

**ENVIRONMENT AND LAND USE COMMITTEE**  
**Department of Land Management**  
**MEETING MINUTES**  
**October 8th, 2008 9:15 AM**  
**COUNTY BOARD ROOM**

Chairman Halderson called the meeting to order at 9:24 AM.

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

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Andrea Sveen, Vickie Stalheim, Carla Doelle, Kimarie Estenson and Mark Carlson were present for only part of the meeting.

Others present: Personnel Director Jami Kabus was present for only part of the meeting.

Halderson 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 both the September 24th, 2008 regular session meeting minutes and the September 24<sup>th</sup> Special Session meeting minutes as presented, Kiekhoefer seconded, motion carried unopposed.

**Public Hearing – Marvin & Travis Matejka – Land Use Change/Rezone - Park & Sell Auto** – Chairman Halderson opened the public hearing at 9:25 AM. Zauner read the public hearing notice aloud. Lien informed the Committee that Marvin & Travis Matejka are asking to rezone approximately 4.67 acres in the Town of Ettrick for the purpose of a park & sell auto sales business. This parcel was the former equity livestock facility. This facility is still used for commercial purposes, but it is a legal non-conforming use, so the request is to use the outside parking area for park and sell auto sales. People would be able to bring cars there and park them for sale, they would like to advertise and make it a commercial use. Lien read a letter from Marvin Matejka into the record stating that he and Travis would be out of town on business during this meeting and listing the fundamentals of the business planned. Lien read a letter from the Town of Ettrick dated September 9, 2008 stating the Town had no objection to the rezone requested by Marvin and Travis Matejka. Lien stated that the public hearing was advertised for two consecutive weeks and letters were sent to all adjoining landowners and Lien received no responses for or against the rezone and that this rezone would be acceptable according to the Town of Ettrick Land Use plan. No one registered to testify. Kiekhoefer made a motion to close the public hearing at 9:29AM, Zauner seconded, motion carried unopposed. Discussion followed with Kiekhoefer questioning what the building on that property is presently used for. Lien responded it was being use for some type of hardware business. Halderson added that it is still a collection point for equity livestock. Van Tassel made a motion to approve the rezone as a Park & Sell auto sales, Kiekhoefer seconded, motion carried with no opposition.

**Public Hearing – Kevin & Stephanie Pfaff – Conditional Use Permit – Greenhouse/Nursery** Chairman Halderson opened the public hearing at 9:32 AM. Haines read the public hearing notice aloud. Lien stated that the property is located on River Valley road in the Town of Arcadia and a Conditional Use permit is needed for this business because they are going to have the public coming in to purchase items and access their property. Lien read a letter from Pfaff's explaining their business

plans. Lien stated the public hearing was published for two consecutive weeks and letters were sent to all adjoining landowners and he received no responses for or against. Lien read a letter from the Town of Arcadia stating they passed a motion at their September 29<sup>th</sup>, 2008 board meeting which states they have no objection to the Environment and Land Use Committee issuing a Conditional Use permit to the Pfaff's. Stephanie Pfaff was present and Lien questioned her as to plans for parking or any future employees. Pfaff provided an aerial photo to the Committee which had markings of where the parking was to be. Pfaff stated that there was parking available presently for approximately 20 cars and if needed there was a large field that could be used for more parking. Lien stated the road along this property runs North and South and is fairly straight so increased traffic in this area shouldn't be a problem. Lien added his main concern is that there isn't any parking in the road right-of-way. Pfaff informed the Committee at this time she doesn't plan on having any full-time employees, but perhaps one or two part-time seasonal ones in spring. Pfaff mentioned that they have contacted someone to provide them with a portable toilet. Lien reminded Pfaff that we do have a Sanitary ordinance in place and a Sanitary permit is required for a portable toilet also. There being no registrants to testify, Van Tassel made a motion to close the public hearing at 9:40 AM, Quarne seconded, motion carried. Chairman Halderson called for more discussion. Van Tassel asked about signage. Pfaff mentioned that they will probably have one sign. Lien informed Pfaff that she will need a sign permit. Kiekhoefer asked where they plan to obtain their stock. Pfaff stated that they plan to propagate as much of their own stock as possible. Van Tassel made a motion to approve the Conditional Use Permit as presented, Kiekhoefer seconded, motion carried with no opposition.

**Variance to DLM Bidding & Billing Procedures** – Mark Carlson stated the current DLM Bidding and Billing procedures require landowners to take the low bid or one within 5% of the low bid. Carlson stated there was a bid letting in mid-September and the landowner does not want to take the low bid nor the one within 5%, they want to take the next contractor because of past performance of the contractor with the lowest bid. Carlson added that the County would only cost share based on the low bid and our Bidding & Billing Policy states that they must take the low bid or the one within 5%. Carlson informed the Committee that the bidding was done in mid-September and Carlson was anticipating this project starting shortly thereafter and would be almost half done by now, instead of starting now as this is not the time of year really to be starting work with concrete, etc. Halderson questioned whether the existing structure will be closed before they build the new structure Carlson responded no, they want to put up the new pit, abandon the old pit and put up a whole new free-stall barn, so they have to keep utilizing their old pit otherwise they would have no where to go with the manure. Carlson added that the Dept. was planning to revise the bidding policy this winter, but a greater concern is the time of the year. Van Tassel stated her concern is that they must take the low bid or the bid within 5%; usually it states that they have the right to accept or reject any bid. Carlson stated that the Dept. had gotten copies of bidding policies from other counties and some do have wording to that effect, but from a cost-share standpoint we have to have some kind of containment and like the grant that we have to follow has cost containment procedures and the bidding is just one of them. Discussion followed on the bids involved in which Carlson stated that the landowner gets \$150,000.00 maximum cost-share. Zauner questioned what other items were going to be revised in the policy. Carlson mentioned that contractors have complained about the performance bonds so we want to try to be more consistent with what other counties are offering, some counties do not require them anymore. Haines questioned whether Carlson felt this might be a personal issue. Halderson stated that he had problems with the contractor in question and he felt the neighbors may have heard of that so therefore he would be abstaining from this vote due to a conflict of interest. Carlson reiterated that the landowner would not be getting any more money. Van Tassel stated that she felt that if the contractor only gets paid on the low price then it's the landowner's decision if he wants to do that. Lien stated right now there is a bidding policy in place and if there is a variance made there would be no point in bidding projects in the future because the landowner can just pick who he wants and he'll be paid only on a set dollar amount anyway. Lien's

personal feeling was that the Bidding and Billing policy should be revised. Halderson added that it would still cost the landowner more money to pick the higher bidders. Lien stated that the idea of bidding is to accept the lowest bidder, but if you're not going to abide by the policy the landowner might just as well pick the contractor they want and pay the difference and don't bother with bidding jobs. Lien added that the Bidding and Billing policy might as well be changed to let the landowner pick whoever they want and pay the difference instead of picking the lowest bidder or the one within 5%. Discussion followed as to what measures were needed to change the policy. Doelle stated that she and Stalheim had consulted with Corporation Counsel on this matter and Michalak felt that since the Committee put this policy together they could make changes or variances to the policy if needed. Halderson recapped that a motion is needed to either modify bidding policy to allow them to pay the difference to go to the next higher bidder or we need to a motion to reinforce our current policy that they must take the lowest bidder or the one within 5%. Van Tassel made a motion to allow the landowner to pay the difference and take the next highest bidder, Kiekhoefer seconded. Quarne amended the motion to make it a permanent policy procedure, Zauner seconded. Stalheim asked for clarification on the issue. Halderson stated the landowner can take any bid, but the cost sharing is on the lowest bid with the landowner paying the difference and the percent of cost share is staying at 70%. Haines stated she felt that the low bid will now be higher because there is nothing to lose by putting in a higher bid. Halderson called for a vote on the amendment to the motion. Motion passed 4-1 with Haines opposing and Halderson abstaining. Halderson then called for a vote on the motion. Motion passed 4 -1 with Haines opposing and Halderson abstaining from the vote.

**Department of Land Management Structure** – Haines clarified the discussion from closed session, that the structure is one director with everyone reporting to that person and that the new director would finalize all of the other job descriptions. Zauner made a motion to approve the structure as clarified by Haines and voiced his opinion that he felt someone should put the accurate structure of the Dept. on paper. Kabus agreed to put the Dept. structure on paper. Van Tassel seconded the motion, motion carried 5-1 with Haines opposing.

**Department of Land Management Job Description** – Kabus stated that she had given the Committee a copy of the updated Director of Land Management job description at the last meeting. Kabus stated if the Committee had any changes they should let her know. Haines stated she did not receive a copy and has not had a chance to review the job description, therefore it was decided the Committee would move #9 to the reconvened meeting.

**TRM Grant Authorizing Resolution** – Doelle referred the Committee to a resolution in their packets that needs Committee approval. Doelle stated that DNR has a new practice in which they are asking counties to identify who will be responsible for certain parts of the TRM grants in the future ( See resolution which is attached and part of these minutes.) In reviewing the resolution with the Committee, Doelle stated basically DNR provided the form, we just added the title for the person in the office who will be responsible for that particular part of the grant. Zauner made a motion to approve the resolution as presented, Van Tassel seconded, motion carried with no opposition.

**Surveyors Report** – Lien informed the Committee that the Surveyor is working in the Town of Arcadia and in the Town of Preston. In Preston all the corners are controlled, a lot of them are finalized. Lien noted that Joe Nelson, the County Surveyor does have a couple spots that we will visit on the tour today. Van Tassel made a motion to approve the Surveyor's bill as presented, Kiekhoefer seconded, motion carried with no opposition. Zauner asked for differentiation between a "controlled" and "finalized" position. Lien explained "controlled" are corner locations that GPS survey measurements have been completed without the final corner determined while "finalized" are corners where the final location has been determined and monumented.

**Equipment Purchases** – Estenson informed the Committee that the technicians have been looking into some upgrades for surveying equipment and the computer software that goes with it. Surveying equipment has two components: the total station and a data collector that attaches to it. The data collector has been partially working, it is eight to ten years old, and it is irreparable and pretty much obsolete. The Dept. is requesting to purchase a new data collector. Bids have been obtained through the Information Systems Dept. for the actual software and the data collector. Estenson added that the new data collector would not work with our old AutoCAD software, so we would need to do some upgrades on that. Estenson stated the most current bid for a data collector is \$3,895.00, the bid for one license of AutoCAD Civil 3-D Legacy software to accompany the data collector is \$4,842.70. Estenson stated a Committee decision is requested today because fall brings a lot of heavy surveying, so the new equipment would be available to get that done. Once the surveying is done, it enables us to work on designs throughout the winter months. Halderson questioned whether the new Purchasing Policy from the Property Committee was being utilized. Stalheim stated she had talked to Barb Semb about this matter and Semb had advised Stalheim to use the old Purchasing Policy and because we are going through the Information Systems Dept. we are getting the best price. Halderson questioned whether Property Committee needed to approve the purchase. Stalheim responded the old Purchasing Policy does not state that. Lien stated the money is in the budget. Zauner asked how old the total station was. Estenson responded she wasn't sure but it was pretty old. Carlson added that we tried to get a new battery for it, we finally got a reconditioned one and it cost \$200.00. Estenson added the area office in Altoona has the same setup and we try to coordinate with them because it's like free technical support if we need some trouble shooting and they are using the same total station and we are getting the same data collector that they have. Lien asked if a new total station was needed would the new data collector be compatible. Estenson responded that it would. Zauner questioned if the Dept. has that in writing because we don't want to get two years down the road and need a new total station and then the data collector isn't compatible with anything. Funds for this purchase were discussed. Lien stated he and Stalheim are keeping a close watch on the budget and we should be ok. Zauner made a motion to purchase the equipment according to the Purchasing Policy and get some type of written assurances that the data collector won't be obsolete if we have to purchase a total station in the future, Quarne seconded. Halderson questioned when the Dept anticipated replacing the total station? Carlson responded the total station will be used as long as it works. Motion carried with no opposition.

**Planning Update** – Sveen informed the Committee that a public hearing was held on October 2<sup>nd</sup> for the Town of Albion and Town of Unity Land Use Plans, so these plans will appear on the November agenda to be forwarded on to the County Board. Chimney Rock will hold a hearing in the next couple of months.

At 10:15 AM Van Tassel made a motion to adjourn the meeting, Kiekhoefer seconded, motion carried unopposed.

**Dept of Land Management Annual Tour** – The Committee and staff then embarked on the annual tour.

At 2:02 PM the Committee reconvened the meeting beginning with Agenda Items #9. All committee members listed above were present except for Dave Quarne.

**Director of Land Management Job Description** – Personnel Director Jami Kabus was present. Much discussion took place about some of the items presented in the old job description and the updated job description. Van Tassel finally made a motion to adopt the updated job description as presented, Zauner seconded, motion carried 4-1 with Haines opposing. Kabus stated the approved job description will be presented to Personnel/Bargaining Committee on October 21<sup>st</sup>.

**Staff Reports** – Lien provided the Committee with a draft resolution for the Merger of Uniform Dwelling Code and Revenue Generated by the Department of Land Management. Lien read the draft resolution aloud. Chairman Halderson expressed his feeling that Exec/Finance would be in favor of this resolution. Van Tassel questioned if the January 1, 2008 date on the resolution was correct. Lien responded that it was as this resolution will be retro back to that date to clean up any controversy in 2008.. Lien advised the Committee that the resolution will be on the November E & LU Committee agenda for action.

**Next Regular Meeting Date** was reconfirmed for Wednesday, November 5<sup>th</sup> at 9:30 AM in the County Board Room.

Chairman Halderson adjourned the meeting at 2:27 PM.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michelle Haines  
Secretary