Chairman Willingham called the public hearing to order at 6:34 P.M. Members present were Phil Schneider, Tom Costello and Dave Willingham. Kathy Mai came in at 7:15 P.M. Staff Present: CeCe Tesky and Monica Kenealy. Absent: Cliff Taylor. The purpose of the hearing was for review and public comment on proposed changes to the Rusk County Floodplain Ordinance.

Willingham explained that the committee will provide opportunity for everyone to speak and reviewed the public hearing procedures. The committee will hold the hearing open for written testimony until November 30th.

Tesky gave a Power Point Presentation on the ordinance requirements and proposed changes. A copy of the handout is on file.

Willingham asked for comments or questions.

Maryann Luplow bought property on the Thornapple River and built in 1991 and was told she was not in floodplain, but she received the letter from the zoning office stating that her house is now in floodplain. She bought flood insurance in 1996 and was low risk. She thought that she had flood insurance and shouldn’t have to worry about it.

Fritz Bushendorf wanted to know what the flood elevation was for Island Lake. Tesky didn’t know for sure but thought it was around 1073’. The DNR has indicated that the flooding potential is back flow from the Chippewa River. Tesky explained that because of the dam on the Island Chain, the DNR is requiring a study to be done by the county and this will help property owners in this area to get a base flood elevation.

Steve Haehn asked what legislators were contacted by the county. Tesky stated that Russ Decker and Mary Williams were state legislators contacted and David Obey, Herb Kohl and Russ Feingold were Federal congressmen and senators contacted. Haehn also asked where the flood insurance money goes once it is paid by a property owner. Tesky explained that it is paid to the owner’s insurance agent and then sent to FEMA.

Lori Stine asked if the county plans on doing any surveying on Zone A areas. Tesky said the county has looked at different ways to help the people that will be impacted. One of the ways is LIDAR, which will establish two foot contours for establishing base flood elevation. That was one way that other counties have done it. There is no guarantee to accuracy of floodplain data once better topographic data is provided, however. Some county board members have also discussed doing individual studies for specific areas where property owners are most impacted.

Jerry Gillis asked of the US Senators that have been contacted, have they been following through? Tesky stated that Feingold’s office has been very helpful. Gillis asked if Kohl’s
office had been helpful. Tesky stated that all representatives had sent letters to FEMA on the county’s behalf, but Kohl’s office was not as helpful with follow-up as Feingold’s office had been. The state legislators had been very helpful, as well. Mary Williams, who is here tonight, has been very active. Gillis stated that the Town of Big Falls has created a resolution asking legislators to support a proposal to have DNR reimburse for floodplain studies done by individual property owners needing to get out of unstudied areas, if the study proves current mapping is wrong. Big Falls will be forwarding it to other townships to use, as well.

Rod Ellwanger lives on the Big Falls Flowage. He said that the spillway level is about 5 ½ feet above current water level. With the way that the floodplain is mapped on the proposed maps, there would have to be a wall of 15-20 feet of water over the top of the spillway in order to flood that much on the flowage.

John Stencil, Town of Big Bend Chairman, received an informational card from FEMA. The card talked about the eligibility of possible grant money for towns, villages and cities. He said that counties were not included. He called and talked to the person whose name was on the card and asked them how they would be eligible for floodplain studies and John was told that it is a low priority area to receive money. John commended the zoning committee for everything they have done. Homeowners and towns should help out and call their state and federal representatives.

Jim Serley said that there’s a sense of urgency. He said that we can change our ordinances and certify our existing maps and still be in the NFIP.

Pat Kelly asked Tesky if FEMA used the engineering study that was done on the Chippewa River in 1996. Tesky stated that she provided it to them in November 2008 and it was used to reevaluate the floodplain on that part of the Chippewa River and the Amacoy Lake area. Tesky didn’t know if it was provided to FEMA at the scoping meeting in 2006.

Eric Douglas lives near the Thornapple River and bought his house in 1987 and has experienced two floods. The water comes to his back yard, but has never been a problem. He asked if there are benchmarks in that area. Tesky stated that the area is not studied and there is not a base flood elevation in the area. She doesn’t know if there are benchmarks nearby.

Irene Urmanski lives near the Chippewa River and said that the creek and swamp near her house floods in the spring. Is it floodplain? Tesky stated that the area is mapped as floodplain and it does flood quite regularly in that area.

Jerry Gillis asked how an engineer shows that the maps are wrong. Tesky stated that an engineer does a detailed study, and establishes flows and elevation and it will go to the DNR for review. Once it’s approved by the DNR it can be used for issuing permits.

Jim Serley said it might be helpful for people to understand how they determine floodplain in unstudied areas. In his research, he has learned that if there is a water source, FEMA will map to the first available topographical line on the USGS map. In
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some cases the USGS maps are missing a line. He said that even FEMA knows it’s not accurate.

Jason Gillis stated that FEMA is committing fraud.

Lynn Whitten asked if the study for the development near her home on the Chippewa River had been approved yet. Tesky stated that she received some updated information last week and it should be approved within the next couple of months. Property owners downstream of the studied area would be able to use that base flood elevation to show they are out of floodplain with a LOMA. They would still need to hire a surveyor to do an elevation certificate.

Priscilla Capelle-Haehn asked about the process for getting a LOMA and permit. Tesky explained that zoning can issue a permit without a LOMA, as long as elevations have been established, but in order for a property owner to not have to pay flood insurance, they would need to do the LOMA, which can take much longer.

Don Christofferson asked if when the county notifies people that they need an elevation, if it is our opinion that the elevation will take them out of floodplain. Tesky stated yes.

Maryann Luplow asked if she should get a surveyor to establish floodplain elevations on her property. Tesky said she may have to if flood insurance rates get to be too high where she can’t afford them anymore, but told Maryann to come into the office to discuss her situation.

Pat Kelly asked if the floodplain maps were digital. Tesky explained that they are available for viewing on both FEMA’s and the DNR’s websites.

Jim Serley gave a proposal. He discussed the economics of adopting the proposed floodplain maps and gave examples of how the maps would affect his home being insured. Depending on when he purchased insurance, rates would range from $1000 to $6000 a year. He has great concern about property values declining on thousands of acres of land that have been placed in floodplain. He said the County Board should stand up and take a position against this. FEMA has caused the problems by giving us inaccurate maps, but the zoning committee must not validate FEMA’s decision. Jim read from FEMA’s Flood Map Modernization Mid-Course Adjustment – Executive Overview dated March 27, 2006 “In addition to providing digital flood maps, Map Modernization was designed to provide for engineering updates, which include the update or validation of existing flood data or the development of new flood data for stream miles or areas not previously studied. In some cases the existing flood data is adequate, based on a current evaluation of the flood history within the community and whether significant changes have taken place that might have changed the severity of the flood hazard. Flood data that is adequate and that requires no update is considered validated.” Serley feels that the county can fall back on this language in FEMA’s guidance to validate their existing maps and continue to use them until better maps can be created. Tell FEMA that we certify that those maps are not valid. Tesky explained that the county is getting legal advice from an attorney on this very question. She should have an answer for the committee at their
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December 2nd meeting. Serley would like the Federal Senators to demand a Congressional review of FEMA’s mistakes.

Willingham stated that the attorney the county is working with is a recognized expert in land use law and we need his advice and/or assistance with the language.

John Stencil wondered how many property owners would be affected by the new floodplain areas on vacant property. Being in floodplain basically shuts the door on them being able to develop their property. Tesky didn’t know how many this would affect.

Lori Stine asked how much money the county would lose in tax dollars because of devalued property that is now in the floodplain. Wouldn’t this amount compensate for the cost of doing LiDAR? Tesky stated that the county recognizes the potential loss of tax base and that is one reason they are considering it, but there is no guarantee that even if the county has the LiDAR done, that new maps will benefit property owners since it would be the same people doing those maps that have done the maps we have now. The county can also assist property owners by doing detailed studies in specific areas that could benefit a number of people downstream.

Don Christofferson asked how much area had been added to floodplain. Tesky stated that over 250 dwellings had been added to the floodplain, but that she had not counted dwellings that are already in floodplain, nor vacant properties. Tesky explained that once the maps are adopted, all lending institutions will evaluate whether or not their mortgage holders are in floodplain and all of the properties with improvements in mapped floodplain will receive a letter that they must purchase flood insurance. If these people are in studied areas, they can get a LOMA to get out of floodplain. If they are in unstudied areas, they will need to spend thousands of dollars to first get a detailed study done.

Willingham wanted to clarify what the county was considering for language. Tesky has asked the attorney for advice on whether the county can adopt their existing maps and incorporate the new study by Ayres and Associates. Willingham explained that the county had asked FEMA to delay the final maps so we had time to complete additional studies. FEMA has not shown any indication that they would be willing to do that.

Don Christofferson has concerns about the proposed maps because there is significant historical data that shows that none of the dwellings being placed in floodplain have ever flooded. Willingham explained that we need to first convince FEMA that we did experience a 100-year event in 1994. Right now, they wish to create their own standards. Serley stated that we also have 1941 data, as well as 2005 data when there was an 18” rainfall in 24-hours on his property.

Pat Kelly stated that the data used to create the floodplain areas must follow certain standards. Tesky explained that the DNR uses models to create approximate floodplain areas and when she reviewed some of that data, the Q100 flows used by the DNR were not standards prescribed in the USGS handbook. When the DNR engineer was asked why those standards weren’t used, he indicated that he used flows in older standards.
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Cecelia Stencil asked a question for Jim Bailey who wondered if the study and LOMA he had done in 2006 would still be valid if the new maps were adopted. Tesky indicated that the study should still be valid.

CeCe read two letters from land owners who are opposed to the floodplain maps. The letters are on file and were received from August and Eileen Schreiber and Shawn Kromrey.

Willingham stated that they will hold the written testimony portion of the hearing open until November 30th if people want to submit anything else in writing.

Mary Williams stated that she’s glad so many people are here to show their concern. She said she will contact the Governor’s office.

Don Christoffersen said that the DNR is ignoring the county and hopefully Mary Williams can remind them that failure to communicate is just plain wrong.

Willingham said there are 21 people on the Rusk County Board. All 21 of the board members are taking this issue very seriously. Everyone is weighing all the information. Everybody wants to do the right thing and all risks need to be thought out.

Roger Gierke, Town of Willard Chairman, asked the board to let Corporation Counsel see Jim Serley’s proposal and let him decide what to do.

Tesky had a copy of a letter received by the zoning office today that had gone to Russ Feingold from FEMA. The letter had no date, but was received by Feingold’s office on November 6. It indicated that FEMA will be contacting the zoning office within a week to set up the meeting, but CeCe hasn’t yet heard from them.

Willingham closed the public hearing at 8:31 P.M.

Monica Kenealy
Secretary/Bookkeeper