

Vilas County Board of Adjustment  
2009 Budget Meeting Minutes  
October 1, 2008  
Phelps Town Hall



Members Present:

Glyn Roberts – Chairman  
Donald Huntley – Vice Chair  
Richard Peterson  
Joy Hanser  
Martin Ketterer  
John Barron – First Alternate

Others Present:

Mary Greenman - Vilas County Assistant Zoning Administrator  
David Sadenwasser – Board of Adjustment Secretary

Mr. Roberts, Chairman, calls the Vilas County Board of Adjustment to order at 9:05 am. For the record, this meeting has been duly called to order in accordance with the Wisconsin Open Meeting Law.

Mr. Roberts welcomes Dave Sadenwasser as the replacement to Tammy Baughman, who is now the secretary to Zoning Administrator Dawn Schmidt. He also welcomes John Barron as the Board of Adjustment's new first alternate.

The Board begins with a review of the proposed budget for 2009 as aided by Mary Greenman, who has insight into the overall county financial situation and who has provided the Chairman with some logical numbers to use for 2009 without raising the budget.

The Board agrees to go over budget line by line.

Ms. Greenman explains the budget worksheet, with one column being for anticipated expenditures through end of 2008, and another column for the requested amount for 2009.

**Extra Help:** Another hearing is coming up that may be somewhat controversial; \$200 slated for extra help is anticipated to be used for transcripts, etc. Legal fees are not included in this section of the budget. The same \$200 will be requested for 2009.

Mr. Roberts explains the history of legal fees in the budget to Mr. Barron, how and why we carry legal fees on our budget, and how they interact with the Vilas County General Fund. Mr. Roberts also explains the Board's use of Corporation Counsel Martha Milanowski to Mr. Barron.

Ms. Greenman explains her role with the Board as advisory and reminds the Board that they have to make the actual decisions on all issues.

**Per Diem:** The County already has \$2000 filled in for each category so that will be left as is. Per Diem is the \$50 fee for each member to attend each meeting. Meal rate is \$40/day maximum.

**Legal Fees:** \$6000 is projected to be spent for 2008 knowing that Attorney Tim Vocke has been hired for the upcoming case; it is projected that \$6000 will be spent again next year.

Mr. Barron asks if Mr. Vocke gives a discounted rate for government entities because many of the attorneys in Eagle River do.

Mr. Roberts then explains to Mr. Barron why Board continues to rely on Mr. Vocke and discussion ensues into his costs.

Ms. Hanser states that she would rather reduce costs in another area because Mr. Vocke is very valuable and it is much better to spend the money up front than to make mistakes and have to pay greater amounts later.

Ms. Greenman and Ms. Hanser explain how legal fees work in terms of the BOA budget and the County General Fund.

Mr. Roberts explains how Mr. Vocke helps to protect the board against the high-powered attorneys hired from Southern Wisconsin or Northern Illinois.

The Board discusses their history with Mr. Vocke.

Discussion is led by Mr. Ketterer about the Board's contributing to the County General Fund by not using their budgeted money for legal expenses for the last few years

**Supplies:** \$162.99 has been spent as of Aug 31, 2008, \$350 has been allotted for the remainder of 2008 and generally all of that will be spent. Anticipate \$300 for supplies in 2009.

Mr. Barron asks more questions about the nature of the budget and is answered by Ms. Greenman.

Discussion ensues about the nature of what is included in the supplies category and what equipment the Board owns, as well as the history of the office and staff of the Board of Adjustment.

**Postage:** \$149.14 has been spent so far; with another hearing or two possibly upcoming at least \$300 will be spent for 2008. The amount requested for 2009 should be \$400.

**Xerox:** \$150.56 has been spent as of Aug 31; the Board should anticipate at least \$200 more for 2008. The budget will be kept at \$250 for 2009. This is dependent on the number of hearings.

**Conventions, Dues, and Meetings:** \$60 has been spent so far in 2008, \$150 more is budgeted. There are no known trainings for the remainder of 2008, but there are some available for next year.

Mr. Roberts discusses the usefulness of training but notes that it is not something that all board members need to go to. However, it may be nice for whole board to go on occasion. Mr. Ketterer feels that it would be valuable for him to attend possible trainings, not every year, but certainly in 2009.

Mr. Huntley asks what is included in the cost of training and reminds the Board that any training attended will also affect travel budget. Carpooling is discussed; it is found to be acceptable but a quorum riding in one car should be avoided.

The cost of each seminar is discussed.

**Publishing:** \$653.54 has been spent so far. \$1300 has been allotted for 2008 and it is known that more publishing fees will be incurred yet in 2008. \$800 should be anticipated for 2008, and \$1050 for 2009. It is noted that only \$477.20 was spent on publishing during 2007.

Ms. Greenman states that all she has done with the budget figures is shift money from one area to another.

**Travel:** Almost \$1000 has been spent already, and one or two more hearings will be held before the end of the year. The \$1100 allotted, and probably more, will be spent for 2008. The travel budget needs to be increased for next year. It cannot, however, be anticipated that the budget for 2008 will be surpassed. Therefore, the Board should anticipate \$1100 for 2008 and \$1350 for 2009 travel costs.

Ms. Greenman reviews above figures anticipated for 2008. The total adds up to \$11,010, less than the \$11,750 allotted to the Board for 2008.

The differences between training and conventions are discussed. Possible trainings are discussed, including ability of Corporation Counsel or Attorney Tim Vocke to give the Board some trainings or refreshers on meeting procedure and decorum.

Ms. Hanser suggests that we shift \$50 from 2009 publishing fees to travel, making 2009 publishing fees \$1000 and travel \$1400, due to rising gas prices and rising government mileage standards.

Line item transfers are discussed.

Mr. Ketterer asks if the per diem is paid for training sessions. He is answered that it is.

The Board should be about \$740 under budget for 2008 but the budgeted amount for 2009 should remain the same. This doesn't include FICA or any of the other "county share" line items at the bottom of the budget worksheet.

Discussion ensues about "county share" sections of the budget worksheet and other withholdings.

Ms. Greenman reviews the final figures one more time and reminds the Board that each will receive a finalized version of the budget.

The effects of legal fees on the budget, the value of hiring Attorney Tim Vocke, and the effect of decisions appealed beyond the Board of Appeals are discussed. During this discussion, Ms. Hanser discusses importance of the three-step process in the Board's decision making as a way to help avoid its decisions being appealed.

Mr. Roberts asks if we are decided on the proposed 2009 budget and if we are prepared to make a motion.

Ms. Hanser motions to accept the proposed budget for 2009. Mr. Peterson seconds.

Glyn Roberts – Aye

Don Huntley – Aye

Richard Peterson – Aye

Joy Hanser – Aye

Marty Ketterer – Aye

Motion carried. (5-0)

Ms. Greenman states that Board must now discuss potential revenue.

For 2008, six (6) hearings at \$550 apiece were budgeted. So far in 2008 there have been four (4) hearings with at least one more coming.

Board discusses the climate of the building industry, the economy in general, and its potential affect on the number of Board meetings.

Mr. Ketterer declares that we should count on the same number of hearings as last year. Ms. Hanser agrees.

Mr. Roberts asks if the \$550 application fee is enough.

Ms. Hanser asks if the \$550 covers the Board's expenses. Mr. Roberts answers no.

The Board discusses the history of Board of Adjustment fee increases and how the county feels about the Board covering its own expenses.

Mr. Roberts states that the Board should be covering its costs and that the taxpayers should not be subsidizing people who come to build from out of the county and want to build beyond the limits of the ordinance.

Ms. Hanser reminds the Board that anyone appealing to the Board are paying taxes here too and are still a part of this community. She states that the question at hand is how much it is costing the county for people to go above and beyond what the ordinances allow. She then states that our main concern should be making sure that we cover those costs.

Mr. Roberts asks if application fees are considered in the costs of running the Zoning Department.

Mr. Ketterer opines that it is considered but most likely doesn't cover the cost of running the office.

Ms. Greenman responds that the permit fees do cover the costs of running the office, but that few counties are still in that situation.

Mr. Ketterer asks how long the application fee has been at \$550. The Board responds that it has been two or three years.

Ms. Hanser states that one cannot hold revenues at the same level year after year because costs go up as time goes on. Revenues must be raised to keep up with the associated costs of running the Board. She also states that travel costs will catch up with the Board very quickly.

Ms. Greenman outlines how the Board goes about raising its fees. The Board can request a fee increase. It must then go to a public hearing before being considered by the County Board.

Ms. Hanser asks if the Board can request a yearly percentage increase in fees. The idea of a yearly percentage increase in fees is then discussed by the Board.

Mr. Roberts states that there is probably not time to enact this for this year but it should be kept in mind for next year and that it should be determined how much it costs the Board to do each meeting. This figure should then be used to determine if a percentage fee increase or a flat fee increase would be more appropriate.

Mr. Barron notes that a fee increase could be justified since it has been two years since the last increase.

Mr. Ketterer asks if this would be the time to raise fees, as opposed to later, since the county is working on its budget for 2009. He states that he would prefer to make a recommendation to the Finance Committee now to have the fees raised for 2009 because even though the number of appeals has gone down, the travel expenses have gone up.

Ms. Hanser states that a flat fee increase for 2009 addresses the issue for now but it does not address the issue for two, three, or four years from now. If Board could get an agreed upon percentage increase each year it would be better than having to do a public hearing each year.

Mr. Ketterer agrees but feels that an increase is also needed now as the county is working on its budget and they are going to want to know what we are planning so they may figure that into their budget for 2009.

Mr. Roberts states that Corporation Counsel Martha Milanowski may know about our ability to have a percentage increase. Ms. Hanser opines that the Board should look into it.

Mr. Ketterer expresses his agreement with a potential percentage increase but reiterates that Board should raise the fee in some way at present time.

Mr. Roberts asks how much time we have to enact this.

Mr. Ketterer states that the fee increase can go into effect at any time during the year.

Ms. Greenman states that Corporation Counsel mentioned that the Board may be allowed to discuss a fee increase and other agenda items at the same public hearing.

Mr. Roberts speaks about the wording on the Administrative Appeal Application and whether or not we can change the wording to require a certified site plan that will work with an engineer's scale.

Mr. Huntley states that the secretary should notify the applicant of the need for site plan drawings every time an application is submitted.

Ms. Hanser agrees that a site map is helpful and should be required so that the Board can have a visual representation of the property and does not have to rely on verbal interpretations from both sides, which often differ.

Board discusses the merits and need for site plan drawings and differences in scale.

Mr. Ketterer asks if this means that we may incur an additional expense for another public hearing.

Ms. Hanser suggests that the Board put both a potential fee increase and the potential rewording of the Administrative Appeal Application on the agenda for the same public hearing.

Mr. Ketterer asks if a motion is needed to accomplish this and Mr. Roberts states that it is not on the Board's agenda for today so the public does not know that the Board is

discussing changes to the bylaws today, so no motion should be made regarding this issue at this time.

Mr. Barron states that on most other permit applications accurate survey information is required so it should be up to the applicant to provide the same for Administrative Appeals.

Mr. Ketterer suggests that since we cannot have much discussion on bylaw changes at this meeting we have that discussion at our next public hearing.

Mr. Roberts states that we can have a meeting directly after our next public hearing, but it cannot be on the agenda for the upcoming Administrative Appeal.

Ms. Hanser suggests that bylaw changes are put on the agenda for then and that everyone else think of other potential changes. She also inquires if the public notice for the hearing involving bylaws can be left vague so that the Board may make any changes they feel.

Ms. Greenman states that the Board would have to have specific changes noted on the agenda for the public hearing as well as the public notice.

Mr. Roberts asks for the secretary to give the Board a hearing-by-hearing breakdown of costs from 2008.

Mr. Ketterer states that we can get an average per meeting right now by dividing the total costs to date by the number of hearings that we have had so far. He then figures this amount. He then notes that, including everything except for legal fees and per diem, it comes to \$528 on average for the four appeals in 2008. The average cost would be \$778 per hearing if the per diem is included.

The Board discusses what costs to include in this above calculation.

Mr. Ketterer says that a \$50 increase in the fee is not substantial enough. Ms. Hauser agrees. She states that if we only increase the fee a small amount, and depending on if the County Board allows a percentage increase, then we will be well short of the hearing costs for many years anyway.

Mr. Roberts discusses how far behind the fees are and how they are not representative of how much people are spending out of their own pockets on variances or appeals.

Ms. Hanser states that we are well behind where we should be in terms of our appellant fee.

The Board discusses with Ms. Greenman what County entities would have to approve the fee increase and when it can be enacted.

Ms. Hanser states that the increase to get to \$775 is far too large but the deficit in funding needs to be eliminated before going on to a yearly percentage increase.

Mr. Roberts states that legal fees are not included in that figure.

Ms. Hanser states that she does not feel that legal fees should be included in the average cost of each meeting because legal fees can vary so widely from year to year.

Mr. Huntley asks if the Board is supposed to be self-supporting. Ms. Greenman responds that the County encourages it.

Ms. Hanser states that the Board has a history of being fiscally responsible and has actually cut the budget over the years, so she feels that the budget should be kept where it is, the appellant fees should be increased to \$775, and then a yearly percentage increase should be enacted from that point onward. In discussing the fees, the Board is trying to anticipate what each meeting will cost three years from now, but is having to start from a level that was only appropriate for many years ago. This is why a yearly percentage increase in the appellant fee is needed.

Mr. Huntley states that the Board is thinking of this in relation to people from out of the county who have greater means but that many of the Board's applicants are local people.

Ms. Hanser agrees but states that adding the \$750 to the already great cost of building for a person to get exactly what they want is something that is doable. If it is something that one really wants, and one feels that one can get a variance for the project then it will be worth the \$750. Plus, raising the fee this high will get people to think twice about trying for a variance justing for the sake of trying, and making them rethink their projects when other options are available that work within the ordinance.

Mr. Ketterer asks what happens if the County Board won't allow us such a large increase and will only allow us to raise our fees to \$600 or \$650.

Ms. Greenman explains that generally if we can prove the expenses that the Board is incurring then the County Board will go along with a fee increase.

The Board discusses justification of the requested fee increase and use of legal fees as they both pertain to County Board and General Fund.

Mr. Ketterer notes that a motion should be made on Ms. Hanser's proposed yearly incremental fee increase and that it should be discussed in more detail at the current meeting so that it is fully prepared before it goes to the Finance Committee.

Mr. Roberts agrees and states that it is part of the budget so it may be discussed today. He also states that the Board members are volunteers.

Ms. Hanser agrees but states that the per diem is not being raised; the Board is only attempting to be fiscally responsible.

Mr. Barron asks if the county can recoup legal fees if an appeal or variance is denied. Ms. Hanser answers that no the, county may not, as there is no lawsuit involved and the Board only hires legal counsel for advice and guidance by its choice.

Discussion ensues about use of legal help, insurance issues related to the Board, and the prospect of any given decision being appealed. He is answered yes.

Mr. Barron asks if many people come before the board and ask for variances before they begin building.

Mr. Roberts asks if anyone would like to make a motion on fee increase.

Ms. Hanser asks to what the motion should be made, and where the fee increase process would lead from here.

Mr. Ketterer states that any motion has to be that the Board recommends that fees be increased to  $x$ -dollars.

Ms. Hanser motions that Vilas County Board of Adjustment raises its appellant fees to \$775 to cover basic operating expenses a hearing, and that this is given to the Finance Committee for approval. Mr. Peterson seconds this motion.

Mr. Peterson proposes an amendment to the motion on the table to include a 2% yearly increase in the appellant fee in the future.

Mr. Roberts and Ms. Hanser explain that setting a percentage now is not a wise idea and ask that he withdraw that amendment and propose a yearly increase tied to the cost of living.

Mr. Peterson withdraws his proposed amendment to include a yearly 2% increase to said motion.

Mr. Peterson proposes amendment to include a yearly percentage increase in appellant fees tied to the cost of living in the future. Ms. Hanser seconds amendment.

Glyn Roberts – Aye

Don Huntley – Aye

Richard Peterson – Aye

Joy Hanser – Aye

Marty Ketterer – Nay

Amendment passes. (4-1) Mr. Ketterer states his opposition to a percentage increase at this time.

A roll call vote on the motion by Ms. Hanser to raise the Board of Adjustment appellant fee to \$775 and include a yearly percentage fee tied to the cost of living is taken.

Glyn Roberts – In Favor  
Don Huntley – In Favor  
Richard Peterson – In Favor  
Marty Ketterer – In Favor  
Joy Hanser – In Favor

Motion carried. (5-0)

There are no letters or correspondence.

Mr. Ketterer asks if the revenue budget worksheet for 2009 shows six (6) meetings at \$775 or six (6) meetings at \$550.

Ms. Greenman explains that it should show six (6) meetings at \$550, and that Mr. Roberts must write a letter stating the Board's intention to raise appellant fees. She also states that the increase must then go to a public hearing before being considered by the County Board.

Again, the Board discusses the fee increase and the likelihood of its passage by the Finance Committee.

Mr. Barron asks if any legal opinions can be found elsewhere, such as the attorney for the Towns Association, etc, in lieu of hiring our own attorney.

Mr. Ketterer related that no, groups like the Towns Association generally will not give specific advice on specific issues.

Mr. Roberts asks if the fees are being raised for both Administrative Appeals and Variance Requests or just for Variance Requests. The Board then agrees that the fees should be raised for both types of application because the expenses incurred will be the same.

The wording of Mr. Roberts' letter and justification for fee increase is then discussed.

The nature of the permitting and variance processes, as well as the nature of people looking to build in the county is discussed by the Board.

Mr. Huntley moves to adjourn. Mr. Peterson seconds.

Glyn Roberts – Aye  
Don Huntley – Aye  
Richard Peterson – Aye  
Joy Hanser – Aye  
Martin Ketterer – Aye

Meeting adjourned at 11:35 am.