

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
February 9th, 2011 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:02 AM.

Committee members present: George Brandt, Hensel Vold, Tom Bice, Michael E. Nelson, Mark A. Smick, Dave Quarne, Roland Thompson and Jeff Dregney.

Staff/Advisors present: Kevin Lien and Virginette Gamroth, Kimarie Estenson, Vickie Stalheim, and Martin Goettl-Land Records Dept. were present for part of the meeting. Emery Palmer and Corporation Counsel-Rian Radke were present for Closed Session pertaining to Agenda Item #15. Personnel Director-Jami Kabus was present for Closed Session pertaining to Agenda Item #16.

Others present – Elk Rod & Gun Club President-Bob Pietrek, Gary Monson-Town of Unity Chairman, Dennis Halverson-Town of Unity Supervisor, Randy Schaefer-Town of Unity Treasurer, Terry Koxlien-Town of Unity Supervisor.

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

Approval of Agenda – Vold made a motion to approve the agenda as presented, Nelson seconded, motion carried unopposed.

Approval of Minutes – Vold made a motion to approve the January 12th, 2011 meeting minutes as presented, Thompson seconded, motion carried unopposed.

Public Hearing—At 9:04 AM, Chairman Brandt called the public hearing to order. Brandt explained the public hearing process for the benefit of the public present. Nelson read the public hearing notice aloud. Martin Goettl, Land Records Department was present to display the Floodplain maps, etc. for all to view. Lien explained the amendment to this Ordinance is a requirement to adopt the newly revised FEMA (Federal Emergency Management Agency) maps. Basically these maps are the old 1976 FEMA Floodplain maps and FEMA overlaid them on 2006 air photos so that made the photos more accurate. Lien stated that since the Hurricane Katrina flood, banks have been mandated to require flood insurance if a landowner is remotely close to the floodplain, so people who previously never had to worry about flood insurance are now required to have it and some are disgruntled as flood insurance is expensive. Lien introduced Martin Goettl of the Land Records Dept. Brandt suggested Committee members stop in to the Land Record's office and visit with Goettl about what is available to the public as far as online mapping. Goettl stated he believed that FEMA and the DNR will contend that the maps are better, they did incorporate whatever flood plain studies were done and the LOMA's(Letter of Map Amendment), etc. were considered to determine whether boundaries were moved or not. Goettl stated specifically they still use the old topographic images of the DNR 1-24,000 topographical images which was a 10-20 foot contour. Goettl shared with the Committee several slides of the Village of Strum which included old floodplain maps, the new floodplain map revisions done by FEMA and then the result of the floodplain study that the Village of Strum paid for, to dispute the new FEMA maps. Goettl also shared the same type of information including the results of the floodplain study which the Village of Pigeon Falls paid for. Goettl expressed that as a County he felt we need to be forward thinking and look at how this 10-20 foot contour can be addressed; one of the main ways to address it is to look at what is called a LIDAR(Light Detection and Ranging) project. (Goettl gave a presentation

later in the meeting). Lien explained, referencing the Comprehensive Zoning Ordinance, that if a landowner comes in for permits, to build a new home or an accessory structure, one of the items reviewed is whether or not the proposed structure will be in the floodplain. The FEMA maps are referenced and then Lien or one of the DLM staff always make a site visit. DLM has the ability, thru the Ordinance to make a site determination based upon the characteristics that are there. DLM could potentially issue a building permit, letting the landowner know that flood insurance may be required. If DLM is uncertain as to whether it is in the floodplain, the permit cannot be issued without getting an elevation certificate or a LOMA. One of the ways to acquire a LOMA is to hire a surveyor or an engineer to do a cross sectional view of the property, determine what the floodplain elevation is, transfer it to the first floor entry and the building should be two feet above that. The Army Corp of Engineer Study from 1976 done along the Trempealeau River is incorporated into the current floodplain maps. Goettl explained the different map designations associated with various flood areas/zones and also informed the Committee of a link on the website to the FIS (Flood Insurance Study-95 page document) which determined the final adoption of the maps themselves. The study breaks down every aspect of what was done to adopt the FIRM (Federal Insurance Rate Maps) floodplain maps. Brandt recapped what this is all about is whether or not a landowner can get a building permit, where they can and can't build and what they have to do to actually be able to build and the new maps are what "drive" the buildability. Lien stated if the County does not adopt this Ordinance and participate it makes everyone in the County ineligible for disaster money if there happened to be a flood event. Lien added if a County "bends" or is too flexible and issues a large amount of permits in floodplain area, FEMA can assess a penalty and possible remove insurance coverage not only for the area where excess permits have been issued but for the entire County. Lien didn't recall Trempealeau County ever losing flood insurance coverage, but some of the villages have lost coverage. Brandt called for any public testimony/comments. There being none, Brandt closed the public hearing at 9:19AM. Brandt inquired if Committee members wanted to hear the LIDAR presentation at this time or continue with discussion of the Ordinance and action. Lien inquired as to what study the Village of Strum did. Goettl felt they did a hydrology study which included components of elevation, etc. and a lot of that information could have been garnered from LIDAR data. Bice asked if passing the Floodplain Ordinance would cost the County any money? Lien responded no. Bice asked if passing the Floodplain Ordinance would violate anyone's private property rights? Lien responded not anymore than they are today because the floodplain map is put out by FEMA (federal regulations) and the County has no ability to amend that map unless the County wanted to put forth the effort to have LIDAR, etc. done and that information could be provided to FEMA(with no guarantee) and FEMA could then amend the maps. Smick inquired if a municipality provides their own study does FEMA guarantee it without question? Lien responded there is no guarantee but past practice has shown that if the effort, time and money are put forth to do an additional study, FEMA would be foolish not to accept it because they can't afford to spend the extra time and money on it. There are grants available and other counties are doing studies because to go from a twenty foot contour to a two foot contour map is a significant difference especially in Trempealeau County. Thompson stated he knows of two cases where a landowner tried to sell their property and they had to spend a lot of money to get their property out of the floodplain. Smick inquired if a study has been done in regard to what a landowner would save in insurance, by being taken out of the floodplain, as opposed to what the county would be spending on LIDAR? Lien responded Goettl will cover some of that information in the LIDAR presentation later in the meeting. Goettl commented that one has to keep in mind that all those figures would be generalized. Goettl added when data is prepared for an update, FEMA has specific standards and regulations that must be followed in order to have an update incorporated into the D-FIRM maps. A community cannot just go out and do some study, if a study does not meet those guidelines, FEMA will still look at it and they may use it as a reference, but they may or may not incorporate it into the D-FIRM maps, so even if a community gathers better data, they are not guaranteed that FEMA will adopt it, but a service is being provided for individual landowners to actually be able to dispute it, so instead of moving areas in and out of maps, individual residents can be moved in and out of maps through FEMA policy. Lien recapped that if the County had the study done and didn't submit anything to FEMA, for a landowner in the floodplain or having to pay flood insurance, our information

would be of great benefit to them and cost them less to take our information to submit for a LOMA. Goettl agreed with that assessment. Brandt verified with Lien that if this Ordinance is approved, it will still need to be approved by County Board. Lien responded that was correct and that the County currently has a Floodplain Ordinance in effect this is just an update, an amendment to it to adopt the new FEMA maps. Smick made a motion to adopt the new Floodplain Zoning Ordinance, Thompson seconded. Brandt questioned if the Village of Trempealeau has adopted a similar ordinance, as it is his understanding that Trempealeau County is responsible for enforcing the Ordinance down there until the Village adopts their own ordinance. Lien responded he didn't think the Village of Trempealeau had adopted an Ordinance. Goettl commented he was only aware of Pigeon Falls which will adopt their Ordinance on February 17th and there were a couple of other public hearings in the paper. Lien added that whenever areas are annexed, there is a letter sent out from FEMA stating they are responsible to enforce the same laws that are in the Trempealeau County Floodplain Ordinance. Brandt reiterated that a motion had been made and seconded to adopt the Floodplain Zoning Ordinance, motion carried with no opposition.

Appearance- Elk Rod & Gun Club President – Bob Pietrek – Brandt reminded Committee members that they had viewed some of the work the Elk Rod & Gun Club did on the tour last fall. Brandt relayed to Pietrek that the Committee was very impressed with the conservation work that had been done. Pietrek stated the Club has a lot of projects that are completed and currently there are three projects “in the making”. Pietrek thanked the Committee and the DLM for the help that has been provided. Pietrek understood that Trempealeau County is allocated a certain amount of money and if it isn't used it is lost. Pietrek felt that the Elk Rod & Gun Club has been doing a good job of using all the money that is available. Brandt stated he thought the Elk Rod & Gun Club has been the only applicant in the last few years. Lien explained that there was a year when the Blair Sportsman's Club had also applied for money, so both applications were submitted to DNR and DNR made the decision as to which club received funds, but any club can apply. Pietrek inquired if there was any way Trempealeau County could get more money from some of the other counties in the State, if they are, in fact, not using all their money. Brandt asked Pietrek to elaborate on some of the projects that have been done. Pietrek stated projects had been done in the Town of Chimney Rock on the Bob Knudtson property, two projects were done in the Town of Hale, one on the Jerry Blaha property and the other on Engelstad's property. On Engelstad's a conservation easement has been obtained and brush has been cleared away this winter. A big project and somewhat of a show piece, the Traverse Valley creek project where a person could view all phases of the project, was completed on the Ed and Mary Anderson property. There had also been completed projects near Russell Store and near the Buffalo/Trempealeau Co. line. Bob Luethi has recently signed up for a project and brush is being cut on that property. Most of the projects mentioned have been maintaining easements, clearing brush, installing trout structures, and streambank stabilization. Brandt inquired what kind of money Pietrek was inquiring about. Pietrek stated he wasn't sure but he thought Trempealeau County usually received around \$7,000. Stalheim responded it is usually around \$4,000. Lien responded it fluctuates but one year Trempealeau County did receive some additional money from a fund, at the State, to which other counties return Conservation Aids money if they are not going to use it. Lien stated DLM would try to get other money but other counties are in the same situation. Pietrek stated the Elk Rod & Gun Club will just continue on with projects and if the streambanks can be stabilized here they won't end up in the Mississippi River. Pietrek added the Club has a good working relationship with the Ecology Club from the Independence High School and shared some photos with the Committee of work being done. Pietrek commented that not all the kids looked at these projects as a day off from school, some learned it was really important to give something back to the land for future generations. Vold commented there may be grants available from Trout Unlimited or the Mississippi River Regional Planning commission. Smick commented that DNR is significantly under the microscope and Smick commended Pietrek and the Club for getting the high school students involved in these projects. Discussion took place on money available. Pietrek added no one goes to downtown Madison or downtown Milwaukee to look at Mother Nature's work, so if some of these counties aren't using their funds, is there a

way to put it back into the rural areas. Brandt thanked Pietrek for coming in and stated the Committee would keep his request in front of them.

2010 Budget Resolution – Stalheim referred Committee members to the 2010 Budget Resolution #1 handout in their packets. Discussion took place as Stalheim read through the resolution. Nelson made a motion to approve the 2010 Budget Resolution #1 and forward it to County Board, Thompson seconded, motion carried with no opposition.

TRM/LWRM Cost Share Payments/Requests – No payments were presented for approval.

Appointment of Livestock Producers Member and Towns' Representative Member to E & LU Committee – Lien explained there are two appointed members to the Committee that have alternate terms, currently Dave Quarne is the Livestock Producer Member and Roland Thompson is the Towns' Representative member. Lien stated the E & LU Committee makes a recommendation to the County Board Chair as to who should be appointed to the Committee and the County Board approves the Chair's appointments. Lien added at the last Towns' Association meeting, Roland Thompson was their choice for reappointment. Vold made a motion to forward a recommendation to the County Board Chair that Roland Thompson be appointed to the E & LU Committee as the Town's Association member and Dave Quarne as the Livestock Producer member, Nelson seconded, motion carried unopposed with Roland Thompson and Dave Quarne abstaining from the vote.

Budget Items –LIDAR (Light Detection and Ranging- which is similar to sonar and radar, but does not use microwaves or sound waves, it uses an optical source up in the air). Brandt recalled for the Committee that Lien had suggested, last month, the Committee save some of the 2010 DLM budget money to be returned to the General Fund, for funding to have LIDAR flown sometime in the future. Lien stated there was a LIDAR presentation recently in EauClaire which Smick, Lien and Goettl had attended. Goettl stated he has mentioned the idea of LIDAR the last couple of years to the Exec./Finance Committee which is Goettl's standing committee. He hasn't really pushed down this road mostly because of funding, secondly because when the initial FIRM updates were done, back in 2009, we were not aware that Congress was going to let that lapse and not adopt those maps, so for us they had to go back and re-adopt them . Our public hearing was August 2009 for the floodplain maps and now it is February 2011 so because of that lapse there was a long wait time. LIDAR can be used for many other purposes other than just floodplain. Goettl estimated, based on different information received from vendors, that if someone were to go out and hand survey a flood area, a landowner would probably pay 20% more than the cost would be to have LIDAR for the whole county. Goettl explained the different components of LIDAR; a laser scanner, GPS and an inertial measurement unit which is a unit which basically takes the movement of the airplane out of the equation. It is based on ground control bay stations and cores (continuous operating reference systems) so there are bay stations on the ground as the data is being collected in the airplane. Goettl showed different slides of LIDAR. Goettl stated the test results is one of the most significant things of all the LIDAR information. FEMA requires specific regulations and test results for them to actually be able to accept some information. When a delivery of LIDAR is made, one of the things that the company does is actually run all the reports and the test results for a client to meet the FEMA standards, so all we would have to do is submit the LIDAR data to FEMA to make sure that we are in their standards and regulations. Goettl explained metadata, which is basically data about data, explaining what the company did and how they did it. Goettl explained the different slides showing LIDAR information. Goettl explained the digital elevation model and each one of the pixels (representation of a point on the ground) within this digital elevation model represents an elevation. If someone were to identify a pixel in this model, an elevation would be obtained. This is very similar to elevation that someone can retrieve on Google maps, however, Google maps uses the National Elevation Data set (within this county there is a very small area of 10 meters accuracy and the rest is 30 meter accuracy) and if a pixel is identified for elevation, that is based on that 30 meter accuracy elevation

model, 30 meters is 90 feet and 90 feet makes a significant difference, therefore that is the significance between digital elevation maps comparatively speaking to a Google map or basic elevation maps that can be obtained from different places. Lien commented LIDAR is widely used in the northern part of the state for the timber industry as LIDAR can pinpoint density and diameter of timber stands. Goettl went through some of the non-urban area modeling which can be done including transportation planning, vegetation analysis, utility mapping and floodplain mapping. Flow models can also be run with some of this information to determine how many residents would be affected by a certain amount of flow at a particular time. Lien commented our engineering staff that designs dams and waterways could take some of this information, which would be like a cross sectional view of a valley, and run a storm event through it and determine where flood lines would be. Bice reiterated that Lien stated the information could be used for specific purposes because it gives us a whole group of new updated information, however the topographical area of the earth hasn't changed at all, and knowing the divisions from two feet, twenty feet or ninety feet that is not going to change so when one looks at the "big picture", nothing is really going to change except LIDAR is going to give us a bunch of additional information. Lien responded we would have more accurate information and used the example that DLM staff can look at a topographical map and suspect this is the valley that a practice should be placed in but because the contours are 20 foot intervals, the maps are not much help, so DLM staff goes out and does a topographic survey (cross-sectional view) of it and then plugs the information into the program and designs it. With LIDAR information, two foot contours are so accurate; the measurements could be done "in house". Goettl disagreed with Bice on the concept that the ground doesn't change, because of flooding events, runoff, and farming. Bice responded if a person takes a 100,000 acres and drops an inch of rain on that land, 99.999% of the effect would be that the land would be the same today. Bice added he is looking for reasons that he should, as a person looking out for the taxpayers, support this. Goettl added that LIDAR is very easy to update. Should there be a flood event in a very generalized area it is very easy to update a specific area. Bice verified that LIDAR will provide a whole bunch more information that can be plugged into a computer and it will allow, for instance, the DLM to do more designing in the office. Goettl responded that is correct. Lien added when the old topographical maps were made, a section had very few "points" in it so those lines are very inaccurate, with LIDAR there are billions of points making all the lines so much more accurate. Terry Koxlien commented this whole concept seems to be based on a lot of "ifs" such as if we get 20 feet of water. Goettl responded the history behind the D-FIRM maps, when the maps were originally started was, they took the 1976 image and had someone sit down at a drafting board and hand draw, using this information, where they particularly think the flood plains are. So, in essence, those maps are a 20 foot contour best guess. Goettl stated throughout time there were studies done, LOMA's, etc. that took individual places in or out. Goettl believed that within the FIS report it states when each individual in the municipality and town had any sort of update done and the latest one was probably in the late 1980's. Goettl stated there were two major floods this year. Goettl expressed his opinion that a 20 foot contour is nothing more than a guess and if a landowner is on the edge of a floodplain it is going to make a big difference whether there is a 20 foot contour or a 2 foot contour map. Goettl handed out to Committee members what is called the Winnebago Study done in October, 1999. The Winnebago Study put out by Winnebago County and their Land Information Department explains much of what it takes to get flood studies in and out. Goettl read the following excerpt from the study, "Brown plainly pointed out that the old FEMA maps are drawn at a scale that makes locating a property virtually impossible. There is no way to get parcel specific at 1- 24,000 (one inch equals 2,000 feet). The width of the line on a FIRM can represent as much as 50 to 100 feet depending on how thick the line was drawn". Goettl commented on the notion of looking out for the taxpayer which Goettl agreed with completely, and added that his concept is that there is no sense in Goettl going out and trying to push for a product for a personal reason or a basis for anything besides finding something that most benefits the taxpayers and the residents of Trempealeau County because that is Goettl's job here. Goettl's job is to make sure his department is doing things and finding products that do benefit the residents of Trempealeau County and give them the best data available to do the multitude of things that can be done with the data. Bice asked if Goettl was just here to educate the Committee? Goettl responded that he was present for information and

education reasons only as he has nothing to do with any budgetary matters at this meeting. Goettl showed other items of LIDAR including building footprints, vegetation analysis, ortho with canopy which is used for 3-D simulation, tree canopy, canopy statistics which is used by forestry departments and line of site which can be used for siting cell towers, wind turbines etc., volumetric studies. Goettl pointed out that generally speaking LIDAR has benefited other places immensely. In referencing the Barron County Study, it states that when they did their study the old FIRM maps had 1370 points (structures) in the floodplain and when the new study was done only 167 points were in the floodplain. Goettl added we need to be forward thinking and we need to think about partnerships. The Dept. of Transportation or Highway Department could use this data for doing roadwork, etc. Utility companies could use this information, i.e. Winn Bay Sand, LP actually flew LIDAR over their mine project area. LIDAR is becoming the "way to do things" because of the enormous applications that are given besides just going out and doing a contour map. Goettl has contacted the Mississippi River Regional Planning Commission (MRRPC) which we are a partner of and they will assist us in looking for grant money and writing the grants. Goettl stated estimates for purchase of LIDAR is \$400 per square mile or \$296,000.00 for the whole county. Lien clarified this isn't a sales pitch to benefit Lien or Goettl because it won't change their jobs at all, the reason we're discussing this today is because DLM has some excess revenue. It was discussed at last month's meeting as to whether a portion of this money should be set aside for future funding of LIDAR. Lien added one of the biggest issues he sees in his department and one of the biggest issues affecting the public is the cost people have to pay for flood insurance and LIDAR would be a benefit for those people affected. Lien stated each week people call or come to the office with some type of flood plain issue. As far as the DLM department itself, the LIDAR would be a minimal benefit. Bice inquired how many persons come in weekly to discuss flood plain issues and have to pay money to clear up a flood plain issue. Lien responded, on average probably five calls or visits per week. Bice responded he knows these are actual issues people deal with, but Goettl just quoted a figure of approximately \$300,000 so we need to weigh this. Bice stated felt he understood the whole concept of LIDAR, but, for example, City of Whitehall, the topography is fairly flat and isn't going to change much, but the County is going to spend a lot of money to do Whitehall and what is the gain and that is the picture that goes through the entire county. Bice added he understood that the County is much more uneven and at different elevations. Goettl responded we could look at some specifics in the Village of Pigeon Falls. Bice responded their done so we don't need to worry about them. Goettl added the Pigeon Falls study represents an awful lot because when a person looks at the FEMA map and then the new study, a certain number of residents on the map would have been in the floodplain and now they're removed. Goettl explained in the old FEMA data there were about 1265 building points within the flood plain countywide. The first D-FIRM data that was delivered went from 1265 to approximately 1,061 building points, so there must have been some changes and Goettl didn't know what that meant monetarily. On the newest floodplain maps, after Strum and Pigeon Falls did their studies, there are 950 building points. Goettl took those 950 building points and took the parcels that Land Records has mapped within the County (taking into consideration that Arcadia and City of Galesville are not mapped) and Goettl selected all the building points that are within mapped parcels and the building points in the floodplain ended up to be 637 parcels. From there if he took the 637 parcels and joined it with the tax data some monetary value could be obtained. Brandt recapped that the answer to Bice's question can be obtained. Terry Koxlien commented that the rest of the taxpayers would be paying for these residents to possibly be removed from the floodplain. Should Trempealeau County be liable for what the State has done? Lien responded there is only an effect if you have to pay flood insurance on structures in the flood plain or if someone wants to build a building in a flood plain. Lien stated the building points on the current maps show only pre-existing residents, they don't show future development or what is buildable or what isn't buildable. Pigeon Falls is almost flat but look how much their map changed. Brandt commented that the same argument for remonumentation took place fourteen years ago. Some us may never take advantage of the LIDAR information, but it is such a benefit to the County that we can justify spending the money. Vold inquired about the average flood insurance cost? Lien approximated the cost of flood insurance at about \$1,500.00/year base and to hire a surveyor to establish elevations to obtain a letter of map amendment (LOMA) a beginning cost would be about \$2,500.00. Vold commented that about

75 people were affected in Pigeon. Bice added if they all paid \$100.00 each that is \$7,500 and it cost the community between \$5-10,000, so it might be better if the communities just took care of themselves. Goettl commented that Trempealeau County is the community. Bice responded the communities can cover for approximately \$10,000 a large amount of people and Trempealeau County would be covering so many acres that are never going to come into question. Bice stated in the last 15 years Trempealeau County had spent a great deal of time working on developing or trying to figure out what was going to be done with the jail. In Bice's opinion it was because we were approached by people who had a lot to gain by selling us a new jail, now that the issue is completely over we have less prisoners in our jail. Bice stated he has looked at this project and Goettl does a good job and Goettl's job is to do the best job he can for the taxpayers of Trempealeau County. Bice continued that as he looks at this project he honestly can't see that there will be a *significant* benefit to the people of Trempealeau County to do this. Bice admitted he hasn't been completely fair in allowing Goettl to give his full presentation, but he has done a little research on this subject on his own and from what he can tell, if this is important Bice would say let the communities of Trempealeau County do there own and the County should kind of sit back. Those that know Bice, know that he is very concerned about the financial picture that we are in and that we're entering and Bice doesn't want to see us spend any money on this. Let's sit back, let's watch technology evolve, perhaps five years from now we may be able to get this whole thing for \$50,000 or maybe the government or Dept of Defense will give us this information. Bice commented he felt we were being sold something rather than buying something and he didn't mean to offend anyone. The people that work for Trempealeau County are doing a great job and that is their job to do a good job for the County. Bice added it is his job to look out for the people of Trempealeau County. Smick commented it is his understanding that this is being discussed because there might be leftover money in the DLM budget of approximately \$58,000 and a decision needs to be made if to put it all back in the General Fund or set some money aside for LIDAR. Smick attended the presentation on LIDAR in Eau Claire and it is state of the art and Lien and Goettl had asked Smick for advice on how to approach this subject. Smick's suggested that they look at it from a business model standpoint. We know that it could potentially cost \$296,000 if we bought the product, so we need to take a look at what could be recovered, what could be saved if we purchased this and spread it out, what is the potential of less people being in the floodplain and not having to pay high flood insurance. Perhaps we could pinpoint those people that it would benefit and ask them to contribute to the fund for the next couple of years rather than pass the cost on to all Trempealeau County residents. Smick commented that we have heard rumors that other departments might have excess money in their budgets as much as a couple hundred thousand dollars and even the County's General Fund might have a little bit of surplus, so the County Board is going to have to make some heavy decisions on all these left over monies as to what we want to do with them, maybe apply them to the 2012 budget or whatever, we don't know. Smick commended Lien and Goettl for forward thinking, truly nothing wrong with what is being proposed, we would be kicking ourselves later if we hadn't looked at this. Dregney verified that Lien had stated it would benefit more people than just those in the floodplain for roads and timber, etc. Lien responded it has a lot of applications. Lien added he agrees with what Smick and Bice are saying and stated we're not looking at committing to anything, no one is looking at a contract, we just had this extra money and the proposal was just to put a little "seed" money aside, don't spend it, but just designate it to start this process and perhaps the State may come along. A good example is the remonumentation project, that wouldn't have happened if the County hadn't set that money aside years ago, and the remonumentation project actually should have been done in the sixties. You can't always wait for the state and technology is definitely changing, we might have satellite imagery that can do this in three to four years, but if we don't think ahead and maybe put the "seed" money aside when we get five years down the road and we really need it or want it, we won't have any money to start with. Bice commented that if remonumentation had been done in the 1960's we would be doing it again because technology has improved so much and as for the \$58,000 that we have surplus Trempealeau County has a 3.6 million dollar debt and in Bice's opinion, that is where this money should be put. Vold commented that the remonumentation was started in the sixties and several areas were done and none of the points changed. Lien responded in the sixties the County had what was called the bounty system for remonumentation and none of those points

have changed, so technology really has had no effect on remonumentation. Goetl commented that he respects what Bice is saying but let's look at partnerships, somebody should take the lead on a project like this and it would be good for the County to do so because we have a little more technical expertise to do it, so lets reach out to the communities and the states and different places to see if we can build these partnerships. Goetl's intent was not to propose spending \$296,000, let's see if we can make a partnership happen. The County would have to put up some money because it would benefit the County as a whole, but lets look at the towns and villages, utility companies and transmission companies, and instead of each entity looking separately lets do it together. LIDAR is becoming more prevalent and this is the first time it has been discussed to any extent. More discussion took place on the action that needs to be taken. In viewing the Village of Strum flood mapping, Monson pointed out a cemetery that is placed in the flood plain, but Monson has lived in the area since 1951 and he has never seen the cemetery under water. Discussion followed on an area in the flood plain on the upper side of Hwy 10. Schaefer voiced his frustration that we are stuck with this thing and we're digging ourselves out of a hole that was federally imposed on us and we can talk about partnerships, but in the townships there is not a whole lot of budget left. We can throw money at LIDAR as it is impressive but we have no control. Brandt reiterated that Lien's suggestion was to take all or part of this, as "seed" money, to let other municipalities and entities know that we are considering this, we've looked at it, seen some value in it and we want to be forward with the discussion. Lien added that before the Committee meets again the money would have to be turned back to the General Fund or this Committee would need to take some type of action. Quarne inquired if the Committee was taking suggestions for other projects to be funded. Brandt responded yes and this would be a good time to consider any other suggestions. Quarne commented that the \$58,000 surplus was not going to "break the bank" with the County having a \$51 million dollar total budget. Lien verified the amount as being \$58,402.56. Bice made a motion that the money, \$58,402.56, which belongs to the citizens of Trempealeau County, be returned to the General Fund along with a note, that it was the responsible thing to do, that when we have a worthwhile project we can try and fund that project. Bice added that when we have money he didn't think we should search for a way to spend it. It should be spent wisely and stay out of debt. For lack of a second, the motion failed. Smick stated for clarification, that whatever is recommended here, it is just that, it is going to be a County Board decision ultimately as to what is going to be done with the \$58,000. Brandt responded actually not, that at this point, it is actually the E & LU Committee's decision as to what is to be done with the money. Lien stated this money is from the 2010 DLM budget, it is an overrun, so it is this Committee's decision to decide how that money is used. Lien clarified we are not asking or requesting additional money, this is money that came from last year's budget. Smick responded he understood that but he reiterated that he felt it was the County Board's prerogative to decide what to do with that money and perhaps Corporation Counsel should be consulted in this matter. Brandt responded there is lots of experience in this room on this matter and this is not an automatic to the General Fund. Vold stated this Committee can make the decision what to do with any or all of the funds and that has always been the policy. Bice commented that every level of government has gotten us into an incredible bind because they had money in their budget and they felt they needed to somehow utilize it or spend it. Our children and grandchildren will never get out of debt because we continue to spend money. We are technically paying interest on this money because the County has a \$3.6 million debt that we are paying interest on. Bice continued that in time to come it might be an intelligent time to buy or to put money into a LIDAR project but right now this money needs to be put back to pay the bills that the County has, we have no idea what is coming in the future and it is irresponsible not to put this money back into the General Fund. This Committee has done a good job, but now it our responsibility to put this money back in the fund that it came from, from the people. Quarne inquired what the \$3.6 million debt encompasses. Brandt responded it is the County bonds which are a way of doing government debt that has been long established. Bice responded call it what you want but it is money that the taxpayers of Trempealeau County owe and are going to have to pay for and we're paying interest on it, as much as 5%. Discussion took place on the different County debt. Brandt stated what the Committee needs to do right now is make a decision on what to do with this money, if we don't make any decision it goes back to the General Fund. At this point, Goetl excused himself from the meeting. Nelson

commented that he is on the Highway Committee and they are under tremendous pressure to start fixing some roads and they have no money and they don't dare do anything. The public wants the infrastructure fixed. Nelson stated a survey was sent out from the UW-Extension office last fall and that along with safety, (which is the Sheriff's Dept. business and which we seem to have) was a number one priority, but the Highway Committee doesn't get any money for roads. Since Nelson is on the Highway Committee he has received calls from a couple of other County Board members requesting that something be done about the roads. Nelson questioned what they're supposed to do when no one gives them any money. \$700,000 has been taken away from the Highway Dept. over the last 8-9 years, so all that can be done is repair. Monson added that as Town Chair of Unity – that town got cut \$12,000. Nelson added the situation keeps compounding and the longer we wait the more it is going to cost. Smick once again stated his disagreement with Lien as far as the E & LU Committee having exclusive say about what is done with the money. Bice then made a motion that the Committee not take any action on the money left in the budget. Quarne seconded the motion. A roll call vote was taken with "yes" meaning nothing is done with the funds and "no" meaning something will be done with the funds. Quarne – no, Smick-yes, Vold-no, Thompson-no, Nelson-no, Brandt-no, Dregney-no, Bice-yes, -motion failed to pass 6-2. Thompson then made a motion to leave the entire amount in a DLM non-lapsing account for use on future budget shortfalls, Brandt seconded the motion. Smick stated he felt this whole situation needs to be reviewed by Corporation Counsel, as he felt the ability for each Committee of the County Board to be able to set money aside for what they desire is defeating the County Board's "big picture". Lien commented he has been a department head since 2000 and since that time every department and committee has had the right to do what they choose with their budgetary items. Lien added he felt that was the reason the County Board made four attempts to pass the resolution that departments could not spend more than a fourth of budgeted items in the fourth quarter, because County Board does not have a say over individual department budgets, the standing committee does. Lien added every year since 2000 the DLM has put money back to the General Fund. Lien stated at the direction of the Committee he will consult with Corporation Counsel on this issue, but past practice should be an indication that Standing Committees have the authority as to what should be done with leftover money in the budget. Roll call vote was then taken on the motion to transfer the entire amount to a DLM non-lapsing account with "yes" meaning the money is transferred and "no" meaning it is not transferred into a non-lapsing account. Bice-no, Dregney-yes, Brandt-yes, Nelson-no, Thompson-yes, Vold-no, Smick-no, Quarne-yes motion was defeated due to a tie vote. Nelson then made a motion to retain half of the approximate \$58,000 in a non-lapsing account and the other half be returned to the General Fund, Vold seconded the motion. Bice questioned if the amount could be increased to 75%. Lien responded if this motion fails then a new motion could be made. A voice vote was taken with "yes" meaning exactly half of the approximate \$58,000 would be retained in the DLM non-lapsing account and half to the General Fund and "no" meaning it would not. Quarne-yes, Smick-no, Vold-yes, Thompson-yes, Nelson-yes, Brandt-yes, Dregney-yes, Bice-no, motion passed 6-2. Brandt advised Lien to make sure the necessary paperwork was prepared.

Surveying Update – Lien presented a survey report for the remonumentation progress of T20N, R9W in Arcadia and a bill for approval. Quarne made a motion to approve the report and payment as presented, Nelson seconded, motion carried with no opposition. Bice made note to Committee members that this survey bill does not include Nelsen's pay for his eight hours spent in the office each week as Nelsen submits a separate bill for those hours.

Director's Report – Lien referred Committee members to the Contractor's Workshop invitation in each of their folders. Lien commented the Workshop will be held February 24th at the Arcadia Country Club and is not intended to be a money maker but to provide information to contractor's and allow them to obtain some continuing education credits. Quarne commented that Riverland Energy has a workshop also and would it be possible to have a workshop together. Lien responded that he and Rod Stenulson have attended those

workshops and, in the past, gave presentations. Riverland Energy's workshop is different and has very little to do with Uniform Dwelling Code. Lien welcomed all Committee members to attend.

Lien mentioned a Committee photo would be nice for the Annual Report or archives and perhaps it could be taken at one of the next couple meetings. Brandt requested that a reminder note be put in the meeting packets.

Lien stated he was directed at the last E & LU Committee meeting to talk to Corporation Counsel about the possibility of re-opening the Committee's action on the mine that was issued a Conditional Use Permit (CUP) at last month's E & LU Committee meeting. Corporation Counsel had advised Lien that if there was a significant change or information was falsified, or there was some drastic change, the Committee could re-open the issue and bring the applicant back in. Lien continued that, at the last meeting, the permit was presented that there would be no blasting involved, so it wasn't even addressed and therefore no conditions were considered. Lien's professional opinion is that the applicant cannot blast and if they would need to blast that would require a revision to the CUP. Estenson commented the minute's state, "blasting is not expected and they would be ripping the material". Quarne commented he was in Arcadia yesterday, and the drilling machine for blasting is already on the site. Estenson stated the applicant did drill and they tested the material and found the material below the hard shelf did not meet requirements, so currently blasting is not an issue but it is probably going to come up in the near future. Brandt recapped some of the issues that were discussed at last month's meeting such as blasting, stationary vs. nonstationary and Estenson has raised the question as to whether there is a standard process that we go through that we can tell a contractor what he can expect when he comes before the Committee and Brandt stated the question is answered on the first page of the Ordinance. Estenson stated she was referring to the internal requirements which seem to have changed. Estenson added typically DLM always let the contractor know that they needed stormwater permits and to check into air quality permits but the follow-up wasn't always done because another agency had that jurisdiction, so previously we had never withheld issuing their CUP until they received those other permits. Estenson added the direction we are heading seems to be that the contractor would need to have those permits "in hand" prior to letting a contractor start mining. Lien stated he recently had a meeting with the representatives from Winn Bay and they're concern with the mines currently being permitted, is that the end result is the same material and the difference is that Winn Bay is doing a final processing (completely enclosed in a building) and they are washing it, therefore there is virtually little or no pollutants whereas it could be cheaper for Winn Bay to purchase raw materials and haul it in. Thompson commented that in Trempealeau dirt is being dug and in Preston that is processing. Lien stated that is one perception and when Lien talked to the air quality person from the State he stated that if raw material is being taken out and put into a truck, no air quality permits are required, but when processing, such as running it through a screener or a crusher, those are both processing and then air emission papers are required. Estenson stated a lot of what Winn Bay does is either regulated or it is not, there is a threshold and when that threshold is reached, an air quality permit and stormwater permit is needed. Winn Bay also had to address the public. Winn Bay held a number of informational meetings and they needed to address the questions brought up by the public. Estenson stated her opinion that she felt each permit needed to be addressed on an individual basis. Air quality permits and stormwater permits have regulations that DLM can follow up on and some of it is at the Committee's discretion. Lien questioned if the mining should be held off until all the necessary paperwork is in place or do we let them go ahead and mine with the intention that they will get the paperwork to us. Lien commented that on Conditional Use Permits, the Committee can attach conditions. Lien referenced the requirement, to inspect foundations because of the amount of blasting and the frequency, that a foundation investigation was required on all structures and wells within 4000 feet. Winn Bay paid approximately \$16,000 to have a private engineer investigate all the houses and wells within 4000 feet. Lien questioned the requirement for anyone else blasting? A discussion continued on the blasting issue. Bice inquired what decision needed to be made here today. Brandt stated the question was whether or not a Conditional Use Permit issued last month needs to be re-addressed. Corporation Counsel had stated if there was significant

change to the permit then the Committee could require another public hearing. Lien stated his opinion that he felt they would need to come back to the Committee because they had stated in the original hearing that there was no blasting expected so the Committee did not address that issue. Lien added that according to the Ordinance any change in the Conditional Use Permit requires the applicant to come back to the Committee. Bice commented that he has relatives out in North Dakota and he gets an update from there quite often and there is such an incredible demand for the frac sand that companies are taking anything they can get. Bice stated he felt we need to work with everyone the best that we can and move past these issues. Brandt commented the responsibility of this Committee is to look at the wise use of the natural resources of the county, aesthetic implications of the siting of such a mine, impact of mining operations on the general health, safety and welfare of the public and each application shall be judged on it's own merit and if the Committee wants to broaden that discussion based on the perception that there is going to be more of this particular mining than we have to take into consideration those items previously mentioned. Brandt continued that this Committee has the responsibility and the power to do that. Brandt has looked through the Ordinance and the Committee can say "no" as long as the Committee can give a reason for saying no. Lien stated this is not an agenda item, so no action can be taken. Lien and Estenson will continue to work on how they can better inform the Committee on the conditions that should apply to each site. Brandt stated as a Committee they will pay more attention to those issues that have been discussed today.

For information purposes only, Lien mentioned that Winn Bay had some issues with getting a bond so they wrote a check to Trempealeau County and because the County's General Fund has all of the banks filled, Trempealeau County could not deposit the check. Trempealeau County had to pay \$15.00 to deposit the funds into a State fund and when the bond is received from Winn Bay and a check has to be written back to Winn Bay then the County will get charged \$5.00 to get the money back. Smick commented that this issue had already been discussed at an Exec./Finance Committee meeting.

At 11:45 AM, Bice made a motion, Thompson seconded, to go in to Closed Session per WI Stats 19.85 (1)(g) to confer with legal counsel for the County concerning a strategy with respect to litigation in which the County is or is likely to become involved. Bice left to attend another meeting during this time. At 12:17 PM Nelson made a motion to go into Open session, Quarne seconded, motion carried with no opposition.

At 12:18 PM, Quarne made a motion to go into Closed Session per WI Stats 19.85(1)(c) to Consider Public Employee Performance Evaluation Data, Thompson seconded, motion carried unopposed.

At 12:34 PM Nelson made a motion to return to Open Session, Quarne seconded, motion carried unopposed.

Next Regular Meeting Date was confirmed for Wednesday, March 9th, 2011 at 9:00 AM in the County Board Room.

At 12:40 PM, a motion was made by Nelson to adjourn the meeting, Dregney seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael E. Nelson, Secretary