

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management
MEETING MINUTES
September 9th, 2009 9:00 AM
COUNTY BOARD ROOM

Chairman Halderson called the meeting to order at 9:00 AM.

Committee members present: Paul Halderson, Gerry Van Tassel, Chuck Zauner, Dick Kiekhoefer, Roland Thompson, Michelle Haines and Rick Geske. Dave Quarne was not in attendance.

Staff/Advisors present: Kevin Lien. Virginette Gamroth, Vickie Stalheim, Andrea Sveen and Kimarie Estenson were present for only part of the meeting. Personnel Director, Jami Kabus was present for Closed Session.

Others present: Duane Snobl, USDA APHIS Wildlife Damage and Thomas Screnock.

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

Approval of Agenda – Lien informed the Committee that Agenda item #15 would be eliminated as legal counsel could not be present due to illness. Kiekhoefer made a motion to eliminate agenda item#15 and approve the agenda as amended, Van Tassel seconded, motion carried unopposed.

Approval of Minutes – Van Tassel made a motion to approve the August 12th, 2009 regular session meeting minutes, Thompson seconded, motion carried unopposed.

Public Hearing – Land Use Change/Rezone – Thomas Screnock – Town of Sumner – Chairman Halderson opened the public hearing at 9:01 AM. Lien explained the public hearing process to those present. Haines read the public hearing notice aloud. Lien informed the Committee that the Screnock property is located south of Osseo, adjacent to County Road B. Screnock lives on 5th St. which turns into County Road B. Lien continued that a property zoned Residential-20 (R-20) does not allow for any livestock on it. Screnock wishes to pasture 2or 3 horses and by rezoning the property to Residential-8 (R-8), grazing or pastured livestock would be allowed, but a large scale operation would require a conditional use permit. Lien stated the public hearing was published two consecutive weeks ten days prior to the meeting. Lien received no comments from the public for or against. Lien added that Screnock had provided the Dept. with a list of adjoining property owners and all were notified. Screnock has also provided a letter signed by most of the neighborhood stating they were in favor of the rezone. Town of Sumner Land Use Plan shows this land staying in Residential-20. Screnock presented a letter to the Committee which stated the “use” intentions of the property. Lien stated that Town of Sumner had held a meeting and approved this particular rezone, however, a letter to that effect has not been forwarded to the Dept. of Land Management, so Lien suggested to the Committee that if they do approve the Land Use Change that they do so with the contingency that a letter from the Town must be received by the Dept. Van Tassel verified that the Town of Sumner did, in fact, approve this rezone at a meeting.

Testimony in Favor – No additional testimony was given in favor.

Testimony in Opposition - No testimony was give in opposition

Haines made a motion to close the public hearing at 9:08 AM, Van Tassel seconded, motion carried unopposed. Van Tassel questioned Screnock about buildings? Screnock stated there will be some type of lean too or basic shelter for the animals to get out of the elements. Van Tassel made a motion to allow the Screnock property to be rezoned from R-20 to R-8, Kiekhoefer seconded. Zauner amended the motion to add that the rezone be contingent upon the Dept. of Land Management receiving an approval letter from the Town of Sumner, Haines seconded the amendment, motion to approve the amendment passed with no opposition. The original motion to approve the rezone, with the amendment that it be contingent upon an approval letter from the Town of Sumner, was approved with no opposition. Lien advised Screnock that this rezone would be presented at the September 21st County Board meeting for final approval. Screnock was advised to attend the County Board meeting.

APHIS-USDA Wildlife Damage & Claims Program-Duane Snobl was present and provided each Committee member with the USDA-APHIS-Wildlife Services Wisconsin Wildlife Damage Abatement and Claims Program (WDACP)-2008 Summary Report. Snobl referred Committee members to page 3 of the report which stated 792 farmers requested assistance through the WDACP. USDA-WS verified damage to 53 different agricultural crops (including livestock) by white-tail deer, black bear, Canada geese, or wild turkeys. Of the 53 agricultural crops reported to USDA-S, 46 were verified as deer damage. Bear, geese, and turkeys damaged 15, 12 and 10 different agricultural crops, respectively. Snobl continued that Elk were reintroduced in Wisconsin in the Clam Lake area of the Chequamegon National Forest in 1995. Current numbers estimate the elk population at 146 animals. Changes for the 2009 claim year are: the deductible has increased from \$250 to \$500 and the claim maximum decreased from \$15,000 to \$10,000. Snobl reported that deer donation dropped from the previous year and as the funding structure changes it was Snobl's opinion that the donation number would drop further. Geske stated his opinion that he felt the program numbers were dropping because a lot of the processors are no longer participating in the program. In regard to the 2010 budget, Snobl stated 25% is federally funded and 75% state funded with no county funds being involved, but it still has to be approved at the County level. Halderson questioned if any of the money comes from license fees. Snobl responded approximately \$2.00 for each license and \$4-\$5.00 from each patron license and a surcharge from bonus tags is used for Wildlife Damage. Geske questioned if there would be bonus tags this year? Snobl responded there would be in some counties but in this area it is still herd control, so when an initial license is purchased extra tags come with it. Snobl discussed the proposed 2010 budget with the Committee noting that deer donation was removed from the normal WDACP budget approval process because of WDACP funding issues. Budget approval for Deer Donation will occur at a later date if funding is available. (See full report filed in DLM office.) Zauner made a motion to approve the proposed 2010 WDACP budget as presented, Haines seconded, motion carried with no opposition.

TRM/LWRM Cost Share Payments/Requests- Stalheim presented the Committee with a report of Land & Water Resource Management (LWRM) and Target Runoff Management (TRM) pay requests and contracts. Stalheim reiterated this was all state monies.

TARGET RUNOFF MANAGEMENT (TRM)

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>NEW CSA Total</u>	<u>Reason for change</u>
Larry Crivits	Pay Request	\$39,210.00		Certify 200 ft. access road, 1 barnyard,.10 ac. heavy use, 400 ft. livestock fencing, 1 roof & 200 ft stream fencing.
Larry Crivits	Contract	\$39,210.00	\$39,210.00	200 ft. access road, 1barnyard .10 ac. heavy use, 400 ft. livestock fencing, 1 roof & 200 ft. stream fencing
Thomas Segerstrom	Pay Request	\$24,527.19		Certify partial payment on roofed building & heavy use area protection

Theresa C. Haines	Contract	\$88,200.00	\$88,200.00	100 ft. animal trail, 1 barnyard, 25 ac. critical area, .10 heavy use area, 1 roof, .5 waterway system.
Theresa C. Haines	Pay Request	\$35,328.69		Certify 1 barnyard, .25 ac. critical area, .10 ac. heavy use 1 roof, .5 ac. waterway

LAND & WATER RESOURCE MANAGEMENT

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>NEW CSA Total</u>	<u>Reason for change</u>
Neal Schank	Contract	\$9,091.60	\$9,091.60	Livestock watering facility & 1900 ft. livestock fencing
Neal Schank	Pay Request	\$9,091.60		Certify livestock watering facility & 1900 ft. livestock fencing
Roger Dahl	Contract	\$ 682.50	\$ 682.50	1 well decommissioning
Roger Dahl	Pay Request	\$ 682.50		

2010 DLM Budget Revision – Lien informed the Committee that the Dept. had received the health insurance rates which resulted in a \$5,800 increase to the budget. Lien stated he and Stalheim had gone through the budget and revised it. Revenues in Non-metallic mining were increase to \$1,800. TRM grant engineering revenue was increased by \$4,000 to balance out the \$5,800 increase. Lien reiterated that other than those two items the budget has not changed. Lien and Stalheim would be meeting with the Exec./Finance Committee to go over the budget this evening. Zauner made a motion to approve the changes to the 2010 budget as presented, Van Tassel seconded, motion carried with no opposition.

Planning Update – Chairman Halderson welcomed Andrea Sveen back after maternity leave. Sveen stated she and Lien will be meeting with Corporation Counsel regarding the Smart Growth plan. Sveen informed the Committee that at the September 17th meeting a public hearing date for the Comprehensive Plan will need to be chosen. Sveen suggested the 3rd or 4th week of October or to coincide with the next meeting of the E & LU Committee. Lien added there are two town Comprehensive/Smart growth plans, Pigeon and Caledonia, yet to be adopted.

Surveying Update – Lien presented the annual renewal of the Surveyor Contract. After some discussion, Chairman Halderson suggested that this renewal wait until 2010 budgets have been approved. Lien provided an update on the remonumentation progress. Lien stated Etrick and Arcadia are left, unfortunately Arcadia has very rough terrain and many low lying swamps. Lien added crop fields are also a hindrance as the monuments can be “controlled” but the monument cannot be set until after crop removal. Zauner inquired as to how much longer remonumentation would take? Lien responded estimates are for remonumentation to be completed by 2012. Lien added it probably would have been finished already but the budget got cut in past years. Van Tassel made a motion to approve payment of the Surveyor bill as presented, Kiekhoefer seconded, motion carried with no opposition.

Fall Tour – Lien inquired as to whether or not the Committee was in favor of doing a fall tour of the County to view sites/projects of interest. Lien stated last year the tour was in southern Trempealeau County so this year it would probably be in the northern part. Zauner, Van Tassel and Halderson expressed their feelings that they would like to go on a tour and view any projects/sites of interest in the County. After some discussion, a tentative tour date was set for October 7th at 9:00 AM

Director’s Report – Lien has been in contact with Corporation Counsel on the Wier property clean up, however, Corporation Counsel is busy working on County property foreclosures, therefore Lien would not be able to meet with Corporation Counsel on the Wier issue specifically until the end of the month.

Lien will be attending the Fall County Conservationists’ meeting in Stevens Point on the 10th and 11th of September. Lien mentioned there will be an important session on the Working Lands Initiative which is

the program which is replacing the Farmland Preservation Program. Kiekhoefer inquired if the program would stay pretty much the same? Lien stated he believed there would be some changes however he felt they would be minor ones. There would be higher tax incentives for large acreages enrolled (perhaps owned by a number of landowners) in the program. Van Tassel inquired whether or not it could cross county lines. Lien responded Judy Betker was looking into that. Lien informed the Committee that Betker had some Farmland Preservation Contracts that were signed and went in to DATCP during this interim period and DATCP has not responded as to whether or not they are going to honor these sign-ups under the Farmland Preservation Program or the Working Land Initiative. Betker has been E-mailing a number of people on this issue.

Update on DOT required CUP public hearings – Lien had mentioned briefly last month that Kimarie Estenson had recently attended a meeting related to Non-Metallic and the DOT requirements for the public hearing process. Lien continued that years ago, the Non-Metallic Mining Reclamation NR-135 Standards and Non-Metallic Mining were one ordinance. DNR had suggested that we revise and separate these into two ordinances. The County has an adopted Non-Metallic Mining Ordinance which states that reclamation is required regardless of the size of the mine. NR-135 DNR requirements state that anything over 1 acre in size has to meet reclamation requirements. Kimarie Estenson has been in contact with Tom Portal from the DNR. Estenson stated that NR-135 which is the DNR Mining Ordinance which is our second Reclamation Ordinance, cannot be more or less restrictive than NR-135. In that ordinance the verbage currently states “local transportation related mines do get an automatic permit without going through the process of a conditional use public hearing. Estenson continued that she felt the reason DNR does this is in comparison to Stormwater and Erosion Control requirements as DOT administered projects are also exempt from DNR permits. The equivalent to the DNR mining Chapter 135 permit would be DOT’s 295 permit, in essence duplicating the process, so that is why the exemption is in there. Lien added the County’s regular Non-Metallic Mining ordinance states that the County would require public hearings for all mining activity. Lien cited a recent hearing which was held for a couple of hot mix sites, where a neighbor came to the public hearing. This neighbor mentioned that she and her son suffered from asthma and requested that the contractor move his operation to the other side of the parcel. Lien’s point was that if the public hearing process is eliminated, how are we ever going to know about any problems. Lien added most of these road projects don’t happen overnight, there is long term planning. Contractors understand that Trempealeau County requires a public hearing and there is language in the Ordinance to address emergencies. Lien continued that the County’s perspective has always been to keep the public informed and if needed attach conditions to permits issued. Lien advised the Committee of the options to continue doing the conditional use permits as we have been which is have the contractor go through the public hearing process or amend the Zoning Ordinance to “mirror” what the NR-135 Reclamation Ordinance states to allow for the exemption from the public hearing. Estenson added that the exemptions do have to be kept in the NR-135 Reclamation Ordinance because the County is the authorized agent for DNR for administering the mining program but there could be verbage added to the Zoning Ordinance to be compatible. Zauner stated he preferred the contractors go through the public hearing process. Thompson stated he was on the Committee when this process was set up and it was done to promote public awareness. After some discussion, Committee consensus was to keep the public hearing process in place.

Reminder of Special Meeting scheduled for September 17th, 2009 at 9:00 AM.

Next Regular Meeting Date was tentatively set for Wednesday, October 7th, 2009 at 9:00 AM in the County Board Room.

At 11:15 AM, Kiekhoefer made a motion to go into closed Session per WI Stat. 19.85(1) (c) to consider employment and performance evaluation data, Geske seconded, motion carried.

At 12:05 PM, Geske made a motion to reconvene into Open Session, Haines seconded, motion carried.

At 12:06 PM, Van Tassel made a motion to adjourn, Zauner seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michelle Haines
Secretary