

**REGULAR SESSION
MAY 20, 2013**

The Trempealeau County Board of Supervisors met in Regular Session at the Government Center in the City of Whitehall, County of Trempealeau and State of Wisconsin on Monday, May 20, 2013 at 7:04 p.m. with Chair Ernest Vold presiding. The Pledge of Allegiance to the Flag of the United States of America was recited.

CALL

Dear Supervisor,

Please be advised that the Trempealeau County Board of Supervisors will meet at 7:00 p.m. on May 20, 2013 in the County Board Room. All County Board Members' Claims are due in the County Clerk's Office by noon on May 6, 2013 so they can be prepared for Audit Committee approval.

Sincerely,
/s/ Paul L. Syverson
County Clerk

Clerk Syverson read the call.

It was moved by Hensel Vold and seconded by Michael Nelson to accept the Call as read; It carried unanimously by a vote of acclamation.

Roll was called. A quorum was met with all 17 supervisors in attendance.

Chair Vold announced the open meeting law requirements have been complied with through postings and notifications to the members and media.

ADOPTION OF THE AGENDA: Chair Vold asked that item 5F be moved up after 5A. It was moved by Arild Engelién and seconded by John Aasen to adopt the 11 item agenda with the change. Motion carried unanimously by vote of acclamation to approve.

APPROVAL OF MINUTES: It was moved by George Brandt and seconded by David Larson to approve the April minutes. Motion carried unanimously by a vote of acclamation to approve.

APPEARANCES: SHERIFF DEPARTMENT MONTHLY REPORT: Sheriff Anderson gave the statistics for April. There were 75 bookings consisting of 57 males and 18 females. Bookings by race were 65 White, 5 Black and 5 Hispanic. The average daily in county population was 32.13 and the out of county average was 5.97. There were 4.97 people on electronic monitoring for a total of 43.27. There were also 3.67 people on Huber. The accident data for April was 31 car/deer crashes, 21 property damage, 5 personal injuries and 0 fatalities.

APPEARANCES: AWARD PRESENTATION: District Attorney, Taavi McMahon presented an award honoring Ashley Furniture for their support of Recovery Court, previously known as Drug Court. Taavi stated that Ashley Furniture has been a supporter of the program since it started and currently employs seven of the program's graduates. There have been 50 participants in the

program since it started and a total of 18 have completed and graduated from the program. He said many offices are involved with the program to help make it a success. Paulette Rippley from Ashley Furniture accepted the award and said on behalf of the company they are proud to work with a program that provides structure and support for people to become successful again. She stated that Ashley Furniture is proud to provide flexible scheduling for those who need to use this program.

Taavi McMahon announced that William P. Nemer, Assistant District Attorney for Trempealeau County for over 33 years, was awarded the “2013 Wisconsin Assistant District Attorney of the Year” by the Wisconsin District Attorney’s Association. Chair Vold then presented William Nemer a plaque in recognition of this achievement and declared May 23, 2013 as William P. Nemer day in Trempealeau County. Bill Nemer said he was humbled to receive this award. He was pleased and proud to be honored by his co-workers and he is pleased to serve the public in the great state of Wisconsin. His plans are to continue to serve in this capacity for at least a few more years.

PRESENTATION – SUPERVISOR GEORGE BRANDT: George Brandt presented a power point, with credit given to Pat Malone for help on it. He started the presentation by going over the previous County Board installations and that the 2010 County Board created a 60% turnover. He said this created a challenge because of the turnover in the Environment and Land Use Committee with the 2010 election was 87.5% and another 50% turnover with the 2012 County Board installation which means a more than 100% turnover in that committee within three years. Besides committee turnover, he showed how the frac sand mining has affected our county dramatically by increases in the size, speed and complexity of mining requests, increased demands on staff time, increased time of monthly meetings due in part to more public input and increased number of pages of minutes each month. This is not only more time consuming but more expensive with all the extra time committed to the increased application process, more meeting time, more staff time not only for DLM but also for Corporation Counsel and other agencies. He listed departments and agencies from the federal, state and local levels that also become involved as each mine application comes in. He went into detail as to how some agencies get involved with this process. He presented maps showing mine status from June 2010 to present day to show the volume of mine increase in three short years. George stated that companies come from Canada, Texas, Missouri, Pennsylvania, Illinois, Michigan, Minnesota and Wisconsin to purchase the mines. He questioned if we have a conflict of interest from what the law says and what are the best practices. No questions were asked.

PRESERVE TREMPEALEAU COUNTY – LUKE KRAMER: Luke presented the County Chair with 821 petitions in favor of a frac sand moratorium. Luke said a moratorium is chance for the county to hold off on approving new mines for a limited time and find answers to questions like the air quality related to fugitive sand. He talked about tourism money we could lose with the mines changing our landscape. He voiced concerns about high capacity wells that the sand mines use and that we only have one aquifer in the area. He asked if anyone knew what chemicals are used when washing the sand. Another big concern was increased truck traffic. He explained that tourism grows money by people coming back again and again if they like the area then they also bring friends and family who will come back over and over. He said there seems to be a strong voice among landowners and citizens for the county to slow things down and listen. Luke asked the board to slow down and work out a plan and invite researchers in to find out answers to questions like air quality. Luke, himself also has done a lot of research with geology and the health aspects of this and he is willing to share more details with anyone interested. No questions were asked.

TOWN ASSOCIATION RESOLUTIONS – RON TUSCHNER: Ron had the clerk read three resolutions on non-metallic mining, one from the Town of Lincoln and two from the Towns Association. Ron said the two resolutions passed unanimously by all 15 townships, which is extraordinary. He said the towns already support much of what the county has in place. His concern with the passage of the revision is that the cities and villages have fewer restrictions than the townships do and the townships have to follow the county's zoning rules. Companies like the sand mines use this as a tool to get the best deal for themselves. By state statutes, cities and villages don't have to notify the townships that they have taken the land and annexed it. In the past, the Town of Arcadia has received a piece of paper stating that land was annexed. The towns have limited resources to circumvent this until now with legislation being considered in Madison. Ron said currently once land is annexed away from the township, the township gets five years of what the taxes were at the time of the annexation. Any improvements or escalation in value of that annexed land goes to the city or village that annexed the land, yet the township still has to provide services to the annexed land. Ron said the health, safety and welfare of their constituents is just as important as the rest of the county. He stressed that protocol and procedures are very important to follow. He talked about compromise and doing the good of all not just the good of a few. Ron said the Town of Arcadia started with one mine and the county now has 27 or 28. On behalf of the Towns Association, he asked the County to do nothing with this revision until the townships" have a seat at the table".

COUNTY CLERK – REPORT ON TREMPLEALEAU COUNTY DEVELOPMENT PLAN-TOWN OF CHIMNEY ROCK: The clerk said he has received the Town of Chimney Rock's amended comprehensive plan and will keep it on file.

HIGHWAY DEPARTMENT UPDATE – JIM JOHNSON: Jim gave the numbers from the 2012/2013 winter. Salt use was 6,890 tons which is up 108% from last year. The salt and sand mix use was 1,700 tons which is up 1000% from last year. The municipalities used 10,237 ton of the sand/salt mix. Oil prices are down for hot mix by 11.75%, patch mix by 2.5% and sealcoat oil by 14.5%. Steel and plastic prices for culverts are also down. No county bridge work is planned. They have contracted with the DOT for centerline painting for \$567,078. Also we will do 80 – 100 miles in Jackson County. They do centerline painting for nine counties on state roads. Jim said they will be doing some overlays, wedging and seal coating as money allows. There will also be some state work this summer on Highways 53 and 54.

**2013-05-01
RESOLUTION**

**2013 NON-REPRESENTED EMPLOYEE WAGES, APPROVAL OF FUNDING FOR
A COMPREHENSIVE CLASSIFICATION AND COMPENSATION STUDY
AND BUDGET REVISION**

WHEREAS the Personnel/Bargaining and Executive/Finance Committees jointly administer the non-represented classification and compensation plan and is responsible for reviewing and recommending to the County Board appropriate adjustments to the pay plan structure, and

WHEREAS in addressing wage increases for non-represented staff covered under the plan the joint committee recommends an increase consistent with recent wage increases to other employee groups approved by this County Board in 2013, and

WHEREAS while the joint committee was considering wage increases, it felt it was important to pursue a wage study at the same time, and

WHEREAS the wage study will help integrate six union pay scales and one non-union pay plan into a comprehensive compensation plan covering all Trempealeau County employees, excluding the Sheriff's Department "Public Safety" bargaining unit, and

WHEREAS the County's current union wage scales have been established through years of collective bargaining and the non-represented scale was implemented in 1998 with minimal adjustments, and

WHEREAS these County wages scales are outlined by seven different wage scale systems totaling 147 titles (including obsolete titles), 59 pay grades, and 29 steps; and

WHEREAS the Personnel/Bargaining Committee and the Executive/Finance Committee have jointly recognized the inefficiencies this creates, necessitating that the County study its pay plans, job classifications and pay scales and propose an updated salary administration policy which would include an updated base compensation program, and

WHEREAS an updated, well-designed base compensation program will provide Trempealeau County better control over salary expenditures to help maintain a proper balance in the relationship between base pay levels and the relative internal value of jobs and the external labor market; and

WHEREAS the Personnel/Bargaining Committee and Executive/Finance Committee have jointly approved the utilization of WIPFLI CPAs and Consultants to develop a pay plan structure for Trempealeau County in an amount not to exceed \$15,000.00 (see attached Engagement Letter);

NOW THEREFORE BE IT RESOLVED, that the County's pay plan structure for non-represented employees increase \$0.50 per hour, effective January 1, 2013 and that all active employees, including employees on leave of absence, disability, vacation, sick leave, etc., covered by the pay plan receive the above stated increase effective January 1, 2013.

BE IT FURTHER RESOLVED, that the County Clerk is directed to revise the budget and appropriate monies from the remaining balance in the Contingency Fund (\$9,456.71) and the Unassigned General Fund (\$33,871.90) to the affected department budgets (attached) to fund the increase in wages, which would include applicable fringe benefits, in the total amount of \$43,328.61.

BE IT FURTHER RESOLVED, that Trempealeau County is authorized, based on the attached proposal, to hire WIPFLI CPAs and Consultants to provide wage study consulting services to the County, and that \$15,000.00 is transferred from the 2013 Unassigned General Fund budget to the 2013 Human Resources budget (#51430) to fund the above described project.

Dated at Whitehall, Wisconsin this 20th day of May, 2013

Respectfully submitted,

/s/ Dick Miller

/s/ Douglas Winters

/s/ Tom Bice

/s/ Ernest Vold

/s/ Robert Reichwein

PERSONNEL/BARGAINING COMMITTEE

/s/ Michael Nelson

/s/ Ernest Vold

/s/ John Aasen

/s/ David Suchla

EXECUTIVE/FINANCE COMMITTEE

It was moved by Olin Fimreite and seconded by John Aasen to adopt the resolution. Roll call vote taken; motion carried with 15 yes votes and 2 abstained votes; resolution adopted. The two abstained votes George Brandt and Sally Miller.

**2013-05-02
RESOLUTION**

2013-2014 Wisconsin Professional Police Association Union Contract

WHEREAS a tentative labor agreement has been reached between Wisconsin Professional Police Association (WPPA) representing Detectives and Deputies in the Trempealeau County Sheriff's Department and the Trempealeau County Personnel/Bargaining Committee for the period of January 1, 2013 to December 31, 2014, and

WHEREAS said tentative agreement has been endorsed by the members of the employee bargaining unit and by the Personnel/Bargaining Committee of Trempealeau County; and

WHEREAS a summary of the major points of the tentative agreement is attached in bullet point format

NOW THEREFORE BE IT RESOLVED by the Trempealeau County Board that said labor agreement between Trempealeau County and WPPA is hereby ratified. The original being on file in the County Human Resources Department

BE IT FURTHER RESOLVED that the County Clerk is directed to appropriate monies from the Unassigned General Fund to the affected department budget (below) to fund the increase in wages for 2013, which would include applicable fringe benefits, in the amount of \$25,742.13.

Account	0.111 Wages & Salaries	0.151 SS	0.152 WRS	0.153 Med	0.346 Uniforms	
52100	\$ 20,008.09	\$ 1,239.50	\$ 3,304.43	\$ 290.11	\$ 900.00	\$ 25,742.13

Dated at Whitehall, Wisconsin this 20th day of May, 2013

Respectfully submitted,
/s/ Dick Miller
/s/ Douglas Winters
/s/ Tom Bice
/s/ Ernest Vold
/s/ Robert Reichwein
PERSONNEL/BARGAINING
COMMITTEE

It was moved by Dick Miller and seconded by Douglas Winters to adopt the resolution. Roll call vote taken; motion carried with 17 yes votes; resolution adopted.

**2013-05-03
RESOLUTION**

LIDAR PROJECT APPROVAL AND BUDGET AMENDMENT

WHEREAS Trempealeau County does not currently have any topography or contour data relating to the elevations of the lands of Trempealeau County, and

WHEREAS Light Detection and Ranging (LIDAR) technology is available whereby distance, height and length of ground objects are measured by an aerial flight to determine the ground elevations, Such elevation information would be used to create a topography map with two-foot contours, and

WHEREAS LIDAR-based topography information would be highly valuable to all county residents and the county government and would be important data for land use planning, flood plain demarcation, mining, highway engineering, as well as other environmental studies, and

WHEREAS it is estimated that the cost of the LIDAR Project will be approximately \$300,000.00, and

WHEREAS pursuant to Wis. Stat. § 59.72(5), the Land Records Department may retain a certain portion of fees obtained from the fees paid to the Register of Deeds office for recording documents which may only be used to develop, implement, and maintain the countywide plan for land records modernization, for which LIDAR would fall under, and

WHEREAS over the past few years, the Land Records Department has accumulated ‘retained fees’ in the amount of \$80,000.00, which may be used for LIDAR, and

WHEREAS considering that all of the funds for LIDAR could be paid out of ‘retained fees’ the County would like to lend the balance required for the project (\$220,000) to the Land Records Department from the unassigned general fund to be paid back with future ‘retained fees’ monies, and

WHEREAS since 2010, certain surplus money from the Land Management Department budgets have been put in a non-lapsing account to be set aside for the LIDAR project. Currently the non-lapsing account has a balance of approximately \$60,000.00 which is requested to be put back into the general fund as it is now the intent to lend the money to the Land Records Department to be paid back with future ‘retained fees’ monies.

NOW THEREFORE BE IT RESOLVED that the balance of the Land Management Department non-lapsing account for LIDAR shall be transferred to the Unassigned General Fund (101.32100) and that \$220,000.00 shall be transferred from the Unassigned General Fund (Account 101.32100) to the Land Records Department 2013 Budget (Account 101.51542.999) to fund the LIDAR Project.

BE IT FURTHER RESOLVED, that the \$220,000.00 be a loan from the Unassigned General Fund and be paid back with future ‘retained fees’ monies, to the extend such ‘retained fees’ are available, over the next ten years.

Dated at Whitehall, Wisconsin this 20th day of May, 2013

Respectfully submitted,
/s/ Ernest Vold
/s/ Tom Bice
/s/ Michael Nelson
/s/ David Suchla
/s/ John Aasen
EXECUTIVE/FINANCE COMMITTEE

It was moved by Tom Bice and seconded by Michael Nelson to adopt the resolution. Dick Miller made a motion to amend the resolution with a list of add-ins or deletions, which the clerk read and George Brandt seconded it. Dave Suchla stated that taking \$160,000 from levy money when it should be from paid fees, this is not the proper way to use levy money. Dick Miller is concerned that the Land Records Department currently has a plotter machine down which could cost up to \$10,000 to fix. He said the Land Records Department is allowed from the State to keep approximately \$30,000 per year from retained fees but that department won't accumulate enough in five years to do a flyover again. Dick commended the Executive/Finance Committee for moving this important project ahead. George Brandt said he has been on the board for 15 years and doesn't know of a department required to pay back the general fund as this is written. He said the Environment and Land Use Committee, the Department of DLM and the Land Records are all about one thing, which is planning for the sake of the citizens. Tom Bice asked the five year flyover plan; how much does it cost, a description of what is done and the benefits to the taxpayers. Ann said it cost about \$200,000 last time. Ann Hempel and Kevin Lien explained the Aerial, LIDAR and Oblique imagery methods that would be done. They said this would help people to know if they truly are in flood plains and it would also help the Highway and Sheriff's Departments in many ways. Kevin Lien said they have \$160,000 set aside in their budget from the past few years to specifically help pay for LIDAR. He also expressed concern that Land Records should not have to pay back the \$160,000 as he doesn't think that has ever been requested of a department before. Kevin said the year 2000 was the first fly over. His department uses this tool to help measure structure setbacks, flood plain issues and shoreline issues to name a few. Kevin said every day calls come in from a county resident or someone who owns property in the county that has property questions or concerns and the information they receive from the fly over is crucial in being able to assist the public with accurate information and possibly save them a trip to the Courthouse. He said we need to update this imagery periodically otherwise the usage would be outdated very fast. The last flyover was 2010 with the next expected in 2014. Dave Suchla said there is difference between levy money and retained fees and he feels the office should be run on fees. Kevin said because of state cuts or lack of funding, his department has become a user fee department. Discussion held. Corporation Counsel, Rian Radtke brought up a wording issue in the resolution in the last "Be it further resolved..." Rian thinks that paragraph needs more parameters regarding what does "over the next 10 years" mean. He believes the intent of the balance leftover after operating costs would be applied towards this loan amount but it needs better parameters. Jay Low said if he is in the flood plain and wants to change his status then he needs to pay a fee to get out of the flood plain and likewise, he doesn't want to pay for someone else in that situation. Michael Nelson asked Ann if she had enough money to run her department if she has to pay back \$20,000 a year. Ann said no and she can't guarantee that there will be retained fees for the next ten years as the state can change that without warning. Michael Nelson made a motion to send this back to committee and Sally Miller seconded it. George Brandt said this has come before Executive/Finance Committee seven times already and was concerned about their apparent intent to make an office pay that can't afford it. Kevin Lien said that last summer the Towns Association presented a resolution to this board to ask for the county to fund LIDAR. The Environment and Land Use Committee and the Executive/Finance Committee both gave it full

support, but it repeatedly got tabled with how to pay for it, so the issue is how to fund it because it has full support. Much discussion held. David Suchla called the question to end debate and Tom Bice seconded it. Roll call taken; motion failed for lack of a 2/3 majority vote with 10 yes votes and 7 no votes; discussion continued. The no votes were Hensel Vold, Ernest Vold, Sally Miller, George Brandt, Robert Reichwein, Dick Miller and Michelle Haines. More discussion held. Roll call vote on the motion to send back to committee taken; motion failed with 8 yes votes and 9 no votes. The no votes were Dick Miller, Michelle Haines, David Larson, Hensel Vold, Ernest Vold, Douglas Winters, Sally Miller, George Brandt and Robert Reichwein. Roll call vote taken on the motion to amend; motion carried with 10 yes votes and 7 no votes; amendment passed. The no votes were Ernest Vold, Jay Low, Tom Bice, John Aasen, David Suchla, Olin Fimreite and Michael Nelson. Chair Vold said we are now back to the resolution as amended. Robert Reichwein made a motion to amend the wording to strike the last “be it further resolved” and everything after it. George Brandt seconded it. Roll call taken; motion failed with 6 yes votes and 11 no votes; amendment failed. The no votes were Jay Low, Tom Bice, John Aasen, David Suchla, David Larson, Olin Fimreite, Michael Nelson, Hensel Vold, Curtis Skoyen, Ernest Vold and Arild Engeliem. More discussion held. David Larson made a motion to strike the words in the last “be it further resolved” after the wording: “with future ‘retained fees’ monies and Dick Miller seconded it. Motion carried unanimously. Amendment passed. Roll call vote on the resolution as amended twice; motion carried with 15 yes votes and 2 no votes; resolution adopted. The no votes were Jay Low and David Suchla.

**2013-05-04
RESOLUTION**

2012 Departmental Overruns

WHEREAS the expenditure of funds exceeding those provided in the budgeting process or by resolution of the County Board is contrary to the Wisconsin Statutes, and

WHEREAS various departments have reviewed appropriations, expenditures and possible overdrafts in their respective accounts, and

WHEREAS the following departments were presented to the Executive & Finance Committee showing deficits in their accounts

NOW THEREFORE BE IT RESOLVED that funds be transferred from the County Unassigned General Fund to the following accounts in the amounts as noted.

51230	Law Library	\$822.34
51260	Coroner	\$7,297.99
51310	District Attorney	\$1,859.35
51415	Spec. Accounting & Audit	\$7,516.00
51422	Clerk Automation	\$1,963.09
51433	Cobra Health Insurance	\$1,697.28
43510	Victim Witness Revenue	\$5,957.00
43566	Child Support Revenue	\$28,235.80
	Total	\$55,348.85

Dated this 20th day of May, 2013 at Whitehall, Wisconsin

Respectfully submitted,
/s/ Ernest Vold
/s/ Tom Bice
/s/ Michael Nelson
/s/ David Suchla
/s/ John Aasen
EXECUTIVE/FINANCE COMMITTEE

It was moved by Olin Fimreite and seconded by David Larson to adopt the resolution. Roll call taken; motion carried with 17 yes votes; resolution adopted.

**2013-05-05
RESOLUTION**

**Personal Property Chargebacks/Chargeback of Rescinded or Refunded Taxes
Additional County Funding Request**

WHEREAS by Wis. Statute 74.41, a county is responsible to reimburse the municipality for any rescinded or refunded taxes due to a palpable error, and

WHEREAS by Wis. Statute 74.42(1), a county must pay the municipality for its proportionate share of any personal property taxes which remain delinquent and the entity has ceased operations, filed a petition for bankruptcy or the personal property has been removed from the next assessment roll, and

WHEREAS estimated expenses over the \$500 budgeted amount for 2013 are anticipated in order to reimburse the municipalities for the county's share of the taxes for unpaid 2011 personal property taxes and 2011 chargeback of rescinded or refunded taxes, and

THEREFORE BE IT RESOLVED that \$203.10 be transferred from the Unassigned General Fund and added to the Personal Property Chargeback account #101.51911.999 to offset the additional anticipated expenses.

Date at Whitehall, WI, this 20th day of May, 2013.

Respectfully submitted,
/s/ Michael Nelson
/s/ Ernest Vold
/s/ Tom Bice
/s/ John Aasen
/s/ David Suchla
EXECUTIVE/FINANCE COMMITTEE

It was moved by Michael Nelson and seconded by Hensel Vold to adopt the resolution. Roll call taken; motion carried with 17 yes votes; resolution adopted.

**2013-05-06
RESOLUTION**

AMEND PROPERTY PURCHASE AND DISPOSAL POLICY

WHEREAS the County Board of Supervisors adopted a Property Purchase and Disposal Policy (hereinafter "Policy") on October 17, 1994, which was last amended on July 20, 2009, and

WHEREAS upon close review of the Policy, it was discovered that there were typos, incorrect references, and terms that were not consistent, and

WHEREAS the County desires to correct the above-stated errors

THEREFORE BE IT RESOLVED that the attached amended Property Purchase and Disposal Policy be adopted and shall replace the existing Policy.

Dated at Whitehall, Wisconsin, this 20th day of May, 2013

Respectfully submitted,

/s/ Dick Miller

/s/ Michelle Haines

/s/ David Suchla

/s/ Hensel Vold

/s/ David Larson

PROPERTY COMMITTEE

/s/ Michael Nelson

/s/ Ernest Vold

/s/ David Suchla

/s/ Tom Bice

/s/ John Aasen

EXECUTIVE/FINANCE COMMITTEE

It was moved by Tom Bice and seconded by Dick Miller to adopt the resolution. Roll call taken; motion carried with 17 yes votes; resolution adopted.

**2013-05-07
RESOLUTION**

Moratorium on permitting of industrial "Frac" sand activities in Trempealeau County

WHEREAS Trempealeau County has had countywide zoning since 1972, and

WHEREAS the County Board of Trempealeau County through the county Zoning Committee has expressed in its zoning ordinances its support of agriculture within the county, and

WHEREAS land use conflicts arose within the county in the 1990's due to changing agricultural practices, non- agricultural land uses, and a changing population, and

WHEREAS the Zoning Committee and the Zoning Department responded to these changes and conflicts by engaging the county's citizens in the comprehensive planning process; ordinance creation and revision; the remonumentation of the county; and in supporting the creation of the land records modernization process with the purpose of better serving the citizens of the county and minimizing land use conflicts, and

WHEREAS Trempealeau County has been committed to wise use of soil, water, and natural resources through the county's participation in the Farmland Preservation program; watershed programs; soil conservation through the county Land Conservation Department; and partnerships with DNR Forestry, DATCP, and other agencies, and

WHEREAS since the merger of the Zoning and Land Conservation Departments in April of 2008 the Department of Land Management has responsibility for the ongoing county planning process; the County Surveyor and the remonumentation project; for overseeing the Farmland Preservation contracts; and the DLM also offers building inspection and other services to townships and municipalities, as well as assisting land owners in applying for grants relating to soil and water conservation practices. The Department of Land Management is the regulatory authority in the enforcement of the county's zoning ordinances and numerous state regulations including non-metallic mining reclamation and storm water management, and

WHEREAS the County through the Environment and Land Use Committee and the Department of Land Management maintains a commitment to the wise use of the county's natural resources and to orderly development within the county, and

WHEREAS since 2010 a new kind of land use has begun in the county with the advent of Industrial "Frac" sand mining, and

WHEREAS through the County's conditional permitting process 28 industrial "Frac" sand non-metallic mines have been permitted in the county and less than 10 are currently operating, and

WHEREAS during the public hearing process many citizens expressed concern over the effects to air quality, water quality, quality of life, and to the ability of the county to maintain stable communities as more industrial "Frac" sand mines and their processing and transportation systems are put in place, and

WHEREAS at no time during the comprehensive planning process or the development and staffing of the Department of Land Management was a land use of this type and scale considered, and

WHEREAS the effects on the county, its infrastructure, soils, air, water, and communities, and the ability of current county staff to fulfill their responsibilities in the eventuality that currently permitted mines and processing and loading facilities were operational is unknown

NOW THEREFORE BE IT RESOLVED that there be for one year, beginning July 1, 2013, a moratorium on the acceptance of; public hearing for; or approval of any conditional use permit application relating to industrial "Frac" sand extraction, processing, or building of transportation facilities on land currently under Trempealeau County Zoning.

BE IT FURTHER RESOLVED that a committee appointed by the County Board Chairperson be created with the responsibility to collect and analyze information related to the effect of industrial "Frac" sand mining and its related activities on Trempealeau County's infrastructure, air and water quality, natural and human communities, and to recommend to the Environment and Land Use Committee and the County Board possible changes to the county's ordinances, staffing, and approach to industrial "Frac" sand mining in Trempealeau County.

BE IT FURTHER RESOLVED that the committee be made up of as wide a range of concerned parties as possible; that it have no less than 14 members; that it meets no less than 6 times; and that its budget if any be determined by the Environment and Land Use Committee with approval by the County Board.

Dated at Whitehall, Wisconsin this 20th day of May, 2013

Respectfully submitted,
/s/ George D. Brandt
Supervisor, District 6

Tom Bice made a point of order and referred to Rule 28 of the County Board Rules and that this should have been brought up in the Environment and Land Use Committee. Rian Radtke read the rule which states "As petitions, resolutions and other instruments are brought before the Board which have not been considered by the Committee, the Chair shall refer the matter to the proper committee, unless other action is taken on the part of the Board." George Brandt made a motion to take up this matter tonight and Sally Miller seconded it. Tom Bice contested that this should have been brought up in committee. After more clarification George Brandt made a motion to take up this matter and approve it tonight. Sally Miller seconded it. Tom Bice said we have been bombarded with letters to editors that citizens feel we are moving too fast on this issue, he also referenced the presentation tonight and he also mentioned the Frac Sand film festival that the Trempealeau County Times reported 50 people participated which means 28,900 people in the county who have not offered their opinions on this subject. Tom said Trempealeau County has been mining for years and this is a highly regulated industry. He has researched the health concerns at legitimate sites and through the CDC in Atlanta regarding silica sand and diesel exhaust and the information is not there. He has repeatedly asked in committee and at public hearings for people to give him information so he could look it over and has not received any. He said we have very good mining ordinances in Trempealeau County. The County even made 40 additional conditions to the 2nd to last mine. In Tom's opinion we should not take away the rights of landowners to mine their sand and we should not be making decisions on what we don't know. Tom said that before he served on the board the windmill turbines were an issue that failed and he can't figure out why because it is a source of green energy. He said we have a very logical system in place so a moratorium is not necessary. Sally Miller said that silica sand is listed in the Hazardous Response Guide as a Level 1 HASMAT concern. She referred to the Towns Association resolution read earlier, rereading a few lines and said if companies circumvent our existing laws then she has no problem voting on this tonight. Much discussion held. Dick Miller brought up the wind energy issue referenced earlier that came before the board several years ago and had an 18 month moratorium prior to voting, Dick wondered if the proposed 12 months is enough to study the needs/items presented in the resolution. George Brandt responded that yes it would be sufficient. George said fugitive sand studies are currently being conducted by Chippewa County and Badger Mining in Taylor with both results expected shortly. George said the science part like the air, water and sound are being studied but the animal populations, trees and human communities have not been studied. What are the effects on families, neighbors and communities? George said the Environment and Land Use Committee was founded on maximum public participation and minimizing land use conflicts. It was about involving the townships as much as possible in the planning and the decision making process. Jay Low said George only talks about community but what about the individuals who own the land. He said the board has a responsibility as sworn elected officials that the collective cannot come together and force their will on individuals. This guarantees a republic not a "democratic mob rules majority." Olin Fimreite said he preferred that we slow down with the process. He discussed the possible rail/load on the edge of Whitehall with a possible volume of 760 trucks coming and going every day. He feels the 15 scenic drives need to be protected as the

county recently was estimated to have had \$22 million in tourism money come through it. Olin said the decisions we make today will affect our children's futures. If anything, he would like to see a county plan that allows mining only next to railroad tracks. We will have an unbelievable amount of sand truck traffic in the county if this continues. Olin said he talked with people from South Dakota and feels that until we come up with a substitute for gas; we will be selling sand for a long time so we don't need to rush into anything. He mentioned the popularity of snowmobiling and bicycling throughout the county and that proper planning will go a long way. Rian Radtke gave the legal impact of implementing a moratorium. He said it is an extreme action used for lack of regulation of an industry or for impact on the health, safety and welfare of the citizens. If you put new mines on hold it needs to be a justified reason otherwise you may leave the county open for a lawsuit. It is best to articulate what is inadequate in our ordinance then study the impact. Regarding the windmill industry, there was no regulation in place and the Trempealeau County Board took action to do a moratorium on wind turbines until adequate regulations were in place to address any applications coming forward. Rian also said this moratorium would not have any effect on any city proposals with sand mines. Tom Bice made a motion to table this for 90 days and Jay Low seconded it. George Brandt made a motion to suspend the rule to keep discussion going and Sally Miller seconded it. A 2/3 majority vote was needed. Roll call vote taken; motion failed with 10 yes votes, 6 no votes and 1 abstained vote. The no votes were Hensel Vold, Curtis Skoyen, Ernest Vold, Douglas Winters, Jay Low and David Larson. David Suchla abstained. However, conversation continued for a few minutes until Dick Miller made a point of order that it was not a 2/3 vote. Roll call vote to table for 30 days was taken; motion failed with 6 yes votes, 10 no votes and 1 abstained vote. The no votes were Douglas Winters, Sally Miller, George Brandt, Rob Reichwein, Dick Miller, Michelle Haines, David Larson, Olin Fimreite, Hensel Vold and Ernest Vold. The abstained vote was David Suchla. Rian said if the intent is to study the industry further, what will be studied, what will be gained, what will the cost be and is it budgeted already or will it come from the general fund and how do you justify a 1 year length of time for the moratorium. Having these things in place will give companies less of a reason to file suit. He said you need to have an actual plan that everyone agrees on. Sally Miller said that serving on the Board of Health, she has health concerns as there have been no definitive answers from the State so she hopes this moratorium will allow the Board of Health to help put something together as they are mandated to look after the citizens of Trempealeau County. Tom Bice questioned Kevin Lien on several conversations they have had in the past. Kevin Lien said to do a moratorium as a stall tactic is wrong but to use it to study and plan would be the proper way. He also said the Town of Caledonia is the only town to do an overlay district for mining. Tom Bice said we have a good plan in place and to move forward with the moratorium will open us up for a serious lawsuit. Sally Miller warned of setting a precedent if we are not going to take action fear for of a lawsuit. She said that could get expensive, reminding members that a new jail was one of those situations. Rob Reichwein asked Kevin how many sand mines are in Wisconsin. Kevin said we have approximately 100 industrial mines in the state and 28 are in Trempealeau County. Rob asked if our laws are too strict or maybe not strict enough. Kevin said several neighboring counties have developed overlay districts which is an additional layer where the township requests a rezone before it goes to the County level. That is part of their moratorium process. More discussion held. Tom Bice asked if Rian would give his opinion on how they should vote. Rian acknowledged that this is a highly political topic and has offered his legal analysis but will not comment as to support a moratorium or not. Roll all taken; motion failed with 8 yes votes, 8 no votes and 1 abstained vote; resolution failed. The no votes were John Aasen, David Larson, Michael Nelson, Hensel Vold, Curtis Skoyen, Ernest Vold, Jay Low and Tom Bice. The abstained vote was David Suchla.

**2013-05-08
RESOLUTION**

NON-METALLIC MINING ORDINANCE REVISION

WHEREAS the Environment and Land Use Committee has requested that the existing Non-Metallic Mining Ordinance be reviewed and revised by the Non-Metallic Mining Advisory Committee, and

WHEREAS the Non-Metallic Mining Advisory Committee recommends the ordinance to be revised to allow more hours of operation to meet the industry needs for processing, and

WHEREAS the previous Non-Metallic Mining Ordinance dated April 17, 2007 will be amended upon the adoption of the attached revised Non-Metallic Mining Ordinance, and

WHEREAS a public hearing was held pursuant to Section 59.69 (5) of Wisconsin Statutes and there was testimony in favor and in opposition, and

WHEREAS the proposed ordinance revisions will further protect the health, safety and welfare of County residents and the County's natural resources, without creating unreasonable burdens on non-metallic mining operations.

THEREFORE BE IT RESOLVED that the Trempealeau County Board of Supervisors amend the 2007 Non-Metallic Mining Ordinance and adopt the attached revised Non-Metallic Mining Ordinance.

Dated this 20th day of May 2013, at Whitehall, Wisconsin

Respectfully submitted,
/s/ Tom Bice
/s/ George Brandt
/s/ Jay Low
/s/ Hensel Vold
/s/ Michael Nelson
ENVIRONMENT & LAND USE
COMMITTEE

(Ordinance is on file in the County Clerk's Office)

It was moved by George Brandt and seconded by John Aasen to adopt the resolution. Rob Reichwein made a motion to send it back to committee to add more language regarding the moratorium discussion. Sally Miller seconded it. Roll call taken; motion carried with 13 yes votes, 3 no votes and 1 abstained vote; resolution is sent back to committee. The no votes were: Douglas Winters, Jay Low and George Brandt. The abstained vote was David Suchla.

**2013-05-09
RESOLUTION**

HIGHWAY DEPARTMENT TRANSFER FROM GENERAL FUND

WHEREAS the Trempealeau County Highway Department has received funding for the county's project on CTH C from the 2012-2013 County Highway Discretionary Improvement Program (CHID), from the Wisconsin Department of Transportation through the Local Roads Improvement Program of \$150,000.00 for the reconstruction of County Highway C in the Town of Ettrick, and

WHEREAS the project will have an estimated cost of \$655,000.00 Trempealeau County will have to contribute \$505,000.000 to the cost of this project , and

WHEREAS traffic counts on the affected section of County Highway C are increasing, with a considerable percentage of the traffic large farm equipment, trucks, commuting traffic for local employment, and

WHEREAS this project will significantly improve safety for vehicles and pedestrians on and along this section of County Highway C

NOW THEREFORE BE IT RESOLVED that \$505,000.000 be transferred from the Unassigned General Fund (Acct. 101.32100) to the 2013 Highway Department Budget (Acct. 701.53318.999) for the County "C" Project.

Dated at Whitehall, Wisconsin, this 20th day of May, 2013

Respectfully submitted,

/s/ John Aasen

/s/ Michael Nelson

/s/ Curtis Skoyen

/s/ David Larson

/s/ Douglas Winters

HIGHWAY COMMITTEE

/s/ Michael Nelson

/s/ John Aasen

/s/ Tom Bice

/s/ David Suchla

/s/ Ernest Vold

EXECUTIVE/FINANCE COMMITTEE

It was moved by Douglas Winters and seconded by Michael Nelson to adopt the resolution. Although Dick Miller agreed that we have a shortfall of money for roads and their upkeep, he is concerned about the money coming out of the general fund as we are sitting at about \$1.5 million and this resolution and the next one on the agenda will equal about \$1 million to go to the Highway budget. He said we know that some money may be returned after the auditors complete their work. Dick Miller said we need to seriously look at long term planning on how we fund our roads and why wasn't this budgeted to begin with. David Suchla said if we wait a few months Jim might not get the work completed and he went over the budgeting process. Jim Johnson said he was told to bring his 2013 budget in with a zero increase and a wish list, but they didn't deal with it at budget time. Much more discussion held. Roll call taken; motion carried with 17 yes votes; resolution adopted.

**2013-05-10
RESOLUTION**

HIGHWAY DEPARTMENT TRANSFER FROM GENERAL FUND

WHEREAS the Trempealeau County Highway Department has had limited funds for highway maintenance and improvements, and

WHEREAS the costs of projects keep going up due to the increase cost of materials and fuel, and

WHEREAS traffic counts and the type of equipment using our road systems have changed over the years, have an adverse effect on our county highways, and

WHEREAS improvements such as overlays, reclaim and construction, wedging/rut filling, sealcoats, and pavement markings are important to maintain our highway system, and

WHEREAS with these improvements there will be significant improvement to the safety for vehicles and pedestrians on and along improved sections of county highways

NOW THEREFORE BE IT RESOLVED that \$525,000.00 be transferred from the Unassigned General Fund (Acct. 101.32100) to the 2013 Highway Department Budget (Acct. 701.53318.999) for the County Highway improvements.

Dated at Whitehall, Wisconsin, this 20th day of May, 2013

Respectfully submitted,

/s/ John Aasen

/s/ Michael Nelson

/s/ Curtis Skoyen

/s/ David Larson

/s/ Douglas Winters

HIGHWAY COMMITTEE

/s/ Michael Nelson

/s/ John Aasen

/s/ Tom Bice

/s/ David Suchla

/s/ Ernest Vold

EXECUTIVE/FINANCE COMMITTEE

It was moved by David Larson and seconded by Tom Bice to adopt the resolution. David Suchla made a motion to table until the auditors are done to know how much money comes back to the general fund. George Brandt seconded it. Motion carried unanimously to table.

**2013-05-11
RESOLUTION**

REPORT – CLAIMS OF MEMBERS

Your Audit Committee hereby respectfully reports that they have audited the following claims and recommend that they be allowed as follows:

NAME	PER DIEM	EXPENSES	TOTAL
John Aasen	\$245.00	\$38.42	\$283.42
Tom Bice	\$0.00	\$0.00	\$0.00
George Brandt	\$105.00	\$76.84	\$181.84
Arild Engelian	\$175.00	\$144.64	\$319.64
Olin Fimreite	\$140.00	\$0.00	\$140.00
Michelle Haines	\$105.00	\$42.39	\$147.39
David Larson	\$105.00	\$73.45	\$178.45
Jay Low	\$0.00	\$28.25	\$28.25
Dick Miller	\$140.00	\$54.24	\$194.24
Sally Miller	\$70.00	\$29.38	\$99.38
Michael Nelson	\$280.00	\$66.67	\$346.67
Robert Reichwein (2 mo)	\$280.00	\$108.48	\$388.48
Curtis Skoyen	\$175.00	\$79.12	\$254.12
David Suchla	\$140.00	\$23.73	\$163.73
Ernest Vold	\$455.00	\$297.47	\$752.47
Hensel Vold	\$35.00	\$24.86	\$59.86
Douglas Winters	<u>\$210.00</u>	<u>\$131.08</u>	<u>\$341.08</u>
TOTALS	\$2,660.00	\$1,219.02	\$3,879.02
YTD Totals	\$11,270.00	\$5,817.29	\$17,087.29

Dated at Whitehall, Wisconsin this 20th day of May, 2013

Respectfully submitted,
/s/ Ernest Vold
/s/ David Larson
/s/ David Suchla
AUDIT COMMITTEE

It was moved by Arild Engelién and seconded by Olin Fimreite to adopt the resolution. Roll call taken; motion carried with 17 yes votes; resolution adopted

ANNOUNCEMENT/APPOINTMENTS/ELECTIONS: APPOINTMENT TO LAND INFORMATION COUNCIL TO SUCCEED MARK SMICK: Clerk Syverson read a letter from Ann Hempel, Land Records Modernization Coordinator, requesting George Brandt replace Mark Smick on the Land Information Council. George Brandt made a motion to approve and Michelle Haines seconded it. Motion carried unanimously to approve the appointment.

COMMITTEE REPORTS: EXECUTIVE & FINANCE COMMITTEE BUDGET UPDATE REPORT: Chair Vold said they are on your desks and if there are any questions, contact the clerk.

STRATEGIC PLANNING COMMITTEE: Sally Miller reported that the committee met three times and they unanimously agreed all issues and questions should be sent back to the standing Law Enforcement Committee.

CORRESPONDENCE: There was none for May.

CLOSING: It was moved by David Suchla and seconded by Dick Miller to instruct the Clerk to pay mileage and per diem; roll call vote; motion carried with 17 yes votes.

ADJOURNMENT: Sally Miller made a move to adjourn and Michael Nelson seconded. Chair Vold declared the meeting adjourned until June 17, 2013 at 7 p.m. The meeting adjourned at 11:36 pm.

Recording Secretary,
Mary Martin

Dist #	SUPERVISOR	PER DIEM	# Of MILES	MILEAGE
1	ARILD ENGELIEN	\$70.00	64	\$36.16
2	DOUGLAS WINTERS	\$70.00	60	\$33.90
3	SALLY MILLER	\$70.00	52	\$29.38
4	JAY LOW	\$70.00	50	\$28.25
5	TOM BICE	\$70.00	54	\$30.51
6	GEORGE BRANDT	\$70.00	34	\$19.21
7	ROBERT REICHWEIN	\$70.00	32	\$18.08
8	DICK MILLER	\$70.00	24	\$13.56
9	MICHELLE HAINES	\$70.00	25	\$14.13
10	JOHN AASEN	\$70.00	10	\$5.65
11	DAVID SUCHLA	\$70.00	14	\$7.91
12	DAVID LARSON	\$70.00	46	\$25.99
13	OLIN FIMREITE	\$70.00	2	\$1.13
14	MICHAEL NELSON	\$70.00	22	\$12.43
15	HENSEL VOLD	\$70.00	44	\$24.86
16	CURTIS SKOYEN	\$70.00	33	\$18.65
17	ERNEST VOLD	\$70.00	38	\$21.47
	TOTALS	\$1190.00	604	\$ 341.27