

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
March 10, 2010 9:00 AM
COUNTY BOARD ROOM

Chair Halderson called the meeting to order at 9:00 AM.

Committee members present: Paul Halderson, Gerry Van Tassel, Roland Thompson, Dave Quarne, Michelle Haines, Chuck Zauner and Ed Patzner. Dick Kiekhoefer arrived after the start of the meeting.

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Vickie Stalheim and DeWayne Snobl- USDA-APHIS Wildlife Services were present for part of the meeting.

Others present: Bob Tenneson –Town of Preston Chairman, Glen and Sabrina Lambright, John A. Lambright, James Frei, and Rod Saxe – Hegg Contractors.

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

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

Public Hearing-Rezone from Exclusive Ag 2 (EA-2) to Commercial (C) – John A. & Dora Lambright property – Town of Preston. Chairman Halderson opened the public hearing at 9:01 AM. Haines read the public hearing notice aloud. An aerial photo was provided for all to view. Lien stated that Glen and Sabrina Lambright are requesting the rezone on the John A. and Dora Lambright property. Glen and Sabrina Lambright would like to purchase the property and construct a type of general store which would be a commercial use. Lien informed the Committee that up until approximately 1993 there had been a store not too far from this location. The proposed store would be of the same type. Lien provided the Committee members with page 21 of the Trempealeau County Comprehensive Zoning Ordinance which states “where a commercial or industrial use abuts a residential or agricultural district; or such vegetative screening or fencing is required by a provision in this Ordinance.” “Such parcels shall comply when the structure or parcel is expanded in size or the use expands to an adjacent parcel which was previously undeveloped for such use. The Committee has the ability to require site plan approval.” Lien explained that in the current situation, if the rezone is approved by this Committee and then approved by the County Board, then the applicant would be asked to come back with a detailed site plan of the property which the Committee could review for vegetative screening, lighting, etc. This would not be a public hearing, so there would be no additional fee to the applicant. Glen Lambright stated his intent for the rezone was to put up a store which would sell items like bulk foods, pastry mixes and perhaps house a bakery. Lien informed the Committee and Lambrights that any commercial food processing would have to meet Health Department regulations and the structure itself would have to meet Commercial Building Code. Halderson questioned the dimensions of the proposed building. Glen Lambright responded the building would be approximately 40’X 90’.

Testimony in Favor – Lien read a letter from the Town of Preston stating the Board had held a special meeting in which a motion was made and approved to allow the rezoning of the John A. Lambright property from Exclusive Ag 2 (EA-2) to Commercial (C).

Testimony in Opposition - Lien stated he received a telephone voice mail message from Janet Lyngen who stated she was in opposition to the rezoning.

Zauner questioned who owned the land right now? Lien responded that Glen's father, John A. Lambright owns the land. Zauner inquired if the property was going to be sold to Glen after the rezoning is approved. Glen Lambright acknowledged that was correct. Lien stated many times a purchase agreement is signed contingent upon the rezoning being approved. The buyer will not purchase the property unless the rezoning is approved so they will be able to use the land for which they purchased it.

At 9:12 AM, Zauner made a motion to close the public hearing, Thompson seconded, motion carried.

With no further discussion forthcoming, Zauner made a motion to approve the rezoning, Van Tassel seconded, motion carried with no opposition.

Public Hearing-Conditional Use Permit – Non-Metallic Mining -Hegg Contractors, Inc., Phineas Schrock property – Chairman Halderson opened the public hearing at 9:13 AM. Haines read the public hearing notice aloud. An aerial photo was provided for all to view. Lien referred the Committee to the aerial photo and specifically Schansberg Road. Rod Saxe was present to represent Hegg Contractors. Lien stated Hegg Contractors currently operates a pit that is adjacent to the site being permitted. Hegg has exhausted the adjacent pits lifespan, otherwise the remainder of the pit has been reclaimed. Last April, Hegg Contractors had applied for and was granted a Special Exception Permit which allowed Hegg to excavate within 300 feet of a shoreland/zoning area. Lien inquired if Hegg would still be stockpiling material or would the old site be abandoned and everything moved to the new permitted area? Saxe stated Hegg wanted to maintain the existing permit and keep a separate permit on that area so it can still be used for a stockpiled area because there is concerns about Hegg's activity in the shoreland/floodplain area, so at least for now it would be kept open. Lien stated Saxe had been working with Kimarie Estenson on the Conditional Use Permit requirements and the intent of the permit is to keep under 1 acre of the proposed site open therefore everything would be reclaimed. Lien stated letters were sent to all adjoining landowners and the public hearing notices were published in the official newspaper for two consecutive weeks. No responses were received for or against. Saxe added it is a four acre site however only 1 acre will be open. Saxe stated Hegg Contractors does have a reclamation bond for a four acre site. Saxe reiterated the plan is to disturb no more than one acre at a time, staging it as things progress. Saxe added he is anticipating a 40 year life expectancy for this mine. Patzner inquired what Hegg was using the sand for? Saxe responded the sand is used for local construction and some farmers use it for bedding sand. Lien added Hegg Contractors has a reclamation plan on file that has been approved. A Special Exception Permit was obtained by Hegg Contractors in 2009. A DNR Grading and Mining Permit has been obtained and authorization through the Archaeological Cultural Resource has been obtained. Lien explained that anytime areas along bluffs and rivers are disturbed the Archaeological Cultural Resource Permit must be obtained.

Testimony in Favor – Lien read a letter dated February 16, 2010 from the Town of Preston which stated the Town gives its support to Hegg Contractors in establishing a Non-Metallic Mining sand pit adjacent to an existing mine on the Phineas Schrock property in the Town of Preston.

Testimony in Opposition – No testimony was given in opposition.

At 9:25 AM, Van Tassel made a motion to close the public hearing, Zauner seconded, motion carried.

Zauner asked Saxe what his plans were for conserving the topsoil?. Saxe responded the topsoil would be stored above the site. Discussion followed regarding the elevations shown on the maps provided.

Thompson made a motion to approve the Non-Metallic Mining Conditional Use Permit for Hegg Contractors on the Phineas Schrock property in the Town of Preston with all Standard Conditions applying, Van Tassel seconded, motion carried with no opposition.

Wildlife Damage – DeWayne Snobl was present from USDA APHIS (Animal Plant Health Inspection Service) Wildlife Services.

A. Shooting Permit Harvest Exemption Consideration – Snobl informed the Committee that in 2009 he had one permit application, for Peter & Mary Ecker –Ecker’s Apple Farm, which due to Peter’s terminal illness they did not meet their shooting quota for deer damage claims. Normally, once a permit is issued, 50% of the deer are to be harvested in the first 45 days, 80% by the end of the year. 10 tags was the quota, so five were to be harvested in the first 45 days and eight by the end of the year. Snobl added only one deer was harvested in the first 45 days. Snobl stated that he had been in contact with Kevin Lien of the Dept. of Land Management, the State Wildlife Biologist and Madison DNR on this matter. Based on the circumstances, he received a “yes” to allow the shooting permit harvest to be exempt for this particular claim from all office personnel contacted. Therefore, Snobl recommended to the Committee that the exemption be granted to Peter and Mary Ecker. Halderson questioned if Eckers’ had ever applied for fencing? Snobl responded there was some type of fencing, but whether it was part of the damage program, Snobl did not know. Halderson asked how many deer were normally taken off the Ecker property? Snobl responded about 10 or 15. Quarne made a motion to exempt Peter & Mary Ecker from the Shooting Permit Harvest requirements due to health reasons, Haines seconded, motion carried with no opposition.

B. 2009 Wildlife Damage Claims – Snobl provided the Committee with a report of landowners who had requested appraisals for damages (See report on file in the DLM office). Snobl stated totals are up a little from the previous year. One change this year is a \$500 deductible. Snobl added all the other landowners have met their harvest quotas. Discussion followed on bear activity in the area. Halderson inquired where a person can obtain a list of persons who have shooting permits? Snobl directed Halderson to the DNR website. Zauner made a motion to approve the wildlife damage claims as presented, Van Tassel seconded, motion carried with no opposition.

C. Deer Donation Update - Snobl stated deer donation was down significantly statewide – roughly 60%. Van Tassel inquired as to what caused the huge drop? Snobl responded it was mainly change in season structure. Significant winters also played a role, which resulted in less deer on the landscape. (A detailed report is on file in the DLM office.) For 2010, Snobl felt there should be funds available to offer the program. This report was for information purposes only.

Resolution – Creation of Non-Lapsing Account for Planning Purposes - Each member was provided a copy of a resolution for the Creation of Non-Lapsing Account for Planning Purposes. Lien reminded the Committee that this item had been talked about previously, but mainly in Closed Session. The Committee had previously agreed to place all unused salary from an employee vacancy in the Vehicle Account for this purpose. Lien expressed concern that there should be something in the minutes about the long term planning needs of the County. Lien was asked by Executive/Finance Committee to draft a resolution and did so with the help of Corporation Counsel and Vickie Stalheim. The purpose of the resolution is to create a non-lapsing account to which \$6,000 would be added, each year, for future planning needs. Therefore, in the future, should the County decide to contract with Mississippi River Regional Planning Commission (MRRPC) or go some other route, funds would be available to provide planning assistance to the towns’. Lien read the resolution aloud. Lien stated he had discussed costs with MRRPC and MRRPC had quoted a cost of \$2,000 per town or \$30,000 for

the entire county. Lien added that, at this time, our original agreement with the towns' is to do a revision every three years to their Land Use Plan. Lien has had discussion with the towns' and the Smart Growth Plan has been adopted which needs to be revised every ten years. Lien felt maybe these timelines could be re-arranged so that every five years the Land Use Plan would be revised and in the tenth year the Land Use Plan and the Smart Growth Plan would be revised. Therefore, if this planning could be done for \$30,000 every five years, the \$6,000 budgeted amount should be sufficient. Also, if a town had an issue arise, where they wanted to revise their plans in between the scheduled years, money would be available for that purpose. At Van Tassels' request, Lien clarified that no additional money would be taken away from the Vehicle Account. Zauner made a motion to approve the resolution as presented, Van Tassel seconded, motion carried with no opposition.

Designate funds for Computer Program purchase – Lien, Martin Goettl - Land Records, and Cindy Currier - Information Systems had all met with Exec./Finance Committee regarding the Computer Program purchase. Lien stated Land Records has some grant money and the rest of the money would come from the DLM budget as it had been earmarked for the computer program purchase. Lien explained some of the details of the computer program to be purchased as well as tracking requirements for DATCP's NR-151 program. Zauner inquired as to what other counties were interested in the NR-151 tracking software? Lien stated he had sent an E-mail out to other counties asking that question and is waiting for replies. Lien added clarification is needed from DATCP as to what the tracking requirements will be. Zauner suggested it might be advantageous to wait awhile before purchasing the NR-151 tracking software, since it sounded like the more counties involved the less costly it would be. Lien reiterated the grant money that Land Records has will be used first, then the money DLM has designated will be used. Lien added there is a chance that the computer program may require additional money, however, if that is the case, Lien will come back to the Committee with a request. Van Tassel made a motion to designate up to \$43,000, currently held in the DLM Vehicle non-lapsing account, to be used for the computer program purchase, Zauner seconded, motion carried with no opposition.

TRM/LWRM Cost Share Payments/Requests- There were no cost share payments/requests.

Erosion Control and Stormwater Management Ordinance - A "draft" copy of the Erosion Control and Storm Water Management Ordinance was distributed to all Committee members. Lien explained this "draft" Ordinance was originally developed through an Advisory Committee, however the "draft" Ordinance emerging from the Advisory Committee was very lengthy. Corporation Counsel requested that the Department of Land Management reduce the "draft" Ordinance. Lien stated Kimarie Estenson went through the "draft" Ordinance and reduced it to the Ordinance presented. Lien explained the necessity for the Storm Water Ordinance was, years ago, there were several subdivisions which had Stormwater permits approved by DNR, because they were over one acre. There was no enforcement by DNR on these sites so there was water runoff into the creeks, etc. The Committee at that time felt the County needed their own Stormwater Ordinance. Since the State regulates at one acre, the County would regulate at three-quarters of an acre. Lien informed the Committee that the public hearing for the Erosion Control and Stormwater Management Ordinance would be scheduled into next month's regular E & LU Committee meeting and then the Committee could make a recommendation to the County Board of Supervisors for adoption.

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 that all services are still being provided between the Health Department and Department of Land Management. After some discussion, Halderson made a motion to table any action on the two Memorandums until the matter regarding the merger of Human Services and the Health Department is settled, Zauner seconded, motion carried with no opposition.

Surveying Update – Joe Nelsen, County Surveyor was present and provided each Committee member with a survey report of remonumentation progress in Township 20 North, Range 8 West. In T20N, R8W, Nelsen has 87 positions controlled. Discussion followed. Quarne made a motion to approve payment of the survey bill as presented, Van Tassel seconded, motion carried with no opposition.

Director's Report – Lien and Kimarie Estenson have been working on the Erosion Control and Stormwater Management Ordinance. Estenson did most of the revision work.

Lien stated he and Emery Palmer have been working on the Sanitation and Well Ordinance. That Ordinance will probably come before the Committee after elections.

The next Towns' Association meeting is scheduled for April 20th, in Dodge, which Lien is planning to attend. Lien would like to discuss, with the Towns', the schedule of meetings for revising the Trempealeau County Comprehensive Zoning Ordinance. The meetings would start in May or June and would give each town the opportunity to provide input on the revision of the Comprehensive Zoning Ordinance.

Lien reported that the DLM sponsored a Contractor's Workshop at the Arcadia Country Club on February 25th, 2010. It was well attended with over 65 contractors present. Lien stated that the contractors are impressed with the level of service the DLM provides. When the workshop was over, the speaker from the Department of Commerce and another private vendor complimented the DLM as Trempealeau County is one of the only counties putting this kind of effort into educating the contractors and in the long term it will pay off because there will be better quality work being done. More contractors are also getting licensed.

Kiekhoefer questioned how the Alice Glenzinski new home site became an issue? Lien explained Glenzinski had picked up a Home Building Packet from the DLM office, then Glenzinski met with the Town of Arcadia building inspector (which has no ties to the DLM office) and he told Glenzinski she had everything she needed and she was ready to start her home. In late September, when Glenzinski actually applied for a Zoning permit in the DLM office, Kimarie Estenson went out to the site the following day and told Glenzinski that she would have to stop her building process and apply for a Special Exception Permit because she was excavating within the shoreland/zoning area of a stream. Glenzinski was very unhappy, because she felt the DLM office should have foreseen this issue. Lien stated landowners obtain Home Building Packets every day, but no site visit is actually done until the Zoning Permit is presented and paid for in the DLM office. Gamroth added that Glenzinski had been into the DLM office in July to review her Farmland Preservation plan and had applied for a Uniform Numbering Permit, however, neither of these activities prompt a site visit. Gamroth's opinion was that Glenzinski felt since these two items had taken place, the DLM office knew where she was building her home and should have notified her of the problem earlier in the year. Zauner suggested that the DLM office review procedures so that this doesn't happen again. Lien stated he has talked with the Town of Arcadia about the issue also.

Next Regular Meeting Date was set for Wednesday, April 14th, 2010 at 9:00 AM in the County Board Room. The public hearing for the Erosion Control and Storm Water Management Ordinance will also be held at that time.

At 10:24 AM, a motion was made by Quarne to adjourn the meeting, Kiekhoefer seconded, motion carried.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michelle Haines
Secretary