

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

SPECIAL MEETING MINUTES
AUGUST 28th, 2012 1:00 PM
COUNTY BOARD ROOM

Chairman Bice called the meeting to order at 1:00 PM.

Committee members present: George Brandt, Tom Bice, Dave Quarne, Hensel Vold and Michael Nelson. Roland Thompson, Jay Low and Rick Geske were absent.

Staff/Advisors present: Kevin Lien, Vickie Stalheim and Real Property Lister Nick Gamroth.

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

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

Department of Land Management Budgets – Lien stated two vacant positions have been budgeted for and one position will be filled on August 29th and the other position will be filled on September 4th. Lien noted past positions that were not filled; Ken Myers position which was Union Grade 7, David Appleyard, Department Head, Reed McRoberts- Zoning Department Head, Andrea Sveen - Planner, Dawn Hembd-Watershed Manager, Greg Leonard- Soil & Water Conservationist for a total savings of \$325,652.00 (based on 2012 pay scale- annual wage and does not include benefits). Lien then went through the budgets with the Committee. Bice had a number of questions regarding budget items such as legal fees, etc. Discussion took place on the funds available to rewrite the Shoreland Zoning Ordinance. Lien noted that since he has been the Department Head (2000) each year the Department has turned money back to the General Fund. Upon inquiry from Bice, Lien explained the last two years, the Committee put \$30,000 into budget number 101.56432 for LIDAR, nothing is budgeted for LIDAR for 2013, but the money is in this account. There is no line item for expending any money. Lien mentioned there is a resolution from the towns' on his desk right now asking the County Board to spend money to purchase LIDAR. Lien explained that this is DLM's only non-lapsing account and the Committee had designated that is where the money for LIDAR should go. Lien and the Committee examined another budget which included the Real Property Lister position. Lien added the Real Property Lister also has his own budget. Lien noted that right now the Real Property Lister is 100 percent levy dollars whereas if he were in the DLM budget some of the enforcement things that he might take care of could generate income. Discussion took place on the steps involved to incorporate the Real Property Lister position into the DLM which would be effective January 1st, 2013. Lien stated the budget including two other staff members in addition to the two being added right now is based upon them being added January 1st as base Grade 7. Brandt explained his reasoning for requesting the budgets for two additional positions. Gamroth and Lien elaborated on the importance of the scanning of documents and mapping, etc. in the County. The discussion then turned to violations and the fact that years past LCD staff had money to offer for waterway or barnyard, etc. projects for any violations out there. Now there isn't much money and staff may have to issue citations to get a landowner to stop the violation. Upon Bice's suggestion to fine violator's, Brandt commented that requires staff and Lien added the ag siting rules have gotten very complex. Quarne asked if DLM is becoming a regulatory agency or a service agency since he heard DNR is getting out of the regulatory and getting into the service part of it as that is what Gov. Walker has told them to do – open up this State. Lien responded that goes back to, are we going to preserve our resources, ground and surface water or are we going to deplete and pollute them and that is what it comes down to because if DNR is not going to regulate them who is? Brandt added that until they change the Statutes, this Committee is required by Statute

to enforce NR-151, etc. Lien commented that unfortunately there is the political pendulum and right now the pendulum is swinging toward deregulation and if there are no rules than none will be followed and people will do anything. Lien noted that this Committee are the policy makers and if rules/policies are changed the DLM staff will administer them, therefore if the Committee wants the DLM to do their job differently then this Committee needs to change the policies/ordinances. Brandt commented this Committee can send a very strong message about what our policy is and our goals and objectives by saying we are going to staff the positions that we need right now in order to stay on top of a really big change that has come to this County. Discussion took place on the role of NRCS and also fees and regulations associated with mining and the ability to cover staffing costs. Bice felt that mining revenue should cover all administration costs. The Committee talked about zero percent increases in departments and the affect on the tax levy. In the planning budget, Lien noted a change because Mississippi River Regional Planning Commission had originally quoted \$2,000 per town but it has actually increased to \$2,200 so that budget was adjusted \$200 per town to cover that increase. Lien noted that right now the Town of Arcadia is updating their Land Use Plan so that is an expenditure for this year. The Towns of Pigeon, Hale and Chimney Rock are all talking about revising their Land Use Plans. Vold made a motion to approve the budgets as presented, Nelson seconded. Discussion took place on the addition of the two extra staff members. Upon Bice's inquiry as to the bottom line on the budget, Lien stated there was a small increase only because of insurance. Lien commented, with Vold and Brandt agreeing, that this budget has always been very conservative. Brandt requested that a revenue chart from the permits be provided to the Committee. Motion to approve the budgets passed with no opposition.

Discussion on Public Hearings – Lien stated that because of the length of last months nine hour meeting and number of hearings, Bice had requested possibly limiting the number of hearings, on each agenda, be discussed. Lien went through the items currently on a “draft” E & LU Committee meeting agenda for September. Brandt clarified with Lien that once a public hearing is published, that public hearing must be held, but no action has to be taken. Quarne made a motion to limit the number of public hearings, Brandt seconded the motion. The possibility of two meetings a month was discussed with per diem for meetings and time being two pertinent factors. In regard to staff time, Vold stated if they don't come in with every “i” dotted and every “t” crossed and the permit completed, he is going (and he is going to ask that question every time a hearing is started) to make a motion to deny the permit and they can come back. Vold added staff is spending a lot of time “babysitting” these permits. Discussion took place on citizens from other counties and even other states testifying at public hearings. Quarne commented that in Jackson County, when they have a public hearing, the people that testify have to live within 300 feet of where the conditional use permit is to be. Vold stated hearings should be scheduled on a “first come, first serve” basis and the permit must be complete. Quarne amended his motion that there be no more than two sand mine public hearing permits and four other zoning permits for a total of six public hearings on a meeting agenda and they have to be 100% complete or they never show up on the agenda, Brandt seconded the amended motion. Motion to approve the amendment and the motion to limit the number of public hearings carried with no opposition. At 2:52 PM Vold made a motion to adjourn, Brandt seconded the motion, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary