

**DISPUTE RESOLUTION FORUM SUBCOMMITTEE**  
**MINUTES OF DECEMBER 12, 2007**

The meeting was called to order by Heiser at 6:04 p.m. at the Washington County Public Agency Center in Room 3224. Those present included:

**Subcommittee Members Present:**

Mathew Heiser, Chairperson ..... Village of Kewaskum  
Daniel Knodl, Vice-Chairperson ..... Washington County Board Supervisor  
Ron Hefter ..... Town of Addison  
Jim Bennett ..... Town of Hartford  
Leander Herriges ..... Town of Wayne Citizen  
Chris Kuehn ..... Town of Wayne  
David Nixon ..... UWWC  
Mark Piotrowicz ..... City of West Bend  
Justin Drew ..... City of Hartford  
Brian Bausch ..... Washington County Board Supervisor

**Excused:**

Art Zabel ..... Village of Germantown

**Absent:**

Mary Schanning ..... City of West Bend  
Barb Renkas ..... Town of West Bend Citizen

**Staff**

Deb Sielski ..... Assistant Administrator for Planning  
Washington County Planning and Parks Department

Kim Nass ..... Washington County Attorney

Joshua Glass ..... Planner  
Washington County Planning and Parks Department

Robbie Robinson ..... Planner  
Southeastern Wisconsin Regional Planning Commission

Chris Parisey ..... Planner  
Southeastern Wisconsin Regional Planning Commission

**Others in Attendance:**

Kevin Struck, UW-Extension

**FIRST ORDER OF BUSINESS:** Call Meeting to Order/Review Agenda

Heiser called meeting to order.

**SECOND ORDER OF BUSINESS:** Approval of November 14, 2007 Minutes

**Motion by Bennett, seconded by Kuehn to approve the minutes of November 14, 2007.  
Motion carried unanimously.**

**THIRD ORDER OF BUSINESS:** Review and Approval of Draft Rules and Bylaws

Nass reviewed the Draft Rules and Bylaws handout (see attached) highlighting changes that have been made since the last draft was reviewed.

Sielski raised a concern expressed by Paul Mueller, Administrator of the Washington County Planning and Parks Department, involving Section 6 – Conflicts of Interest (Page 2). Mueller questioned the need for a third party to administer the process if the County is a disputing party to ensure no conflict of interest. Nass believed that there would be sufficient separation if such an instance occurred as the bylaws are written. The group reached a consensus that since the process is voluntary, if a party disagreed with the Department administering the process, the dispute resolution process could be terminated.

Sielski reviewed a draft analysis on fees. A survey of per diem fees was done with all of the municipalities in the County. Eighteen of the 20 municipalities responded. Two initial fees would be paid for the first meeting of a dispute resolution effort; the total panel fee (approximately \$346) and the total administrative fee (\$628-\$824). Total initial fees would range from \$974 to \$1,170. Any additional fees would be invoiced and would range in cost from \$728 to \$868 per additional meeting covering administrative work, the panel and recording secretary. Kuehn suggested rounding these figures up to the nearest \$100.

**Motion by Kuehn, seconded by Bennett to approve the rules and bylaws. Motion carried unanimously.**

**FOURTH ORDER OF BUSINESS:** Review and Approval of Draft Intergovernmental Agreement

Sielski reviewed the Draft Intergovernmental Agreement handout (see attached) highlighting key points in the document. This is a document that would be signed by all municipalities participating in this process.

**Motion by Kuehn, seconded by Herriges to approve the Draft Intergovernmental Agreement. Motion carried unanimously.**

**FIFTH ORDER OF BUSINESS:** Review and Approval of Draft Sample Resolutions

Sielski reviewed the draft sample County and City/Village/Town resolution handouts (see attached) highlighting key points. Discussion ensued regarding whether representatives from the Dispute Resolution Forum Subcommittee should appear as ambassadors to all local governments to present the finalized dispute resolution process. The subcommittee reached a consensus that such an ambassador would be available upon request.

Discussion ensued regarding the language used in the third paragraph.

**Motion by Kuehn, seconded by Bennett to approve the draft sample resolutions striking the words “amendments to” from Line 21 and the words “and issues resulting from such adoption” from Line 22. Motion approved unanimously.**

**SIXTH ORDER OF BUSINESS:** Review and Approval of Draft Application

Nass distributed and reviewed the Joint Application for Dispute Resolution Process handout (see attached). Nass stated she would reword the heading from the top of Page 1 reading “Washington County Planning and Parks Department”. Nixon suggested adding an asterisk after “Representative” and also before “Indicate” in the second section on Page 1. Nixon also suggested adding the words “if” and “are” so the line reads “\*Indicate if attorneys or other

professionals (engineers, planners) are expected to participate in the facilitated negotiations.” Bausch suggested adding a line where an attorney’s phone number can be listed. Discussion ensued about the panel operating in closed session. The subcommittee reached a consensus that this section should remain on the application. Nass will note that such an exception will be made of *State Statute* 19.85(1)(e) and space will be added for applicants to justify their reasons as to why a closed session will be needed. Nass also stated that she will further specify the resolutions referred to in Number 2 on the second page. It will read “resolutions for this dispute”.

**Motion by Bennett, seconded by Bausch to approve the Joint Application for the Dispute Resolution Process including the amendments that will be forthcoming from Kim.**

**SEVENTH ORDER OF BUSINESS:** Review and Approval of Draft Administrative Procedures

Nass distributed and reviewed the Draft Administrative Procedures/Checklist handout (see attached) making note that it is a checklist to be used by staff and applicants. This checklist should be given to applicants with application form. Sielski suggested adding “for this dispute” at the end of the second bullet under Number 1 and also to strike the eleventh bullet under Number 2. Kuehn suggested removing the seventh, ninth and tenth bullets under Number 1 and also the second and fourth bullets under Number 3.

**Motion by Herriges, seconded by Hefter to approve the Draft Administrative Procedures.**

**EIGHTH ORDER OF BUSINESS:** Review and Approval of Draft Panel Guidelines

Nass distributed and reviewed the Draft Panel Guidelines handout (see attached) highlighting key points. Heiser suggested changing the words “presiding officer” to “chair”.

**Motion by Bennett, seconded by Knodl to approve the Draft Panel Guidelines.**

Discussion ensued. Heiser offered an amendment to the motion suggesting that staff provide a script for the chair to read regarding proper conduct of the panel at each meeting and should cover the purpose of the process, history and to save taxpayer money. Heiser also suggested adding this idea to the Panel Guideline checklist.

**Motion by Bennett, seconded by Knodl to amend the motion as suggested. Motion carried.**

**Motion by Bennett, seconded by Knodl to accept the amended motion. Staff will provide a script for the chair to read regarding proper conduct of the panel at each meeting and should cover the purpose of the process, history, and the fact that it is intended save taxpayer money. The script will be added to the Panel Guideline checklist. Motion carried unanimously.**

**NINTH ORDER OF BUSINESS:** Public Comment

Struck stated that he thought the whole dispute resolution process was a great idea and Washington County’s will serve as a model for the whole State. Struck questioned what was stated in the Bylaws under Article VII – Amendment of Rules (Page 11). Struck questioned what would be done in the future, and if the Multi-Jurisdictional Comprehensive Plan Advisory Committee (MJAC) would still exist. Nass and Sielski agreed that the MJAC would have to reconvene. As stated in an earlier meeting, the subcommittee would like the bylaws reviewed at least once a year by staff and immediately after the first dispute is completed.

**TENTH ORDER OF BUSINESS:** Discussion Regarding Upcoming Meetings

This was the final meeting of the Dispute Resolution Forum Subcommittee.

**ELEVENTH ORDER OF BUSINESS:** Adjournment

**Motion by Herriges, seconded by Bausch to adjourn.** Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Debra Sielski  
Assistant Administrator for Planning

Approved by \_\_\_\_\_  
Mathew Heiser , Chairperson

Date \_\_\_\_\_