

PLANNING & ZONING COMMITTEE

TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org.

MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: OCTOBER 15, 2012

Meeting Type: Regular Meeting of the P & Z Committee. The chairman noted that this was a duly called meeting in accordance with the Wisconsin Open Meeting Law.

1. **Call to Order:** Chairman, Marv Anderson, called the meeting to order at 6:30 p.m.
2. **Roll Call -Members Present:** Marv Anderson, Mary Platner, David Mollen, Gerald Hensen, Tim Ebert Zoning Administrator. Town Attorney Steve Lucareli was also in attendance. Fred Radtke was absent.
3. **Approve Agenda:** Motion Platner seconded Hensen that the agenda be approved in any order at the discretion of the chairman. Approved.
4. **Approval of the Minutes:** The committee approved the minutes of the October 10, 2012 planning and zoning committee meeting as presented.
5. **Zoning Administrator's Report:** Mr. Ebert did not have a report.
6. **Adjourn to closed session to WI Statute 19.85(1)(g).**
 - Conferring with legal counsel for the governmental body is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved
 - Discuss the current status of a pending litigation with legal counsel.
7. **Return to open session to act on matters discussed in closed session if any action is needed:**

From Mr .Anderson's notes: We announced in open session that Town Ordinances addressed the request issue, so a vote to deny the trail was not necessary. We also received a number of written communications, legal opinions, and oral comments about the Residential and Travelway Ordinances, past Ordinance amendment history, and felt it appropriate to review the most recent facts presented in more detail, as you see on our October 10th meeting agenda. So, at that meeting, we scheduled a follow-up meeting for Oct 15th that included a scheduled closed session to formulate a definitive response and recommendation if necessary to the Town Board.

While we cannot divulge the specifics of the closed session's discussions, following are our comments and recommendations, as announced by me in open session on Oct 15th. My words may not be exactly as recorded, but provide you with the detail and spirit of them.

"The Committee recognizes that past Town Boards have addressed snowmobile trails in various ways, resulting in the current situation that:

1. The Travelway Ordinance amendment of 2005 deletes snowmobiles as motor vehicles.
2. The Travelway Ordinance is not referenced in ANY Town Zoning District, making trail permitting - or not - problematic.
3. While Low Density Residential zoning does not have a permitted or conditional use for snowmobile trails, Town Zoning Ordinances do not specifically allow - or not allow - snowmobile trails.
4. State Gas tax records show that Sixteen Road is a recognized Town Road. Various historical maps show it intersecting with HWY 155 at 2 different places, in proximity to each other.

As a result, there is not a clear direction the Committee has to approve or deny the Marten's request.

The Committee recommends that the Bo Boen Club consider moving the crossing to the current Sixteen Rd intersection, a short distance from the proposed crossing, mitigating the private property issue. Also, recommend the Town Board consider a revision to all Town Private Property Zoning Districts that would encompass including the Conditional Use section, for

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snowmobile and ATV trails. This would provide a logical method for the requesters of new trails, Zoning Administrator and Town to review the plans, work with all entities to assure transparency, aligning with the current Town Permitting process. For the benefit of all concerned, we recommend the Town Board start this process within 30 days.

We also asked that the Bo Boen Club and will do so with Mr Koscelniak separately to not initiate construction on his property until the Club considers the Sixteen Rd crossing and to give the Town Board the opportunity to address the issue as noted above. "Please let us know how you want to proceed.

- 8. Nuisance/Blight Ordinance draft work:** Mr. Anderson said that since it had gotten so late that the committee would continue to work on the nuisance/blight ordinance at a later date.
- 9. Set Time and Date for Next Meeting:** The next planning & zoning committee meeting will be held on Monday, October 19, 2012 at 6:00 P.M. in meeting room #4 of the Community Center.
- 10. Adjournment:** The meeting was adjourned at 9:35 P.M.

Town Clerk

Chairman

Vice Chairman

Member

Member

Member