

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
July 14th, 2010 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:02 AM.

Committee members present: George Brandt, Hensel Vold, Tom Bice, Michael E. Nelson, Mark A. Smick, Roland Thompson, and Ed Patzner.

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Carla Doelle, Mark Carlson, Vickie Stalheim and Joe Nelsen were present for part of the meeting.

Others present: William and Susan Schlessner, Tim Geiger-Gold n' Plump Poultry

Chairman Brandt stated that the Open Meeting Law had been complied with through notifications and posting.

Approval of Agenda – Thompson made a motion to approve the agenda, Nelson seconded, motion carried unopposed.

Approval of Minutes – Due to the length of the June 9th, 2010 meeting minutes and that Committee members had just received them, motion was made by Vold to allow the Committee members, until the next meeting, to review the minutes and the “draft” conditions for the Winn Bay Sand LP mine project before any approval, Patzner seconded, motion carried unopposed.

Public Hearing – Conditional Use Permit –William and Susan Schlessner – Livestock Facility Siting Permit- Town of Arcadia. Chairman Brandt opened the public hearing at 9:06 AM. Nelson read the public hearing notice aloud. Brandt gave an overview of the public hearing procedures. An Arc View aerial map of the site was provided for all to view. Lien stated this hearing is for a Conditional Use Permit (CUP) but it is different from other conditional use permits in that due to Ag siting legislation, the Committee is not allowed to place any conditions on new or expanding Ag facilities. Basically, there is a set of requirements that the applicant must meet and if they meet all of those requirements, the permit has to be issued. The job of the Department of Land Management (DLM) is to make sure the applicant has met all the requirements of the application.

Doelle stated, in April 2010, Schlessner's contacted her in regard to expanding their livestock facility by adding a Gold n' Plump broiler barn. Doelle directed the Committee to the Arc View map and pointed out Schlessner's existing facility, the proposed location of the new poultry facility and the required setbacks. At the time of application, Doelle suggested to Schlessner's that they go through the Livestock Siting because of their proximity to the City of Arcadia. as it offers them a little protection as growers and landowners plus it shows their commitment to meeting the Ag Performance Standards. Doelle has reviewed Schlessner's application and has determined the application is complete. The total number of animal units will be 388 which include the poultry, dairy cows, steers and calves. Doelle added the waste storage facility worksheet does not apply to them because they do not have an existing waste storage facility on site. The run-off management on their property is in compliance. Notice has been sent to all adjoining property owners. Brandt asked Schlessner's for any comments. William Schlessner acknowledged that he was aware Doelle had received a letter from a neighbor, Ronald Schlessner, who was

opposed to the expansion as R. Schlessner would like his property available to the City of Arcadia for house lots. Schlessner stated the Arcadia City Council, met this past week, and passed a motion 5-1 that the City approves of Schlessner's expansion. Doelle is in possession of a copy of the minutes from that City meeting. Schlessner informed the Committee that in the early 1990's the neighbor, himself, had built a poultry barn directly east of William Schlessner's property, but in 1998 a storm took the poultry barn down. Schlessner's point was that if the storm hadn't taken the poultry barn down, his neighbor probably would still have one right in the same proximity that Schlessner is proposing. Schlessner stated he has some health issues so he is looking toward the future and he felt the opportunity to build a poultry barn was a good one.

Testimony in Favor- No one registered to testify in favor.

Doelle read a letter from the Town of Arcadia board. The letter stated the Town of Arcadia Board of Supervisors passed a motion at their May 26th, 2010 meeting stating they have no objection to the Environment and Land Use Committee granting William Schlessner a conditional use permit to construct a broiler barn.

Testimony in Opposition – No one registered to testify in opposition, however, Doelle read a letter of opposition from Ronald J. & Ruth A. Schlessner. (The letter is on file in the DLM office). The letter stated that Ronald & Ruth Schlessner had been approached by the City of Arcadia regarding development of their land. R. Schlessner stated his opinion that if a poultry barn was allowed to be located on the proposed site, expansion plans for the City of Arcadia would be "dead". Ronald and Ruth Schlessner felt that William Schlessner had other land to use for the poultry barn and that Gold n' Plump and William Schlessner should reconsider their site.

Lien had reviewed the current Zoning Map for the Town of Arcadia and the site is zoned Transitional Ag which would be a permitted use. Lien had also consulted the Land Use Plan and the future land use for the transitional ag area is rural residential which a poultry barn would also be a permitted use.

Brandt inquired if any correspondence on this matter had been received from the City of Arcadia. Doelle responded she had received a letter, from the City of Arcadia, just this morning. The letter stated that on Thursday, July 8th, at their regular council meeting, a motion was made by Wozney, and seconded by Rugotzke to waive the City of Arcadia's extraterritorial objection to the William Schlessner, Gold n' Plump, chicken coop, motion carried 5-1 with Diebold voting no. (The letter is on file in the DLM office).

Chairman Brandt closed the public hearing at 9:17AM. Discussion followed.

Bice verified that the poultry barn would be about 1000 feet from the proposed development area. W. Schlessner responded that it would be approximately 100 feet off of R. Schlessner's property line. W. Schlessner pointed out on the Arc View map where a development had been proposed ten years previous and, at that time, R. Schlessner had decided not to go through with it. W. Schlessner offered the telephone number for Ryan Sheehy, City of Arcadia, if the Committee members felt the need to contact him. Bice inquired if W. Schlessner intended to raise chickens only? Schlessner responded that was his intent. W. Schlessner added his opinion, that after talking with Sheehy, from the City, that most of the territorial zoning was to control the road infrastructure coming in and out of town so that if the City does expand in the future, there would be a good access road.

Doelle reiterated that William and Susan Schlessner were not required to get this permit, they chose to do it voluntarily. Doelle added that Schlessner's are at 388 animal units and if, in the future, they were to increase 20% above those units, then Schlessner's would need to come back and update their permit.

Hensel Vold made a motion to approve the Conditional Use Permit, Patzner seconded, motion carried with no opposition.

TRM/LWRM Cost Share Payments/Requests – Stalheim referred the Committee to the handout in their meeting folder. The following TRM/LWRM payments were made.

LWRM

Name	Type	Amount	New CSA Total	Reason for change
Bruce Larson	Contract	\$5,915.00	\$5,915.00	Grade stabilization structure
Bruce Larson	Pay Request	\$5,915.00		Grade stabilization structure
Mark Nelson	Contract	\$4,431.00		Grade stabilization structure
Mark Nelson	Pay Request	\$4,431.00		Grade stabilization structure
Green Acre Investments	Contract	\$1,475.03	\$1,475.03	Access Road
Green Acre Investments	Pay Request	\$1,475.03		Access Road
Blair-Taylor Schools	Contract	\$2,709.00	\$2,709.00	Streambank & Shoreline Protection
Blair-Taylor Schools	Pay Request	\$2,709.00		Streambank & Shoreline Protection

Stalheim presented four LWRM contracts and four LWRM pay requests to the Committee. No TRM payments were presented. Stalheim stated these payments are all made from state grant money and no tax levy money is used. Bice made a motion to approve payment of the LWRM cost share payments as presented, Smick seconded, motion carried with no opposition.

Nutrient Management Farmer Education Grant payments - Stalheim presented the Committee with a list of payments made from a Nutrient Management Grant. (A complete list of recipients is on file in the DLM office). Stalheim stated Doelle, Judy Betker and Dennis Deitelhoff had worked with landowners at the Western Technical College in Independence. Doelle explained the DLM had applied for a \$12,000 Nutrient Management Farmer Education Grant available through UW-Extension. The purpose of the grant was to allocate funding in order to teach farmers how to use a computer program called Snap Plus, thus enabling the landowner to write his own nutrient management plan. Each landowner received a small stipend from the grant upon completion of the program.

TRM/LWRM project photos – Mark Carlson shared “before” and “after” photos of several projects the DLM had worked on. The first project was the Errol Doerr riprap project. Carlson estimated that 200 ton of soil per year was being lost from this Beaver Creek site. Carlson shared several other photos from the Ed Anderson and Tom Segerstrom projects. Discussion followed. Nelson inquired about the (Target Resource Management) TRM grants. Carlson explained TRM grants are awarded to a specific landowner with a maximum \$150,000 cost share amount on it. Each Spring, applications are turned into the State and by Fall, DLM receives word as to whether or not the project has been accepted and then construction begins the following year, so it’s a two year process. Carlson stated the DLM did some riprapping in cooperation with the Blair-Taylor school district. Carlson had gone to the school with survey equipment and did a small presentation and the students were allowed to observe as the riprap was being installed. Lien explained that for each project that is completed, the DLM receives a certain percentage of funds for engineering. Discussion followed on barnyards, manure stacking and complaints. Brandt inquired as to whether a fall tour was being planned? Lien responded it could be arranged.

Wildlife Habitat Tree & Shrub Program Final Report – Gamroth referred Committee members to a report they had received in their mail packet. Approximately 14,883 items were sold in this years' program. Gamroth stated the program was originally started to get conservation on the land by enabling homeowners and small tract landowners to buy small quantities of nursery stock. This program is very well received by the public. The income from this program goes into the E & LU checkbook. \$3,500 of the income is then transferred to the DLM budget to pay (I & E) Information and Education expenses such as the Soil Judging Contest, etc. Bice questioned the amount of staff time that is involved in the program? Lien responded, other than Gamroth's time during the year with the program, other staff is minimal and includes stock pick-up, sorting trees and preparing the orders for pick-up. Nelson mentioned there is probably going to be a CRP sign-up in the spring. Lien responded CRP trees are usually ordered through the State DNR nursery as those trees are usually sold in quantities of 1000.

Surveying Update – County Surveyor, Joe Nelsen was present to give the survey update. Nelsen presented two reports to the Committee. The first report was for T21N-R9W-Arcadia. Nelsen reported he is continuing to set monuments and search for evidence. 105 of the corners have been finalized with GPS and eighty finalized and set in place. Nelsen shared photos of some of his excavation with the Committee. Nelsen explained that a history diary is put together for each corner so that when he and his crew are in the field they know what they are looking for. The second report was for T20N-R7W-Etrick. Nelsen stated he and his crew continue to do secondary GPS in this township which helps to form additional search areas. Discussion took place regarding the survey markers used and some of the placement issues that can occur on a corner. Bice questioned how close the markers are to what Nelsen's data shows. Nelsen responded it varies and he continued to explain some of the variations that exist throughout Trempealeau County. Brandt asked about Nelsens' storage of the remonumentation survey records. Nelsen assured the Committee that he has multiple, computer back-up, storage files. M. Nelson made a motion to pay the Surveyor's bill as presented, Bice seconded, motion carried with no opposition.

Director's Report – Lien stated to the Committee that in the event of another hearing like last months' mine hearing, he would like Committee support to hire a court reporter to take minutes. Not only were minutes of that length time consuming to prepare, but in the event of legal action, the minutes are a vital piece of information and probably should be taken verbatim.

Lien informed the Committee he will be attending the Towns' Association meeting on Tuesday evening, July 20th, 2010 in Etrick, to distribute some new zoning maps and talk about the flood plain issues.

Lien stated the second meeting with the Towns' regarding the Comprehensive Zoning Ordinance revision is scheduled for Wednesday, July 21st, 2010 from 6:00-8:00 PM in the County Board Room.

Lien requested, as a suggestion from the past Committee, that a current Committee member approach the Property Committee regarding DLM perhaps exchanging office space with UW-Extension. In the past, money had been set aside to remodel the hallway between the two DLM office spaces, a plan had been drawn and it had been presented to the Property Committee, however, due to fire access issues, the hallway cannot be closed off to meet remodeling needs. Vold recalled the proposal being presented to the Property Committee. Lien felt, if the switch of offices were approved, part of the money available could be used to take out the wall separating what was Land Conservation and the Extension office. Bice asked where the \$12,000 for the remodeling originally came from? Lien responded that it was unspent wage money from a staff person that had left and at that time Land Conservation and the Zoning Department were being merged into the DLM. Since Nelson is on the Ag & Extension Committee, he will talk with John Zander and take care of getting it on the Property Committee agenda, if needed.

Lien received a letter from the Wisconsin Land & Water Conservation Association (WLWCA) regarding payment of membership dues, which he read aloud. Trempealeau County's dues owed, for 2010, are \$1,304.94. Lien stated Trempealeau County has not been a paying member for at least five years because the previous Committee's did not feel they were effective and payment of the dues were a waste of County money. In previous years, there had been a WLWCA Director that lacked good leadership skills. WLWCA was initially set up to act as a liaison between DNR, DATCP and the counties. Recently, Lien and Brandt had recently attended a Western area meeting with all the County Land Conservationists in attendance. Currently there are not enough funds to cover the salary of Julian Zelazny, WLWCA Director. Lien asked the Committee if they wanted to pay the dues or perhaps have Zelazny come and give a presentation to the Committee. Lien explained how the staffing grants from DATCP were awarded, as Zelazny had stated in the letter that he had worked hard to protect those grants from being cut, in the previous year. Bice stated his opinion, that as a taxpayer and a representative of government, he didn't feel we were getting a whole lot out of this organization and that we're hiring someone to work, perhaps, against us. Brandt suggested, if the Committee wanted some insight as to what goes on in WLWCA, Land Conservation ,etc. that the Committee have Zelazny come to give a presentation. Nelson asked what other county's are doing? Lien responded that Jackson, LaCrosse and Trempealeau, Waukesha and one other county do not pay dues. Discussion followed regarding the payment of the dues, budgets and Zelazny visiting. Brandt did mention that being members of WLWCA entitled the Committee members to attend the annual WLWCA conference which was a good opportunity to network with other people serving on Land Conservation Committees. The Committee consensus was to not take any action on the matter at this time.

Lien informed the Committee that UDC revenue is currently up a little from last year at this time. With budget time coming up, Lien reminded the Committee that since 2004, the DLM has eliminated 6 ½ positions. Uniform Dwelling Code, the Smart Growth Plan, NR-151, the Erosion Control Ordinance, well delegation and the Wind Ordinance are all items that have been added to the DLM workload since 2004. Lien stated with the County Planner position being eliminated, and the Smart Growth plans needing to be updated every five years, the previous Committee approved \$6,000 being budgeted each year and set aside in an account, for town plan updates. Lien added the Land Use Plans need to be updated every five years so, to save money, it was decided that the Smart Growth Plans would be updated at the same time. Bice suggested that, since the Smart Growth plans have to be updated every 10 years the Land Use Plans should also be updated every ten years. Lien listed the specific positions that have been eliminated since 2,004 plus the planning position was eliminated in 2009 to help balance the budget and the economy hasn't gotten any better. Bice asked how the decision was made not to refill positions? Lien responded that it was decided that staff would be willing to take on extra work duties in exchange for job security. Lien also stated with the increased workload, three employess have applied for reclasses, in past years, and those were denied. Bice commended the Dept. for having that kind of foresight and that the employees have maintained a good attitude. Discussion followed on budget issues, state mandates and funding.

Next Regular Meeting Date was confirmed for Wednesday, August 11th, 2010 at 9:00 AM in the County Board Room.

At 11:39 AM, a motion was made by Nelson to adjourn the meeting, Patzner seconded, motion carried.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael E. Nelson
Secretary