Chairman Willingham called the meeting of the Rusk County Zoning Committee to order at 2:09 p.m. in the Law Enforcement Center at the Rusk County Courthouse. Members present were Dave Willingham, Kathy Mai, Tom Costello and Phil Schneider. Member absent: Cliff Taylor. Staff present: CeCe Tesky and Monica Kenealy.

Costello/Mai motion to approve the minutes of the March 10, 2010 meeting. Carried.

The next meeting will be on May 5, 2010 at 2:00 P.M.

**BILLS**

Schneider/Costello motion to approve bills. Carried.

**ADDENDUM**

Consider reduced wetland setback for Blake Bocek Nonmetallic Mine (from 100’ to 50’). Tesky read from WI DNR letter stating that Bocek needed to maintain a permanent vegetative buffer of at least 50 feet between mining activities and any wetlands. Schneider/Costello motion to approve wetland setback reduction from 100’ to 50’. Carried.

**CSM’s**

2 lot land division for David Miller in the Town of Big Bend. Schneider/Costello motion to accept with the following conditions: Approval by Rusk County surveyor, name the ingress and egress easement and a restriction showing that Outlot 1 will be deeded with Lot 1 for perpetuity and no buildings. Carried.

**ZONING ADMINISTRATOR’S REPORT ON MONTHLY ACTIVITIES**

Tesky gave an update on the flood insurance issues. Most property owners continue to get LOMA’s. Tesky did receive one phone call from a property owner regarding his frustration with his flood insurance getting cancelled. He is below BFE and wanted to know what the county was going to do about it.

Tesky received a letter from Jim Nitek to have unamplified music around the campground. (see attached letter) He wants “outdoor musical productions prohibited” clarified. Willingham recalled the discussion regarding music at the campground. No action taken because it was not on the agenda. The committee decided it needs to be on next month’s agenda in order to act on it.

Recess at 2:52 P.M.

Reopened regular meeting at 3:00 P.M.

Closed regular meeting at 3:00 P.M. for public hearing. (See separate minutes)
NOT COMMITTEE APPROVED

Opened regular meeting at 3:14 P.M. Discussion concerning the fact that even if the property is rezoned, a conditional use permit is still required for use as a slaughterhouse.

Schneider/Mai motion to forward to county board the rezoning request to change the zoning from Commercial to Agricultural on Lot 14, CSM 745 in the SW¼ - SE¼ - SE¼, Section 16, T34N, R6W with approval. Carried.

DISCUSSION WITH FEMA AND WI DNR ON PRIORITY AREAS FOR DETAILED FLOOD STUDIES.

Also present: Larry Gotham, Engineer; Bill Thiel, Attorney; Bob Watson, WI DNR and Ken Hinterlong, FEMA. (Costello left at 5:15 P.M.)

Dave Willingham stated that the purpose of this meeting is to discuss and identify priority areas for detailed flood studies. He stated that everyone is aware and understands that while we are having this discussion, this does not necessarily change the initial position that Rusk County has taken in regard to the maps and while we are working together, it is still the goal of Rusk County to adopt the most historically accurate maps available to us. Willingham also noted that there will be time at the end for some brief public comments.

Gotham gave a brief overview of what has been happening with the DFIRM maps.

Ken Hinterlong stated that he was not at the last meeting. He said that statewide FEMA has spent over 13 million dollars in over 50 counties. As a long-term goal, FEMA wants to make sure the maps are accurate. FEMA committed to doing detailed studies in some areas of the county and they will stay committed to that. They can not do detailed studies in all of the high-priority areas identified by the county, but they will do detailed studies on Potato Lake, Island Chain of Lakes, Bog Lake, Amacoy Lake and the Chippewa River segments. Long term, FEMA is committed to incorporating HUC8 data into the existing maps and thereby, creating better maps. Right now they are committed to taking federal funds and working high priority, short term needs in Chippewa, Eau Claire and Rusk County.

Bob Watson, DNR Madison wanted to address how approximate the method is that they used to create the maps. The 10 foot contours they used have an accuracy of 5’ plus or minus. The ten foot contours do not show channel definition. He has reviewed the maps in the Village of Bruce and feels the maps are conservative and by doing channel surveys, the mapped floodplain will drop by about 10’. This will be significant. On the lakes, they are proposing to spend more money on surveying to get a denser network of points to get the contour lines around the lake, using the floodplain map as it is now and try to get as accurate a map as possible. They would not rely on the 10 foot contours; they would rely on detailed surveys. They need to decide where the money would be best used. There should be an adequate budget to be able to get the survey they need to do that and that would make a huge difference then by how they mapped it the first time by approximate methods.

Tesky asked Watson if the same methodology and 10’ contours were used in both Chippewa and Rusk Counties. He said yes they were. Tesky then asked him to explain why it is that on the Chain of Lakes, which extend into Chippewa County, there is a straight line for mapped floodplain at the county line and there is no flood plain in Chippewa County, but there is in Rusk County. Watson said he didn’t know why it was like that and it would have to be looked at. He also said he didn’t know who mapped Chippewa County. If they mapped it, then they could amend or remedy that in Chippewa County. Tesky asked about the short term
NOT COMMITTEE APPROVED
priority list timeframe. Watson said it would most likely be 12 months. Long term could be up to 5 years.

Dave Willingham said that when Rusk County first started to talk about prioritized areas, it was actually proposed from the letter we received, after the December meeting, from Mr. Schwartz. He referred to our priority list and it was Willingham’s understanding that the priority list was the areas that the county engineer and zoning administrator identified at the meeting, in which the county engineer was showing that the actual elevation appeared to be approximately 10 feet different from the model and that it was consistent with the 1987 maps. He also said that the Zoning Administrator did some quick studies, which indicated to be consistent with the 1987 maps. He asked that if it needs to get fixed, what Rusk County does while it’s getting fixed. How does it affect the property owners? If we continue to operate on the assumption of the predicted model, all these people are going to continue to be either in the floodplain or will have to use their own money to find their way out of this sooner than the proposed studies will do. We believe we have provided sufficient amount of evidence to show that the 1987 maps are more reliable and accurate than the current maps. Willingham stated that he doesn’t believe Rusk County should be held to the new maps while we struggle to re-create the new maps. The County has expressed wanting to fix the maps.

Gotham said that’s the most important point today - what can people do right now? Homeowners have legitimate concerns. Can Rusk County go back to the old maps? Homeowners are still being told they need to purchase flood insurance even though FEMA has suspended Rusk County. He contacted the insurance commissioner of the state of Wisconsin and asked who would provide flood insurance besides FEMA. He has been unable to find a company to provide a flood insurance policy.

Ken Hinterlong stated that’s the most important thing on the table. FEMA is here to serve the people. They will have to come up with a solution. He said he wasn’t even aware about the problem on the Chain-of-Lakes and should have been brought to FEMA’s attention during the appeal. Tesky said they can’t bring it to FEMA’s attention at the appeal if Rusk County didn’t know about it, since they weren’t reviewing Chippewa County’s maps. Ken asked if Rusk County has an engineer to talk to about it. Tesky said that Larry Gotham from Morgan and Parmley is Rusk County’s engineer. Ken said that he’s here to improve on the quality of the maps. The maps as far as he’s concerned are accurate. Gotham asked who the county can work with to rectify the insurance problem. Ken stated that he doesn’t work with insurance companies and there is no private insurance company that will work with flood insurance. Gotham asked why Rusk County can’t temporarily go back to the 1987 maps. Willingham asked why they didn’t consider the 1987 maps. Ken stated that it’s new engineering. If you go back to the 1987 maps part of the problem is they don’t have the engineering and didn’t have any basis to go by the 1987 maps.

Karen Graff, from Senator Feingold’s office stated that Rusk County thought they were doing everything right along the way. She stated that she personally can not do anything today. FEMA and the DNR are obviously here to do everything they can. She said she’s here to make sure FEMA’s listening and Feingold’s’ office is here to listen. Feingold’s office has known about the problem and is here to listen.

Ken stated that based on high water data in selected points, the 1987 maps are better and FEMA is going to rectify that fast. Ken said he has no way to pick and choose the maps that are used by the lender. Ken said he will see how fast FEMA can get it done.
Bill Thiel thinks the county is caught in the middle and is concerned about the residents of Rusk County. He asked if there was any way FEMA can reopen the February 3rd mapping process given the fact that FEMA now has documentation of serious discrepancies and come up with a compromise that would allow the county residents to be reinstated into the flood insurance program and at the same time work with FEMA and the DNR. The county has not said they don’t want to participate in the NFIP or have a floodplain ordinance and they are willing to work with FEMA, so is there some middle ground to get residents reinstated in the NFIP while the maps are being worked on?

Hinterlong stated that he didn’t come to Rusk County in regards to the NFIP and whether the county adopts the maps or not is not the basis for FEMA’s investment into improving the maps. He said he’s in risk analysis. He is in a completely different branch then the NFIP. Ken indicated that he would take this recommendation to Julia McCarthy. He stated that FEMA told him to be very clear that he’s not to represent them in this conversation. We didn’t come here offering funds to fix something so you can get back in a program because it doesn’t seem to be an issue with FEMA.

Tom Costello stated that originally Rusk County’s approach was to ask for an extension and were told that Rusk County couldn’t get it. The reason we asked for an extension was for the very reasons you are here now….to work in partnership. Why can’t Rusk County get an extension now? Hinterlong stated that he will talk to the national flood insurance program coordinator and see if they are willing to consider it. Ken stated that’s not why he came here today.

Tesky stated that as far as the priority list, it’s difficult to provide a priority list knowing it doesn’t cover the whole county and then have it reduced even further by FEMA.

Willingham said that it doesn’t seem to be a very consistent policy to oppose a standard to the public that we know is wrong and tell people that they have to pay for inaccuracy problems.

Richard Anderson from Thornapple stated that he started a loan awhile ago and now everything comes down to FEMA. His house is not in flood zone, even though it’s now running right through his house. The insurance company said that he cannot get flood insurance. There’s a new bridge on his road that has a benchmark. He stated that he’s called FEMA and there’s nothing he can do about it.

Bill Fucik pointed out that residents can’t get a loan and it’s a very serious thing. There should be a way to go back to the 1987 maps temporarily until the study is done.

Arian Knops stated that his house is not on the floodplain, but his neighbors are. He said he took a measurement from the ordinary high water mark. The floodplain runs right thru his house. If they would get a LOMA done within the whole development, would FEMA accept that? Ken said yes.

Richard LaBelle, Village of Bruce Trustee, said they are in the middle of a sewer construction project and now they find out they are in the floodplain, when it wasn’t before. The Village of Bruce can’t spend the money if the contours are not accurate. It puts them in a bad spot. The county is working on it and hopefully they will get some of the problems resolved.
John Stencil said that FEMA told Rusk County at the last meeting that they will take the information back, but Rusk County got nowhere. He lives in the Island Lake Chain and he’s taken pictures of locations where property owners on the lake have gotten letters that they are in floodplain even though they are more than 20’ above the high water mark. Nothing has changed. What can we expect?

Eileen Gillis said there’s got to be a better way to deal with this. Why aren’t the people from FEMA, who can help, here to get something done? Deal us justice for Rusk County and the surrounding counties.

Sandy Meisner, who lives in Big Bend. She asked that if people do a LOMA, is that part of the map going to make the people a participating or non-participating community as far as the insurance issue for FEMA is concerned.

Ken Hinterlong said that the Letter of Map Amendment (LOMA) was created based on an estimate of the flood stage. The new structure of LOMA gives the home owners some relief. Gotham stated that the purpose of the LOMA is to prove the house is not in the floodplain.

Willingham asked if there is an appeal process for the decision that has been made on our suspension. We have not received a clear answer on this question. Willingham said he sent a letter to Mr. Schwartz but has not received an answer.

Ken Hinterlong stated that FEMA wants to work with Rusk County. If the funds are available and if LIDAR is funded and available, they will work with the county to improve the quality of the map. He doesn’t believe these maps are conservative. If the county has some other funds or some other grants available to provide LIDAR that would be reasonable.

Mrs. Tucker from Big Falls Township said there has been a flood at her neighbors, but it never came up above the bank. It's a ridiculous decision that needs to be looked into further.

Richard Anderson asked why do the residents have to pay for LOMA when FEMA’s the one who made the mistake. Ken Hinterlong said that the LOMA process is to help give national relief. Lenders make a decision based on the parcel. They assume that the parcel is in the floodplain. There are many reasons for this process and it’s a good process.

Tesky asked Hinterlong to clarify that if a property owner uses the approximate study information that is exaggerated to do a LOMA, the BFE would not be accurate and asked if they would need to do a cross section to improve the BFE accuracy. Hinterlong said they would.

John Stencil said that there is a property owner in Big Bend that part of his deck is in the floodplain, but his house isn’t. Is that the criteria? Hinterlong said yes, it includes decks and stairs, etc.

Hinterlong said that short and long term still counts. He wants to continue statewide and continue to determine what is an issue in Rusk County.

Willingham asked Hinterlong what Rusk County can do to reinforce the problem. Hinterlong said that Rusk County should adopt the maps because if we don’t, it will make it that much harder for residents to buy insurance. Willingham asked if there was something else that
NOT COMMITTEE APPROVED

could be done. Hinterlong stated that Rusk County can do a LOMR, which will have to be
looked at right away.

Cindy LaPorte asked that if the county accepts the maps, would FEMA accept the maps and
take the people off the floodplain that should be on it. Hinterlong said yes with the detailed
study and with a LOMR.

Hinterlong indicated that they haven’t completely dismissed the idea of trying to supplement
the county’s efforts in LiDAR. Gotham reinforced the idea of having a moratorium until the
maps can get corrected. Hinterlong indicated that Julia McCarthy is the person to get in touch
with. A request was made to revert back to the 1987 maps and Hinterlong stated that he has
no authority over this matter. He said it’s not feasible because of the countywide platform.
Hinterlong indicated that they could take the 1987 maps and digitize them, but it was too
cumbersome to apply this to the whole county.

Question by Jason Gillis if there were property owners who liked the new maps and
Hinterlong indicated that he assumed there was, especially along the Flambeau River. Gillis
asked if this meant the Big Falls Flowage and Hinterlong indicated that he didn’t know if
anything was wrong with Big Falls Flowage and Watson indicated that the county had
suggested something was wrong with it, but no proof was provided.

Phil Schneider said that the Village of Sheldon did pass the map. He asked what FEMA does
cost analysis on. Rusk County has not had many claims through NFIP for the last 32 years.
Hinterlong stated that this part of the state of Wisconsin has been in a hydrologic deficit for
many years. Schneider also said that maybe some people from FEMA should walk on some
of these sights and then look at the computer program to compare. Schneider said that if there
are 20 houses in one area, how many have to get a LOMA before FEMA would change the
maps. Hinterlong stated that every single on of them would have to get a LOMA if they want
relief from the federal insurance requirement. Hinterlong stated that Julia McCarthy would
be the one to reiterate the decision on the moratorium and she has already given the county
an answer. Schneider asked if she has been told everything that has been brought up here and
at the last meeting and does she understand there are some serious problems with these maps.
Hinterlong indicated that he is here to discuss what the county wants to do, not what they
have refused to do in terms of adoption. His only recommendation is to adopt the maps.

Karen Graff indicated that legislation will not happen. She asked if the county could adopt
the maps at anytime. Hinterlong indicated yes. She asked about the moratorium and
wondered if the county requested it and was denied. Hinterlong indicated that it had been
requested several months ago prior to the effective date of the maps. He indicated that FEMA
did not give a legal justification because they are not a group of lawyers. He knows that their
Corporate counsel would defend their position. He indicated that just because they took data
that was newer than 1987, now they are the bad guys.

Gotham said that a county board member cannot vote to accept something that is clearly
wrong. To ask these people to adopt something that is wrong is not good.

Willingham explained his position that these maps are not just slightly wrong, where a few
tweeks here and there would improve them, they are egregiously wrong.

Hinterlong said he wanted to make a recommendation: If these maps are so egregious and it
has come to light there is a potential 10’ drop on the Chippewa River near Bruce, which is the
only one he’s aware of that is conservative, the 1987 map would make more sense. He offered for FEMA to drop the 1987 delineation back into the 2009 map through FEMA’s sponsorship of a LOMR. Gotham stated that the Chippewa River is NOT the only issue. Hinterlong indicated that it is the only one that he is aware of that is considered inaccurate. A question was raised about how the Chippewa could be the only inaccuracy when there is a straight line of mapped floodplain at the county line on the Chain of Lakes. Hinterlong indicated that until he knew about the Chippewa River issue he could stand and honestly say he knew of no conservative nature of these maps. Hinterlong asked to speak with Tesky about what other areas the county considers to be egregiously wrong that he needs to drop in the 1987 data for. Tesky pointed out that information was provided at the December 15 meeting. Hinterlong indicated that he wanted more information than simply field elevations. Gotham asked if we could submit bridge data and Watson indicated that it depended on when it was done. Watson indicated that they will only use current information and not what makes sense to the engineer.

Tesky brought up concerns that NR116 requires counties to use historically accurate maps and we have had a 250 year event on the Chippewa River. Watson asked who was saying that, and Tesky stated that FEMA has it in their Flood Study for Rusk County. Watson said that it’s wrong. Hinterlong indicated there was a lot of heresy here, to which Tesky replied that it was in the study. Watson indicated that that doesn’t make it right. Tesky indicated that just because the maps are sitting here, doesn’t make them right either, and that’s why it’s so frustrating. Hinterlong said that he wished Rusk County would have picked apart the study two years ago. Tesky said they tried to and did an appeal, but there was no way they could do detailed studies on over half the county in the 90 day appeal period. Hinterlong indicated that he will go forward with 2010 funding and suggested Rusk County write a letter to the regional administrator or Mr. Fugate, but asked that Rusk County continue to work with FEMA along the way.

Hinterlong indicated that he would look for more resources to do more detailed studies in the priority areas. Hinterlong said that he was planning to revisit with Watson this fall, after August 1st.

Tesky asked if FEMA would use 2’ contours to remap and Hinterlong indicated that it would be very helpful and they would be able to do more areas because they wouldn’t have to actually do field cross sections. It would also improve the maps and reduce the need for LOMA’s.

Willingham voiced concerns about the absence of an appeal process for FEMA’s decision that our ordinance did not meet minimum standards.

Hinterlong indicated he and Watson will be back to revisit after August 1. Hinterlong will let us know if they can do detailed studies for the entire priority list. Hinterlong indicated that he will be following up on the LiDAR and IFSAR funding opportunities that will be announced later this year.

Discussion about Pictometry grant. Hinterlong indicated that he will deliver FEMA’s LiDAR specs to Larry Gotham.

Willingham indicated that he cannot recommend the county to adopt the maps unless they are reassured they will be fixed.
NOT COMMITTEE APPROVED
Costello/Mai motion to adjourn the meeting at 6:11 P.M.

Monica S. Kenealy
Secretary/Bookkeeper