

**DIVISION OF LAND MANAGEMENT PUBLIC ADVISORY COMMITTEE
REGULAR SESSION
12-27-06 1:00 P.M.
COUNTY BOARD ROOM**

MEMBERS PRESENT: Peter Fletcher, Dennis Frame, Dennis Deitelhoff, Danny Foote, Wally Geske, Eric Gullicksrude, Butch Halama, Gerald Hawkinson, Nan Horton, Chris Hovell, Sheree Nelson, Todd Quarne, Tom Schank, Willard Schank, Larry Sonsalla, Sharon Spahr, Roland Thompson and Jon Zander.

STAFF/ADVISORS PRESENT: Kevin Lien, Reed McRoberts and Dave Appleyard.

Chairman Fletcher called the meeting to order at 1:00 p.m.

Chairman Fletcher announced that the open meeting law had been complied with through notifications and posting.

Thompson made a motion to approve the agenda as presented, seconded by Horton. Motion carried.

T. Schank made a motion to approve the previous session minutes as printed, seconded by Hawkinson. Motion carried.

Chairman Fletcher asked Appleyard to review the packet of materials that had been provided to the committee prior to the meeting. Appleyard explained that the County Board of Supervisors had employed a firm to assist the Board in determining county wide prioritization of public services to help the Board determine which services would be eliminated in the event that budget constraints forced service cuts. Appleyard discussed the various spread sheets that demonstrated County Board Member ranking of Division of Land Management services. Appleyard noted that most of the services provided by the Division of Land Management were ranked in the bottom half to bottom quarter of county services provided. Appleyard then reviewed the spread sheets that listed public services provided by each Department within the division. Appleyard noted that the services appeared in descending order of priority as determined by the Department oversight committee. Appleyard then reviewed a spread sheet demonstrating the revenue that could be generated to support the Division of Land Management through increases in permit fees. Frame requested that staff survey the other Departments within the Courthouse to identify what services other Departments charge fees for and the amount of the fees.

Chairman Fletcher asked staff to provide detailed information as to the public services provided by each Department within the Division of Land Management.

Appleyard reviewed the services provided by the Land Conservation Department in the order of priority as determined by the Land Conservation Committee. Appleyard provided detail as to the services provided by departmental staff within each project area. Frame noted that the first five program areas were very similar and were focused on ensuring compliance with NR151

Performance Standards and/or Livestock Siting. Frame asked Appleyard to identify which program areas were mandated by the state. Appleyard pointed out that on each priority ranking sheet it identifies if the service is mandated, and if so, the Statute or Administrative Rule is listed. Deitelhoff compared the Land Conservation Committee's priority ranking of Land Conservation services to the rankings of the County Board, noting that the rankings differed substantially.

McRoberts then reviewed the services provided by the Planning Department in the order of priority as determined by the Zoning Committee. McRoberts' presentation included activities associated with planning, sanitation and surveying. McRoberts provided detail as to the services provided by departmental staff within each service area. The committee did not have any questions of McRoberts.

Lien then reviewed the services provided by the Zoning Department in the order of priority as determined by the Zoning Committee. Lien provided detail as to the services provided by departmental staff within each service area. Sonsalla questioned when the Flood Plain Maps were developed? Lien responded, 1976. A general discussion followed that focused on the poor quality of the maps. Nelson observed that Lien had mentioned several times that the Zoning Department depends on Land Conservation Department staff to assist him in his zoning activities. Nelson questioned if the Zoning Department was currently understaffed? Lien responded that the Zoning Department depends on the technical assistance provided by the Land Conservation Department so that the Zoning Department can concentrate on permitting and enforcement. Appleyard stated that a primary reason for the initial development of the Division of Land Management was the fact that the Land Conservation Department was responsible for the implementation and enforcement of several ordinances but the department was weak in its enforcement capabilities. At the same time, the Zoning Department was responsible for the implementation and enforcement of several ordinances but lacked the technical assistance necessary to review plans and designs to ensure compliance with ordinance requirements. The Division of Land Management Plan made it clear that the Land Conservation Department was responsible for providing technical assistance for all Division Ordinances and the Zoning Department was responsible for the enforcement of all Division Ordinances. Chairman Fletcher observed that not only are the Land Conservation and Zoning Departments closely aligned and dependant upon each other, but that the same was true for the Planning and Zoning Departments. Chairman Fletcher provided some detail in the inter-relationship of Planning and Zoning in the development and implementation of a County Comprehensive (Smart Growth) Plan. Horton and Gullicksrude suggested that the Advisory Committee should consider setting a fee for permit applications with the fee being intended to cover the costs of the permitting process and that a separate fee for technical assistance be implemented. Halama questioned if the county could charge a per hour technical assistance fee rather than a flat fee? Appleyard responded that the county has the authority to do so but that it would involve ensuring that staff accurately account for all of their time. Appleyard noted that the fee survey demonstrated that Marathon and Chippewa County's do exactly what is being suggested. Frame voiced concern that it appears that county tax payers are subsidizing the current permit fees. Appleyard stated that the thought process to date has been that all citizens benefit from the protection of resources ensured through the permitting process and therefore, the citizens should pay some of the costs for the permits.

Chairman Fletcher then asked Appleyard to review the potential fee increases that could help maintain essential services within the Division of Land Management in the event that the county tax levy remains static or decreases. Appleyard reviewed a spreadsheet of potential fee increases. The increases provided a range of increases by permit category that would bring the fees up to the upper end of fees charged by regional counties. Appleyard stressed that it must be understood by the advisory committee that if the advisory committee recommended increases in the fee structure to increase revenue for the Division, the County Board of Supervisors would view this as an opportunity to reduce county tax levy support to the division. In this event, no net increase in revenue to support essential services would be realized. Appleyard suggested that the advisory committee view potential fee increases as money in the bank to only be used when and if necessary to maintain essential public services in times of reduced budgets.

Chairman Fletcher then turned the committee's attention to the prioritization of public services provided by the Departments of the Division of Land Management. Frame observed that this would be a very difficult task for the committee but that he felt it was necessary. Frame stated that the first step was to agree on how the prioritization process would take place. Frame stated that NR151 creates a huge workload for those county's that are trying to actively implement the requirements of the Administrative Rule. W. Schank questioned the relationship between the federal conservation programs and the county's responsibilities with NR151? Appleyard stated that the NRCS refuses to provide information to the county concerning who they work with, what practices have been installed and whether installed practices bring a landowner into compliance with one or more of the State Performance Standards. W. Schank questioned if that policy could be reversed if private citizens were to contact their Federal elected officials. Frame responded that contacting federal elected representatives would not change the policy. Chairman Fletcher then stated his opinion that due to the impending Smart Growth Planning deadline, it may be beneficial to initially rank the services provided by the Zoning and Planning Departments as one unit and to rank the services provided by the Land Conservation Department separately. Fletcher stated that his reason for suggesting this option is that if the county does not have a smart growth plan in place by December 31, 2009, the county loses its ability to enforce its zoning ordinances. Thus, if the plan is not complete, there will be no zoning within the county. A discussion followed during which it appeared to be the consensus of the committee that the committee would initially rank the services provided by the Zoning and Planning Departments as a single unit with the services provided by the Land Conservation Department to be ranked individually. Thompson suggested that staff develop a standardized ranking sheet so that all committee members are looking at and considering the same information. Chairman Fletcher instructed staff to develop a ranking sheet and to send the ranking sheet to committee members with the request that the committee return the completed ranking sheets within 7 days so that staff can tabulate the results and provide the results to the committee prior to the next meeting. Sonsalla questioned if other Departments within the Courthouse are going through the process of consolidation. Appleyard responded that they are not but that he expects that similar departments will be expected to do so in the future with the Division of Land Management merger providing a template for other Departments to follow. Sonsalla observed that of the total county tax levy, the Departments of the Division of Land Management are a small percentage. Appleyard responded that 5 cents out of every county tax levy dollar goes to support the Departments of the Division of Land Management. Sonsalla questioned if there would be much of a savings to the county tax levy as a result of the merging of Departments within the Division of Land Management.

Chairman Fletcher instructed staff to add the following items to the next agenda:

- **Prioritization of services**
- **Fees assessed by other departments within the courthouse**
- **Timeline for committee accomplishments**

The January DLM Public Advisory Committee meeting was set for January 31, 2007, to be held in the County Board Room beginning at 1:00 p.m.

Being no further business to bring before the committee, Halama made a motion to adjourn, seconded by Frame. Motion carried.

Chairman Fletcher adjourned the meeting at 3:00 p.m.

Respectfully Submitted,

**Dave Appleyard
Recording Secretary**