

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management
MEETING MINUTES
June 10th, 2009 8:45 AM
COUNTY BOARD ROOM

Chairman Halderson called the meeting to order at 8:45 AM.

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

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

Others present: Deloras Vind.

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

Chairman Halderson welcomed Roland Thompson to the Environment and Land Use Committee. County Board Chair Semb had appointed Thompson at the May 18th, 2009 County Board meeting to serve as the Town Member representative on the Committee.

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

Approval of Minutes – Quarne made a motion to approve the May 13th, 2009 regular session meeting minutes, Van Tassel seconded, motion carried unopposed.

Public Hearing –David Goodman – Conditional Use Permit – Town of Hale – Chairman Halderson opened the public hearing at 8:46 A.M. Haines read the public hearing notice aloud. Estenson stated to the Committee that the public hearing was published for two consecutive weeks in the newspaper and notices were sent to all adjoining landowners. Estenson continued that the proposed driveway is on Bye-Nelson road in the Town of Hale. David Goodman was present for any questions the Committee may have. Estenson stated one of the main issues affecting this driveway is the fiber optic cable that was approximately 35-40 feet off the edge of a town road. Estenson provided the Committee with digital photos of the site. Goodman verified he was not aware of this cable when he purchased the property as it was not on the deed. Estenson added when constructing the driveway, attempts were made to try to lower the cable and it was lowered slightly. Unfortunately, after taking “elevation shots” Estenson still came up with 21 ½% in one spot and 20 ½% and it is in a very small, less than 30 foot section. Lien stated the Revised Comprehensive Zoning Ordinance reads that any new proposed driveway has criteria that it has to meet; 0-20% is a permitted use, 20-30% is a conditional use that has to be approved by this Committee and anything over 30% is prohibited. Lien added he thought this was the first driveway to exceed 20% since the Ordinance was adopted. Staff has tried to accommodate the Ordinance and the town officials have indicated to Lien that the 20% slope in the Ordinance is too steep. Lien stated Estenson and Goodman have worked together to try any solution possible. Estenson added that the driveway portion with a slope issue is less than 30 feet and the fiber optic cable is about 20- 30 feet beyond where any water is located and efforts have been taken to divert the water out and away from the driveway as well as the town road – so there should be no runoff and gravel running away from the town road. Halderson

stated his understanding of the Ordinance language of 20% slope was “drawing the line” so that emergency vehicles wouldn’t have a problem getting up a driveway at certain times of the year. Halderson questioned why a different route couldn’t be used. Estenson stated site distance and property lines were an issue. Estenson continued that Goodman even looked at purchasing some land from the neighbor to remedy the situation, but that was not an option. Zauner questioned how the 20% slope was measured? Estenson replied that elevation shots are taken with a laser level and she had taken shots every 10 feet to see how large of a section was being dealt with. Discussion followed about other questionable driveways. Geske commented that 20% on a long slope will look a lot worse than 20% on a short area. Halderson asked what the percent of slope was from bottom to top? Estenson responded it was closer to 15% and flatter excluding the section being discussed. Direction of the slope was discussed. Goodman stated that the driveway gets light a good part of the day. Van Tassel questioned if the driveway could be moved a little more North. Estenson responded the driveway just gets steeper and then other issues become factors such as site distance, etc. Van Tassel suggested making the whole driveway higher. Estenson replied that it was a consideration but clearance had to be left for the fiber optic cable plus Goodman would not meet the requirements right off the road. Lien commented that Halderson was right, that when the 20% slope was put in the Ordinance it was felt that emergency vehicles wouldn’t be able to exceed beyond that and now representatives from the towns’ are implying that 20% slope is too steep. Lien continued the Zoning Ordinance still reads 20% but at some time in the future, there will be a county-wide revision of the Ordinance and driveway issues will be discussed. Lien stated Estenson has worked really hard with Goodman to try to find an alternative, but in this unique case there was not much else that could be done. Estenson reminded the Committee about the DLM’s efforts to meet with the towns’ this past winter regarding driveway issues. This driveway project is one of the few that was brought to the Departments attention “after the fact”. The town chairman had been out to the Goodman site and gave approval for Goodman to put in a culvert, so when the DLM became aware of the driveway, the culvert was already in and shale already placed. Estenson reiterated that is why the DLM tried to coordinate efforts with the towns’ on these driveways. From now on the DLM is hoping that if there are driveway issues/questions that a town representative will consult with DLM personnel prior to any driveway installations. Halderson questioned whether Goodman would be able to obtain a building permit without the driveway conditional use being approved. Goodman responded that he has already received his building permit. Estenson explained Goodman’s building permits were held until DLM personnel thought Goodman’s driveway would be alright, when the company stated they could lower the fiber optic cable, then permits were issued. However, with a driveway this large, issues tend to suddenly appear and the fiber optic cable not being able to be lowered enough became a problem. Estenson read a letter into the record written by the Town of Hale Chairman, Dave Berg, which stated that it was alright with the Town of Hale for Dave Goodman to put his driveway in. Haines inquired as to whether any discussions had taken place regarding this driveway with the Town of Hale fire chief? Discussion followed. Quarne questioned the liability on the County if the Committee approves the CUP for the driveway? Lien responded this is a Conditional Use Permit application so the Committee can add conditions when issuing it. Halderson closed the public hearing at 9:00 AM. Van Tassel made a motion to allow Goodman to build the driveway, Zauner seconded. Quarne made a motion to amend the original motion on the table to add the condition that the County is not liable if emergency vehicles, such as a fire truck or ambulance, cannot obtain access to the property on this driveway, Zauner seconded the amendment to the motion, motion carried with no opposition. There being a motion and second for the original motion with the approved amendment, the motion carried with Haines voting in opposition.

Foresters Report – County Forester Scott Laurie introduced himself and the other County Forester Dan Dehmer and stated that every year he comes before the Committee to give a report as to what was done and how it was done. Laurie informed the Committee that he works with private landowners in the County on forest management and tree planting. Laurie provided the Committee with a tree planting summary which is attached and made a part of these minutes. Laurie continued tree planting was very

light this year. Tree planting was down 70-80% of what it was in past years as (Conservation Reserve Program) CRP had made a huge impact on the large amounts of trees planted. Laurie continued that in the past years, 300-400,000 trees had been planted and this year less than 74,000 were planted. Laurie explained CRP as being a program where a 10 or 15 year contract is signed with the Federal government, the land is put in set aside either in grasses or in trees, an annual payment is received and 50% cost sharing is available for tree planting. Trempealeau County was one of the biggest counties in the state regarding the actual number of trees that were planted. Zauner questioned how state nurseries are affected when there is such a drop in the planting. Laurie responded it has been a real challenge. Typically three State nurseries produce anywhere between 20-30 million seedlings, this year they produced about one-fifth of that because there was so much excess nursery stock available. Laurie continued that the stock is kept in the ground for approximately three years, but after that, the stock is probably destroyed. Laurie informed the Committee that the County has three tree planting machines and the landowner is charged for the shipping of the trees into the County as well as for the use of the machines so that is where the income comes from. Van Tassel questioned who pays for the trees? Laurie responded the landowners are billed directly. Laurie stated budgets are getting tighter everywhere and as far as tree planting in the County, the Foresters' assist the landowners doing tree planting plans, assessing the site, soils, slope, vegetation, estimate what type of tree they might need and how many, and what type of site preparation might be needed. The Foresters' help landowners order the trees from the State nursery, arrange for the shipping, distribute the trees from the County Highway Shop, and also take the tree planters out to the landowner, instruct them on how to use the planter and guide them in the beginning of planting. Laurie stated that sometime in the future, they may have to ask the County to take over the delivery of the tree planters because of budgets being cut. Laurie added that 5-800 miles were typically put on a vehicle in the months of April and May delivering tree planters. In the past, Laurie had hired temporary help to pull the machine around the County and instruct landowners. Laurie stated the charge is \$10.00/thousand to use the machine however some counties charge twice or three times that much or they charge a minimum use up to 1000 – 5000 trees and charge a minimum delivery fee, so the fees can be structured so the use of the machines will pay for themselves. Halderson questioned how many trees the typical landowner plants. Laurie replied on average 3-5000 trees. Lien suggested the possibility of having the landowner pick up and return the machines. Laurie responded it has been done in parts of the State, the problem is there are "ins and outs" to using the machine and if a person doesn't know what they are doing, the machines can be broken quite easily. Laurie suggested for longevity of the machines and for ease in a busy season, someone should go out with the machine. Geske give his opinion that a base fee for set-up and delivery plus a fee based on number of trees would be a lot simpler. More discussion followed on tree planting, staff and service fees. Lien inquired as to how many tree planters there are and who is doing the maintenance on them. Laurie responded there are three planters stored at the County Highway shed in Arcadia. There was one person that was doing the welding and repair but he is no longer available. Discussion took place on the CRP program and how it affects the tree planting. Laurie presented rental income to the Committee in the amount of \$565.00. Haines made motion to authorize payment of the bills presented by the Forester, Zauner seconded, motion carried with no opposition.

Election of Vice Chairman – Chairman Halderson informed the Committee that Gary Monson was Vice Chair and since Gary is no longer serving on the E & LU Committee a successor will need to be elected. Quarne nominated Van Tassel for Vice Chairman, Rick Geske seconded the nomination. Quarne made a motion to close the nominations, Zauner seconded, motion carried with no opposition.

Petty Cash Reimbursement – Stalheim presented a bill from Lien for Petty Cash reimbursement. Stalheim added that all slips were verified and the bill totals \$33.81. Van Tassel made a motion to pay the Petty Cash reimbursement to Lien, Geske seconded, motion carried with no opposition. Discussion took place on how to handle these reimbursements in the future. Van Tassel made a motion to allow Lien

\$50.00 petty cash for future use and that all slips be turned in and verified and when replenishment is needed, the Committee will approve another amount, Zauner seconded, motion carried unopposed.

Conditional Use Permit Renewal – Salvage Yards and Mobile Home Courts located in the Towns.

Lien informed the Committee that each year inspections are done of all the salvage yards and mobile home courts located in the towns in the County. Lien has preliminary inspections done of all of these sites, however there are two salvage yards that have not yet paid and only two of the six mobile home courts have paid as of this date. Once all the owners have paid, and met all the conditions, Lien would like the Committee to issue Conditional Use Permits for each salvage yard and mobile home court. Lien admitted he has been lenient with the salvage yards, but he would rather have the junk in one location than all over the County, but he has been particular about required screening, that fire lanes remain open and that proper care is taken of tires and batteries. Halderson questioned the number of salvage yards and how many were private. Lien responded there are ten permitted salvage yards. Discussion followed on different private salvage yards and junk problems in the County. Lien asked for input from the Committee, if they had any new ideas on how to handle some of the long time junk problems. Lien gave the Committee information on the process of inspecting mobile home courts. Van Tassel inquired about camping trailers parked along Hwy 53. Lien responded there has been contact with the landowners. The landowner has pulled a permit to build a shed and indicated the campers will be removed. No formal action was needed at this time on Conditional Use Permits for salvage yards and mobile home courts.

Soil Judging Contest – Lien provided a report, which had been prepared by Carla Doelle, on the annual Soil Judging Contest. Blair-Taylor High School was the host school. David and Todd Quarne were the host farm. Dave Quarne attended as a representative of the E & LU Committee and distributed awards. Local participating schools were Blair-Taylor, Arcadia, Independence and Gale-Etrick-Trempealeau. Cashton High School brought four students to participate in the contest, however they were not eligible for awards. A total of 45 students participated. Roger Dahl, Soil Scientist from USDA-NRCS assisted with soil analysis. Todd Mau, Buffalo County District Conservationist assisted with pit critique and analysis. Soil pit excavation was donated by Nelson Diesel and Dozing. Blair FFA Alumni donated the rolls, milk and juice for the morning registration. \$500 in expenses for lunch, paper products and utensils were incurred. Plaques and awards cost \$319.29 bringing the total expenses to \$819.29. Lien passed around digital photos and contest results for the Committee to view. After some discussion, the consensus of the Committee was the Soil Judging Contest is a worthwhile event and it should be continued.

Planning Update – Lien informed the Committee that the County Planner is on maternity leave. Lien reported that Sveen had received the final information from Town of Albion so all of the Comprehensive plans for each town will be completed today. Lien is on the agenda for Albion, Caledonia, and Etrick meetings to be held in June and July to talk about the Comprehensive plan.

Surveying Update – County Surveyor, Joe Nelsen presented two survey reports; one for T21-8 and one for T21-9. Nelsen shared digital photos of some evidence that was found in the course of surveying for these reports. In discussing T21-8 Nelsen shared photos of evidence of an original marker which was set in 1852 by original government survey. Nelsen pointed out a small round disc in one of the photographs about 2 ½ feet away from the corner monument which was set as part of a bounty system that was used in the County approximately twelve to fifteen years ago. Nelsen continued that the County provided the Surveyor with the monument and after the paperwork for the monument was returned to the County, the Surveyor would receive approximately \$110. Nelsen informed the Committee that every spring he requests use of the County backhoe and staff to excavate for original marker information. A backhoe was used in T21-9 and backhoe excavation is Nelsen's standard procedure especially in roadway areas. Nelsen elaborated on one of the photographs which showed an original government stone set in 1852,

which the government didn't mark, they had just set the stone, but all three dimensions of the stone were given in the survey notes and it actually matched within one half inch of the three dimensions. Nelsen stated markings present on the stone plus survey notes are evidence that a County Surveyor named Thomas Cox was there in 1887. Haines questioned what Nelsen does when he locates a marker. Nelsen responded the site is photographed and measurements are made and documented and then a new County marker is set. Nelsen added the cap on the other marker that was set in the location will be removed and the difference between the two monuments will be documented so that there will be no confusion by other surveyors. Lien asked if Nelsen has to leave the other marker there because someone has done a survey off of it. Nelsen answered everything possible is done to avoid any confusion in the field. In a perfect world, a surveyor, before he does any field work, would come into the County office, research the location and get all the documentation so there wouldn't be any confusion. Nelsen does document both positions to try to avoid further confusion. Halderson questioned if Nelsen has ever not found a marker. Nelsen responded he is required by a certain procedure of measurement to restore the corner if no evidence is found. Nelsen continued there are three types of corners; 1) existent – the original monumentation or accessories were actually found 2) obliterated corner – which means no physical marker is found at the corner but there is enough physical evidence, testimony, measurements, records or occupations to restore the corner, 3) lost corner – which means no evidence was found and measurement is used to restore the position based on adjacent corners. Nelson stated “lost corners” are basically the last resort because federal and state law requires that the corners be restored to where the government originally set them. Geske asked if the stake itself has any meaning. Nelsen replied that in reading the survey instructions of 1846, surveyors are required to set a three inch diameter wood stake, four feet long, two feet in the ground and two feet above ground. Nelsen continued that, obviously, anything above ground after 150 years is gone so that is the reason for getting into the subsoil. Typically the “stain” is found to be three inches in diameter with the bottom point of it two feet down. Nelsen added it was a typical government project and regulations appear at times to have been closely followed. Nelsen verified Geskes' question that this “stain” information is used in determination of a corner. Van Tassel made a motion to approve the two survey bills as presented, Zauner seconded, motion carried with no opposition.

Director's Report – Lien showed the plaque to the Committee which will be presented to Gary Monson for his years of service as a Committee member. Discussion took place and it was decided Van Tassel would contact the organizers of the benefit for Monson to be held on June 20th, to find out when she could present the plaque to Monson. Van Tassel will notify the DLM, who in turn will notify the other Committee members so they can plan to attend if possible.

Lien informed the Committee of some things happening on the State level with budgets. Some SEG fund money is being taken away so WALCE had requested letters of support be sent by County's to government officials. Lien has sent letters via E-mail to Senator Vinehout and Representative Danou asking for their support to restore some of the staffing grant monies. Lien received a response back from Senator Vinehout's office stating they appreciated his letter and they would do what they could. Lien added he is hearing some of the SEG money for staffing grants will probably be restored this year as a one time thing. Lien mentioned some money is received from “tipping” fees from landfills which is reimbursed to the DNR and then we get it back through SEG funds. Halderson questioned how many landfills were in the County. Lien replied he only knew of one which is outside of Whitehall.

Lien mentioned the Farm Progress Hay Expo taking place June 10th and 11th in Hixton.

Zauner advised that DLM come up with a standard procedure for slope measurement. Discussion followed. Lien stated the current Zoning Ordinance reads “you must be 6 inches lower at a point 20 feet back from the edge of the road”. If that criteria can't be met the landowner has to apply for a variance. If the 20% slope is exceeded a conditional use permit must be applied for so a landowner would have to

go to two different committees. On a town agenda a landowner would have to apply for a variance and a conditional use plus two expenses would be incurred.

Lien updated the Committee on the progress regarding the Ford variance which was recently on the BOA agenda for a second time. Lien informed the Committee that Board of Adjustment decided to grant the variance on the road side reducing the setback from 63 to 50 feet and on the Black River side the variance was denied, so Ford needs to be 25 feet from the bluff line and the structure is currently at 21 feet. Lien and the landowner met and talked about options. Ford submitted a letter to Lien this past Monday, which is at Corporation Counsel for review, in which Ford proposes to build a new structure in a permitted area and move the current structure to that permitted area, create a separate two acre lot (required in the Town of Caledonia), take four feet of the foundation off and sell the old lot as a buildable lot. Since the land is enrolled in the Mississippi Valley Conservancy all of these options would have to be approved by that organization first. Discussion followed on the structure and options available to the landowner.

Next Regular Meeting Date was confirmed as Wednesday, July 1st, 2009 at 8:45 AM in the County Board Room.

Halderson made a motion to adjourn the meeting at 10:05 AM, Zauner seconded, meeting adjourned.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michelle Haines
Secretary