

July 15, 2019

Minutes of the **Planning and Zoning/Land Information meeting with Public Hearing** conducted on July 3, 2019 in the courthouse, Florence County, WI.

Chairperson Bomberg called the meeting to order at 6.00 P.M. and took roll call.

Members present: Supervisors' Jeanette Bomberg, Joe Mills, Sherry Johnson, Gary Steber

Members absent: Larry Neuens

Others present: G. Steven Cory, Julie Liddle, Tim Bomberg, Mark Kerznar, John Mande, Scott Wolf - Zoning Administrator and Trish Kelly - Assistant Zoning Administrator

Chairperson Bomberg asked for a motion to approve the agenda, **motion by Supervisor Steber to approve the agenda, second by Supervisor Johnson, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg asked for a motion on the minutes of the meeting and public hearing conducted on June 5, 2019. **Motion by Supervisor Johnson to approve the minutes of the meeting and public hearing conducted on June 5, 2019, second by Supervisor Mills, vote four (4) ayes, zero (0) nays, motion carried.**

*There were no persons wishing to address the committee on other zoning related concerns.*

The current bills were reviewed as presented and recommended to the Audit and Budget Committee for approval. **Motion by Supervisor Johnson to approve the bills and recommend to Audit and Budget for approval, second by Supervisor Mills, vote four (4) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg announced **Public Hearing 2019ZA0003** request to rezone NE 1/4, NW 1/4 as described in v63-203, plus adjoining parcel described in v89-550 from Open Forest to Highway Commercial for the purpose of creating a by appointment only gun retail business. Property is part of the NE ¼, NW ¼, Section 11, Township 39 North, Range 19 East, Town of Florence, Florence County, WI. Property address is 687 US Hwy 2. Request submitted by Mark Kerznar.

Correspondence was read from Steve and Julie (Liddle) Cory. The Cory's had many questions and concerns for the gun retail business next door to their home and business establishment. Some concerns are increase in traffic on an already dangerous corner of the highway. Will there be an entrance from the bar to the gun shop? Will patrons bring guns into to bar area? Alcohol and guns are never a good mix and this could lead to potential dangerous situations along with increased noise. They also expressed that Mr. Kerznar has not been a respectful and responsible neighbor to them in the past, resulting in multiple calls the Sheriff's Department on many occasions. This new business would only bring more issues and dangerous situations to our neighborhood and affect our business and our customers. Any discussion, explanations, and responses regarding their inquiries would be greatly appreciated. (Letter on file in zoning office).

Correspondence was read from John Mande, who owns a home across the highway, he has concerns with a firearm dealership, gunsmith or ammo shop located at or near same premise as alcohol sales, as they do not mix. Adjoining property owners all have children or grandchildren that are regularly outside at the adjoining properties and sooner or later those firearms are going to be tested, or fired at the property to make sure the gun is working properly. Another concern is if the rezone would affect the taxes in the area or market value of our property. (Letter on file in zoning office).

Correspondence was also read from Staci Mande, who questioned the idea of a gun retail in close proximity to an establishment furnishing liquor. Other concerns were alcohol and firearms do not mix. Discharge of firearms is intolerable and extremely dangerous, especially when alcohol is involved. Less attractive to other business wanting to establish themselves in the area. Concern with increased theft and vandalism of homes and businesses in the area. This is a family friendly neighborhood and our families will feel unsafe. (Letter on file in zoning office).

The applicant, Mr. Kerzner explained, if the permit is approved, the facility he plans on opening will be accessible from the outside, will not be accessible from the bar. There will be a separate entrance from the back side of the building with security systems in place. He will not be storing weapons in the building for individuals to come in and browse. Customers will come in, sit down, look at a book and order. Once the order is received, the individual will be notified to come in and pickup. Mr. Kerzner stated he had a Federal Firearms License in the late 1970's, however let it go in the early 1990's, and during that period never encountered any issues.

Tim Bomberg, Chairman for the Town of Florence spoke on the town perspective, it is always nice to have another business, however, the area being a gun dealership and the vagueness of the future plans for some of the services. The way that corner of the highway is laid out, if a gun is fired in that area, it is likely something or someone will be hit. There is no safe way to discharge a firearm in this area and the Town of Florence would be very concerned with this. Mr. Kerzner responded that he does not plan on firing firearms from this property.

Wolf said he had discussion with Sheriff Miller regarding the matter and was informed there is a fair amount of state statutes regarding firearms, the discharge of firearms and where they can be located. Discharge of firearms in this area would be considered a public safety hazard because of the proximity to buildings, patrons and traffic in the area.

Supervisor Steber asked if there will be a display of guns at the shop for sale. He also questioned the type of gunsmith work he plans to do. Mr. Kerzner said there will be no display of guns and he will not take guns on consignment. The gunsmith work will include scope mounts, scope bases and trigger work.

Wolf addressed some of the concerns brought up in the correspondence. As far as the taxes in the area, a rezone of the property does not change the taxes, taxes are adjusted by an assessment of the property. Discharge of firearms has already been discussed. There should not be an increase of noise in the area. Wolf reached out to the Bureau of Tobacco and Firearms (ATF) regarding the location and was explained that as long as there is not direct access from the bar, to the retail shop, that would be their only rule as far as this location, other than local ordinances and state statute regulations that may somewhat limit county, town and village authority for firearm sales. Wolf also noted that in the Florence County 20-year Comprehensive Plan, this area is called out as Highway Commercial use now and in the future.

Neighbors, Steve and Julie Cory, and John Mande were present and reiterated what was read in their letters. They also addressed the issue of noise and debris from fireworks that are shot off a couple of times a year at the business, noting they are like bombs going off in the area with debris found on rooftops and yards not only next door, but across the highway as well.

Chairperson Bomberg expressed displeasure toward the current business with regard to the neighbor's concerns of the ongoing noise and issues at the property. No one should be afraid to have their grandchildren outside at their property. There shouldn't be loud music blaring at all hours of the night. The Town of Florence and the Sheriff's Department has had numerous complaints over the last year and these matters need to be resolved in a positive manner, moving forward. Mr. Kerznar assured the Planning and Zoning Committee he will absolutely address these issues.

**Motion by Supervisor Steber to approve Zoning Amendment ZA-20190003 request to rezone property from Open Forest to Highway Commercial for a by appointment only gun retail business with the following conditions: the permit is reviewed yearly, hours of sale are from 11:00 am to 4:00 p.m., no discharge of firearms with or without suppression, all local, state and federal permits be obtained, and a copy of the minutes and agreement be sent to the Sheriff Department for their review, second by Supervisor Mills, vote four (4) ayes, zero (0) nays, motion carried.**

*Under discussion/action regarding Land Information Department update.* The Register of Deeds Office reported the archiving information for the time period June 1, 2019 through June 30, 2019 there was 19 hours worked by one employee with 203 documents archived. The retained fee through the Land Information Grant yearly expenditure was submitted and approved by the state. Continue working to get the GCS database linked to the GIS website with the server update. The Register of Deeds Office is working with OnQ to try and get all the surveys scanned into the LandLink Program.

**Moved by Supervisor Steber, seconded by Supervisor Mills, to adjourn to closed session pursuant to:**

- Adjourn to Closed Session Pursuant to WI State Stat §§ 19.85 (1) (f) considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations. The purpose of the meeting is to discuss future steps of Florence County vs. Erdman.

**A Roll call vote was taken and all members voted Aye, motion carried.**

**A roll call vote was taken and all members voted Aye, to adjourn Closed Session and reconvene to Open Session to take action, if appropriate, on matters discusses in Closed Session. Motion carried.**

*Under committee concerns.* Supervisor Steber reported the Town of Commonwealth sent a letter to 103 South Street stating the property needs to comply with the Ordinance Regulating the Storage and Disposal of Automobiles, Tires, Junk and other Miscellaneous Waste. Supervisor Steber also received a complaint of a partial roof collapse at W4391 STH 70 E, he asked Wolf to review this property under the Minimum Housing Code Standards.

*Under Administrator reports.* Wolf has contacted all eight townships regarding the culvert mapping project. All who have responded are interested in the project. The Towns of Long Lake and Aurora have not responded as of yet. Wolf also updated the committee on the ongoing court cases.

**Motion by Supervisor Johnson to adjourn, second by Supervisor Mills, vote four (4) ayes, zero (0) nays, motion carried.**

Respectfully submitted,

**Scott Wolf**  
Zoning Administrator  
SW/tk