

Walworth County Land Conservation Committee

MINUTES

March 18, 2013 – 2:00 p.m.

County Board Room 114 – Government Center
Elkhorn, Wisconsin

The meeting was called to order at approximately 2:07 p.m. by Chairperson Kilkenny.

Roll call – In attendance were Chairperson Kilkenny, Vice Chairperson Russell, Supervisor Schiefelbein and Citizen Members Bellman and Badame. A quorum was declared.

Others present – Supervisors Carl Redenius, Ken Monroe and Rick Stacey; David Bretl, County Administrator; Michael Cotter, Deputy Corporation Counsel/LURM Director; Louise Olson, Deputy LURM Director; Fay Amerson, Urban Conservation Specialist; Attorney Bill White, Michael Best & Friedrich, LLP; Chris Rieck, Conservation Tech; Thomas Portle, WDNR; Warren Hansen, Farris, Hansen & Associates; and Andrew, James and Jean Baker.

Approval of the agenda was moved and seconded by Supervisor Schiefelbein and Citizen Member Badame, with no withdrawals, and carried 5 – 0.

Approval of the October 15, 2012 Land Conservation Committee meeting minutes was moved and seconded by Vice Chairperson Russell and Supervisor Schiefelbein, and carried 5 – 0.

Public comment period – none

Public Hearing related to Certificate of Completion Reclamation of a Nonmetallic Mining Site is Complete; Burdick Trucking and Excavation, Inc. Mining Site Operator, Baker Enterprises, Owner; Discussion/Possible Action – Baker Final Determination – Committee may make their determination at this time or in writing within 20 days. On the advice of counsel, Vice Chairperson Russell recused herself from the proceedings due to the fact that she had been on-site when the reclamation was made. There was still a quorum, so the proceedings continued. Bretl briefly explained the procedure for the hearing. As Corporation Counsel, Bretl was representing the committee and could provide the committee with legal advice if they wanted. He added that this is a more formal procedure than normal. A record needs to be created in case this issue goes to court. He reminded everyone that the proceedings are being recorded and speakers would need to use the microphones. The parties introduced themselves, with the aggrieved party going first. Attorney White pointed out that Andrew Baker is not listed as an aggrieved party in the appeal. Attorney White questioned Andrew's role. Andrew Baker stated that he is not an attorney, but he had been asked to come and speak on his grandparents' behalf. Bretl recommended that the committee note that objection. Chairperson Kilkenny noted the objection, and the proceedings continued. It was pointed out that Burdick Trucking could potentially be affected by the decision in this matter, but they were not represented at the hearing. At approximately 2:15 p.m., Andrew Baker began giving his opening statement. Baker provided the committee with a binder of exhibits. Chairperson Kilkenny then swore in Andrew Baker. At approximately 2:37 p.m., Baker completed his opening statements, and Attorney

White began his cross examination of Baker. Once the parties concluded, Bretl suggested the committee determine which items would be entered into evidence. Attorney White objected to Exhibit F in the Bakers' binder, which was a letter from their attorney.

On motion and second by Supervisor Schiefelbein and Citizen Member Badame, the Bakers' binder, with the exception of Exhibit F, was moved into evidence. It was clarified that Exhibit F was excluded because the letter was hearsay, and the county did not have the ability to cross-examine the person who wrote the letter. The motion carried 4 – 0.

Attorney White gave his statements. At approximately 3:31 p.m., Attorney White called Tom Portle to testify. Chairperson Kilkenny administered the oath to Mr. Portle, and Mr. Portle provided his testimony. At approximately 3:42 p.m., Warren Hansen was sworn in as the County's next witness. Both parties were given the opportunity to question Mr. Hansen.

Chairperson Kilkenny stated that the hearing needed to adjourn for today. The committee members were not to discuss the issues with the parties. Attorney White stated that he would like attachment 3 from the Land Conservation Committee packet moved into evidence.

On motion and second by Supervisor Schiefelbein and Citizen Member Badame, Mr. Portle's letter to Fay Amerson (dated August 31, 2012) was received into evidence. The motion carried 4 – 0.

The parties discussed a date for the next meeting. Andrew Baker wanted to have the meeting on-site when conditions allowed. Attorney White objected. The parties agreed to reconvene on March 25th.

On motion and second by Supervisor Schiefelbein and Citizen Member Badame, the hearing was set to continue on March 25th at 1:00 p.m. The motion carried 4 – 0.

Chairperson Kilkenny did not have any announcements.

The next regular meeting of the land conservation committee was confirmed for April 22, 2013 at 2:00 p.m.

Adjournment. On motion and second by Supervisor Schiefelbein and Citizen Member Badame, Chairperson Kilkenny adjourned the meeting at approximately 4:07 p.m.

Respectfully submitted by Tammy Werblow, assistant to the county administrator.
These minutes were unanimously approved by the committee on April 22, 2013.