

T H E T O W N O F
MERRIMAC

S6911 State Highway 113 - P.O. Box 115

Merrimac, WI 53561

MINUTES OF THE TOWN BOARD MEETING

Wednesday, August 1, 2013

Present were Steve Peetz, Chair, Supervisor Terry Frosch, Interim-Supervisor Tim Healy, and Tim McCumber, Town Administrator & Clerk – Treasurer.

Chairman Peetz called the **TOWN BOARD MEETING** to order. McCumber confirmed the meeting had been properly noticed. The board considered approval of minutes of the town board meeting of July 3, 2013. Motion to approve was made by Frosch to approve, second by Healy. Motion passed. The board reviewed the financial reports and approval of bills. Motion by Frosch to approve, second by Healy. Motion passed. Under **PUBLIC COMMENT**, Laura Olah, resident and CSWAB and spoke regarding the Badger Reuse Plan. Olah spoke in favor of an Alternative 4 that was presented to the IBOMC (Interim Badger Oversight and Management Commission). She noted only 5 members get to vote and the stakeholders have no vote, but do all of the work. The commission is the Town of Merrimac, Town of Sumpter, Sauk County, the Wisconsin DNR, and the Ho-Chunk Nation. She supports the IBOMC and it should remain. Mr. Grant has been an active member of the commission that put this alternative forward and they should support them. She also reminded the board the deadline is August 31st. Mary Carol Solum, resident, said she went to the IBOMC meeting to review Alternative 4 and that Mr. Grant was to put Alternative #4 on the agenda, she called all of the board members, and was shocked it is not on the agenda. There were 7 people that worked on the alternative and put it together in about 7 months. The 9 core values of the reuse plan came out of the town of Merrimac and the town zoned the properties in the town ag conservation. The town of Sumpter, through county, also zoned it exclusively ag use. She also supports the IBOMC and thinks a friends group is insufficient. Bill Kirchstein, resident, supports the use of ATV trails at Badger are welcome in this part of the state and we will never get this opportunity again and the town should set precedence and support this. Gary Schuster said that there is a lot of land that could be used for everyone and that there use to be a track out there. He said there is room for horses and trails and believes there is enough room for everyone. He added that land should be shared by everyone. Derrick Peetz, resident, supports Kirchstein's and Schuster's comments. He also supports the use of ATV's in the area and it provides another opportunity for his family that helps to get the kids out of the house. Chris Hanson, resident, wants to urge the board to ask the right questions and on the face of it, he doesn't object to the uses of a gun range or ATV's as he approved them frequently on federal lands and whether or not those uses are compatible with the land and with the other competing uses. He has questions about those uses and when there is a problem, mitigating those problems is difficult. He read the deeds and called the federal lands folks who agreed with him that the current application does not allow for the use of ATV's and that they would have to come back for federal approval. He questions the political motivation of the ATV use and thinks there has been a breach of public trust. He is not supporting alternative 4, but believes a mix of use would be appropriate. Frank Olah, resident, attends the IBOMC and the IBOMC Land Use Committee and thinks the IBOMC has a good process in that it gives the town an equal voice. He said Grant's questioning of the IBOMC and that the town cannot unilaterally withdraw. Pat Sereg, resident, asked why the town is considering the withdrawal from the IBOMC. Bill Stehling, IBOMC representative from Sauk City, said that there are 80 bluebird houses, a cemetery, and other facilities and that high impact in that area would be counter-productive. He also said the DNR is responsible for protecting nature and endangered species noting that grassland birds are in jeopardy. He said the DNR has acknowledged that this is some great grassland. No other persons appeared. Under **CORRESPONDENCE**, McCumber provided a copy of the Army's Conditions of Approval 60-day update to the Wisconsin Department of Natural Resources (DNR) regarding the proposed municipal water system. He also presented a 1941 aerial photo of the settling ponds (Parcel M) showing that there were no wetlands in this area. The board received an invitation to meet the Natural Resources Board at 4:15pm on August 13th at the BAAP Building 207. McCumber also received the preliminary equalized values for 2013 of the town showing the value is down 7% for the year and 15% since 2007. This is not the final revaluation done by the assessor. If the assessor matches these numbers, the town's portion of the mill rate will increase from \$.75 to \$.89 without an increase in the tax levy from last year. Under **REPORTS AND ANNOUNCEMENTS OF OFFICERS AND COMMITTEES**, Richard Grant, representative to the IBOMC reported that the Badger reuse process started at 1pm on January 29, 2009 at 1pm in the Gathering – or 14 years 7 months ago. He is bringing to the town board Alternative 4 as it was presented to the IBOMC meeting on July 25th. He contacted Sauk County Land Use to question the creation of committees and election of officers at the initial meeting and they had no records of those minutes. He wanted to know who, by an action of the IBOMC was elected to the Land Use Committee. They could not locate anything and to him it appears that anyone who attends these meetings has input in this process. He has tried to represent the town to its best ability, but at this time, he feels he needs direction from the board. The board has the alternative in their packet. McCumber asked whether or not the IBOMC has actually voted on the alternative and they have not. The town of Sumpter and the town of Merrimac representative agreed to take this back to the town and he hopes the Sauk County representative and the Ho-Chunk representative is doing the same. There is no **OLD BUSINESS**. Under **NEW BUSINESS**, the board considered a presentation by the DNR's Diane Brusoe and Mark Aquino regarding the three proposals for the Sauk Prairie Recreation Area (SPRA). Mark Aquino and Diane Brusoe made a

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presentation regarding the planning process for the SPRA through public input and how it could compliment Devil's Lake State Park. Brusoe started by stating the current phase of this process is to take public input on a vision statement, goal statements, and three alternatives for the property that range from do nothing, primarily conservation, and an expanded outdoor recreation emphasis. McCumber reported that the board was provided with these alternatives, along with Alternative 4, and a copy of the Badger Reuse Plan in their packets last week. The restoration plans are still a focus in both alternatives 2 & 3. Alternative #3 offers a lot more development for visitor enjoyment. The "special use area" is 562 acres and to make it an effective ATV trail, it would have to be managed; a trail design would be designed to give the user a good half day's use. Aquino stated to design an ATV trail, it could have tight turns, etc., to keep speeds down so that it could expand the use time without increasing trail length. A potential shooting range would be something that does not compete with private ranges. These facilities would have a common entrance, common parking, and common restroom facilities on a foot print that does not exceed 10 acres. The total scope of these projects would be around 300 acres. There are other non-motorized trails that would be proposed for the property and vehicular access to cemeteries. These alternatives are packaged in such a way so people can see the various options and what the alternatives are. The end product will likely be a blend of the three. He did acknowledge that Alternative 4 is very similar to the DNR's Alternative 2, but pulled elements from both 2 & 3. She did provide comment forms for people in attendance. Once this process is done, they will come back with one final plan for public consideration and they will have self-guided auto tours for people to see the areas. The auto tour will be August 24th. They have to do an environmental assessment that will receive public comment and a final plan will go before the Natural Resources Board next summer and where the public can comment again. The special use area is all in the Town of Sumpter. Horse trails would be segregated from other uses. Someone in the audience asked how the town's votes are applied, referring to the BOMC. The BOMC is advisory and does not have authority over the DNR. Aquino says the proposals have been run by the National Park Service and the DNR has not been deemed to be in violation of the deeds, and that Rep. Fred Clark has an opinion from state leg council that they are proceeding within the authority of those deeds. Olah stated the BOMC bylaws call for votes, but there is consensus based on their passed. McCumber asked how consensus was reached when 3 of the 5 commission members either abstained or said they would consult their respective boards. The board discussed the alternatives noting that 2 and 3 are very close. McCumber reported the board was presented 3 resolutions supporting each of the 3 DNR alternatives. He informed the board they could adopt 1 resolution or multiple resolutions, or do nothing. They could even move to consider Alternative 4. Peetz moved to adopt Resolution 2013-5A, a RESOLUTION SUPPORTING WISCONSIN DEPARTMENT OF NATURAL RESOURCES CONCEPTUAL ALTERNATIVE 3 FOR THE SAUK PRAIRIE RECREATIONAL AREA, second by Healy. The board made several friendly amendments and the motion passed unanimously. The board next considered a resolution conditionally withdrawing from the Interim Badger Oversight & Management Commission and to encourage the formation of the "Friends of SPRA". Healy stated he had concerns about the timing and that the withdrawal seems open ended. Peetz moved to adopt the resolution and did not get a second. Peetz then moved to table the resolution, second was made by Healy. Motion to table passed 2-1 with Peetz in opposition. The board then considered proposed changes to State of Wisconsin Administrative Code NR-115 regarding Shoreland zoning standards as enforced at county level. McCumber stated most of the changes would help home owners who had property built prior to 1966 to make improvements to their properties. Current law makes it impossible to do without a variance in most cases and this would be an asset for the community. Motion by Peetz to adopt a resolution in support of these proposed changes, second by Frosch. Motion passed. The board also considered adoption of a Compliance Assurance Plan (CAP) in accordance with Wisconsin Administrative Code NR 544.04(9g) for enforcement of the Town of Merrimac Recycling Ordinance 1-94 adopted July 5, 1994. McCumber reported the DNR requires an enforcement plan to continue to receive recycling grant dollars. Motion to adopt by Peetz, second by Healy. Motion passed. The board finally considered a town Farmland Preservation Plan Map for Sauk County as it relates to federal agriculture grant programs. McCumber reported the map has no direct impact on the town, but allows the county to be in compliance when receiving federal grants that assist farmers. Motion adopt by Peetz, second by Frosch. Motion passed.

Motion to adjourn by Frosch, second Healy. Motion passed.