

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management
MEETING MINUTES
January 6th, 2010 9:00 AM
COUNTY BOARD ROOM

Chair Halderson called the meeting to order at 9:01 AM.

Committee members present: Paul Halderson, Gerry Van Tassel, Chuck Zauner, Dick Kiekhoefer, Roland Thompson, Dave Quarne and Rick Geske. Michelle Haines was absent.

Staff/Advisors present: Kevin Lien, Virginette Gamroth and Emery Palmer. Vickie Stalheim and Kimarie Estenson were present for part of the meeting.

Others present: Kent Melsness, Scott Steeno – Verizon/Central States, Gerald Hawkenson, Glen & Sabrina Lambright, Robert Tenneson, James A. Frei, John Lambright, Jr., Merwin Lambright, David Thompson, Roseann Boe, Mark and Dawn Pederson.

Chair Halderson stated that the Open Meeting Law had been complied with through notifications and posting.

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

Approval of Minutes – Zauner made a motion to approve the December 16th, 2009, regular session meeting minutes as presented, Quarne seconded, motion carried unopposed.

Public Hearing -Conditional Use Permit -Cell Tower - Kent Melsness, Property Owner and Central States Tower -Verizon Wireless -Town of Chimney Rock. Chair Halderson opened the public hearing at 9:02 AM. Gamroth read the public hearing notice aloud. Lien directed the Committees' attention to the aerial map presented on the overhead, the two areas to the North are Strum and Eleva and the area North of Elk Creek is the Kent Melsness property where the cell tower is to be located. Lien continued that the property is currently zoned Rural Residential which requires a Conditional Use Permit for any tower greater than 70 feet. The proposed cell tower is to be a 250 foot monopole type structure. Lien explained the public notification procedures for the benefit of those in attendance. Lien introduced Scott Steeno, representative from Central States-Verizon Wireless. Steeno added Verizon is looking to cover the corridor of Highway 93 as well as the surrounding area. Steeno provided "coverage maps" for the Committee to view which showed current and proposed coverage. Halderson questioned how many companies would be able to use this tower? Steeno replied the tower could accommodate up to four co-locators. Lien added the Comprehensive Zoning Ordinance requires at least two additional co-locators.

Testimony in Favor – There were no registrants.

Lien read a letter from the Town of Chimney Rock stating no objection to the cell tower to be erected on the Kent Melsness property and recommend that the Conditional Use Permit be issued.

Testimony in Opposition – There were no registrants.

Stacy Sylla, County Clerks' office, was present on behalf of the snowmobile clubs and registered to appear and testify for information only. Sylla inquired if Verizon would be crossing the culvert that the snowmobile club just had installed? Steeno responded that their access would be off Knutson Valley Road and they would be using the culvert as an access. Steeno added that all their trucks are 4-wheel drive. Sylla inquired how far the tower will be from the trail itself? Steeno responded the setback is 300 feet from Knutson Valley Road as well as property lines. Sylla asked if Verizon would be plowing the access road that the culvert is on? Steeno replied if there is snow too deep to get a truck through – yes, they would be plowing, however not all the snow would be removed, there will still be plenty of snow for snowmobiles. Sylla questioned how often Verizon would be plowing? Steeno responded when there is 3 inches or better. Sylla asked what would happen if the snowmobile club decided to pull the culvert? Steeno responded Verizon would put in their own culvert. Sylla added it is a County owned culvert for snowmobile crossing, it is for the landowners use but it was a big push for the landowner to get it in this last spring and now we know why. Melsness responded that he had no idea that the cell tower was going in until August or September. Steeno reiterated that he hadn't contact Melsness until August or September. Sylla added the club would like it removed and Sylla doesn't. Sylla would rather see how things go. Sylla inquired if that was something that Steeno and Sylla could work together on? Steeno replied they could, that Sylla should let Steeno know how to proceed and Steeno would put Sylla in contact with Central States as they will be the tower owner. Verizon is going to be the tenant on the tower. Sylla requested Steeno's contact information. Halderson questioned if "guy" wires were going to be an issue? Lien responded there will be no "guy" wires as it is a pole type tower.

Peter Bautch was present and questioned Steeno as to why the Melsness property was chosen when Bautch had also been contacted by Alltel. Steeno responded that was a different company and Steeno works for Central States and Melsness was the first person he had contacted. Discussion followed.

Zauner made a motion to close the public hearing at 9:10 AM, Van Tassel seconded, motion carried with no opposition.

Lien reminded Committee members that with a Conditional Use Permit, the Committee can attach conditions. There is a standard set of conditions requiring setbacks and the reclamation bond and they would have to meet all the conditions before the permit is issued. Discussion followed.

Zauner asked for clarification on the snowmobile clubs concerns. Sylla stated if Central States is going to need access to the property for maintenance purposes during open snowmobile season it could pose a danger to riders. Should the trail be plowed down to nothing it could cause problems for the groomer and the drag. Lien questioned whether access to cell towers is gated? Steen responded, typically there would be an open access road off of Knutson Valley Road and then there will be a gate around the perimeter of the cell tower. Steeno continued that once the tower is built and functioning, which will be after the snowmobile season ends, a maintenance truck will be out there once a month for routine maintenance. Steeno suggested the board make a motion to put the condition on the permit that Central States does work with the snowmobile association to make sure that the portion of Central States' access is kept in snowmobile condition during the winter time. Thompson made a motion to approve the Conditional Use Permit for a cell tower to be constructed on the Kent Melsness property in the Town of Chimney Rock with all standard conditions applying and also the condition that Central States work with the snowmobile club on trail conditions, etc., Kiekhoefer seconded, discussion followed. Steeno added that if it would get to be an issue where the snowmobile club is not satisfied, Central States could add their own culvert, possibly to the west to have their own separate access. Steeno commented that most of this will be Kent Melness' decision as he is the landowner. Motion carried with no opposition.

Public Hearing –Land Use Change/Rezone – Exclusive Ag 2(EA-2) to Residential-8 (R8) Glen J. & Sabrina Lambright -Town of Preston. Chair Halderson opened the public hearing at 9:22AM. Gamroth read the public hearing notice aloud. Lien directed Committee attention to the aerial photo presented via overhead. Lien gave a re-cap of the area to be rezoned. Lien stated Lambright is a contractor who has built his own home as well as several others. Lambright has saturated the zoning on his property and that is the reason for the rezone. Lien stated that at a previous hearing Lambright had proposed to do a rezone from Exclusive Ag 2 (EA2) to Residential-8 (R-8) which would allow Lambright to build a maximum of eight new structures. Lambright is proposing a total of six new homes counting the one that is under construction at this time. Lien continued that at the last public hearing neighbors had come forward with a petition against the rezone. Lien stated his opinion that he felt Lambright was caught “off guard” by the petition. Lambright has since contacted the neighbors and feels he has the necessary support for the rezone to be passed. Lien informed the Committee that Lambright had a letter, dated October 2009, from the Town of Preston stating their support and Lien has confirmed with the Town of Preston Chairman, Robert Tenneson that Lambright still has their support. Lien stated the Preston Town Chairman is present today. Due to inquiries to the Department of Land Management, Lien explained the public notification process for the hearings and to landowners. Lambright provided the Committee with a map to view of the proposed construction sites. Halderson inquired as to what the current land use is? Lambright responded the land is zoned agricultural land, but due to the many water springs on the property it is not much good for crops so is currently used as recreational. Lien explained the Town of Preston Land Use Plan proposes this land should remain in the current Exclusive Ag 2 zoning. Lien informed the Committee that the proposed road into the property has to be a town road so Lambright will have to work with the Town of Preston. The installation and development is at the landowners’ expense. Once the road meets co-aid standards, which is 20 foot bituminous with 2 foot shoulders, 66 foot or 4 rod right-of-way surface, 100 foot diameter cul-de-sac, then the town would be willing to take it over. Lien added any creation of a parcel 20 acres or less in a remonumented area has to be surveyed so each one of the lots and the town road dedication would have to be surveyed, also at the landowners’ expense. The question arose as to septic system setbacks from an agricultural area. Lien responded that because ag siting legislation pre-empted the County Feedlot Ordinance, the County has no setback authority. Lambright added there is housing all along Rat Road. Lien questioned Lambright as to who owned the crop fields most closely impacted by this rezone? Lambright responded fields owned by Pederson’s would probably be the most impacted. Discussion followed. Lambright stated he wants to build a retirement home for his father as well as a final home for himself and these two homes would be the closest to the fields owned by Pederson’s. Lambright added he is not the only one building homes in the country, so if he isn’t allowed to do it then no one else should be allowed to. Lambright stated he owns the homes and rents them out to people who can’t afford to buy large acreage but still want to live in the country and that is his plan for any future homes to be built.

Testimony in Favor

John Lambright Jr.- Registered to testify in favor - J. Lambright stated that if we want a friendly neighborhood then we should respect one another and help each other.

Merwin Lambright – Registered in favor but not testify.

James A. Frei – Registered in favor but not testify.

Sabrina Lambright – Registered to testify in favor.

Glen Lambright – Registered to testify in favor.

Lien read a letter from the Town of Preston stating they had met on October 19th, 2009, a motion was made and seconded, all in favor for Glen Lambright to change from Exclusive Ag 2 (EA2) to Residential-8 (R-8).

Glen Lambright presented a petition, in favor, with approximately 26 signatures.

Testimony in Opposition

Roseann Boe – Registered to Testify in Opposition – Boe stated she is against the rezone because right now there are kids going up and down the road on snowmobiles. Boe wasn't told about the rezone by Lambright. This rezone will result in more traffic. More houses result in more kids and more traffic which Boe will have to worry about. Boe stated it was a quiet neighborhood until Lambright moved in, now there are snowmobiles and four-wheelers on the road and that is not the law.

Zauner made a motion to close the public hearing at 9:44 AM, Van Tassel seconded, motion carried unopposed. In discussion, Quarne questioned if the water springs on the land would be an issue? Lambright responded the soil has been perk tested. Lien responded he believed the soil out there to be sandy and each new structure has to have an on-site soil evaluation, so if something isn't in compliance no permit will be issued. Discussion followed. Van Tassel made a motion to allow Glen & Sabrina Lambright to rezone their land from Exclusive Ag 2 (EA2) to Residential-8 (R-8), Kiekhoefer seconded, the motion met with opposition. A roll call vote of Committee members resulted in the motion being passed 5-2 with Zauner, Van Tassel, Halderson, Thompson and Kiekhoefer voting in favor and Geske and Quarne voting in opposition. Lien informed Lambright that rezones do not become final until they go before the full County Board. The next County Board meeting will be held on January 18th. Once the rezone is approved at full County Board it becomes official.

TRM/LWRM Cost Share Payments/Requests- Stalheim presented the Committee with one final Target Runoff Management (TRM) pay request.

TARGET RUNOFF MANAGEMENT (TRM)

<u>Name</u>	<u>Type</u>	<u>Amount</u>
Edward & Mary Anderson	Pay Request	\$13,174.90

This report was presented for information only, no action was needed. Stalheim stated this is the last payment. Stalheim reported all the Land & Water money has been used. The TRM projects have all been completed for the year.

Surveying Update – Joe Nelsen provided each Committee member with a survey report of Township 20 North, Range 7 West. Nelsen referred the Committee to the map in the report which shows that almost all corners are complete of initial GPS. Nelson stated the report also shows a small amount of time for initial research for the new project of T20, R8. Nelson added there is also a small amount of time for section sheet and township map graphing for T21, R8 which was a project that was approved in its final form last month. Van Tassel made a motion to approve payment of the survey bill as presented, Zauner seconded, motion carried with no opposition.

Memorandum of Understanding with Health Dept. – Certified Lead Risk Assessor Services and Memorandum of Understanding with Health Dept – Emergency Public Inspections/Human Health Hazard Investigations. Lien stated he had not received the Memorandums' in final format in time to include the reports in the meeting packet. Lien introduced Emery Palmer as a new employee in the Department. Lien stated that Palmer is certified in Lead Risk Assessment and is the only employee in the Courthouse that is certified. The Health Dept. has asked if DLM would allow them to use Palmer's services

for Lead Risk Assessment. Lien felt some of the issues with the Memorandums' were time and money. The Memorandums do not mention anything about time or reimbursement. Lien stated right now the DLM is getting less and less funding and more demands by the State. At some point in time, the Committee will have to decide what services will be provided and what will be cut in order to manage staff and time efficiently. In discussing the issue with Palmer, Lien said they had decided the initial site visit in a Lead Risk Assessment case takes 3-5 hours as samples need to be taken and the tenants need to be interviewed. A report has to be compiled which can take 2-4 hours to prepare, samples need to be sent in for testing, someone has to pay the testing fees and review test results. In the event of a problem, orders have to be issued. A follow-up visit needs to be made, clearance activities can take 1-3 hours, visual clearance, dust wipe sampling and reporting on clearance activities plus any additional follow-ups can take additional time. Palmer informed the Committee that Trempealeau County is currently contracted with Jackson County to provide the Lead Risk Assessment Services. Palmer received his license in December of 2009, so it would be a great service for Trempealeau County to offer, but this isn't something that the DLM currently provides, so a question to the Committee would be, is the DLM going to pay for continuing education, etc. even though this service would be provided through the Health Dept? Geske questioned what the cost was to contract with Jackson County? Palmer responded he did not have that information, but felt it was on a "per case" basis. Geske asked how many cases there were in a year? Palmer stated most cases are discovered through the WIC Program as there is testing for lead through that program. If testing of a child under the age of three reveals an elevated lead level in the blood test, then State Statute requires in-home assessments to be done. Palmer continued there are a lot of "unknowns" with the testing because if the child spends time in a number of different places; i.e. home, school, daycare, the other sites need to be assessed also. Once the source is determined, if DLM were providing the service, DLM would have to provide enforcement activity to make sure the source is actually abated. Palmer stated he felt an issue of major importance with just being in a "Memorandum" with the Health Dept is, does DLM actually have the legal authority to do the necessary follow-up when orders are actually issued. A licensed lead abatement company has to take care of the hazard and then Palmer would be required to come in and do any follow-up to see that the hazard has actually been abated. Therefore estimating number of hours, etc. is difficult. Palmer added DLM would also want to check the County's' liability policy. Lien stated, that after giving the process some thought, he felt the program would be managed through the Health Dept. and Palmer would be an advisor to them, so Palmer would do the initial assessment, the Health Dept. would issue the orders and work through a private consultant for clean-up. Lien informed the Committee that no formal action needed to be taken on this issue, but he wanted them to be familiar with the Memorandums. Lien told the Committee he would be willing to meet with the Interim Health Dept. Director and discuss the Memorandums. Halderson questioned what case load history has been? Palmer responded historically there have been about four cases per year. Geske asked if Palmer had been getting licensed initially to provide this service through the Health Dept? Palmer replied "yes". Geske stated it would be nice if the DLM worked with the Health Dept. to provide this service. Zauner questioned how the Health Dept. paid for this program? Palmer responded there is a grant that the Health Dept. received for lead poisoning prevention. Discussion followed. Van Tassel asked if this would all change if the merger between the Health Dept. and Human Services takes place. Lien responded he has met with the Human Services Director and if the proposed merger takes place, DLM would still work with Human Services to provide these services. Van Tassel added that with the Memorandum an agreement is being made with the Health Dept. and with a merger, the Health Dept. in itself won't exit anymore, it would be under Health and Human Services. Van Tassel asked if action on the Memorandum could wait until the merger is addressed by the County Board. Lien responded that it could. Van Tassel voiced her opinion that the Memorandum is very "lacking". Additional discussion followed as to work coverage between the Health Dept. and DLM during absences. Palmer informed the Committee that he had been in contact with the State Dept. of Health regarding issues, per Statute, requiring a registered sanitarian and cleared with them that continuing to work in the DLM and offering emergency assistance in the absence of the registered Sanitarian meets their approval. Palmer also stated that in regard to the memorandum pertaining to Emergency Public Inspections/Human Health Hazard Investigations, the public inspections

would basically consist of inspecting any new restaurants that want to open in the absence of the Registered Sanitarian. Palmer added there are not that many new restaurants that open in Trempealeau County, so this doesn't entail a lot of work. Palmer continued that Human Health Hazards occur more frequently as they are generated on a complaint basis. A lot of the hazards, based upon the nature of them, need to be dealt with immediately, some, however, can wait. Palmer added that some hazards the Health Dept. nurses will try and cover. Committee consensus was that any action on the Memorandums should wait until a later date.

Director's Report- Lien reminded the Committee that at a previous meeting, Scott Laurie, County Forester was present and a discussion took place regarding cuts in funding and mileage dollars to his budget. Laurie had suggested the DLM take over renting out and delivering the tree planters and assisting landowners in operating them. Lien and Laurie had discussed a list of private individuals who provide tree planting services. Lien stated he felt that, in discussion with the Committee the consensus was, since the number of trees planted has decreased substantially, since there have been no new CRP sign-ups, we would just provide the public with a list of private individuals who provide tree planting service. Lien stated there are approximately 21 hand, tree planting spades that Laurie had requested Lien pick-up. DLM currently owns three machine tree planters, two which are in real good shape and one that needs repairs, which are stored at the Highway Dept. shop in Arcadia at no cost. Lien added DLM would have the hand tree planters available for use after paying a small deposit. Therefore, staff time and energy would not be expended without any compensation. Discussion followed about the tree planting program, compensation and staff time available during the spring. Zauner commented that he had experience with the tree planting machines and it is very time consuming and a special truck is needed to transport the machines. Geske suggested maybe placing a limit on the number of trees that must be planted in order to rent the machines. Halderson suggested that the tree planting be passed on to private individuals, but since this was not a specific agenda item, the Committee advised that it be placed on the February agenda so formal action could be taken regarding this matter.

Lien mentioned he had previously talked to the Committee regarding vehicle purchases. Lien referenced the Department of Land Management Plan which contained a vehicle purchasing policy which called for two new vehicles every two years. Lien stated the vehicle fleet currently consists of six vehicles. We have a new staff member and new programs of which most of his work will be field work, however we do not need an additional vehicle for him. Lien said the last couple of times vehicles were traded, it was a two for one trade with more economical vehicles being purchased. Lien explained the purchasing policy states that vehicles on the lot can be purchased (hail damaged, lease return, discounted vehicles) instead of having to put them out on formal bids. Purchasing has turned out better that way as it resulted in lot higher resale values and better quality vehicles. Lien received formal bids, from the two new car dealers in the area, for the vehicle trades (2001 Ford F150 and 2005 Chevrolet Silverado) which Lien felt were very competitive. Lien reviewed the bids with the Committee. Halderson questioned the trade in of one of the vehicles because of the mileage being under 60,000 miles. Lien stated, in the past a more competitive trade was received by trading two vehicles. Van Tassel asked if Lien had the money in the budget. Lien stated there is money available as vehicle replacement and maintenance is budgeted each year. Lien discussed with the Committee offering the vehicles for sale to the other Courthouse departments. After some discussion, it was Committee consensus that the vehicles be purchased, however since vehicle purchases was not listed as a specific agenda item, the Committee advised that it be placed on the February agenda so formal action could be taken regarding this matter.

Referencing the Department of Land Management plan, Lien stated each year the E & LU Committee has a meeting with the towns to discuss any issues that may have arisen. Lien mentioned to the Committee that he would probably attend the April 20th meeting of the Towns' Association in Dodge to schedule a date in June for the E & LU Committee and the Towns' to meet.

Lien informed the Committee that the Comprehensive Zoning Ordinance will be revised this year. The Working Lands Program will be initiated, the Shoreland/Zoning Ordinance will need to be revised, so there will be plenty of work. Palmer added that the Sanitation Ordinance will need to be revised.

Lien thanked Geske for his service on the Committee for the past year. Geske advised that the new FSA Chair for the coming year is Ed Patzner.

Committee members were reminded of the Town of Dodge Public Hearing on January 12th, 2010 at 6:00 P.M. to adopt the 2000 Revised Comprehensive Zoning Ordinance and Land Use Plan. Van Tassel stated she would not be attending the meeting.

Next Regular Meeting Date was set for Wednesday, February 3rd, 2010 at 9:00 AM in the County Board Room.

At 11:15 AM, a motion was made by Zauner to adjourn the meeting, Geske seconded, motion carried.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michelle Haines
Secretary