

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management
MEETING MINUTES
July 23, 2008 9:30 AM
COUNTY BOARD ROOM

Vice Chairman Monson called the meeting to order at 9:31 AM.

Committee members present: Richard Kiekhoefer, Gary Monson, Gerry Van Tassel, Michelle Haines, Todd McRoberts and Chuck Zauner

Staff/Advisors present: Greg Leonard, Kevin Lien, Andrea Sveen, Vickie Stalheim, Carla Doelle, Kimarie Estenson, Mark Carlson, Virginette Gamroth, and Personnel Director Jami Kabus

Others present: Dennis Deitelhoff, Todd Tenneson – Tenneson 3T Dairies, Tim Jones – Mathy Construction, LaVerne Saxe – Hegg Contractors, Inc., Errol Doerr, Deloras Vind, George Brandt.

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

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

Approval of Minutes – Van Tassel made a motion to approve the June 25th, 2008 regular meeting minutes as presented, McRoberts seconded. Motion carried unopposed.

Public Hearing - Conditional Use Permit– Livestock Facility Siting Permit -Tenneson 3T Dairies

Monson called the public hearing to order at 9:33 AM. Haines read the public hearing notice aloud. Carla Doelle stated that all public hearing notice requirements had been met and as a courtesy all adjacent landowners had been notified by mail. Carla Doelle - Dept of Land Management gave an overview of the Chapter ATCP 51, Livestock Facility Siting application. Doelle informed the Committee that Tenneson 3T Dairies applied for a Conditional Use Permit on June 26th. They have a conservation plan which they follow closely. Tenneson's currently have one above ground manure storage structure with plans to install another 81X18 above ground manure storage structure. Tennesons have their own manure hauling equipment and have plans in place to handle any manure spills. Doelle stated that they do farm a considerable number of acres that are on slope so they are susceptible to runoff events. Doelle gave an overview of their manure management plans and waste disposal plans. Doelle stated their application is for a total of 700 animal units. Tenneson's were previously permitted under the former Trempealeau County Feedlot Ordinance for up to 650 animal units. Tennesons' are here today because they are exceeding what they were previously permitted for. Doelle stated that if the ratio of crop acres to animal units are above a certain ratio, a Nutrient Management Plan is not required. In Tenneson's case, they have 700 animal units and 1,110 acres available for land application so their ratio of acres/animals is 1.58, the required amount for dairy is 1.5, so technically through ATCP 51 they would not need to do a Nutrient Management Plan, however they do have a current plan that is up to date and on file with the Dept. of Land Management. The new waste storage facility has been certified by an engineer from American Structures that it will be built according to NRCS standards & specifications. The existing pit that is on Tenneson farms was built according to NRCS standards & specifications and the certification signed by Ronnie Williams, a state Dept. of Ag. engineer, states that the current structure shows no signs of structural failure. Based upon all required information submitted, Doelle stated that she determined their application complete and all permit requirements have been met. Todd Tenneson was present representing Tenneson's 3T Dairies. Errol Doerr registered and

testified in opposition. Doerr stated that he doesn't object to the expansion, smell or noise that the farm produces, however Doerr stated that where the problem lies is when Tenneson's do something that affects Doerr's property, such as runoff. When there are hard rains in the spring, manure runs to and through Doerr's land and directly into Beaver Creek. Doerr expressed concern that current runoff isn't being maintained and an expansion could cause more of a problem which results in greater runoff into Beaver Creek. Doerr shared photos he had taken of the filter strip and stated that he would like to see the runoff contained. Dennis Deitelhoff registered in favor but did not testify. Haines questioned the content of the runoff. Doelle informed the Committee that yesterday herself and Mark Carlson were out to Tenneson's with Leanne Ganz, Waste Water Specialist from the DNR, and what is happening is the filter strip comes up to the line fence and it has been blocked off at the line fence, it does not allow what comes off of the filter strip to leave the property because it has been diked up so therefore any water that comes off of the barnyard and other drainage acres outside of the barnyard, crop fields and other roof water all pond right where the dike has been built. Doelle stated the barnyard was functional it was working; Tenneson's do a great job of cleaning and scraping the barnyard. Carlson added that the filter strip Tenneson's had was always somewhat of a problem because it is so flat so the covered barnyard that is proposed has the cattle under a roof, there should be no manure runoff, this will help with the ponding, as there should be less rainwater falling on their existing lot and the new building will be enclosed. Carlson felt that this new project should alleviate a lot of the current problems. Monson closed the public hearing at 9:54 AM. Committee discussion followed. Van Tassel questioned where the creek runs into. Carlson responded that the runoff goes into Beaver Creek which flows into Lake Marinuka. McRoberts asked that if the filter strip wasn't blocked, would the water be managed. Doelle responded yes. Zauner asked what is the percent slope of the filter strip. Carlson stated it was one-half of a percent, normally they are at least one percent, but this one has an elaborate subsurface drain system that went through a holding culvert and was supposed to be pumped out. It was designed by an engineer out of Eau Claire because this site is so flat. Zauner questioned the length of the filter strip. Carlson explained that at that time filter strips were built at 72 feet. This one was a little bit shorter but wider. The requirements now are even stricter and it would have to be longer. More of these covered systems are going in so as not to have to deal with filtering systems. The proposed building is zero discharge and doesn't have a built in system. Their filter strip has been in for over 10 years, so Tenneson's have maintained it for the life of the Watershed contract. Leonard added that on a system like originally installed, zero discharge is not required. Quarne asked if Tenneson's have met all requirements of the State. Leonard reminded the Committee that if they have met all requirements of the State Livestock Siting, then the Committee must grant the approval of the permit. Haines questioned what will happen if there is still runoff from this barnyard. Carlson stated the building/barnyard that is being constructed will be separate from the barnyard that the runoff is coming from. The barnyard will be covered, and some of the existing lot will be covered, so that will help with runoff and all other cattle will be in the building. Kiekhoefer questioned if filter strips are to be maintained. Carlson responded that they are supposed to be mowed and maintained, but they don't last forever. Doerr stated that he had talked with Mike Murray from the State and that he was told the Committee has a right to make a decision because Tenneson's are not maintaining what they have right now, therefore this fact should be incorporated into the decision. Doerr expressed that he wants Tenneson's current issues taken care of. Van Tassel questioned who checks the current filter strips to make sure they are maintained. Carlson stated Ken Myers had done the Operation & Maintenance checks so they are randomly checked unless there is a complaint, but when the water is suspended from running off of the filter strip there is no way it can be maintained properly. McRoberts questioned if the situation has been aggravated because of rainfall. Todd Tenneson responded that rainfall can be a nuisance, but the majority of the problem has come from the dike that was put in so that the water can not run off. Lien added that when he worked with Land Conservation he had been out to this site, and he knew slope and runoff were issues there and Carlson had mentioned that there was a curtain drain and a catch basin and a sump pump that were intended to take care of that runoff, Lien questioned if that system has also failed. Carlson stated it was his

understanding that the pump got struck by lightening several times. Tenneson agreed that the water issue was supposed to be alleviated by the curtain drain, etc. and this was kind of a last attempt to alleviate problems, however there were always slope issues. Lien questioned if there was any chance that pump system could be repaired to alleviate some water. Carlson stated that issue was discussed but it would be handling some unnecessary water. Carlson felt that this new more modern system would help the cause because the animals will be in the building most of the time. Doelle commented regarding Lien's questions, that ideally, when the pump and curtain drain were installed, there was a filter strip that the water came across and it went to a collection point and then it was pumped into a road ditch. With the situation as it is now, it would just be that the water would run from the barnyard to the pump then into the ditch and there would be no filtering and no chance to reduce the nutrient level so that would not be an effective plan unless the filter strip was maintained and then try and restore the pump like original design required. Leonard reminded the Committee that the plan for the barnyard and runoff were certified by the state engineer as meeting the requirements. Doelle questioned Todd Tenneson as to the condition of the filter strip prior to the dike being built and not being able to drain. Tenneson responded that it worked for the first few years, until the dike/berm was put in place. Doerr responded that it was never dry, and he was the one who bermed it up because he had buried his tractor trying to get across to cut wood in the fall. Quarne made a motion to approve the Conditional Use Permit because they have met all the requirements, McRoberts seconded. McRoberts commented that he felt the situation should be looked into by Doelle to alleviate the drainage problem between Tenneson's and Doerr and encouraged them to work something out. Motion passed with no opposition.

Public Hearing – Conditional Use Permit – Temporary Hot Mix Plant - Mathy Construction Co. and Larry Bobo Monson called the public hearing to order at 10:15 AM. Haines read the public hearing notice aloud. Estenson informed the Committee that Mathy Construction had supplied the Department with a list of current adjoining landowners, and that as a courtesy all were notified by mail, along with notices being published. Estenson explained the portable hot mix plant will be used to provide hot mix asphalt for the 11 mile stretch of the Department of Transportation Hwy 53 project from Pigeon Falls to Osseo. The project consists of some minor grading at intersections, replacement and extension of roadway pipes. The roadway surface will be partially milled off at 4 inches and new hot mix asphalt will be placed. The shoulders will be installed and all the beam guard will be removed and replaced. The portable drum mix plant will be located on four acres of existing cropland currently owned by Larry Bobo. Estenson gave an overview of materials which will be stored. Estenson stated there will be 50,000 tons of hot mix asphalt that will be delivered through Pigeon Falls via State Hwy 121 to U.S. Hwy 53. Mathy anticipates using plant #23 or 55 for the job. Normal hours of operation will be 6:00 AM to 8:00PM M-F and from 7:00 AM – 3:00 PM on Saturday, which is consistent with standard conditions. Mathy's application includes a plant layout diagram, plan map, stormwater pollution prevention plan and reclamation plan, and emissions information. Tim Jones, Mathy Construction, is present today and has provided a sound level assessment. Materials were passed around for the Committee's review. Estenson stated Mathy Construction has plans for waste disposal. The site will be bermed to contain stormwater runoff and silt fence will be installed. The designated haul routes will be on the State Highway system. Material coming into the plant will utilize State Hwy 121 from Merrilan and ultimately the material will be coming from Jackson County. Hot mix asphalt will be hauled to the site utilizing State Hwy 121 through Pigeon Falls to US Hwy 53. No county or town roads will be impacted. Mathy has applied for and received a temporary driveway permit for the site. The entire project should be completed by the end of October 2008. Tim Jones, Mathy Construction, stated that he had contacted most of the neighbors personally to answer as many questions as he could. Mike Price testified in opposition. Price stated he has concerns about noise, dust and the smell because in the past he lived about 1 ½ miles away from a mixing plant and he could hardly tolerate the smell. Price questioned whether trucks would have converters on them. Janice McMahan testified in opposition. McMahan lives in the trailer near the premises and she stated she never received a notification letter nor

was she contacted by anyone. Jones informed McMahan that he had stopped at her trailer and had left a business card with her relatives. Estenson reminded McMahan that the names of adjoining landowners are provided by the applicant. McMahan stated she has a relative with health problems living with her and she is really concerned about this plant going next door. Jones stated Mathy Construction would do everything they could to make sure the neighbors were comfortable. Jones added that there are additives that can be put into the asphalt to give more of a appealing smell and if it gets dusty, they can do some watering. Jones told the room that if there are any problems he would provide his business card to whomever requested it and they could call him. Estenson read a letter from the Town of Pigeon stating that at their July 2nd, 2008 meeting they discussed and approved a temporary Conditional Use Permit on the Larry Bobo property with the stipulation that any road damage will be repaired by the construction company at their expense. Lien reminded the Committee that they can add conditions to this permit. Lien informed the Committee that standard conditions do apply and Estenson has made the applicant aware of those conditions and the applicant has agreed to abide by those conditions as related to non-metallic mining and asphalt mining. Estenson stated there have been some concerns about safety issues regarding the two schools they will be passing. Estenson questioned the load capacity and volume. Jones stated they would be hauling approximately 100 loads through those areas in a 12 hour period/day and they probably carry 15 yards a load. Jones stated that they would be more than willing to accommodate the schools with crossing guards or whatever is needed to provide the necessary safety. Lien advised the Committee in the past there was a site in Arcadia where the Committee enacted special conditions to either not haul or use special safety precautions during school bus loading and unloading times. Estenson advised that Jones contact Vicky O'Dell, Elementary Principal of the Whitehall School District, to discuss the situation with her. Monson closed the public hearing at 10:30 AM. Monson called for any further discussion. McRoberts made a motion to approve the Conditional Use Permit for Mathy Construction with all standard conditions applying, with the stipulation that they contact the schools regarding additional safety measures during bus loading and unloading periods when school is in session, Haines seconded. Price once again questioned Jones about the noise and diesel smell in regard to approximately 100 loads a day. Jones reiterated that Mathy tries to be a good neighbor, so if there is a problem, Price should contact Mathy. Jones did state that the DOT regulates exhaust from trucks and Mathy will do their best to control the noise. Motion carried unopposed.

Public Hearing – Conditional Use Permit – Non-metallic Mining/Temporary Quarry – Shane and Jamie Goplin and Hegg Contractors Monson opened the public hearing at 10:40 AM. Haines read the public hearing notice aloud. Estenson stated that as a courtesy all adjoining landowners were notified along with notices being published. The proposed temporary quarry is located on about 1 acre of recently cleared woodland owned by Shane and Jamie Goplin. Hegg Contractors is proposing to mine up to 5000 cubic yards of sand and rock for fill for the Hwy 53 DOT road construction project from Pigeon Falls to Osseo. Construction will begin around August 1st, 2008 and be completed around October 15th, 2008. Hours of operation are 6:00 AM to 8:00 PM M-F, 7:00 AM – 3:00 PM Saturdays. Estenson gave an overview of erosion control plans and reclamation plans. LaVerne Saxe was present representing Hegg Contractors. No additional testimony was given in favor or opposition. Estenson read a letter from the Town of Hale stating they had no opposition to the CUP being granted. Monson closed the public hearing at 10:43 AM. McRoberts made a motion to approve the Conditional Use Permit with all standard conditions applying, Quarne seconded. Van Tassel questioned where the sand was to be hauled. Saxe responded they are subcontractors of the project and the fill is to be used to build up the town road intersections.

Remodeling Update – Leonard stated the architect from Black River Falls has completed the required paperwork which was sent to the Dept. of Commerce. Leonard informed the Committee that the architect will bill us for submitting the plan to the Department of Commerce.

Public Hearing – Trempealeau County Livestock Facilities Standards Ordinance Revision

Monson opened the public hearing at 10:45 AM. Haines read the public hearing notice aloud. Leonard, along with Doelle's help, did the revision work and reviewed it with the Committee. Lien stated that he had several people pick up copies of the Ordinance, but had no other comments other than the one letter Lien will read into testimony. Leonard stated that several people did request copies of the ordinance, but he has received no comments for or against. Leonard stated the additional requirements for anyone expanding or building a new facility over 300 animal units are still in place and in essence will still be meeting the Minimum Performance Standards and require a Conditional Use Permit. New or expanding facilities which are not covered under the CUP are those which are expanding less than 20%, and those less than 300 animal units have not been covered in our ordinance. Leonard stated we are trying to have these facilities meet the NR151 Minimum Performance Standards which would require these facilities to be inspected prior to populating the facility, which are not covered under a Conditional Use Permit. This revision will also allow uniformity for all facilities in that they will have to meet the runoff requirements. Leonard stated we can make these facilities meet the minimum performance standards. Monson questioned how the Department is going to track what is already there and what is new? Leonard responded if an existing feedlot has been there for 15 years, unfortunately, unless we have cost sharing to offer them, we cannot compel them to meet the requirements for that facility. Monson asked can we co-mingle? Leonard stated if the landowner wishes to co-mingle – that will be their decision - they will then be required to meet the performance standards. Monson called for testimony. George Brandt registered to testify for, against, and to speak for information purposes. Brandt stated that he had been involved at the beginning of the original feedlot ordinance and he felt it was designed to do 3 things; to protect animal agriculture, to protect non-farm rural residents in Trempealeau County, and to protect the environment. Brandt felt "pre-emption" means two different things: 1.) to take something away and 2.) the concept that if a governmental body regulates an activity the public cannot sue. Brandt stated he is testifying in favor of the ordinance because it protects the residents of the County. Brandt also stated he is testifying against the Ordinance because it doesn't protect the non-farm environment. For example, the odor index numbers can be adjusted until a person gets what they want and there is no enforcement of the nutrient management programs. Brandt added that if you have a land base that equals the animal units there is no regulation. Brandt testified for information in which he asked the Committee to think about what their intentions were as a Committee, are they going to follow federal and state regulators and give animal agriculture a pass on everything, or are you going to follow the old Land Conservation Committee standards and make sure that the water stays clean, the soil stays pure, and the manure doesn't runoff. Monson replied that there are several state statutes that have to be complied with. Discussion followed. Van Tassel stated that they will continue to stick up for the environment and do the best that they can. Deloras Vind registered to testify in opposition. Vind stated she has the same concerns as Brandt. Vind would like to see a 200 foot setback, she is concerned about the enforcement capabilities of the ordinance. She is concerned that the public is going to get the runaround and no action. Lien asked Leonard for clarification on the issue that 0-300 animal units is a compliance check and our Department can enforce that? Lien stated that he thought when we met with the Committee we couldn't do enforcement because its not a permit and that's when DNR steps in to do the compliance enforcement. Leonard responded that anything that is outside the Conditional Use Permit, our department will be doing a compliance check, which we are currently doing, and we will be documenting it because if it is a new or expanding lot they will need to comply with NR151 requirements. Lien asked if they don't comply what is the next step? Leonard responded that we will have documentation and, outside of our ordinance requirements, we will work with DNR in cooperation with our Memorandum of Understanding (MOU) which states that anything that is outside of our Ordinance or CUP, DNR will step in. Brandt added that he had read the MOU and he understood that the threat of enforcement must be real and that Trempealeau County and DNR should and will have enforcement ability with DNR taking the lead. Lien added that his concern all along has been, because

of past experience and meeting with Corporation Counsel, without issuing a permit nothing can be enforced so that is why the MOU was put in place so that a compliance check gets handed over to DNR. DNR sends a letter saying compliance is needed, if the person doesn't comply it is then turned over to the Dept. of Justice. Leonard added that was correct and currently if someone comes in with a new facility of less than 300 animal units they can go ahead and they don't have to notify the Dept. of Land Management. This revision will address this. Brandt added that permitted has two different meanings: 1) that it is ok. 2) they are permitted to go ahead. Leonard pointed out from the ordinance the definitions of "permit" and "permitted use". Lien read a letter into the record from David Appleyard (see attached letter) in which Appleyard encouraged the Committee to reinstate the requirement that a Livestock Facilities Performance Ordinance permit be sought and granted prior to populating new or expanded portions of existing livestock facilities of less than 300 animal units. Appleyard wrote in his letter that an ordinance that cannot be enforced by the County is an ordinance that should not be adopted and that he hoped that the Committee does not expect that the DNR will uniformly enforce the requirements of a County ordinance in the event that County staff determine non-compliance with a County ordinance. Appleyard added that by removing the County's enforcement capabilities, the County is in violation of the NR151 implementation MOU entered into by Trempealeau County and the DNR. Monson closed the public hearing at 11:15 AM. McRoberts asked, in the past if you were a landowner and wanted to build a facility and you did comply with these rule and DNR had jurisdiction, would a person rather deal with DNR or the County. Lien stated that a person would much rather deal with DNR because DNR has a past history that they do not follow through and enforce. Leonard reiterated that we will be providing and tracking information for DNR. McRoberts questioned DNR's enforcement on certain farms. Lien responded that large farms are most compliant because they are more visible and that most testimony in public hearings comes when it is a large operation. Lien added that smaller operations, which are usually in a place that they probably shouldn't be, are a greater compliance problem. Leonard added that the State of Wisconsin WPDES permit system is Wisconsin's enforcement of the EPA regulations, so much of the enforcement of the large farms is coming from the EPA regulations. Monson added that he felt the enforcement that does come from DNR is usually complaint driven. Brandt stated he has been working with the Town of Ettrick on their comprehensive planning and the responses from the surveys that were sent out reflected that surface water quality is important to the citizens and we have a responsibility to these people. Van Tassel stated Appleyard's letter referred to reinstating requirements, how can we do that? Leonard responded that the one other loophole that exists within the livestock siting law is if we can find scientific findings of fact, then we can be more stringent. Leonard added that on the Eastern side of the state where the topography has bedrock very close to the surface, they are considering the nutrient management aspect of their ordinances with the situation. Discussion followed Leonard reiterated that this Ordinance has been reviewed by DATCP and would be accepted as presented. Lien stated that the problem with the original ordinance was that we tried to combine NR151 and ATCP51 requirements which are conflicting by nature; one says we can regulate 300 animal units and over because we have a prior ordinance the other one says from zero on up to 300 you can regulate. We combined them into one ordinance, one agency is saying that we are too restrictive that is why they didn't want to adopt it. This revision is a feel good attempt so they will adopt it because we'll do a good faith effort by doing a compliance check and I think they fully understand that the compliance check will never be followed through with but we'll have documentation in the public's eye and we can say we found it out of compliance, we followed protocol, we did what we could and the State agencies will adopt that. Lien added that if the ordinances were separated, which at one time was talked about, one dealing with NR151 and the other with ATCP 51, one regulates 300 animal units and above as a conditional use permit, the other one is a separate permit. As two stand alone ordinances, it might have more enforcement power than trying to appease the other agency by putting them into this one ordinance. Lien added the ordinance was rejected in the first place because we were being more strict than their requirements. Leonard stated that if it was split into two ordinances, you then have the problem of the public trying to figure out which ordinance they

fall under. Monson questioned if someone doesn't like our findings and appeals to DATCP, can DATCP supersede the County and DNR both? Lien responded that it would depend on which category they fall into, only one regulates 300 and more, the other one would be the zero on up to 300. Monson questioned if an addendum was needed to the present ordinance? Lien stated it depends on how the Committee wants to regulate it. Lien added his opinion has been all along that a compliance check is not a regulation, it's a "feel good" measure that saves face in the public, that we checked it out and passed it on. If the Committee's wish is to regulate below 300, Lien felt the Committee would have to deal with a separate ordinance. Lien and McRoberts agreed that to have any enforcement action there would have to be a permit and an enforcement action. Leonard restated that we can continue with our current ordinance in which people underneath 300 animal units are not compelled to come in for compliance investigation, we will not be able to enforce the NR151 requirements or collect fees. If we adopt the ordinance as presented, it will compel people to come in, we will be doing compliance checks for enforcement, and collecting fees of \$250.00. Discussion followed. McRoberts commented that perhaps we shouldn't adopt this ordinance, but look into splitting into two ordinances where the County would still have some say in 300 animal units or less. Leonard answered that 300 or less under a separate ordinance with a permit, ag siting has disputed this, because it is more stringent. Lien responded that NR151 is adopted and NR151 says you can regulate. Doelle stated that if you had two separate ordinances, you still can't issue a permit if it is under 300 animal units. Zauner questioned if there has ever been a formal survey done in the County to find out where the problem areas are in the County such as facilities under 300 animal units and those over 300 and up. Leonard responded that some barnyard inventory had been done with the watersheds. Zauner also questioned whether drastic changes or going with two ordinances would create problems with DATCP. Monson and Leonard responded that DATCP will say we are too stringent. Lien added that if the NR151 items were taken out of the Ordinance, DATCP would be ok with the Ordinance because DATCP's issues always were that NR151 had been incorporated into this Ordinance which is more restrictive. Haines questioned who originally wrote the Ordinance? Monson responded the Ad Hoc Committee originally wrote it, all the Committee's worked together. Monson added that Ontario, Canada, and other states in the U.S. have passed this same ordinance and approximately 78 feedlots in the County were originally permitted under the feedlot ordinance. Lien stated that this draft was a salvage attempt from the feedlot ordinance which was a very good working ordinance that was pre-empted by DATCP. Leonard stated that May 2006 is when the Livestock Facilities Ordinance came into effect. Quarne made a motion to approve the revised Ordinance as presented, Van Tassel seconded. Voice vote was taken with some opposition. McRoberts questioned if an addendum had to be attached? Lien responded it depended on the Committee's approach, if the Committee wants to regulate there has to be some changes, if you want to just do the compliance check the Ordinance is ok as is, DATCP has accepted the ordinance revision as is, but in Lien's professional opinion if the Committee wants to regulate animal units in the County from 0-300 this ordinance will not work but it meets the State requirements. Lien felt that through NR151 we could do a permit requirement on the 0-300 animal units but it conflicts with ATCP 51 and at some point in time it has to be challenged. Most counties have chose to just "push it under the table" and not deal with it at all. We've chosen to do a compliance check but Lien didn't feel it was enforceable. Lien mentioned the site in Dodge where nothing had been done for many years, but if the County would have had the enforcement power there could have been daily citations issued. Leonard reiterated that with the existing ATCP 51 Livestock Facility Siting Law, if we have a separate ordinance for less than 300 animal units, the County requiring a permit is considered more stringent than the state law. Lien responded through ATCP's requirement, not DNR's. McRoberts asked if NR151 enforcement was necessary would Committee members or the people in the County office make DNR enforce it? Lien responded, that the past, Leonard and Doelle had provided all the information they could to DNR, since the County had no enforcement power, we had to rely on DNR to take some action. Doelle and Leonard added that in this particular instance, multiple citations were issued through DNR and the Dept. of Justice, but then the landowner got rid of the cattle. Lien stated from the date of the report of the

violation until the date of the citation and removal of cattle a couple years had gone by. McRoberts verified that with passing the ordinance today, permits can still be issued for 300 animal units rather than 500. A voice vote was taken with Kiekhoefer, Quarne, Van Tassel, Zauner and Monson voting to pass the Ordinance revision as presented. McRoberts and Haines voted in opposition. Van Tassel made a motion to pass the Ordinance on to County Board for approval, Kiekhoefer seconded, motion carried with no opposition.

LWRM and TRM projects - Leonard informed the Committee that they have received a list of contracts and pay requests in their packet which need approval.

Target Runoff Management (TRM)

Oak Ridge Dairies	Contract	\$150,000.00
Skyview Acres LLC	Contract	\$121,275.00

Van Tassel questioned how much this is costing the county. Leonard responded that most of it is cost shared unless it is over \$150,000.00. Van Tassel questioned the locations. Leonard stated Oak Ridge Dairies is over by French Creek and Skyview Acres is located in the Hegg area. Discussion followed. Haines questioned the flat rate for fencing and how someone would go about getting that changed. Leonard responded that the flat fencing rate is something that the committee can look into. McRoberts made a motion to approve the contracts as presented, Van Tassel seconded, motion carried unopposed.

At this point because of the time, it was suggested that the Surveyor was available and that his report be allowed next. Van Tassel made a motion to allow the Surveyors report to be moved up on the agenda, Monson seconded, motion carried.

Surveyors Update – Joe Nelsen, County Surveyor presented his report and bill to the Committee. Nelsen informed the Committee that he is currently working in T21- R7 which should be completed around the beginning of August. Nelsen shared remonumentation excavation photos with the Committee. Zauner questioned how far off the markers are generally. Nelsen responded that there is a wide variety of measurements. Nelsen added that the mandate is to set the corners back to where they were originally placed. Nelsen stated that typically the west and north sides are adjusted. Monson complimented Nelsen on the job that he is doing for the County. Van Tassel questioned how many years of remonumentation were left? Nelsen stated that based on current budgets, etc. he is scheduled to finish in 2012. Van Tassel made a motion to approve the Surveying bill as presented, McRoberts seconded, motion carried unopposed.

Approval and Payment of Petty Cash Receipts. - Leonard stated that Stalheim had totaled and verified the petty cash receipts. Van Tassel made a motion to approve and pay the petty cash receipts, Haines seconded, motion carried with no opposition.

Planning Update - Sveen reported that the previous Monday night the Land Use Plan was passed for Ettrick and Sveen will be working with the Town of Unity this evening. Sveen has a date set up with Sumner. Dodge has asked for a meeting in September. Sveen is also working with the Village of Ettrick on their comprehensive plan.

Approval of 2009 preliminary proposed Department of Land Management Budget - Leonard stated that a preliminary budget had been sent out to the Committee, however, Leonard has been instructed by the County Clerk's office to hold off on submitting the budget until the new wage

schedules are approved. The County Clerk's office will not accept them until the new wage schedules have been incorporated into them. Jami Kabus, Personnel Director, was present and informed the Committee that the 2009 union contracts are being prepared, will need union signatures and the updated figures will be delivered to the Department Heads as soon as possible. Leonard and Stalheim went through the presented budgets with the Committee. Zauner questioned the \$150,000.00 budgeted for TRM grant applications. The Committee has approved more money than that in the last few months. Leonard explained that this is cost share funds for TRM grant applications that we know have been approved by DNR. We have eleven more contracts at the State that we have not received any notification on for 2009, so the figure budgeted may go higher. Stalheim added that we have more TRM projects going on this summer than anticipated, so our engineering revenues may be higher. Discussion took place about the fuel budget. Leonard presented information from the Department of Energy with anticipated fuel costs for 2009. This information was used, along with the current department's fuel consumption, to budget this item. Zauner questioned why the current training money budgeted was still so high. Leonard responded there is a lot of training coming up in the fall and January which requires fall registration and payment so it is budgeted accordingly. Van Tassel voiced her appreciation for Stalheim's summary and work on the budgets. Van Tassel also complimented UDC Inspector Stenulson as she had heard about his helpfulness on the job site. Leonard informed the Committee of information he received regarding the State Department of Administration's request of budget cuts for other state departments, because this could affect TRM grants awarded to counties. After some discussion, McRoberts made a motion to approve the preliminary budgets as presented, Quarne seconded, motion carried with no opposition.

Directors Report & Committee Concerns

Leonard reminded the Committee that Duane Snoble from APHIS Wildlife Damage and Claims will be at the August meeting. Zauner questioned if the Committee ever goes on a tour of projects in the County. Monson responded the Committee used to, however, due to budgets it was eliminated. Monson commented that Jackson County goes out and looks at every building permit site. Haines questioned why there wasn't anything on the agenda regarding implementation of the DLM plan and job descriptions? Leonard stated he has been working with staff on straightening out job descriptions. County Board Chair Barb Semb and Personnel Director Kabus had decided that the DLM plan and descriptions should not be discussed today as job descriptions are not accurate and are not prepared to be presented to the Committee. Kabus stated that the issues are more than job descriptions, the whole plan needs to be looked at. Monson questioned Kabus as to what needs to be done. Kabus responded that she wasn't sure how much she could go into as some of it has to do with personnel and bargaining issues. Kabus requested a special closed session meeting with the Committee to discuss the plan and job descriptions.

A Special Meeting Date was set for Thursday, August 14th, 2008 at 1:00 PM in the County Board room.

Next Regular Meeting Date was set for August 27th, 2008 at 9:30 AM in the County Board room.

Quarne made a motion to adjourn the meeting at 1:05 PM, Van Tassel seconded, motion carried.

Respectfully submitted,

Virginette Gamroth
Recording Secretary