

**ENVIRONMENT AND LAND USE COMMITTEE**  
**Department of Land Management**  
**MEETING MINUTES**  
**January 7th, 2009 10:00 AM**  
**COUNTY BOARD ROOM**

Chairman Halderson called the meeting to order at 10:04 AM.

Committee members present: Paul Halderson, Gerry Van Tassel, Chuck Zauner, Dave Quarne, Michelle Haines and Richard Kiekhoefer. Gary Monson and Todd McRoberts were absent.

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Andrea Sveen and Vickie Stalheim. Judy Betker, Kimarie Estenson, and County Surveyor Joe Nelsen were present for only part of the meeting.

Others present: Deloras Vind. Mary Anderson and Nancy Bergman, RC & D Representatives were present for part of the meeting, Personnel Director Jami Kabus and LaVerne Michalak were present for closed session.

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 as presented, Haines seconded, motion carried unopposed.

**Approval of Minutes** – Van Tassel made a motion to approve the December 3rd, 2008 regular session meeting minutes, Quarne seconded, motion carried unopposed.

**RC & D – Memorandum of Understanding** – Mary Anderson and Nancy Bergman were present representing River Country Resource Conservation & Development Council (RC & D). All Committee members had been mailed a draft copy of a Memorandum of Understanding between RC & D and the Department of Land Management (DLM). Anderson inquired if the Committee had any questions regarding the Memorandum. Van Tassel asked Anderson for an explanation of the Memorandum. Anderson stated that RC & D is working with grant money that was received from the Driftless Area Initiative to work in the Elk Creek Watershed to implement conservation practices. Anderson mentioned in 2008 a group of the partners got together to determine what some of the needs were. Items discussed were the need for more education in nutrient management and the need to update conservation plans and essentially how can the work load be divided up so that all partners are able to benefit from this not only with their programs but also getting work that needs to be brought up to date done. Anderson added the group discussed having 10 conservation plans done for the NRCS group and 10 conservation plans done for the Department of Land Management through the Farmland Preservation Program. RC & D would provide a specialist to work with Judy Betker on landowner files within the Elk Creek watershed that need to have their conservation plans updated. Halderson questioned the paragraph of the Memorandum stating the County will provide office space. Anderson responded if there was space available within the DLM office to have the RC & D specialist work on the files and work with information, it would be easier for Betker to provide oversight to make sure the job is being accomplished to the county's goals and standards. Anderson added that if there was not space available this is a point in the Memorandum that can be discussed as NRCS has volunteered space in their office if space is not available at the County, so that the partnership keeps moving forward. Bergman added if the specialist can work here then county files would not have to leave the office. Quarne questioned if the specialist would be here full time?

Anderson responded no, that the specialist would probably be in the office a quarter of the time because most of the work would be done in the field. Zauner asked for clarification as to if the County and NRCS are doing plans, is this work above and beyond what is being done. Anderson responded that RC & D is providing a specialist's time to both the County as well as NRCS to help get caught up on workload. Betker mentioned she was surprised when this agreement was presented. Betker stated when she had attended the group meeting she got the impression everyone would informally work together and no agreement was discussed. Betker added currently the DLM office is undergoing some reorganization so not much space and no computer would be available. Anderson responded that the office space isn't an issue since NRCS has offered to provide a work area. Van Tassel pointed out that the agreement states the County will provide office space and does not specify only if space is available. Anderson mentioned that line could be struck from the agreement. Anderson added because of the personnel changes in the Department of Land Management information has not been distributed well. Betker stated that she had only attended one meeting as Greg Leonard had attended all the other meetings. Anderson stated the reason for the agreement is that the money is coming from the Driftless Area Initiative and RC & D as a nonprofit organization has to have documentation of the partners they work with. Anderson added a basic document like this one has the important peoples' signature on the back that says these two parties' are working together so that RC & D has a paper trail. Betker questioned if RC & D needed this agreement to get the grant dollars? Anderson responded this agreement was needed to provide services to the County through this grant. Halderson questioned how many Farmland Preservation contracts were in the Elk Creek Watershed. Betker responded she wasn't sure, but she felt there were approximately 75. Anderson added it is a 71,000 acre watershed roughly one quarter of the size of Trempealeau County. Anderson added there were no problems with modifying the agreement and she felt this is a nice partnership to keep going forward to meet the goals of the City of Independence with the Bugle Lake project. Halderson responded that the requirement for office space and a telephone are what caught his attention on the Memorandum. Betker questioned if the working partnership couldn't continue without this agreement? Anderson replied the formal relationship would not exist. Anderson continued that normally this isn't a problem because counties are a member of RC & D, however a number of years ago Trempealeau County elected not to be a member and pay the approximately \$175.00 in dues. If Trempealeau County were a dues paying member that membership covers everything so a separate memorandum wouldn't need to be signed. Anderson added if we were in Buffalo County this would not be an issue since Buffalo County is a dues paying member. In this situation, the dues paying member that assisted RC & D in getting this pool of funding was the City of Independence and taking this project broad based RC& D is not working with the City of Independence on this portion of the project, RC & D is working with the County. This working relationship would end when this portion of the project is over unless more funds are obtained through the National Small Watershed Project which has been applied for. Zauner questioned how much the grant was for and how much was for staffing, etc. Anderson responded it was a \$45,000 grant over a two year period for 2008-09 and 2009-10 with 75% going to staff and 15% going to operating. Betker questioned if the money was all for RC & D staff or if any money was available to the County? Anderson answered the way the grant was written it was using the RC & D specialist. Halderson added that he felt basically this was a way for Betker to get an assistant to help with some of her work load. Quarne asked what the cost would be. Anderson responded that it would cost the County Betker's oversight time to make sure that the specialist is doing the job according to the County standards. Halderson added that the Memorandum does give each party the right to terminate the contract at any time after a 30 day notice. Zauner questioned if Corporation Counsel had looked at the agreement. Gamroth responded no because staff was advised to wait until the Committee had a chance to discuss the agreement before it went to Corporation Counsel. Halderson stated that Lien, as the new Director has not had a chance to review the Memorandum and he should meet with Corporation Counsel. Kiekhoefer added the City of Arcadia is interested in this project as they have flood issues. Zauner verified if the County paid the \$175.00 membership no agreement would need to be signed. Anderson responded she believed this to be correct, she would need to check with her coordinator as government rules change

often, but membership would open up the County to use of other programs. Anderson offered when things in the office get more settled perhaps an RC & D representative could meet with the Committee. Bergman added Buffalo and Jackson County are current members and could be contacted. Lien asked about Eau Claire and La Crosse County. Anderson responded that RC & D covers a twelve county area and because of current economic times and various political movements some counties have elected to not have a County representative. Bylaws have been changed to allow dues paying members that are in the private sector; therefore it offers another avenue with which a project may be accomplished. Van Tassel stated she was the County representative on the RC & D Council years ago and at that time Appleyard felt there wasn't anything being accomplished and there was not, but she felt that things had changed since then. Anderson added there has been a new coordinator hired about ten years ago whom invigorated the council. Halderson suggested to the Committee that Lien be given some time to study the Memorandum and consult with Corporation Counsel on the issue. Anderson asked if the Committee wanted to take action on the provision to provide office space or perhaps Lien could review it and he and Anderson could get together to work through the provisions. Quarne made a motion to table any action on the Memorandum of Understanding with RC & D until the February 4<sup>th</sup> meeting, Zauner seconded, motion carried with no opposition.

**Building Inspection-Program Funding** – Lien stated that he had been requested by Dick Miller to attend the Exec./ Finance meeting held January 6<sup>th</sup> regarding the \$50,000 UDC non-lapsing account. Lien informed the Committee that Exec./Finance was under the assumption that when the resolution was adopted back in September 2004 the resolution stated that the program would be self-funding. Lien informed the Committee that the resolution did not state that fact. The resolution stated the County would adopt the Uniform Dwelling Code and create and fill the building inspector position. Lien added that he had stated at the podium the night of the County Board meeting that it was intended to be self-funding but as time went on and the economy has changed and staff decreased things changed. Once Exec./Finance realized that the resolution did not say self-funding they had no issue. Lien reiterated the issue was not with the \$50,000 non-lapsing account, the issue was Exec./Finance thought the original resolution stated the program was to be self-funding but since it didn't say that in the resolution Exec./Finance was content. Lien added that our non-lapsing account is intact, and we should be really close on our budgeting for 2009.

**Resolution to Carry Over Remodeling Funds** – Lien stated he met with Exec./Finance on this issue on January 6<sup>th</sup> also. During budget hearings which Paul Halderson, Vickie Stalheim and Lien attended, the \$12,500 carryover for remodeling was discussed and it was decided that since the DLM didn't have a good plan for remodeling, and no DLM director was in place, rather than to have us ask for the funds back in January 2009, Wally Geske had suggested that we just carryover the funds, but no formal action had been taken. Lien added that, yesterday, January 6<sup>th</sup>, they agreed on the same issue and Dick Miller instructed Paul Syverson to draft a resolution to be before County Board this next month to carry over the \$12,500 for remodeling. Zauner questioned what the funds were really necessary for? Lien explained this money was set aside from Reed McRoberts unused salary two years ago to do a remodeling project that would join the previous Land Conservation and Zoning offices together, but with a hallway between the two offices it is quite difficult to come up with a workable plan. Lien added that some office reorganization and cleaning is in progress right now. Zauner questioned if the hallway was indeed that big a deficit between the two offices? Lien stated it would ultimately make the flow of staff and traffic better. The hallway is somewhat of a deficit as right now we have three doors that we lock and unlock and if you want to know if someone from the other office is in you have to physically go over to look. Van Tassel added that she thought it would be better if both offices were all in one. Halderson stated he felt if the file cabinets in the center of the former Land Conservation office were moved it would make a big difference in office flow. Zauner stated it almost sounds like \$12,500 would not be enough. Lien stated it would depend on the plan. For example, at one time Lien had discussed space options with UW-

Extension, it wouldn't cost much to change a wall between the former Land Conservation Dept and UW-Extension, if UW Extension were to move elsewhere. Lien added he understood there may be other space becoming available in the Courthouse, but it may not be for two years. Lien reiterated that the remodeling money has been carried over and is still available.

**TRM Projects/Pay Requests-** Stalheim presented the following for approval:

**Targeted Runoff Management (TRM)**

<u>NAME</u>	<u>TYPE</u>	<u>AMOUNT</u>
Mark Palmer	Pay Request	\$8,494.29

Stalheim reported that in 2008, \$354,572.00 in TRM projects were completed and the projects that are being carried over into 2009 are almost \$500,000. Kiekhoefer questioned if there was still money available. Stalheim stated \$500,000 has to be spent in 2009. We were notified that we are also receiving new grant money for installation of practices in 2009 and 2010. Van Tassel questioned if Lien had enough staff to cover installation of all the practices. Lien stated staff has had some discussions as the only technician is Mark Carlson, but there is other staff with technical background.

**Signatory Power on E & LU Checking Account** - Stalheim informed the Committee that previously Greg Leonard, Gary Monson and Gerry Van Tassel were authorized to sign on the E & LU checkbook. Stalheim suggested with staff changes and Monson's health condition perhaps some changes should be made to the signatures on the account. After discussion, the Committee decided to add Kevin Lien, as the new Director and Paul Halderson as Committee chair to the signature card. Van Tassel would stay on the signature card and Gary Monson would be removed. Zauner made a motion to approve adding Lien and Halderson to the E & LU Account signature card, Quarne seconded, motion carried with no opposition.

**Township Engineering Services** – Kimarie Estenson mentioned there had been a discussion as to why the Town of Pigeon was getting billed for engineering services they did not use. Estenson clarified for the Committee that four to five years ago Pigeon had been using our engineering services for transportation erosion control plan development services and once we started charging a fee Town of Pigeon decided not to continue using our engineering services. Burnside and Arcadia are the only other towns that do not use our services. In the past Town of Burnside has tried to use some of our services, but David Appleyard had notified them and told them they would have to pay the last three years' fees to utilize services. Estenson asked the Committee if they wanted to make some type of formal policy as to whether the towns could use our services. Lien clarified the intent behind assessing the yearly fees was, if a Town knew they had a large project where they knew they could use our engineering fees which were less than one quarter of what they would pay in the private sector, we didn't want them paying the one time fee to get the project completed and then the next year they wouldn't pay the annual fee because the Town didn't have a project. Because the rate was so reasonable, management felt that if the Towns' paid a fee each year that service would be available and in the years that they didn't use the DLM services the amount isn't that much. Lien stated an example of one township which doesn't use the DLM services but recently did a project and paid enough private engineering fees that it would have probably covered Estenson's services for as long as she works here. Estenson added once our office started sizing bridges and culverts and running hydrology, the towns' are really getting a good deal. Quarne questioned what the cost was for the township. Lien stated DLM engineering fees are assessed at \$21.42 per mile and based on the number of miles in the township and towns that do use our services have realized they are coming out ahead. Estenson recommended giving the remaining towns' a "one time deal" to sign-up for our services. Lien suggested perhaps making the towns' sign a three or five year agreement to commit to using our services. Halderson asked if there was a town that has been paying the yearly fee that hasn't

used our services to use as a comparable. Estenson replied that perhaps Dodge is a township that hasn't received any services and Town of Trempealeau probably uses the most. Discussion followed Van Tassel suggested having each township sign a three year contract as she felt each township would have enough funds to pay for three years. Halderson questioned if Estenson was able to handle the engineering request? Estenson responded the only time we are unable to handle it is if a bridge is over a 20' width span which requires them to have an engineer or if it is a DOT administered project. The Committee decided that Estenson and Lien should write up some type of internal policy for review at the next Committee meeting. Van Tassel stated that the Trempealeau County Unit of the Towns Association meets on January 20<sup>th</sup> and perhaps it could be discussed with the towns at that time.

**Planning Update** – Sveen informed the Committee she has sent a comprehensive plan up to Attorney Glen Stoddard in Eau Claire and she is waiting for his review/revisions. Sveen stated the revision meeting for the Town of Pigeon Land Use plan is coming up next week so the public hearing will need to be scheduled shortly after. Sveen mentioned on the Land Records web mapping site the public can access information by name and parcel number. Sveen has added the zoning and land use districts to this information so the public can access this information.

**Adoption of Public Hearing Minutes 12/4/08 – Town of Chimney Rock and Town of Sumner Public Hearing** – Van Tassel made a motion to approve the minutes as presented, Quarne seconded, motion carried unopposed.

**Motion to forward Town of Chimney Rock Land Use Plan to County Board** – Quarne made a motion to forward the plan on to County Board, Van Tassel seconded, motion carried unopposed.

**Motion to forward Town of Sumner Land Use Plan to County Board** – Van Tassel made a motion to forward the plan on to County Board, Kiekhoefer seconded, motion carried unopposed.

**Survey Update** – Lien reported that County Surveyor Joe Nelson has completed the remonumentation of Township 21 -7. A map is attached with all positions finalized. A monthly report and a final report was presented. Lien stated a letter will be sent to all local surveyors, attorneys, real estate agents and title companies that the remonumentation has been completed and effective February 1<sup>st</sup>, 2009 certified survey maps (CSM's) will be required for land divisions less than 20 acres in size. Quarne made a motion to approve the final report for the remonumentation of Township 21-7, Kiekhoefer seconded, motion carried with no opposition. Haines made a motion to approve the Surveyors bill as presented, Van Tassel seconded, motion carried unopposed.

**Director's Report** – New Director, Kevin Lien informed the Committee the Tree & Shrub Program was kicked off on January 1<sup>st</sup> and runs through February 27<sup>th</sup>, 2009. The annual Contractor's Workshop is scheduled for March 10<sup>th</sup>. This is a one-day workshop for builders and contractors in which we inform them of any policy or procedure changes. They can ask questions and express any concerns they may have. Lien mentioned Stalheim had some conservation aids business. Stalheim stated she has a resolution prepared for the Traverse Valley Trout Creek project which needs signatures. Stalheim reported the project was approved in September. Lien mentioned that the staff is doing some office reorganization and cleaning in the offices.

**Set Date for Department of Land Management Committee meeting with Town Boards** – Lien stated the E & LU Committee meets with the Town Boards annually to give them an update and appoint a township member to our Committee. Lien explained that Quarne is the Livestock Producer member of the Committee and Gary Monson is the Town Representative member and their terms are staggered with County Board elections. Monson had agreed to his term for one year. The next meeting the Towns' have

is in Albion on January 20<sup>th</sup>. Lien suggested that the Committee try to meet with the Towns' at that time, give them an update on the DLM, update them on engineering services and have them nominate two or three people to fill the position on the Committee, so the E & LU Committee can approve that person and then forward it to the County Board Chair prior to April when terms are up. Lien stated staff would send a letter out to Committee members regarding the time, etc. of the Towns' meeting as soon as we are placed on their agenda. Lien urged the whole Committee to attend the meeting. Van Tassel questioned if the Committee would be paid per diem and mileage. Lien stated he assumed they would.

At 11:10 Zauner made a motion to go into **Closed Session** per WI Stat.19.85 (1)(g) to confer with legal counsel rendering advice concerning strategy with respect to potential litigation. Quarne seconded, motion carried.

At 11:20 Van Tassel made a motion to return to Open Session, Kiekhoefer seconded, motion carried.

**Next Regular Meeting Date** was set for Wednesday, February 4<sup>th</sup>, 2009 at 10:00 AM in the County Board Room.

Quarne made a motion to adjourn the meeting at 11:21 AM, Haines seconded, motion carried with no opposition.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michelle Haines  
Secretary