRAW: Supervisor Richardson.  
10 Supervisor Preuss. Supervisor Mielke. Supervisor  
11 Degner.

12 SUPERVISOR DEGNER: Yeah.

13 MS. MCGRAW: Supervisor Groose.

14 SUPERVISOR GROOSE: Yeah.

15 MS. MCGRAW: Supervisor Smith.

16 SUPERVISOR SMITH: No.

17 MS. MCGRAW: Supervisor Martin.

18 SUPERVISOR MARTIN: No.

19 MS. MCGRAW: Supervisor Turville-Heitz.

20 SUPERVISOR TURVILLE-HEITZ: Yes.

21 MS. MCGRAW: Supervisor Callan. Supervisor  
22 Gulig. Twenty-one yes, six no, one abstain, two  
23 absent.

24 CHAIR WEHMEIER: So now the original motion is  
25 on the floor for approval or disapproval of -- of this

1 petition. Any further discussion?

2 Mr. Smith.

3 SUPERVISOR SMITH: I just had a question, is  
4 this going to be sent back to the same board that sent  
5 it here that has already approved it? Is that the  
6 same --

7 CHAIR WEHMEIER: Yes.

8 SUPERVISOR SMITH: -- board?

9 CHAIR WEHMEIER: It's the same board. It  
10 hasn't changed.

11 SUPERVISOR SMITH: Okay. Thanks.

12 CHAIR WEHMEIER: Yeah.

13 SUPERVISOR SMITH: Thank you.

14 CHAIR WEHMEIER: Yeah. Okay. All in favor?  
15 Oh, wait, wait.

16 Do you have -- do you have a question, Anita?  
17 No, okay.

18 So now we'll do a voice vote on whether to  
19 approve or disapprove. If I -- if I can't discern, we  
20 will have a roll call vote. All in favor of this  
21 petition say aye.

22 SUPERVISOR: Aye.

23 SUPERVISOR: Aye.

24 CHAIR WEHMEIER: Aye.

25 Opposed?

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SUPERVISOR: No.  
CHAIR WEHMEIER: The ayes have it.  
\* \* \*

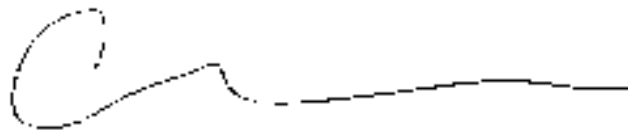


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I, CHRISTINE AIELLO, do hereby certify that I transcribed the audio, and that the foregoing is a true and complete transcription of the audio transcribed under my personal direction.

IN WITNESS WHEREOF, I do hereunto set my hand at Blaine, Washington, this 28th day of March, 2023.



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Christine Aiello

<hr/>	<b>28</b>	<hr/>	<b>acting</b>	<b>agenda</b>
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<hr/>	<b>28th</b>	<hr/>	<b>action</b>	19:17
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