

DISPUTE RESOLUTIONS FORUM SUBCOMMITTEE
MINUTES OF OCTOBER 11, 2007

The meeting was called to order by at 6:00 p.m. at the Washington County Public Agency Center in Rooms 3224. Those present included:

Advisory Committee Members Present:

Mathew Heiser, Chairperson Village of Kewaskum
Brian Bausch Washington County Board Supervisor
Ron Hefter Town of Addison
Jim Bennett Town of Hartford
Chris Kuehn HUED Work Group Chairperson
David Nixon UWWC
Barb Renkas Town of West Bend Citizen
Art Zabel Village of Germantown Representative
Mark Piotrowicz City of West Bend Representative

Excused:

Daniel Knodl, Vice-Chairperson Washington County Board Supervisor
Justin Drew City of Hartford Representative
Mary Schanning City of West Bend Representative

Absent:

Leander Herriges Town of Wayne 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

Kelly Hahm Administrative Secretary
Washington County Planning and Parks Department

Others in Attendance:

Mike Sitzberger – Town of Barton
Albert Schulteis – Town of Polk
Diane Pedersen
John Behrens

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

Heiser called meeting to order.

SECOND ORDER OF BUSINESS: Approval of September 4, 2007

**Motion by Bennett, seconded by Kuehn to approve the minutes of September 4, 2007.
Motion carried unanimously.**

THIRD ORDER OF BUSINESS: Update on
Presentations to Local Governments

Bennett updated the subcommittee on the Village of Slinger and Town of Hartford presentations. Bennett stated that everyone was receptive to the information and the Village of Slinger commented that they would like a better understanding on the bylaws. Bennett added that he will be presenting the information at the Town of Erin on November 5, 2007.

Renkas updated the subcommittee on the Village of Newburg and Town of Trenton presentations. Renkas stated that both municipalities were receptive to the information and encouraged the two municipalities to look into this process in case of possible conflicts between their municipalities.

Kuehn updated the subcommittee on the Town of Wayne and City of West Bend presentations. Kuehn stated that both municipalities were receptive to the information presented.

Heiser commented that the Village of Kewaskum participates in the Mid-Moraine Municipal Association and invited someone from the County to appear at their next meeting. Heiser added that these personal visits were very beneficial for all municipalities.

FOURTH ORDER OF BUSINESS: Review of Draft Description of Overall Dispute
Resolution

Sielski reviewed Dispute Resolution Process handout. (See Attached). Discussion ensued on the terminology for the dispute resolution process. Sielski stated she will clean up the language so it is more clear. Heiser asked if 2004 Resolution 35 and the history of the dispute resolution process can be added to this documentation. Sielski stated that it can be added.

FIFTH ORDER OF BUSINESS: Review of Draft Facilitated Negotiation
Bylaws/Procedures

Sielski presented the bylaws to the subcommittee for review. (See Attached). Nass stated that these should be the general governing rules for the process and how the panel should operate.

Page 1, Section 4, Panel Membership – Bennett asked if details should be provided here regarding which members will be on the panel and how they are selected. Nass replied that more detail can be added to Section 4 including details regarding how the panel will be chosen and who is eligible. Nass stated that the subcommittee needs to determine the format of the application and develop screening criteria will need to be developed. Nass stated the committee should offer suggestions regarding screening criteria.

Page 2, Section 1, General Powers – Kuehn requested clarification on item C. Discussion ensued regarding the need to connect the general powers of the panel to the comprehensive plan.

Motion by Kuehn, seconded by Bennett to remove Item C from page 2, Section 1. Motion carried unanimously.

Page 7, Section 11, Fee – Bennett asked if fees will be driven by staff. Sielski stated that based on the discussion at the 1st meeting, the subcommittee decided that the panel would bill the disputing parties directly and costs would be split evenly between the parties. Sielski suggested that to simplify this, the subcommittee may want to consider having a set fee for the application process, panel member time and expenses, and for the recording secretary. The subcommittee agreed to address this topic again at a future meeting.

Page 8, Section 9, Additional Documentation – Bennett asked when the panel would reconvene. Nass stated that should be flexible and determined by the panel. It was suggested that “to be determined by the panel” be added to the end of the section.

Nass reiterated that the bylaws are in draft form and stated that she intends to go through them again in detail.

It was determined by the group that meeting notices be sent to local government officials to post if a quorum may be present for their respective committees during the dispute resolution procedures.

Further discussion on Page 1, Section 4, Panel Membership – Bennett suggested adding that only one panel member per municipality can be selected to the panel. Sielski stated based on a decision from the last subcommittee meeting, that there will be an intergovernmental agreement for any municipality that is interested in using this process and an ordinance would need to be passed stating that any elected official could participate as a panel member. Nixon commented that a way around this would be a blind lottery be used to draw volunteering officials. Mike Sitzberger (Town of Barton) suggested having appointed officials like Plan Commission members in the mix who deal with this information every day and are not necessarily elected officials. Bausch clarified that some Plan Commission members are paid and some are volunteers. Bausch asked where the hearing would take place. Nass stated that should be included in the administrative procedures which she is the process of writing. Nass asked the subcommittee if panel member appointment should be opened beyond elected officials. Bennett suggested starting out with elected officials, and if needed consider it at a later date. Bennett requested that a simple resolution for participation be created.

Page 7, Section 1, Appearances – Mr. Sitzberger encouraged the idea of parties being represented by elected officials rather than attorneys or other professionals since elected officials deal with local issues on a day to day basis. Heiser replied that the subcommittee has spent a lot of time thinking about this issue. Nixon suggested having language stating that attorneys can be present but not speak and it is up to the panel to allow them to speak. The subcommittee agreed to have the application clearly ask who will be representing each body.

Heiser questioned the relevance of Section 5 on page 10. Nass explained that all parties must be fully aware of all means available to potentially solve the dispute.

Mike Sitzberger asked if a panel member can step down due to bias. Bennett reiterated that this process is voluntary in which members can quit and the process can be terminated.

Heiser complimented Nass on capturing all of the issues. Nass stated the goal is to have the Administrative Process compiled for the next meeting.

SEVENTH ORDER OF BUSINESS: Public Comment



No comments given.

EIGHTH ORDER OF BUSINESS: Discussion Regarding Upcoming Meetings

The subcommittee agreed to have the next meeting on Wednesday, November 14, 2007 at 6 p.m.

NINTH ORDER OF BUSINESS: Adjournment

Motion by Kuehn, seconded by Bennett to adjourn. Meeting adjourned at 7:42 p.m.

Respectfully Submitted,

Debora Sielski
Assistant Administrator for Planning

Approved by _____
Mathew Heiser, Chairperson

Date _____