

DISPUTE RESOLUTION FORUM SUBCOMMITTEE
MINUTES OF NOVEMBER 14, 2007

The meeting was called to order by Heiser at 6:05 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 HUED Work Group Chairperson
David Nixon UWWC
Barb Renkas Town of West Bend Citizen
Mark Piotrowicz City of West Bend

Excused:

Brian Bausch Washington County Board Supervisor

Absent:

Justin Drew City of Hartford Representative
Mary Schanning City of West Bend

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:

Gary Schreiber – Town of Farmington
Paul Servais – Town of Jackson

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

Heiser called meeting to order.

SECOND ORDER OF BUSINESS: Approval of October 11, 2007 Minutes

Hahm stated an attendance change for Ron Hefter who was present at the last meeting, but was marked as absent.

**Motion by Bennett, seconded by Kuehn to approve the minutes of October 11, 2007.
Motion carried unanimously.**

THIRD ORDER OF BUSINESS: Update on Presentations to Local Governments

Bennett stated he presented the objectives of the dispute resolution process to the Town of Erin Plan Commission. Bennett added that the information was well received.

Knodl stated he met with the Towns of Polk, Germantown, and Richfield and the Village of Germantown. Knodl mentioned that the Village of Germantown had a few questions and concerns, but overall, the information was well received at all of the meetings and the municipalities appreciated that the information was brought to them.

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

Sielski reviewed the Dispute Resolution Process handout. (See Attached). Sielski stated that she made the requested changes based on discussion at last month's meeting. Sielski added that this will go into the Implementation Element of the comprehensive plan. Bennett asked if this information can be included in local government comprehensive plans. Sielski confirmed that it could be.

Motion by Kuehn, seconded by Nixon to accept the Description of the Overall Dispute Resolution and pass it to the Multi-Jurisdictional Advisory Committee. Motion carried unanimously.

FIFTH ORDER OF BUSINESS: Review of Draft Bylaws

Nass highlighted changes in the revised bylaws. (See Attached).

The subcommittee had further discussion on the following items:

Article I - Section 6 – Conflicts of Interest. Discussion ensued regarding the panel selection process and  the situation would be handled if the County is a disputing party. Nass explained that if the Planning Division was involved, the administrative tasks could possibly be delegated between other divisions.

Bennett questioned the subcommittee's intent to have a random selection pool. Nass replied that all elected officials are to be included in this pool. Nass provided an example in which a city would randomly pick the representatives for the village and the village would pick the representatives for the city. Bennett believed random selection was best so as not to taint the process. Piotrowicz replied that selecting from a list would provide the opportunity to choose representatives who may be more familiar with issues or laws. Kuehn suggested a drawing based on unit of government in which a municipal body would be selected. For example, if the City and Town of West Bend were disputing, the City would draw from a pool of towns and the selected towns would designate their representatives. The Town of West Bend would draw from a pool of cities and villages and the governments chosen would select their representatives. Kuehn suggested that the County not select someone related to the dispute or on a liaison committee, etc. Nass clarified that instead of drawing a name, governments would be drawn and the governments that are selected would choose their representatives. The subcommittee agreed. Nass the bylaws would be changed to reflect this. Nass added that a statement to address possible conflict of interest when the County is a disputing party.

Article III - Section 3 – Order of Business - A. Bennett requested clarification on if the staff "may" or "shall" provide an agenda for each panel meeting. The subcommittee decided that staff will provide  the initial agenda for the panel. It was determined that staff will attend the initial meeting and will be available upon request thereafter. Nixon stated that staff may assist in the construction of subsequent agendas.

Article IV - Section 11 – Fee. Nass stated that incurred fees will be paid in equal shares by the disputing parties. Administrative fees would be included to cover the cost of staff. Nixon suggested having an initial cost, then per meeting costs after the initial meeting, if needed. The subcommittee agreed that the initial costs should incorporate a county average of per diem fees. Nass proposed to break up the fees into administrative fees and panel fees. Nass stated that the fee costs will be stated in the Administrative Procedures.

Discussion ensued regarding how the facilitated negotiation relates to the open meetings law. Nass recommended asking in the application that the disputing parties determine if the meetings should take place in closed session. Nass added that she will address this in the checklist and modify the bylaws accordingly.

Discussion ensued regarding other taxing entities using this process.

Motion by Herriges, seconded by Renkas to exclude other taxing entities. Motion carried unanimously.

SIXTH ORDER OF BUSINESS: Review of Draft Administrative Procedures

Nass reviewed the Administrative Procedures and explained how the procedures should be split into two parts: 1) Administrative Roles and 2) Conduct of the Panel. A booklet should be created for panelist to use as a guidance tool. Nass commented that she would like to create a draft application for the subcommittee to review. Nass mentioned that the staff's screening process should be further defined. Kuehn suggested that the discussion continue when the draft application is reviewed. Heiser added that the subcommittee should also review a draft of the panel guidelines. Nass stated she will provide these at the next meeting.

SEVENTH ORDER OF BUSINESS: Review Draft Intergovernmental Agreement

Sielski briefly reviewed some of the text of the Intergovernmental Agreement and she will provide a full copy next month for review.

EIGHTH ORDER OF BUSINESS: Public Comment

Paul Servais, Town of Jackson asked if this process can be utilized if a town is having a dispute with a municipality outside of the County. Heiser replied if the municipalities are willing to share the costs then that would be allowed. Sielski stated that the municipality outside of the County would need to sign the intergovernmental agreement.

NINTH ORDER OF BUSINESS: Discussion Regarding Upcoming Meetings

The subcommittee scheduled the next and tentative final meeting for December 12, 2007 at 6 p.m. in Room 3224 of the Washington County Public Agency Center.

NINTH ORDER OF BUSINESS: Adjournment

Motion by Bennett, seconded by Knodl to adjourn. Meeting adjourned at 8:08 p.m.

Respectfully Submitted,

Debora Sielski
Assistant Administrator for Planning

Approved by _____
Mathew Heiser , Chairperson

Date _____