

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
August 11th, 2010 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:00 AM.

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

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Kimarie Estenson, Vickie Stalheim, County Surveyor Joe Nelsen and DeWayne Snobl-USDA-APHIS were present for part of the meeting.

Others present: John Schaefer, John Wollum, Winn Bay Sand, LP representatives, Gary Stone and Ronda Ficke.

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

Approval of Agenda – Lien requested that the Committee reverse the order of agenda items #9 and #10 so that the Winn Bay representatives could be excused rather than have to endure the budget discussions. Vold made a motion to approve the agenda with the proposed change in order, Nelson seconded, motion carried unopposed.

Approval of Minutes –Vold made a motion to approve the June 9th, 2010 and the July 14th, 2010 meeting minutes as presented, Thompson seconded, motion carried unopposed.

Public Hearing – Land Use Change/Rezone-Exclusive Ag (EA) to Exclusive Ag 2 (EA2) - John and Judy Schaefer-Town of Hale. Chairman Brandt opened the public hearing at 9:04 AM. Brandt gave a brief overview of the public hearing procedures. Nelson read the public hearing notice aloud. Lien stated Mr. Schaefer’s property is located in the Town of Hale and is currently zoned Exclusive Ag which requires a minimum lot size of 35 acres. Lien added his opinion that he felt these parcels were predominantly Exclusive Ag because at one time the land may have been enrolled in Farmland Preservation or when the Land Use Plan process was completed this land was retained as Exclusive Agriculture. Exclusive Agriculture does not allow for subdividing into smaller parcels. Schaefer is proposing two lots, one lot of 3.29 acres with a pre-existing chicken barn on it and the second lot is vacant with 4.89 acres. Lien provided the Committee with the proposed Certified Survey Maps (CSM) of the property. Lien stated the rezone would allow Schaefer to meet the density requirement of 1 home per 35 acres with a minimum lot size of one acre which is required in the Town of Hale. Lien added this hearing was publicized in the newspaper and letters were sent to adjoining landowners and Lien has received no responses either for or against. Lien read aloud an excerpt from the Town of Hale board meeting minutes: John Schaefer has sold his chicken barn and brought to the Board that he needed the Town to rezone his land part to Ag. To Ag. 2 so the new owner can purchase the land. Board discussed. Motion to rezone his chicken barn from Ag. To Ag 2 made by Eric Franson, seconded by David Lyngen, motion accepted.

Testimony in Favor

John Wollum – Registered in favor but not testify. Wollum stated that since the public hearing application was filed, Wollum has decided not to purchase the other vacant lot.

Testimony in Opposition – No one registered to testify in opposition.

Chairman Brandt closed the public hearing at 9:09 AM. Vold verified that the Committee was approving the rezone for both parcels. There being no further discussion, Quarne made a motion to approve the rezone from Exclusive Agriculture (EA) to Exclusive Agriculture 2 (EA2), Smick seconded, motion carried with no opposition. Brandt informed Schaefer, that rezones are forwarded on to the County Board for final approval. The Dept. of Land Management (DLM) will notify Schaefer as to the meeting date, time and place so that Schaefer can plan to attend that County Board meeting.

APHIS-USDA Wildlife Damage & Claims - DeWayne Snobl, Department of Agriculture, Animal & Plant Health Inspection Service -Wildlife Services was present. Snobl stated the largest program he works with is the Wildlife Damage and Claims Program. For the benefit of new Committee members, Snobl gave some background information stating around 1997 Trempealeau County contracted with APHIS to provide wildlife services on their behalf. The program is a “hunter” funded program that deals with deer, bear, geese, and turkeys. Snobl assists landowners in trying to abate and reduce management claims which evolve from certain situations. Snobl explained the Deer Donation Program which was started in 2000, is another component to the program. Damage Program dollars are used to fund the donation program. Hunters can donate deer, free of charge, to participating processors. The money comes from the Wildlife Damage Abatement and Claims program in which the budget portion has to be approved by the County who wishes to participate. Snobl reiterated that neither the Damage Program nor Deer Donation Program is county funded. Snobl stated Deer Donation Program approval, for 2010, is needed. Snobl informed Committee members that the State has prioritized the funding as follows: administration and abatement, damage and claims program and then deer donation, therefore Snobl had to wait to see if there was going to be enough money available to fund the Deer Donation Program. If the Deer Donation Program in Trempe. Co. is approved; Snobl would set up the processors, food pantries, publications, etc. Snobl mentioned APHIS has cooperative service agreements with 48 of the 72 counties in Wisconsin. Snobl referred the Committee to a chart which showed 5-year deer donation history and Buffalo and Trempealeau County being toward the top in donations. Discussion followed regarding processors available in Trempealeau and Buffalo County. Bice inquired if Snobl had any idea why certain processors quit participating in the Donation Program? Snobl stated he felt the processor probably had enough other business and the State sets an amount per deer that a processor receives, so with costs going up, perhaps it wasn't cost effective. Snobl added the money being discussed can only be used for the Deer Donation Program. This amount will be added to the initial \$24,206.99 budget for Wildlife Damage & Claims which was approved last fall. After some questions, Snobl clarified that the processing bills are sent to APHIS and then paid out through the County and no County funds are involved. Brandt mentioned that the donations go to the food pantries which are a good use of the deer and the program is very popular. Discussion followed concerning the lack of freezer space available to the food pantries and other counties participating in the program. Nelson made a motion to approve Trempealeau County participation in the Deer Donation Program for 2010, with a WDACP budget amendment of \$50,000, Patzner seconded, motion carried with no opposition.

Snobl provided each Committee member with a USDA-APHIS-Wildlife Services Wisconsin Wildlife Damage Abatement and Claims Program-2009 Summary Report. Snobl went through the report with the Committee (A copy of this report is on file in the DLM office and is also available as a link on the County website). Snobl mentioned that when fence is put in through APHIS it is a 15 year contract and APHIS is

responsible to make sure the fence is being maintained. The fences are checked annually which is approximately 140 miles of fencing statewide. Lien asked if those fences were primarily around orchards? Snobl responded in Trempealeau County the fencing was around orchards; however in Jackson County the fencing is around cranberry bogs and statewide any other high value crops. Snobl mentioned that he would be back in October to set crop prices for damage claims. Brandt questioned if there were any wolf packs? Snobl did not know of any verified wolf packs in Trempealeau County. After some discussion regarding wolf packs and other issues, Snobl recommended, if landowners have livestock issues, DLM give them the 800 number to call as they will get a faster response. Discussion took place about the decrease of whippoorwills in the area.

TRM/LWRM Cost Share Payments/Requests – Stalheim referred the Committee to the handout in their meeting folder.

LWRM

Name	Type	Amount	New CSA Total	Reason for change
Dean J. Suchla	Contract	\$8,190.00	\$8,190.00	Heavy Use Protection area
Dean J. Suchla	Pay Request	\$8,190.00		Heavy Use Protection area
Tom Gonyo	Contract	\$2,633.75	\$2,633.75	Streambank & Shoreline Protection
Tom Gonyo	Pay Request	\$2,633.75		Streambank & Shoreline Protection
Gary Thorson	Contract	\$1,996.88	\$1,996.88	Streambank & Shoreline Protection
Gary Thorson	Pay Request	\$1,996.88		Streambank & Shoreline Protection

Stalheim presented three LWRM contracts and three 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. Vold made a motion to approve payment of the LWRM cost share payments as presented, Quarne seconded, motion carried with no opposition.

Nutrient Management Farmer Education Grant money expenditure- Stalheim stated the DLM office would like to purchase a computer with state funds that are available from the aforementioned grant. Stalheim had obtained a quote from the Information Systems (IS) Department of \$953.00. The IS Dept. requires that any computer purchases go through the Standing Committee. Bice questioned if the money could be used for something else. Stalheim responded the grant is limited to Nutrient Management, part of the grant was for the incentive payments which were discussed and approved at the July E & U Committee meeting and the other part of the grant is for administrative needs. Bice asked if two prices were obtained on the computer. Stalheim stated she had gone through the IS Dept. and they do all the comparison pricing and DLM is given a purchase order with the best price. Bice and Smick requested a copy of the invoice specifying what is being purchased. Thompson made a motion to use the Nutrient Management Farmer Education Grant money to purchase a computer, Bice seconded, motion carried with no opposition.

Review “draft” Conditional Use Permit additional conditions for Winn Bay Sand, LP. – Brandt stated the Committee has had a copy of the “draft” CUP additional conditions to review for some time. Brandt added that an issue has come up with Condition #4 on page 3. Lien read the condition aloud which states “the natural trees currently located on the Winn Bay Sand LP real estate, adjoining the Conditional Use Permit site, shall be maintained until the mining operations permanently cease.” Lien added that Gary Stone, Winn Bay Sand, LP manager has been in contact with Kimarie Estenson and has indicated that there is an area outside the mining activity area that would need trees cleared in order to get the conveyor in. Stone stated, in the plan that was submitted, it shows the mine down in the valley, but to get the product out of the mine to the rail site a conveyor will be used, so trees would need to be cut down. Stone’s concern was that the condition mentioned does now allow for the removal of trees. Stone

added that Winn Bay is planning to have the utility corridor (gas, water, electrical) follow that conveyor along the North property line and also the corridor would be used as a maintenance road for ingress and egress to get over to the rail load out. Estenson provided the Committee with an aerial map of the mine site for reference. Quarne inquired as to how wide the corridor would be? Stone explained that with utilities there is a certain amount that is needed, plus the conveyor, so Stone felt the width would be approximately 50 feet. Stone mentioned this is on the Schrock property and some logging has been done on that side of the hill already. Lien asked if the conveyor was included in the total mine acreage? Stone responded he was unsure because he isn't aware of how the calculations were done. Estenson added that DLM doesn't know either. Estenson stated on the Conditional Use Permit application that was submitted the figure for acres was 150.53 acres for mining but below it is listed 35 acres for processing, but without a breakdown/site plan it is hard to tell if the conveyor was included in the acreage. Lien inquired as to how close Winn Bay was to having a completed site plan. Stone responded they should have a site plan in approximately two weeks. Brandt stated to Stone that he felt the lack of Winn Bay to provide a final site plan is the issue which is holding everything up. Brandt suggested Stone work on getting a complete site plan to the County. Bice inquired as to how far from the property line Winn Bay was going to be with the conveyor. Stone responded that is another item of discussion as it would depend on what the County wanted, Winn Bay could either run the conveyor up over the hill and down the other side, which would be visible, or excavate and get the conveyor down closer to the 950 foot elevation, which would be less noticeable. If Winn Bay went to the lower elevation, MSHA (Mining Safety & Health Administration) would allow Winn Bay to go closer to the north line and leave a "high" wall that Winn Bay would berm so that it is tucked up closer and when final reclamation is done it would be a 4 to 1 slope. The other option is, if the lower elevation is chosen, the slope would have to be done first and then move the conveyor equipment further south. Stone stated the question would be, what is the least intrusive. Brandt suggested Stone work with DLM staff and come back to the Committee with a recommendation. Discussion followed on the options for conveyor placement and the "high" wall. Estenson asked if Stone felt the existing material that is consolidated would be stable. Stone responded a bulk sample was done and the sandstone holds pretty well. Discussion followed on "high" walls. Estenson stated the Mining Reclamation Ordinance reads the slope has to be 3 to 1 and any straight or high walls could be approved by DLM staff. Bice stated Winn Bay is going to be following a significant amount of property line and questioned how far from the property line Winn Bay would be. Stone responded that he would need to consult with MSHA, but typically the mining area is 50 feet from the property line, but that does not necessarily include equipment. The County setback is 10 feet from the property line. Bice questioned if Winn Bay would be able to leave the trees within the 10 feet? Stone stated he was going to revisit the site to examine what kind of trees are there, and reiterated that the majority of the area being discussed is on the Schrock property which has recently been logged. Bice conveyed his opinion that the County will work with Winn Bay to the best of their ability to get this Conditional Use Permit through. Bice asked if Winn Bay planned to do any excavating yet this fall. Stone responded that is Winn Bay's goal. Discussion took place regarding the time line for a public hearing for a variance. Bice requested to Stone that Winn Bay keep everyone informed if there are going to be significant changes.

Review "draft" 2011 Budget - Lien presented a copy of a "draft" 2011 budget to the Committee. Lien referred the Committee to the Sanitary revenues in which last year's budget, done by a previous Department, showed the budget for State Sanitary Permits at \$10,862.00 and County Sanitary Permits at \$10,862.00. Lien stated the County Sanitary permits have never come close to the amount budgeted for 2010. Lien added in 2009 the County took in \$367.50, so there is no way DLM will ever meet that amount budgeted for 2010. Lien stated he is going to put in a more realistic figure of \$400 into the 2011 budget for County Sanitary permits. Discussion took place on ways to make up the budget deficit and funded and unfunded mandates.

Lien informed the Committee that DLM has received notification that Trempealeau County will be receiving a \$5,000 grant specifically for the rewrite of the Shoreland-Zoning Ordinance. Lien stated it is the first time that DLM has ever received funds to provide for the revision of an Ordinance.

Brandt questioned the health insurance amounts on the budget and if Departments were asked to keep it the same amount. Lien responded those were the instructions he received. Discussion took place on the health insurance rates. Brandt stated everyone should take offense to the fact that the rising cost of health insurance has had a significant negative effect on the ability of business and governments to do their business. Smick commented people need to start contacting legislators and express our discontent. Brandt questioned Lien regarding state funding. Lien stated the funding did drop slightly. Discussion followed on the positions used to fill out the staffing grant. Bice stated that the new health care plan has mandated that our insurance company cover children up to age 27 and at this time it is unsure how that is going to affect the County. Lien stated he and Stalheim had been working on the budget and looking at the other County's as advised, for comparison, but it is difficult to find an "apples to apples" comparison as the County's that are to be used in the comparison (Buffalo, Clark, Jackson, Juneau, Monroe, Pierce and Vernon) are not structured like the DLM plus a lot of those county's do not have all county zoning. Discussion took place on the survey that is being prepared, regarding county services, to send out to the public. Bice commented that when the survey is received back, not only will the County Board need to look at that information, but the Board will also have to look at funded and unfunded mandates. Vold added there are some departments that have the services available, they are not specifically staffed for that service, but if someone requests it they will be provided with that service. Lien asked for some direction on what he will need to prepare or provide for the budget hearings. Smick responded that mandates are to be identified and linked to the line item in the budget. Also, a reference source; i.e., letter, statute, as to where an item is mandated should be provided and its' funding source. Discussion followed on how some services have been provided, because of certain mandates, in which the towns' as a group, felt the County could provide in a more cost efficient manner such as UDC building inspection and Transportation Facility engineering. Discussion took place regarding association dues and continuing education expenses to carry various licensing and the employee insurance plans. Vold made a motion to approve the "draft" budget, Brandt seconded, motion carried with no opposition.

Erosion Control and Storm Water Management Ordinance – Committee members had previously been provided with a draft copy of the Erosion Control and Storm Water Management Ordinance for their review. Lien read aloud the meeting minutes from April 14th, 2010 which read, "Quarne made a motion to forward the amended Erosion Control and Storm Water Management Ordinance onto the County Board of Supervisors, pending any changes from Corporation Counsel, Van Tassel seconded, motion carried unopposed". Lien stated Corporation Counsel has reviewed the Ordinance and made a few cosmetic changes. Vold and Nelson both commented that they weren't sure what the changes in the Ordinance were since they were not identified in any way. Kimarie Estenson explained that the Storm water section of the Ordinance is new and would take effect at three-quarters of an acre, therefore the County would have jurisdiction above DNR whose enforcement takes effect at one acre. Estenson stated the erosion control elements are still the same and take effect when disturbance of 300 feet of road ditch takes place or changes are occurring in the hydrology of the site, therefore mirroring NR-151. Vold questioned if storm water retention ponds had to be put in? Estenson responded no, there are lots of other options. Storm water problems in the Centerville area were discussed. Estenson stated an Erosion Control Permit will be required at disturbances of 4000 square feet or more, however, anything that is ag related is exempt. Estenson added there are actually two plans incorporated into the new Ordinance. Brandt reminded the Committee that this Ordinance will have to go to the full County Board for approval. Thompson made a motion to approve the Ordinance as presented and forward it on to full County Board, Nelson seconded, motion carried with no opposition.

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, which Nelsen reported was almost complete with six corners left to set. Nelsen reported those six are either in the middle of a cornfield or, right now, under water due to the recent heavy rains. The other report was for T20N, R7W-Ettrick which Nelsen reported he is doing the same type of work but with a different completion rate. Nelsen shared digital photos with the Committee of some of the survey work being done. Bice inquired as to when remonumentation work would be completed. Nelson responded the estimated completion date is 2012, but that depends on how long it takes to recover evidence. Nelsen mentioned that on one corner in Arcadia township, where a windstorm had gone through a couple of years back, his crew spent a couple of days just clearing trees out of the way, so that they could begin digging/searching for corner evidence thus slowing down the remonumentation process. Quarne made a motion to pay the Surveyor’s bill as presented, Thompson seconded, motion carried with no opposition.

Director’s Report – Lien reported that he has now had two meetings with the Towns’ regarding the revision of the Comprehensive Zoning Ordinance. The next meeting will be on September 1st, 2010 from 6-8:00 PM in the County Board Room of the Courthouse. Lien added he has a two page list compiled of changes/revisions the Towns’ would like to see.

Discussion took place regarding a tour for the Committee and DLM staff. It would be a chance for everyone to get a first hand look at various cost share projects, road projects, erosion control, etc. that DLM staff has been working on. It was Committee consensus that a tour should take place along with the October E & LU Committee meeting and that DLM staff should go on the tour.

Lien mentioned he will be meeting with the Town of Arcadia Chair, as he has some concerns about the Land Use plan.

Next Regular Meeting Date was confirmed for Wednesday, September 8th, 2010 at 9:00 AM in the County Board Room. An October meeting date of October 13th, 2010 was set, with a County tour to be on the agenda. .

At 11:40 AM, a motion was made by Volt to adjourn the meeting, Quarne seconded, motion carried.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael E. Nelson
Secretary