

PRESIDENTS COUNCIL MEETING
OCTOBER 5, 1999
CHULA VISTA RESORT, WI. DELLS

Attendance: Duane Haakenson, Real Property Listers Assoc
Bill Jung, Society of Land Surveyors
Alan Ladd, Register of Deeds Assoc.
Kay Walsh, Register of Deeds Assoc.
Tom Larson, Realtors Assoc
Jim Johnston, WI Land Information Assoc
Roxanne Brown, WI Land Information Assoc
Steve Ventura, WI Land Information Assoc.
Matt Janiak, WI County Surveyors Assoc.
Karen Gilster, WI Land & Title Assoc.
J. Bushnell Nielsen, WI Land & Title Assoc.
Peggy Ross, WI County Treasurers Assoc
Betty Majeski, WI County Treasurers Assoc

Host and this year's Chair, Matt Janiak opened the meeting at 10:20. All present were asked to introduce themselves to the group. This being accomplished, Matt then opened legislative discussion for the County Surveyors Assoc.

Matt related that the County Surveyors were working to re-write chapter 59. Apparently when the first draft was badly interpreted by the Legislative Reference Bureau, so a redraft of the chapter was resubmitted. LRB is done now and Matt will send out the revision. Matt was questioned on fines for not filing plats, and the rules on that procedure. Matt also was questioned on the licensing board and/or peer review of surveyor practices. Steve Ventura mentioned the national trend to certify GIS professionals. There was discussion on the need to define map types (index or cadastral). Matt stated the County Surveyors now had CD's of each county's original governmental surveys and they are available for sale at \$50 ea.

Conversation then shifted to the future. Some ideas coming from the Surveyors are:
State Surveyor's Office. This idea is still very nebulous but seemed to have support by the attending associations.
State Land Court. Also nebulous but enthusiastically accepted for debate

Tom Larson of the Realtors Association was asked to speak next. Tom is involved in the group that publishes "On Common Ground".

Tom spoke on the budget bill newly passed by the Legislature. The bill contains sections on Comprehensive Planning and he spoke at some length to clarify that subject and its impact on local governments.

Then "Com 83" was discussed.

This is some new administrative code ruling that allows for a newer design in sewer systems. The fear about this was that it did away with local zoning codes. This is not true. It just allows for systems to be put into land previously considered fragile. If that land were already zoned so that no system could be put in, it would remain so. This just allowed a choice through the use of new technology.

Some talk on annexation and the OHM report.

Bill Jung then introduced the subject of Trans. 233

There seems to be much angst over the practicality of this rule and its effect on local zoning and surveying.

1. there is the use of a letter that "seems" to waiver the rule, but is not called a waiver and this was troublesome to the attorneys and title folks.
2. The rule is biased against Condominiums as it treats the condo as a split and it isn't (condo's are a type of ownership- not a division of land)
3. Existing improvements are not grandfathered in

4. Preliminary approval rituals are complicated and very expensive
5. Is not uniformly enforced around the state
6. Letters are sent to ROD's and they have no way to deal with these letters. They are not required to be filed or recorded.
7. The intersecting road rule is absurd.

Tom stated that his group is engaged in discussions with the DOT on this subject and that he'd get these concerns to his contact there. Bill Jung said he had been trying to get complaints in writing from his group to send to DOT also. Bill was very disappointed in the methodology employed by the DOT in the development of this law. They never asked for input from the professionals it impacted. He spoke to the arrogance of the DOT in their refusal to accept or garner comments from any part of the community. Everyone realizes the DOT must plan for highways and restrict access and driveways but the law itself is badly done. Bush noted that the penalty for not having the property reviewed by DOT amounted to a "taking without action". This is because the penalty is never to have a driveway and it effectively prohibits an owner from developing his land, which affects value and therefore is a taking. He expects a lawsuit to be tried on this subject in the near future.

Bush then spoke to the subjects that the WLTA was interested in (besides com 83 and Trans 233).

Affidavit of Correction. This subject and vehicle for correcting scrivener's errors is slightly contentious issue with the Property Listers. Everyone recognizes a vehicle is needed to correct errors on deeds but the Listers don't want to see this affidavit used to convey land. WRPLA only wants scrivener errors (metes and bounds distances and bearings etc) to be corrected by this document. Parties are agreed to continue to work on it.

Owner Certificate on CSM's. This addition to the CSM would be beneficial to all concerned. However Bush warned against the fraudulent use of acquiring such a signature citing a case that the owner was hoodwinked into signing a CSM and thereby dedicating public roads.

Bush handed out a sheet of proposals to the group and spoke on a few items listed.

3. **Wage Claims.** Explained that if a corporation owns land and has a wage claim lien in some location it affects all the land owned in every county with out due filing process in other counties.
8. Bush explained the Homestead law and its protection of the lien debtor and also its penalty on the grantee down the chain of title.
11. **Digital Signatures.** This is new technology and the statutes have to be changed to recognize it. Racine county is going to pilot a totally digital land transaction system and then propose standards.

Roxy asked Alan Ladd about the Governor's budget proposal to eliminate the guarantee of free public access to the ROD's computers. Al stated that is was a nonsense budget item that had no effect on any records. This item pertains to the UCC state computer system and other statutes preclude it. Access will not be restricted.

County Treasurer, Peggy Ross spoke regarding the implementation of the Lottery Tax Credit program for this year and the problems occurring regarding eligibility. The failure of this program to run smoothly is another example of the lack planning and consultation by the DOR with the local entities involved.

Alan Ladd stated that the ROD association is reviewing many items from last year's legislative agenda and will be working on those remaining for this next year. He also told us how the ROD's are gearing up to present all their data on a website for public access that will eventually even be linked nationally. This will be an effort to keep the records from privatization.

Duane Haakenson was asked to speak on behalf of the Real Property Listers Assoc. and their agenda. Duane stated that other than the Affidavit of Correction the Listers had no legislative agenda. He told us that the Assoc. has liaison committees with most affiliate orgs and will be in close touch with them regarding the affidavit and any other items.

Conversation then turned (because it was very late in the day and folks had to leave) to who could host next year. Wisconsin Society of Surveyors will host on the 1st Tuesday, of October in or around the Dells area in the year 2000.

(Bill Jung lost the coin toss between he and the realtors)

Steve Ventura handed out the information on the call for papers for the next annual conference of WLIA. He suggested to the group that they be sure to invite WALCE (WI Assoc. of Land Conservation (I don't know what the "E" stands for) and also 1000 Friends of Wisconsin, and The WI chapter of the American Planning Assoc.

Steve also suggested that the presidents follow WLIA's lead in handling state agency problems, with letters of points of concern, such as ours to DATCP who is mediating with DOA for us. Roxy will send this letter out to the membership.

Roxanne then spoke regarding the past and recent happenings with the Governor's budget, the DOA, and the Wisconsin Land Information System (WLIS) and the confusion between WLIB, WLC that is impeding progress. The Presidents Council maintained their support for our actions and displayed interest in the future hopes for a sensible WLIS. She also talked about the need to establish more funding for Land Information projects under the WLIB administration as the WLIP funds are not sufficient for the many needs of the program including a WLIS. A list of proposals is part of the Wi. Land Council's Technical Working Group (TWG) report. Roxanne said she would send this report out to the presidents. Mark Ladd noted that his association is beginning to rethink its prior convictions against raising those fees but more conversation is needed.

Jim Johnston, Legislative Chair for the WLIA spoke on issues related to the WLIS and our legislative actions regarding the budget bill.

The council was advised that the WLIA position regarding the budget and the proposed WLIS is posted on its website at www.wlia.org. Both Roxy and Jim stated that the WLIA has never had to move from this position which proves the validity of the stance taken. (withstood the test of time)

Bill Jung then noted that the WLTA & WSLS need to work together to solidify survey law in the statutes. The definition of survey etc is not in statute form but admin rule. Bush thought it would be more beneficial to both concerns if it were solidified in the statutes. Conversation then turned to the need for continuing education on survey and the practices used.

With no further business, the meeting adjourned at 4:30pm.