

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
March 19th, 2014 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 10:10 AM when a quorum was present.

Brandt verified that the Open Meeting Law requirements had been complied with through notifications and posting.

Committee members present: George Brandt, Michael Nelson, Kathy Zeglin, Jeff Bawek and Rick Geske. Tom Bice and Jay Low were absent.

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Carla Doelle and County Forester Scott Laurie were present for part of the meeting. Others present: William Lambright, Levi Borntrager, Dan Gallagher, Doug Nokken and Ed Patzner.

Adoption of Agenda – Nelson made a motion to approve the agenda, Geske seconded, motion carried unopposed.

Adoption of Minutes – Zeglin made a motion to approve the February 12th meeting minutes, Nelson seconded. Motion to approve the minutes passed unopposed.

Forester Scott Laurie was present. While waiting for a quorum to be present and before the meeting was officially called to order, the Forester gave his report since there was no Committee action that was needed. Laurie gave an explanation as to how the Managed Forest Law programs work. Laurie stated there are about 600 landowners in the County and about 50,000 acres under the program. It is a very popular program in the County. Statewide it is very well accepted and it is a nationally recognized program also. In Trempealeau County about 65% of the woods is owned by private landowners. Nationally it is about the same percentage. Managed Forest Law sort of gives landowners that venue to manage their forests. Lien asked if Laurie has been involved with Oak Wilt? Laurie responded the season for oak wilt runs April thru July. Laurie recommend that folks be pruning or cutting their oaks now in the spring or early summer. Once Oak Wilt gets in a wood lot it is pretty impossible to get rid of it. Laurie added prevention is a big part of it. Upon Lien inquiring how it comes in or starts, Laurie responded that typically, a beetle will bring it in. The beetle carries an oak wilt fungus and it will land on an open wound of the tree, it gets into the vascular system of the tree and it basically plugs up the vascular system – sort of like Dutch Elm disease. Laurie added that when people prune or harvest their oaks (spring or summer) they create open wounds and sap flow, which attracts these beetles. When Oak Wilt gets into a tree, many oaks are connected by roots underground so one will see an Oak Wilt “pocket” over time spread larger and larger. A short discussion took place on the Emerald Ash Borer (EAB). Laurie stated DATCP governs the removal of wood from a quarantined area. Trempealeau, LaCrosse, Vernon, Crawford and some counties in Minnesota all have EAB so they are all quarantined. The beetles are most active in the spring and early summer so wood should be shipped when they are not active and that is in the fall and winter. Laurie suggested that anyone doing a timber harvest should remove all the ash trees. One of the first signs of EAB is the flecking that the woodpeckers do because they are trying to get the larvae under the bark. A heavily infested tree has a lot of woodpeckers on it. Brandt asked about CRP signups, contracts, tree planting, etc. Laurie responded that when the program started in approximately 1985 and every year after that tree numbers increased up until 2000 when approximately 700,000 trees (around 900 acres) had been planted and it has decreased since then. The last couple of years we’re lucky to have planted even 100,000 trees. Laurie stated people aren’t signing up for CRP. Commodity prices are high and a lot of the lands have already been planted

up with trees. Laurie noted that another state nursery in Hayward is being closed down because of the lack of people planting trees. Brandt asked Laurie to talk about timber harvests and how that works in the County. Laurie responded it is a big part of the local economy. Because of the hard winter and the inability to get in the woods, mills are running out of wood and we're going into spring break up, road bans are coming on shortly, so the mills are really scrambling for wood. Laurie added that the wood goes both to domestic and international mills. Laurie noted we used to have half a dozen mills in the County and now we're down to one. We used to have a couple dozen, independent loggers in the County and now we're down to less than a dozen. Laurie explained that typically it gets processed (Koxlien has a mill that has a kiln over in Pigeon Falls). Buffalo River and Tie is one of the bigger operation around here. Typically the wood gets milled, dried and shipped all over the state and country. The economy kind of fell apart in 2007. When the housing market got hurt, that took the lumber market right down with it. The market is now coming back as housing is coming back as well. Laurie stated our biggest challenge is our terrain - steep hills make it hard to access a lot of the wood for harvesting. If one drives around the County, you will notice a lot of the decent timber has been logged off - the stuff that was easy to get on lower slopes and all that is left is this marginal/poor quality oak on the steep side slopes. Brandt asked what the property owners responsibility is, in terms of taxes, when they do harvest timber. Laurie responded that if they are under the Managed Forest Law (MFL), they have to file a cutting notice first. Laurie has to go out and "proof" the harvest. They have to report the volumes that were harvested and they do pay a 5% severance tax which ultimately goes back to the town and county. If one is not in Managed Forest, Laurie stated the foresters are always available to do "walk throughs" to give advice. They can't and don't do appraisals per se but they can tell them what they have and what their options are as far as long term management. Brandt stated he was thinking in terms of tax responsibilities if one is not in Managed Forest. Laurie stated one has to file a County Cutting Notice with the County Clerk (that has been a standard for many years to make sure their taxes have been paid). The notice basically outlines where they are going to be cutting, etc. Brandt commented that there will be a change in this Committee come April, and this Committee has been pre-occupied and hasn't had a chance to visit much. Brandt was wondering if Laurie sees any way that the two Departments or this Committee or the County can partner with the DNR Forester on conservation issues. Laurie responded that probably the biggest help is our communication - that we talk back and forth and get along with each other. Laurie stated there are a lot of landowners out there. Laurie thought probably a third of the County has woods enrolled in Managed Forest. If they are not in that program, many times we don't hear of them and don't know what they are doing and they may be practicing some inappropriate forestry practices. What Laurie asked that the Committee consider letting the Foresters help manage their woods whether you're in a program or not. There is no charge for the Forester to come out and take a walk in the woods, no contracts and no long term commitments. Laurie asked the Committee to spread the word that they are here to help people manage their woods whether they are in programs or not. Doelle asked how a landowner enrolls their land in MFL. Laurie replied that currently one has to hire a consultant to write a forestry plan. Laurie can provide a list of those folks. Typically they charge \$400-\$600 per forty to write a plan, but typically one gets that back after the first year of taxes. Laurie felt it has been a very popular program. The legislature has been tinkering with the program the last 10 years. Every other year there have been changes to the program which has been a source of consternation for them to try and keep up with those changes. For folks who are going to hang on to their land for the long haul and aren't afraid of having timber harvested when it is warranted, it is a good program. Laurie noted that a lot of people call to say they want to get into the MFL program and they have to be comfortable with "managing" their forest and that includes harvesting timber when it is ready. Being that we are in a quarantined area for EAB, Bawek asked what loggers do with timber once it is logged off - does it stay within those counties that are quarantined or can they move it out of the county. Laurie responded if they have a compliance agreement with DATCP, which is a fairly simple process, they can take it off site, but reminded the Committee that again it is most critical during those months, when the beetles are inactive. Laurie stated if anyone has any questions, they are located out in the USDA building. If any constituents have any questions refer them to the Foresters. Brandt thanked Laurie for coming.

**Public Hearing - Rezone/Land Use Change – Exclusive Agriculture 2 (EA2) to Commercial (C)
William L. Lambright and Martha Lambright, Applicant/Landowner – Town of Preston**

Brandt opened the public hearing at 10:12 AM. Nelson read the public hearing notice aloud. Brandt instructed the public present that anyone wishing to speak should fill out a registration form and get it to him. Lien gave an overview of the project. Lien stated Mr. Lambright came into the office and explained to Lien that he wanted to start a business building trusses and rafters. Lien referenced Section 2.05 of the Comprehensive Zoning Ordinance. Lambright's land is currently zoned Exclusive Agriculture 2 (EA2). Because it is a retail business where a produce is being built for sale and there could be some outside storage, Lien recommended that he rezone it to Commercial. Lambright came forward with a description for a one acre parcel. Lambright intends to build a pole shed approximately 40 X 88 feet in size and the rafter construction would take place inside the shed. Lien stated this type of business fits into the use and zoning classification. Lambright has been in touch with the Town of Preston. Lien has not received any calls or e-mails for or against this proposal. Mr. Lambright is present to answer any questions. Upon Brandt asking Lambright if he had anything to add, he responded he did not.

Dan Gallagher – Registered to appear and testify for information only. Gallagher stated Lien had already answered his question. Gallagher was just curious as to what was going to happen as he hadn't had a chance to speak with Lambright personally.

Brandt called three times for any other testimony or comments from the public. Lien read a letter aloud from the Town of Preston dated March 18th, 2014 which stated the town board had met on March 10th, 2014 at which time William Lambright requested a rezone. David Nehring made a motion to approve, Vernon Back seconded the motion, all in favor. Brandt clarified that this is basically a one acre parcel adjacent to County Road S and there will be a building on the site and the access will be through the existing driveway so there would be no new driveway. Brandt asked if, after reviewing it, there were any concerns that staff had. Lien responded no, but to be in compliance it has to go through the rezone process. Lien elaborated on a home occupation and a home accessory business but explained that because there are going to be retail sales, lumber, etc. outside the shed, and there is the potential of having public coming and going that it fit better in a commercial zoning district. Lambright asked if there was another meeting after this. Lien responded yes, if the rezone was approved today then it will be forwarded to the County Board for final approval and at that time it is final. Geske inquired if Lambright thought that was a big enough area for him for what he wants to do. Geske stated he would hate for Lambright to want to expand or get bigger and then he has to come back for a rezone and go through the whole process again. Lambright stated he felt he was going to make it work and he would start out slow. Lien thought Geske had a good idea. Lien thought there were tax implications on how things are used and zoned and that is why one wants to keep a smaller "footprint" initially. Lien noted that the DLM doesn't have anything to do with tax assessment. Brandt closed the public hearing at 10:20 AM. Nelson made a motion to approve the rezone, Geske seconded the motion. Bawek asked Lien if there were any line of site issues? Lien responded it is a pre-existing driveway, pre-existing lot. The applicant is currently set back approximately 146 feet from the center line of County Road S. If one looks at the air photo the property is somewhat on a straight stretch except to the North where it curves. When Lien had talked with Lambright, Lambright wasn't expecting a lot of increased traffic flow initially. Bawek asked how close it was to our requirement? Lien responded he hadn't checked because it was a pre-existing driveway. Lien explained to the Committee that for new driveways there is 400 feet of site distance required. Lien thought it was pretty close by referencing the map and if the building is set back approximately 146 feet it should be fine. Lien noted that on a County road one can be as close as 75 feet and he is double that. Motion to approve the rezone and send it on to County Board passed unopposed.

Public Hearing - Revised Trempealeau County Animal Waste Management Ordinance

Brandt called the public hearing to order at 10:22 AM. Brandt advised the public present that there were copies available for them to view. Nelson read the public hearing notice aloud. Brandt turned the meeting over to Carla Doelle for overview. Doelle stated what the Committee has in front of them today is what was presented last month and what the Committee had approved to send to public hearing today. There were no additional changes from what the Committee saw last month. Doelle has not received any comments (telephone call or e-mails) from the public for or against the Ordinance. Lien added this Ordinance revision is to bring it up to

current standards, reference the correct Statutes and meet the State requirements as far as animal waste storage in the County. Brandt clarified it also includes the language referring to transfer of ownership and closure of sites. Lien added it includes an updated fee schedule. Brandt noted that is not part of the Ordinance. Lien clarified it is not and it is something that the Committee could change at will. Brandt called three times for any public testimony. Brandt closed the public hearing at 10:26 AM. Zeglin made a motion to approve the changes to the Ordinance, Nelson seconded the motion. Brandt called for any discussion, Zeglin commented the Committee had discussed it pretty thoroughly last month and thus all her questions were answered. Motion to approve the Revised Trempealeau County Animal Waste Management Ordinance and forward it to County Board passed unopposed. Upon Brandt mentioning he thought there was an unanswered question from last month, Gamroth responded that Rian Radtke, Corporation Counsel was undecided as to whether this was a “zoning” Ordinance which would require a public hearing and go to County Board for approval or if it was something else. According to Gamroth, Radtke did determine that the Animal Waste Management Ordinance should go through the same hearing process as a “zoning” ordinance and go to County Board for approval. To meet those requirements Gamroth stated all of the towns were sent registered letters notifying them of the public hearing today along with a copy of the Ordinance.

Update on North Branch and Upper Elk Creek Subwatershed Targeted Runoff Management Project

Doelle stated there were a couple of meetings held on February 26th, 2014 at the Town of Hale building basically to provide information and education and allow for open discussion with landowners on the Targeted Runoff Management Project within those two subwatersheds. Doelle informed the landowners as to what is available and what they can do. Doelle stated she was pleased because between the two sessions there were 25 people in attendance. Doelle obtained the name, address and phone number of each person at the sessions. After each session, she also had time to visit with those landowners and learn a little more about their sites and what they have going on. Doelle mentioned that with the current amounts of snow it is impractical to see some of the projects right now. Brandt clarified that Doelle had sent letters to all the property owners in those two watersheds. Doelle confirmed that 260 plus letters went out to landowners. Doelle stated the practices that the landowners seemed to be interested in were streambank, stream crossings, and fencing. There was discussion about a waste storage abandonment which is an earthen structure that was put in prior to our Ordinance of 1987 and potentially some barnyard repairs to wooden wall barnyards (from during the Elk Creek Watershed era (1979-1989), and filter strips, etc. Doelle stated she is anxious to get started and for others to see what is going on. Usually the phone will start to ring when a neighbor sees what is happening and they will want to participate. Upon Zeglin’s inquiry as to whether the turnout was better than Doelle expected, Doelle replied she didn’t really know what to expect but she didn’t expect twenty five people. Additional discussion took place. Brandt stated that Doelle had mentioned at the last meeting that there is a 70/30 cost share and that Doelle would work with the landowners in order to apply for any EQIP (Environmental Quality Incentives Program) funding to pick up the 30%. Doelle informed the Committee that Mark Kunz, NRCS (Natural Resource Conservation Service) District Conservationist, did attend the meetings and explained his program. Doelle stated that ideally what works out the best is that we make the initial contact with the landowners to find out what practices they are interested in doing, get the survey, the design, any permits they are required to have and then they go on to the EQIP process because the EQIP process has a ranking system and the more things that one has done (survey design, permits, etc. and are ready to go) the higher one will rank. That is a bonus to these landowners. Doelle stated we want to try to make things as efficient and “score high” for these landowners so that they can try and capitalize on, perhaps getting part of their 30% covered through EQIP. Geske commented that office is very good to work with. Nelson agreed. Nelson added that Rob Herman was at the Town of Hale meetings and his presentation was excellent also. Doelle feels that Herman was a good resource to have there because people in that area know him and trust him. Making people aware (in the letter) that Herman would be there possibly helped people to think that this must ok. Doelle elaborated on her presentation at the meetings. Brandt asked Doelle to keep the Committee updated on this issue.

Targeted Runoff Management Municipal Responsibility Resolution

Doelle referred the Committee to a copy of a sample resolution in their packets which was done back in 2010. It was called the Municipal Responsibility Resolution. Doelle had submitted the resolution that was signed

back in 2010 to DNR every year with our grant applications. However, this year they had a change of personnel at the DNR level (where the scoring is done etc. of grant applications) and DNR wanted us to submit a new resolution with a new date. DNR wanted to be sure that the current Committee was aware of what we are doing. Doelle noted the change, that being “municipal responsibility resolution” to “governmental responsibility resolution” and the date, otherwise everything is the same. Doelle explained this is basically identifying, not by person, but by position (so that if there is a turnover of staff, that we are covered) who does what tasks through the Targeted Runoff Management (TRM) Grant process. Brandt clarified that this authorizes the DLM Director or Environment and Land Use Committee Chairman to sign a grant agreement between the DLM and Wisconsin DNR. The DLM authorizes the Zoning and Agricultural Conservation Specialist (currently Doelle) to submit signed quarterly and final report forms to DNR. The DLM authorizes the Fiscal Manager to submit signed grant reimbursement requests to WDNR. Doelle added it is very straight forward and just identifies who plays what role in this whole process. Brandt clarified the changes as being “municipal” to “governmental” and the date. Nelson made a motion to approve the authorizations and changes to the resolution as presented, Geske seconded the motion. Upon Brandt inquiring if everyone was clear as to what this is, the Committee consensus was that they were clear on the matter. Motion to approve carried with no opposition. Doelle elaborated on the projects that have been applied for so far for the 2015-2016 construction season. Doelle explained how the TRM process works is a landowner needs to apply by April 15th of the calendar year (so approximately April 15th, 2014). Doelle would submit grants for landowners that contact her or for people that DLM is working with that have runoff concerns. Doelle stated we do write a lot of individual grants as well. The money, if the applicant is approved, would be for 2015-2016 construction. Three projects that Doelle has right now that DLM would be applying for this year are a waste storage failure – it was a previously unpermitted site. It was built approximately 40 years ago and it was poured, vertical walls and a wall has caved in causing potential contamination issues. Doelle will apply for an abandonment and then cost sharing for a new pit. A second project is noncompliance with an unconfined manure pile(s) located within surface water quality management areas. Basically the landowner is stacking, nonstackable manure in an unsafe location. Doelle will apply for a waste storage structure for those folks. The third project Doelle has is a noncompliance issue with direct runoff from a feedlot to surface waters of the State. Doelle added it is not uncommon to get a call the day before a deadline from someone who wants to apply. Doelle stated that is really tough because the application is approximately twenty pages long and it takes a lot of research, etc. In regard to the waste storage structure that Doelle was talking about putting up, Bawek asked if that was for liquid manure and if the grant was for liquid manure? Doelle responded all of our structures are liquid tight so that is what we would be applying for is a waste storage structure for a dairy facility. Bawek stated he has seen some liquid tight ones that fill up with rain water and aren’t utilized the way they were intended, so Bawek thought something like that should have a roof over it. Bawek asked if that issue has been addressed on the new pits that are being put in. Doelle responded DLM does not consider that simply because the money is limited – capped at \$150,000 so in order to use \$150,000 a project would cost approximately \$214, 700. There would never be enough money to put a roof up. A landowner could do it on their own but they would not be able to put the roof walls/posts in the walls of the pit. Doelle thought it was something that perhaps could be considered in the additional cost sharing through EQIP. Bawek clarified that was something the landowner could do on their own and not be prohibited. Doelle added, as long as they didn’t compromise the integrity of the structure. Bawek commented they hold water and if one doesn’t have a roof over it, it becomes unusable. Geske clarified these are semi-solid and not liquid pits because if water did get into a pit holding liquid it wouldn’t make a difference. Doelle replied one would get some solids because there is bedding in there but it is hard to predict. In the design criteria, Doelle said they figure in so much rainfall or roof water and try to divert those things, but one can’t always predict what one is going to get for precipitation. Typically there are multiple agitation pads, etc. A little more discussion took place on different pit issues. Doelle stated she did send out letters last week to all permitted livestock facilities and all permitted animal waste structure facilities. She included the 590 Guidelines, unconfined manure stack guidelines out of the 313 Standard just for information due to the challenging winter that we have had. Doelle asked landowners to please call her if they have concerns or questions on spreading or where to place stacks as she is available to help them. Bawek stated he felt that a roof is something that should be addressed on an individual basis and something that may benefit the farmer. Bawek suggesting building the pit smaller and including a roof or oversize it – because it is one of the two. Bawek is

very familiar with one that didn't work out for the landowner at all and a roof would have solved the problem. Zeglin asked Doelle what would be done to rectify the feedlot runoff problem? Doelle thought the landowner would end up with a covered feedlot because of the location of their site and the setbacks from the stream. A conventional barnyard would not fit or could not be designed in there because of the size of filter strip that is required. Basically it would be a confined shed with a roof. Animals will be in there. They can still graze, but when they do any concentrated feeding it has to take place in the building. Otherwise they could have lanes to go to pasture, etc. Upon Bawek inquiring as to how much bigger the filter strips were now, Doelle stated they were significant but as she doesn't always do the designs on them she was unsure, but stated it is more of a buffer area now and possibly only 300 feet. The size of the lots are limited to 10,000 square feet for a certain filter strip size and after that size the criteria changes again. Doelle added the majority of the feedlots DLM does are roofed lots as it is sort of a safety measure plus Doelle thought one gets the best results. Brandt suggested, if time allows, that the fall tour be reinstated so that the Committee could view all the things Doelle has talked about.

Comprehensive Plan Revisions - Lien stated we used to do Comprehensive plan revisions every three years for the towns. DLM would rotate them and typically the planning for three towns per year would be done. The County was required to do the Smart Growth Plans that were adopted back in 2010, but when money became short they are now required to have a revision every 10 years, so the next revision to that would be 2020. The County agreed with the towns that it was too long of a time span so DLM budgets money every year so that we can do a countywide revision in five years – 2015. Lien explained that a couple of towns did some revisions already. Arcadia asked for money to do a somewhat large revision. Chimney Rock did a minor revision and didn't receive any money. The majority of Chimney Rock township is zoned Rural Residential but to meet statutory requirements for Farmland Preservation they had some scattered Exclusive Ag zoning. In Chimney Rock's plan there was some vague language that stated if the Farmland Preservation Contract expires, the land "should" revert to the predominant zoning of the area. The Town of Chimney Rock did a revision and adopted the language which states the land "must" revert to the predominant zoning. Corporation Counsel Rian Radtke had looked into the requirements for the County to adopt the Arcadia and Chimney Rock plan revisions both by the E & LU Committee and the County Board. For the County to amend the Comprehensive plan, all the cities and villages and the adjoining counties around have to be notified with certified letters and it is a pretty intense and expensive requirement. What the Town has adopted can be enforced because the County has adopted a Smart Growth Comprehensive Plan. Because the County has adopted a Smart Growth Comprehensive plan which included all of the 15 towns, to amend that it will be a little bigger process. Radtke felt Lien should talk to the Committee and discuss the possibility of holding off until 2015 and amend the entire plan countywide rather than just these two towns at this time. Lien added the Town of Unity has been in the process of amending their plan for awhile but Lien hasn't heard anything from them for several months so he wasn't sure where they were at with their revision. According to Lien, the Town of Unity had discussed an overlay mining district. Some discussion took place on the Town of Unity's revision work. Lien stated the County has an agreement with Mississippi River Regional Planning Commission (MRRPC) that they will do our updating for us. Brandt stated it sounds like right now there are two townships that are ready and especially in the case of Chimney Rock have already changed their comprehensive plan in relation to the County. Brandt asked if Lien was asking that in 2015 we will be ready to amend our Comprehensive Plan for all the townships. Lien responded that was correct. Arcadia has already done their revisions and spent their allotted money, but the other thirteen towns would be revisited to what changes if any need to be done. Brandt asked how it was possible to look at all thirteen townships in a year. Lien stated that, in the past, when they met with townships there wasn't much that changed and they really didn't want any changes. Lien continued saying that we have a new industry in the County that has changed a lot of things for the towns so Lien is guessing it might be a little more of an undertaking than what we might think. Perhaps the County Comprehensive Plan won't be finalized until 2016, but our goal is to start this process in 2015. Lien stated MRRPC will be doing all of the towns except Arcadia as that has been done. Bawek stated the Town of Arcadia plan has been done, but Farmland Preservation was not addressed as the town was unsure as to where that was going to take them. Bawek added that is an issue that has not been resolved. They were hoping, with the County, to come up a plan. Lien stated that the Town of Arcadia plan that was submitted to DLM might be changed. Bawek responded it has to be

because it is stated right in the revision that we want to work with the County to update the Farmland Preservation Plan. Brandt noted that was one of the presentations at last months' meeting as to how that was going to happen. Bawek stated it is a pretty complicated issue. Lien agreed that it was a big issue because there are statutory requirements for Farmland Preservation that have to be met through zoning in order to qualify for the program. Zeglin asked if the Arcadia plan has been approved at the township level? Bawek and Lien stated it has. Bawek had brought it up to the town board that the Farmland Preservation was not in place and they still passed it and moved forward. Lien stated this is a complex issue because there is very heavy town involvement. The town has an adopted plan which was melded into a large county plan. The towns' can make amendments, like Arcadia and Chimney Rock did, and they can stick to those. Our Committee could overturn them but historically has not, they have upheld the towns' wishes. Where we stand today is that Arcadia and Chimney Rock have each adopted their plans. We have not adopted the County plan for those two yet and that is why it is on the agenda today. Perhaps it would be better to hold off on adopting those two plans until all the plans are ready. Nelson commented he didn't understand the Farmland Preservation issue as the program is on the downside and basically dead right now. Nelson inquired what is going to happen? Bawek commented that the land uses in the Arcadia township have changed so dramatically that there doesn't seem to be interest in it. Lien thought there might have been cases where some of Arcadia's Farmland Preservation contracts have been bought out. Lien added that Nelson is right that Farmland Preservation has been in a downward spiral/reduction in contracts. Discussion took place on the FLP program and the Working Lands/Ag Enterprise issue. Lien stated Corporation Counsel has said the towns' can enforce what they have adopted, but suggested that the County amendment not go through until 2015 when all the plans can be done. Mirroring our earlier discussion, Brandt stated that in the initial land use planning process the County Zoning Committee travelled to the township for its' public hearing. There was a County public hearing of the Land Use Plan in which the predecessor of this Committee would go to the township to hear the input from the people of that particular town and that would be the public hearing for the County. If the revision process that Lien was talking about is similar, in that each township needs to have a public hearing, Brandt would encourage whoever the successor Committee members are to extend that generosity/respect and go to the township to have the public hearing (if one is required at the township level or for each township revision). Brandt was still unclear on all this as it seemed like a whole lot in a short period of time and Lien had talked about a public hearing at the County Board level for the County Comprehensive Plan but Brandt is still not clear as to what needs to happen at the township level for their comprehensive plan. Lien explained the combined public hearings (town and county) that were held previously in more detail and touched on "spot" zoning, etc. Lien clarified for the Committee that we could spend money to go ahead and amend Chimney Rock and Arcadia's land use plan revisions to incorporate them into the County plan or inquired if we should wait to incorporate those plans until all the townships are ready and do one big revision. Zeglin stated she has talked to Radtke on several occasions about this. Essentially Chimney Rock and Arcadia are kind of in limbo on this. Both township approved revisions to their Land Use plans at the township level and Zeglin was pretty sure that they would like to proceed and get things "firmed" at the County level. Radtke has assured Zeglin, both times she spoke to him, that the Comprehensive Land Use plans at the town level are sound and would not be challenged by the County in the interim, until it is approved in 2015. Zeglin's only concern, as Lien has said, is the whole County going to be ready to approve these things in 2015 or is it going to go on until 2016 or beyond. Zeglin stated she doesn't like to leave townships in limbo for a year or two. Brandt asked Lien to keep reporting back to whoever the new Committee is and perhaps Radtke could clarify some things. Discussion took place as to when the new Committee would be in place. Brandt felt it will be critical to do whatever the Committee needs to do to show respect to the township and to support them in their decisions even if that means going to townships or combining public hearings in certain places. Bawek asked Lien if Judy Betker hadn't applied to have an extension for two years to redo the Farmland Preservation plan. Lien responded the Comprehensive plan would still have to be done in 2015.

Surveying Update and Payment Approval – County Surveyor Joe Nelsen was summoned to the meeting. Nelsen referred the Committee to his report which was in each of their packets. The report contained a brief cover letter as to where he has been working and what he has been doing. Nelsen has been doing corner maintenance and therefore spending time in Town 18 and Town 19, Range 9. Nelsen explained these are projects in which remonumentation was completed approximately 13-14 years ago and in some cases, like

Town 18, 15-16 years ago. Nelsen explained that the “dark” circles on his report indicate corners that he has maintained (visited them, found the monument and confirmed that it is still in place and not damaged). Corners where there is an “open” circle are actually monuments that have been damaged (either missing, caps are missing, rebar has been bent, hit with equipment, etc.). The other areas on his report are for the most part in roads and Nelsen will look at those once the frost comes out. Nelsen’s goal is to confirm that the monument is still in place, confirm the reference ties are in place, the sign post is in place and basically maintain what has been done over the last 15-16 years. Nelsen stated there has always been a question in supervisors’ minds as to whether a maintenance program is worth its’ weight and the time spent. Nelsen has always contended that his remonumentation effort over the last 15-16 years is because of the lack of a maintenance program. These corners were put into the ground in the 1840’s and 1850’s and there really has never been a solid maintenance program since that time. They were set as wood posts in most parts, some stones, Nelsen thought with the idea that they would be maintained because the importance would be obvious. Nelsen thought it was obvious for about 60 or 70 years and then as fences got built, properties were improved, sold, or sections were split the obvious part was lost for the cost effective part of it. As property became more and more expensive, the maintenance part, which was too late by that time, was realized and that we need these corners. That is when the remonumentation program started. Now that we are starting to wrap up the program itself, from the corner restoration perspective, the question comes in as to how we make sure this doesn’t happen again for the next generation of surveyors, landowners, etc. Nelsen’s goal is to maintain these corners and keep them in the fashion that he set them – as a monument available for all to use and for obvious needs for taxation, parcel mapping, future subdivisions of parcels, and land ownership questions in general. Nelson added that without the monuments it is virtually impossible to do that. Obviously that process of maintenance is not a remonumentation type endeavor with its cost and time associated or effort. Eventually we might be possibly looking at pairing this program down to some sort of cost level that we can still maintain the corners on a regular basis and preserve them for future generations. Nelsen stated this report is basically the start of that. Nelsen has gone back to some of the corners that he first set and he is maintaining them. Once we get through the total County, in the maintenance process, he will have a much better handle on how often these corners should be maintained. There are some that should probably be maintained every 2 or 3 years because of the high traffic area – some on main highways. There are some that maybe don’t need to be maintained for 15-20 years because they are back in the middle of nowhere. Once Nelsen would go through the whole process, he would have a much better handle on what the maintenance level should be as well as the funding. Speaking to the report, Nelsen stated they maintained 72 corners in Town 18 North. They have completed 67 of those corners. Five required additional field work. They have reviewed 31 of the corners in Town 19, Range 9 and 25 of those have been maintained and 6 require additional field work. Nelsen has also completed the tie sheets for Town 20, Range 8 and they are now on file in the DLM office and Nelsen is working on tie sheets for Town 20, Range 9. Bawek asked what qualifications are required for someone to go out and check the corners as far as maintenance? Nelsen replied that typically what is being reported is one person doing the work at this stage. Nelsen anticipates that the majority of the corners won’t need to be maintained but we don’t know which ones. What Nelsen is doing at this point in time is that he is having a crew chief go out and take a look at the corners and decide and maintain what is there. If a cap is missing but the rebar itself is in place, he puts a cap on. If the sign post is missing but the monument is in place, we put a sign post up – that is a one person effort. If that person goes there and finds out that the monument has been destroyed, removed, bent and requires additional field work, in other words, requires somebody using a survey total station or GPS equipment to reset it, that is typically a two person process. In Nelsen’s opinion, the best way to do this or “get the best bang for the buck” is to do it by that process. In answering the question as to whether it needs to be a crew chief, Nelsen stated that typically a crew chief is someone who can make the decision as to whether the monument has been damaged beyond just repairing the cap or damaged to the point of where Nelsen needs to go out with GPS equipment and restore the position. Nelsen has one corner that he is anxious to go back out to because the property owners had a surveyor out there a couple of years ago and they “fixed” the monument for us. Nelsen wasn’t sure what “fixed” meant. Nelsen explained there are those types of situations. In answering the question as to whether we could have an individual with much less experience go out and do some of that stuff, Nelsen stated, “maybe” but Nelsen is very concerned about the final result. Zeglin asked if the initial maintenance plan would entail doing each of the caps and then deciding in the future what might require more viewing. Nelson stated the

initial program will go through the whole county. Nelsen will get an idea based on when the corner was first set, the location where the corner was set and Nelsen thought he would put a numeric rating system such as: if it is a "1" it needs a 2 or 3 year maintenance based on where the monument is located. If it is a "5" it might be a 20 or 25 year based on where the corner is at and then Nelsen would rate each corner. That is what Nelsen is doing right now – rating the corners and then from that point we can sit back and say there is no sense going to a "5" rated corner every 2-3 years and we know that up front so we won't bother with it. Nelsen has some monuments that are buried two feet down in a farmer's field. They would probably be a "6" which means they might never be revisited because who would destroy, remove or damage that corner? Nelsen has created an Access database where these corners will be put in based on a numbering system and rather than go back through and redo things like the record forms and all the mapping, Nelsen will keep track of it in tabular form in a database that we can link right to the tie sheet. That database will tell any user of that corner, the history of that corner after it has been set and the tie sheet was performed. That should be continued as a database from there on in and will fulfill the needs of a maintenance program. Mike Nelson and Joe Nelson discussed a marker on Mike's own farm. Brandt thanked Nelsen for his presentation and work. Nelson made a motion to approve the bill that Nelsen has presented for US Public Land Survey system maintenance, Zeglin seconded the motion. Motion carried unopposed.

The Committee briefly discussed if they could attend and who, if anyone, might be attending a tour being offered by Superior Sands.

Set Next Regular Meeting Date – Some discussion took place on the next meeting date as the County Board meeting in which the re-organization of Committees' takes place is on April 15th, 2014. The next regular meeting date was set for April 23rd, 2014 at 9:00 AM in the County Board Room. Geske suggested DLM have the new Committee members come in prior to the meeting so they can be "brought up to speed" on what is going on in the Department. Brandt stated he hoped the successor Committee would continue to do the good work that this Committee is responsible for in terms of conservation, planning and zoning, etc. Brandt thanked the staff especially for guiding the Committee through whatever difficulties we have had in the past years. Zeglin, on behalf of the other three current members, wished Brandt and Nelson well.

At 11:25 AM, Chairman Brandt, with a consensus from the Committee, adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary