

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management
MEETING MINUTES
November 5th, 2008 9:30 AM
COUNTY BOARD ROOM

Chairman Halderson called the meeting to order at 10:06 AM as a quorum was not present until this time.

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

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

Others present: Deloras Vind. The following persons were in attendance for only part of the meeting; Duane Snobl-APHIS, Jeff and Betty Wegner, Dennis Deitelhoff, Mary C. Anderson, Nancy Bergman, Melanie Baumgart from River Country RC & D and Personnel Director Jami Kabus.

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, Quarne seconded, motion carried unopposed.

Approval of Minutes – Zauner made a motion to approve the October 8th, 2008 regular session meeting minutes, Van Tassel seconded, motion carried unopposed. Van Tassel made a motion to approve the 10-2-08 minutes from the Town of Unity and Town of Albion Land Use Public Hearings, Zauner seconded, motion carried unopposed.

Public Hearing – Jeffrey and Betty Wegner – Conditional Use Permit - Livestock Facility Siting Permit – Chairman Halderson opened the public hearing at 10:07 AM. Haines read the public hearing notice aloud. Carla Doelle stated she received an application for a Livestock Siting Permit from the Wegner's on September 22nd, 2008. Doelle provided the Committee with a summary of the information required for ATCP-51 for a complete application and stated all items are complete. Doelle stated public hearing notices had been published and letters had been sent to all adjoining landowners. Wegners were permitted under the Feedlot Ordinance the County had in place and were approved up to 650 animal units. Current animal units are close to that 650 unit number. Wegners will be exceeding the 650 animal units and that is why they are here now. Wegners are asking for 835 animal units and are allowed to expand 20% above that number before they would have to apply for a new permit. Wegner's were present and stated they had no further comments. Dennis Deitelhoff registered in favor of granting the permit, but did not wish to testify. There were no registrants in opposition. Lien stated that he received no responses for or against the request. Van Tassel made a motion to close the public hearing at 10:12 AM, Quarne seconded, motion carried with no opposition. Quarne made a motion to approve the Conditional Use Permit, Van Tassel seconded. There being no further discussion, motion carried with no opposition.

Wildlife Damage and Claims – Duane Snobl - Duane Snobl from APHIS was present to cover the Wildlife Damage agenda items. Snobl proposed the following price per unit for 2008 crop values for damage claims.

<u>Crop</u>	<u>Price/Unit</u>
Corn,field	\$4.68/bu.
Corn, field (organic)	\$9.67/bu.
Soybeans	\$11.41/bu.
Alfalfa	\$131.85/ton
Mixed hay	\$73.88/ton

Snobl stated he contacts a number of different businesses for prices and these prices reflect the average annual price from October, 2007 to September, 2008. Haines made a motion to approve the prices as presented, Zauner seconded. Discussion took place as to whether the hay and alfalfa prices were sufficient. Quarne asked if Snobl had many claims on hay. Snobl responded no but the potential is always there. Motion carried with no opposition. Snobl proposed a 90% Harvest Cutoff Date of November 21st, 2008. Vickie Stalheim stated she had consulted with Jon Zander, UW-Extension Agent and November 21st was the date that Zander had suggested. Van Tassel made a motion to approve November 21st, 2008 as the 90% Harvest Cut-off Date, Zauner seconded, motion carried unopposed. Snobl added that APHIS would be publishing the date in the local papers. Snobl updated the Committee on the 2008 Deer Donation Program. Snobl stated the same processor's as last year will participate; Maloney's, Pat's Country Market and Strum Locker. There are half dozen food pantries in Trempealeau County that will take the venison. When these pantries are full, the Hunger Taskforce has been taking the excess. Snobl did not have any numbers on how many deer have been donated so far this year. Funding for processing is still \$50/deer. Snobl proposed a 2009 WDACP Budget. Total cost for Administration, Abatement & Donation was proposed at \$78,473.13. This budget was based on 35-40 contacts made in 2008; numbers enrolled – currently 22, approximately 53,000 feet of fence maintained and monitored and 400 to 700 acres appraised. No County funds are involved. The program is administered by the County, but the County contracts it out to APHIS-Wildlife Services. Quarne made a motion to approve the 2009 WDACP Budget as proposed, Haines seconded, motion carried with no opposition. Snobl then discussed the 5 year service agreement which APHIS changed to some time ago to save administrative costs. Most of the changes to the agreement are statutory changes or changes in administrative codes and the agreements were sent out early so each County would have ample time to review it. Stalheim stated that LaVerne Michalak, Corporation Counsel reviewed the agreement and his comments are in the letter included in each Committee members packet. Stalheim recapped some of Michalak's concerns such as responsibilities of parties in the contracts. Stalheim stated none of the responsibilities of the parties involved has changed and these duties are being covered. Another concern was on page 7 of the service agreement under Section H entitled "Abatement Measures". The current contract had a subsection D which listed temporary electric fences for deer damage as a recommended abatement. The proposed contract eliminates this subsection and the reference to temporary electric fences. Snobl explained the section had been eliminated because it didn't need to be a stand alone subsection it has not been removed in the sense that it is not utilized but it probably should have been removed years ago. Snobl explained that years ago when the program was still new there were hesitations in issuing a shooting permit so temporary electric fencing was the standard. Snobl added that after years of administering the program it is still useful in some situations, for deer it is not very effective, but it is still effective for an apiary. Stalheim informed the Committee that Michalak felt there should be an updated resolution on file. Stalheim referred the Committee to a resolution in their packet which Michalak had drawn up. Michalak recommended that the resolution be reviewed each time the contract is renewed. Van Tassel asked if Snobl's department had any recommendations. Snobl suggested the resolution read "Wildlife Damage Abatement and Claims Program". Van Tassel made a motion to forward the resolution, with the noted corrections made, on to County Board, Zauner seconded, motion carried with no opposition.

River Country RC & D – Elk Creek Watershed Conservation – Mary Anderson, Nancy Bergman and Melanie Baumgart were present. Anderson stated that for a number of years they have been working with

the City of Independence on the Bugle Lake Restoration project. In the course of educating state and federal legislators on this project, they have become acquainted with the Driftless Area Initiative. Baumgart stated that the Driftless Area Initiative is a collection of approximately six RC & D's from Wisconsin, Minnesota, Iowa and Illinois which work as a collective unit to apply for funding from the federal government. Baumgart added federal funding was obtained to do work on the Bugle Lake project; one grant was received earlier in the year and another grant was obtained recently for work in the next two years. Bergman informed the Committee that a meeting of agencies (FSA, NRCS, DNR Forester, Greg Leonard representing the Dept. of Land Management and RC & D) was held to see how more conservation could be encouraged in the Elk Creek Watershed. Bergman stated the consensus of the group was that landowners were not aware of what resources were available on the Federal, State and County level to them. Bergman added, first a mailing was sent out to landowners specifically concentrating on absentee landowners. Informational material was then distributed door – to –door to each landowner with follow-up phone calls. Bergman complimented the Elk Rod & Gun Club from Independence, who has been very successful in getting conservation practices on the land. Bergman stated some interest was generated from their efforts; i.e. the forester had over 100 acres signed into the Managed Forest Program; there was interest generated in the EQIP program and there was a farmer near Pleasantville that wanted an old toe wall replaced which affected approximately 128 acres. Anderson stated due to staff changes in the Department of Land Management, the Committee may or may not have known just what the DLM's role was in all of this. Anderson added that a meeting of the work group was held last week to discuss how the new grant should be spent. Anderson mentioned a question that arose was whether the updating of conservation plans should be a goal and objective. Anderson questioned Judy Betker as to whether the updating of conservation plans was needed for Farmland Preservation contracts. Betker stated she was going to target that Watershed area more with spot checks as Farmland Preservation spot checks are required every six years. Betker added some conservation plans could be updated every year with all the factors that affect them. Betker mentioned that any TRM grant or LWRM projects in that area would require updated conservation plans. Halderson informed the Committee he had delegated Judy Betker to attend the cooperative meetings with the other agencies. Betker added Mark Carlson also attended the meeting. Anderson stated a need identified at the last meeting was what has to be done to have a working agreement to share information, i.e. Betker specialized in Farmland Preservation so her input would be needed to decide what the goals and objectives would be for the group and also the money spent. Anderson stated an agreement would finalize the working relationship. Halderson thanked the group for the information provided and for attending the meeting.

Correspondence from Former Employee - Personnel Director, Jami Kabus informed the Committee that her office had received correspondence from a LaCrosse Attorney in regard to a former employee. Kabus added that if any Committee member wanted to read the correspondence personally they should stop at her office.

Resolution – Merger of Uniform Dwelling Code and Revenue Generated by the Department of Land Management. Lien stated the Committee had reviewed this resolution at the last meeting. Van Tassel questioned whether this would make any difference in the budget. Lien responded it would not. Van Tassel made a motion to forward the Resolution on to County Board in December, Haines seconded, motion carried unopposed.

2009 Budget Revision/Insurance Adjustment – Stalheim informed the Committee that an employee has changed the status of their insurance from a Family Policy to two Single Policies. After discussing the situation with the County Clerk, Paul Syverson, Stalheim was advised, by Syverson, to write a letter to the Executive/Finance Committee to let them know what budget changes are needed. Stalheim drafted a letter addressing the insurance issue and E-mailed a copy to Chairman Halderson so that he would be aware of the situation. Stalheim added that it would be an agenda item on today's Exec. /Finance

Committee meeting. Discussion followed regarding the budget revision that will take place. Since the Committee felt this agenda item was for informational purposes only, no Committee action was taken.

LWRM & TRM Projects/Contracts/Pay Requests- Carlson reported that approval has been received for eight TRM projects – six of which were carried over from this year. Quarne questioned if Carlson had enough help to get the projects done. Carlson stated that if he needs help Estenson or Doelle are available.

LWRM Ernest Vold	Well Abandonment	C/S Pay Request	\$47.30
LWRM Thomas Patzner & Haines Exc.	Grade Stabilization	C/S Pay Request	\$9,733.50

Van Tassel made a motion to approve the payments as presented, Quarne seconded, motion carried unopposed.

Stormwater & Erosion Control Ordinance – Estenson stated she had hoped to hear something back from Corporation Counsel, LaVerne Michalak, regarding the Stormwater & Erosion Control Ordinance, prior to today’s meeting but she has not. However, Michalak is aware that the Dept. would like to present the Ordinance to County Board by early spring so the new Stormwater & Erosion Ordinance would be in effect prior to the 2009 construction season. Estenson added the County continues to have stormwater issues throughout the County and County Board members have discussed with Estenson the effective date of the Stormwater Ordinance so there would be some enforcement in place. Halderson stated he had driven by McKeeth Road and the Town of Caledonia has seeded the road banks. Estenson replied she has talked extensively with Jim Johnson and Scott Hanson from the Highway Dept. and Steve Hodgen from Town of Caledonia regarding the McKeeth Road project. The Highway Dept is short staffed so they had to pull out shortly after starting the McKeeth Road project. A lot of the fill from McKeeth Road was being used on the Wagner Road project. Estenson advised if Committee members had questions on the McKeeth Road project, Jim Johnson would be more than happy to elaborate on the scheduling problems the Highway Dept. is experiencing. Estenson explained that a half seeding and a dormant type seeding was done this fall and in spring a more extensive hydro-seeding will be done. Estenson stated the hydro-seeder in use was purchased in 1974. Estenson was present when the Highway Dept was using the hydro-seeder; it would clog approximately every 10 minutes and was very hard to work with. Estenson added the Highway Dept. won’t even be able to apply the materials Estenson has recommended for erosion control, so the work would probably have to be contracted out.

Driveway Requirements – Estenson referred the Committee to the Driveway Coordination Proposal in their packets. In the DLM plan it was proposed the DLM work on some kind of countywide driveway ordinance or consistent driveway requirements, therefore, two weeks ago Estenson had attended a Towns Association meeting. The Dept. of Land Management is proposing at the town level, and at County Highway Dept. level regarding town roads, that they issue the permit there and DLM do the follow-up. Estenson explained we don’t feel we have jurisdiction in their right-of-way and we’re trying to prevent a lot of these roads going up and culverts being dropped without having the sight distance and other requirements met. Estenson referred to the handout stating she hoped the Town’s would take this proposal to their November town meeting and hopefully we would get some feedback from the Town’s on this. Estenson’s goal is to meet with all the townships in the next four months with some type of draft ordinance or proposed resolution for each town to pass. Estenson stated the intention is not to create additional fees but to have an additional “check box” on the current building permit to let all parties know that the driveway issue has been addressed. Halderson questioned if Estenson was still going to do the driveway inspections. Estenson replied she would until a Director is appointed. Lien added, in the past, conflicts arose with the driveways in that the County Zoning Ordinance has definite specifications for driveway construction, however, the County doesn’t really have jurisdiction in the town right-of-way to be issuing them and a lot of these permits were being issued that were non-compliant with the County

Zoning Ordinance which the towns have adopted. Zauner questioned if the DLM was “sizing” culverts. Estenson stated the DLM does not “size” culverts for private driveways. Lien added the County Zoning Ordinance has specific lengths and minimums that are required and some of the towns have requirements that are more restrictive. Lien stated once we have the whole county under the Revised Comprehensive Zoning Ordinance, one of the issues that will have to be revised is the driveway section and perhaps some standardization for culverts can be included. Zauner questioned what the slope requirement is for a driveway. Lien responded 0-20% is permitted, 20-30% is conditional use, nothing outside of 30% is allowed. Estenson added there seems to be a lot of positive interest from the Town’s and a lot of them would like to see the slope dropped to 15%. Van Tassel questioned if the information had been sent to the Town’s that were not in attendance at the Towns meeting. Estenson responded it had been sent to the Chairman. Discussion followed on driveway slope.

Surveyors Report – Lien referred the Committee to the Survey information and bill in their packets. Lien reported the North line of 21-8 was completed with 21-7 and that will be approved this fall. County Surveyor Nelson only has five corners left to set in 21-7 but the corners are in the middle of cornfields so he is waiting for the crop to be harvested. Nelson is making good progress in 21-8, has a lot of positions controlled, some are finalized, some monuments are set. Van Tassel made a motion to approve the Survey bill as presented, Zauner seconded, motion carried unopposed.

Planning Update – Sveen stated last month a public hearing date was not picked for Town of Sumner and since then Sveen has finished the Land Use Plan for the Town of Chimney Rock. Sveen questioned if the Committee would like to have combined public hearings and at what location. After discussion, Sveen stated she would check with the Townships regarding a December 3 or December 4th public hearing date. Sveen informed the Committee of the updated Land Use Plan maps in their packets for the Town of Albion and the Town of Unity. Sveen added that Town of Albion did not change any zoning and the Town of Unity did change their minimum lot size from 1 acre to 2 acres. Zauner made a motion to forward the Town of Albion Land Use Plan and the Town of Unity Land Use Plan on to County Board, Haines seconded, motion carried unopposed.

Staff Reports – Lien reported that he and Estenson would be attending a meeting on November 6th in the Town of Dodge that Badger Mining is sponsoring. Lien added the Town of Dodge had requested their presence to answer any questions that may arise pertaining to zoning or mining. Lien reminded the Committee that in Jackson County, Badger Mining works 24/7 and in Trempealeau County there are set hours of operation for mining so that could be a concern when issuing a Conditional Use Permit in the future. Discussion followed on the mine site, definition of holidays and overburden of the mine site.

Next Regular Meeting Date was reconfirmed for Wednesday, December 3rd at 10:00 AM in the County Board Room.

Chairman Halderson adjourned the meeting at 11:30 AM

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michelle Haines
Secretary