

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
April 23rd, 2014 9:00 AM
COUNTY BOARD ROOM

At the direction of Human Resources Director Jami Kabus, George Brandt called the meeting to order at 9:00 AM.

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

Committee members present: George Brandt, Michael Nelson, Wade Britzius, Curt Skoyen, Wayne Skroch, Kathy Zeglin, and Jeff Bawek. Rick Geske was absent.

Staff/Advisors present: Kevin Lien, Keith VerKuilen, Corporation Counsel Rian Radtke. Vickie Stalheim and Judy Betker were present for part of the meeting.

Others present: Luke Huismann, Richard Guse, Lucas Lisowski, Ken Slaby, Mary Anne Bixby, Gary Bixby Linda Mossman..

Election of Committee Chairman, Vice Chairman and Secretary

Brandt opened up the floor for nominations for Chair. Zeglin nominated Brandt. Upon Nelson inquiring if Brandt was the Chairman of any other committees, Brandt responded he is the Chairman of the Board of Health. Brandt called three times for any other nominations. There being none, Skroch made the motion to close nominations and cast a unanimous ballot for Brandt. Motion carried with no opposition. Brandt opened up the floor for nominations for Vice Chair. Britzius nominated Zeglin for Vice Chair. Nelson inquired if one had to be on the County Board to be nominated. Brandt and Lien stated no. Brandt added that there is no Board rule related to other Committee members being officers. Brandt called three times for any other nominations. There being none, Skroch made a motion to close nominations and cast a unanimous ballot for Zeglin as Vice Chair. Motion carried with no opposition. Brandt opened up the floor for nominations for Secretary. Skoyen nominated Nelson. Brandt called three times for any other nominations. There being none, Skroch made a motion to close nominations and cast a unanimous ballot for Nelson as Secretary. Motion carried with no opposition.

Brandt explained to the new Committee members that the Committee meetings get taped and are regularly aired by Trempealeau County Community Television (TCCTV). The videotape also serves as one of the sources of official documentation of the meeting.

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

Adoption of Minutes – Zeglin made a motion to approve the March 19th meeting minutes, Nelson seconded. Motion to approve the minutes passed unopposed.

Lien stated that Corporation Counsel Rian Radtke had asked to come to the meeting and talk to the new Committee. Awaiting Radtke's arrival, Lien went through a few items. Lien introduced himself and invited all Committee members to stop in at any time should they have any questions about the Department and what we do. Lien gave some history of the Department. Lien went through a binder that was presented to each Committee member and the Ordinances and information it contained. At this time Radtke arrived to the meeting and instructed the Committee to proceed with the public hearings.

Public Hearing - Rezone/Land Use Change – Residential - 8 (R- 8) to Rural Residential (RR)

Richard L. Guse and Dorothy J. Guse trustees for Guse Family Trust, Applicant/Landowner –

Town of Hale At 9:17 AM Brandt opened the public hearing. Nelson read the public hearing notice aloud.

Brandt instructed the public present that if anyone would like to speak at the hearing they need to fill out a public hearing registration form and return it to the front table. Brandt also gave a general overview of the public hearing procedures. Lien stated this public hearing/rezone is kind of a three-fold process today. Guse is part of the rezone along with Lucas Huismann. The two wish to rezone their property from R-8 to Rural Residential. The reason for the rezone is that in the Comprehensive Zoning Ordinance, Section 2.05 – Table of Uses, there is a section regarding airstrips. Airstrips are allowed in a Rural Residential zoning but not in an R-8 zoning. The applicants must first go through the rezone process and then Huismann can apply for a Conditional Use Permit (CUP) to allow for the grass landing strip. VerKuilen provided an overhead aerial photo of the site for all present to view. Lien added it has been publicized in the newspaper for two weeks. Lien explained that Luke Lisowski did come in and also provided a letter which each Committee member has in their packets. Lien stated that as a courtesy, letters were sent to all adjoining property owners and that other than Lisowski there has been no other responses for or against this rezone. Upon Brandt inquiring if the applicants wanted to add anything, Huismann responded what Lien stated is what they are trying to do. Huismann clarified that the grass landing strip will be 13-1500 feet approximately. Huismann added it is a “one way in, one way out” strip and where Luke Lisowski’s farm is, that a high point and then it slopes down toward County Road O. Huismann explained he would be landing to the east and then turn around and take off to the west. Huismann stated he would never take off over the top of Lisowski’s farm. Huismann continued that the beginning of the strip is not the edge of the property line; it is about 400 feet to the west of the property line.

Luke Lisowski – Registered in opposition but not testify. Lien read Lisowski’s letter aloud which stated, “I am writing to express my concerns over the requested rezoning for a proposed landing strip next to my property. I own land east of that property; a dairy farm that is at the end of a dead end valley approximately one quarter mile off the town road. A very quiet place. I raise my Holstein calves next to the line fence that adjoins the piece of property under consideration. Once concern is who will be held responsible for penning up cattle and repairing the fence if noise from this landing strip scares them? Can I be guaranteed it will not? I am also concerned about how this will affect the value of my property when I try to sell it. Will prospective buyers, looking for a secluded place in the country, be turned off because it has a landing strip and the noise next door? Will I need to sell for less? I understand that the end of the landing strip will be approximately 450 feet from the property line. If this is approved I request that in that 450 feet, a 12 foot high berm be built the width of the field, also that evergreen trees be planted in staggered rows. The berm would help block noise now, and the trees will add sound barrier as they grow. You requested input, any concerns that adjoining land owners had, and that is what I have put forward. Thank you for your time in reading and considering my letter.”

Lien read a letter from the Town of Hale which stated the Town of Hale board members do not have any problems in rezoning from Residential 8 (R-8) to Rural Residential for the purpose of making a landing strip on parts of both properties.

Brandt called for any other public testimony three times. There being none, Brandt closed the public hearing at 9:25 AM. Britzius made a motion to approve the rezone, Zeglin seconded. Skroch inquired how wide the landing strip was going to be. Huismann responded approximately 50-70 feet depending on where it is in the field. Skroch stated that if the berm is to be built it would need to be approximately 70 feet long. Britzius asked Huismann to elaborate on the kind of use that he would make of this landing strip, what kind of airplanes and how often and what the purposes would be. Huismann responded that it is just for himself. Huismann is part owner of a 1946 Champ. It is what most would call a “puddle jumper”. The top speed is 100 mph; it is a 4-cylinder engine. It is not some great big monster that is going to make all kinds of noise. Huismann has, in fact, landed on that field several times. He has also had friends land on the field and it has never been an issue. Huismann has registered with the FAA (Federal Aviation Administration) and the DOT (Department of

Transportation) to get their approvals and they are fine with it. When Huismann registered he registered between 50 and 100 uses per year. Huismann felt that would be on a good year because flying is “finicky”. If it is windy, raining or snowing one can’t fly, so the strip would not be used every day by any means. Upon Britzius inquiring if one could call it recreational use, Huismann responded “certainly” as that is all it is. Further discussion took place about flying in winter and friends using the landing. Brandt inquired as to how much land was being rezoned – around the strip or the entire forty. Lien responded Guse has 16 acres and Huismann is rezoning 36 acres. Huismann added the reason for going with such a large area is that it saved the cost of surveying, so they decided to rezone the whole piece. Bawek asked if the landing strip could be for limited public use. Huismann stated he has to give permission if someone is going to land there. Bawek clarified that it is only by invitation that one can land there. Huismann responded that was correct and that one has to notify Huismann before they can use the landing strip, otherwise Huismann can charge them with trespassing. Lien clarified that the first two items on the agenda are public hearings for a rezone which is a “yes” or “no” to rezone the land from the R-8 to Rural Residential and there are multiple kinds of uses that Rural Residential would allow versus R-8. The third public hearing is really a Conditional Use Permit (CUP) where we can talk more specifically about any conditions, etc. that the Committee would like to see or specifics about the landing strip. Lien stated if the rezone doesn’t take place then the CUP couldn’t be approved for this specific use. Lien just didn’t want the discussion to veer from the rezone to the CUP as the CUP is a different hearing. Upon Nelson clarifying that the discussion to build a berm would be included in the CUP, Lien stated that was correct. Brandt asked the Committee members to confine the discussion to the motion which is to rezone. Bawek asked what the surrounding properties were zoned? Huismann believed that because this is in the Town of Hale all surrounding properties were zoned R-8. Bawek asked how far Hess’s property line was. Huismann responded the two “pie shaped” pieces, he and Hess had actually traded an acre so that Huismann could get the landing strip in (with the contour of the hill). Huismann traded Hess an acres of his woods for an acre of Hess’ field. Bawek asked if, under R-8 zoning, the potential was there for houses to be built all along this landing strip. Lien commented the Town of Hale, in their land use planning, was very adamant about having R-8 zoning in the township which potentially allows for eight houses per forty (eight subdivisions) however a regulating factor is that each parcel would need to have 100 feet of public road frontage, so when one looks at a forty there would need to be 400 feet of road frontage to be able to develop four lots on a forty. Lien stated the density in the Town of Hale is eight per forty throughout the entire township. Zeglin asked if Lien could remind the Committee what is allowed under Rural Residential zoning. Lien read the permitted uses aloud from the Zoning Ordinance. Motion to approve the rezone passed with no opposition. Brandt stated this and all rezones need to go on to County Board for final approval.

Public Hearing – Rezone/Land Use Change – Residential -8 (R-8) to Rural Residential (RR) Lucas Huismann, Applicant/Landowner – Town of Hale Brandt called the public hearing to order at 9: 36 AM. Nelson read the public hearing notice aloud. Brandt noted he hasn’t received any public hearing registration forms for this hearing. Lien stated that Mr. Lisowski’s concerns that were read in the previous hearing would apply to this rezone also. The letter from the Town of Hale would also apply and that we are all familiar with what Mr. Huismann owns and what Mr. Guse owns. Brandt called for any other public testimony three times. Brandt closed the public hearing at 9:38AM. Britzius made a motion to approve the rezone, Skoyen seconded. Motion to approve the rezone from R-8 to Rural Residential passed with no opposition. Brandt again noted this rezone must go to the County Board for final approval.

Brandt announced that Corporation Counsel Rian Radtke has asked to address the Committee, because of three new members on the Committee, about the nature of the Conditional Use Permit (CUP) and how to address it. Radtke stated he wanted to address the Committee not so much about the content of what they are considering today but rather the process itself. From the new members Radtke expected some questions as this process is new and unique and not like other Committees and there is a process that needs to be followed in order to ensure that the decisions that are made by the Committee could be upheld if challenged in the future. For the returning Committee members, Radtke stated it is always good to review and hear this again. Radtke explained the ways that a CUP could be challenged. There are five things that typically have to be in place in order for a permit to “stand up”. The first one being ‘jurisdiction’, one makes sure that where the CUP is being heard is

within the geographic jurisdiction of the Committee and something that is directed by the County's ordinances. Lien had just read that there are certain types of uses that are permitted in a specific zoning district and there are things that would be allowed under a CUP. Radtke stated the Committee members need to make sure that whatever is being applied for (the specific type of use) in that zoning district complies with our Table of Uses and that it is a conditional use. The second issue is proper procedure. At any meeting, Committee members need to make sure that a public notice was properly and timely posted and open meeting laws are followed. Often those notices which are a Class II notice are handled by the Department of Land Management and have to be in the paper so many days before the final hearing. That isn't always the case for public hearings, sometimes there are special rules, but again that is something to make sure that we are following and complying with the Statute or Ordinance on proper notice and just general compliance open meeting law. Radtke continued that number three would be the proper legal standards. Did the Committee apply the correct legal standards in making its' decision or hearing the facts of the application to make the decision. In the case of the County, Chapter 10 of the Comprehensive Zoning Ordinance deals with some general topics, but in addition covers a CUP and what is to be reviewed and analyzed, what an application needs itself to be complete. In Chapter 10 in specifically 10.04 Subpart 5 (a) it states that the Zoning Committee, which is the Environment and Land Use Committee, shall review each CUP for compliance with all requirements applicable to that specific use and to all other relevant provisions of the Ordinance. That is a general statement basically saying that this is the body that makes the decisions on Conditional Use Permits. Radtke explained the relevance of that statement in stating that some county's assign CUP decisions to their Board of Adjustment. Trempealeau County by its' Ordinance says that this body makes those decisions. When making those decisions, Chapter 10.05, Subpart 5(b) says to aid in the review of the proposed project under the above criteria, the Zoning Committee may take into consideration such of the following factors or additional factors as are deemed by it to be relevant to its decision making process with respect to the project in question and there is a list of sixteen items there. Radtke stated the Committee needs to go through these items for any CUP. Upon Britzius' inquiry, Lien referred the Committee to the Zoning Ordinance in their new binders, Page 75 in order to follow along. Radtke reiterated these are things that the Committee may take into consideration and these are general statements. A lot of the time it is going to depend what is before the Committee as it may be relevant or it may not be relevant at all. Radtke read aloud the sixteen items.

1. Whether the proposed project will adversely affect property in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with adopted Trempealeau County plans or any officially adopted town plan. (Radtke commented those would be the Comprehensive plans or Smart Growth plans. If Committee members are not aware of what those are the Department of Land Management staff can help members to know what those plans are and to know if they are applicable in a proposed application and whether it is consistent with those.)
4. Provision of an approved sanitary waste disposal system.
5. Provision for a potable water supply.
6. Provisions for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a change in the natural character of the area through the removal of natural vegetation or altering of the topography.
15. Whether the proposed project would adversely affect the natural beauty of the area.
16. Whether the proposed project would adversely affect any historic or archeological sites.

Radtke reiterated that these are sixteen items that are generally applied to CUP's that come before this body that you may take into consideration. Radtke believed it was sort of a starter to get the Committee looking and thinking

about the types of things that are going to impact the County. While the Committee is reviewing these, this is what our Ordinance says you may take into consideration. Brandt commented that Radtke was discussing this under #3 of the conditional use authority and Radtke describes that as proper legal standards. Brandt asked if these were standards or are these beginnings for discussion? Radtke stated the Ordinance identifies them as “general permissible factors to consider when reviewing a conditional use application” so Radtke wouldn’t necessarily say they are standards that must be there in order to approve but rather these are factors to take into consideration and could certainly serve as a starting point for discussions on whether to approve or deny a permit. To help clarify it in his mind, Brandt stated proper legal standards then refer to the fact that we have an ordinance, that we apply the appropriate part of the ordinance and that we have the authority under that ordinance to apply certain standards. Radtke responded that was correct and that is where in any CUP that this Committee is considering, the Committee needs to apply the facts to the law which in our case is going to be our ordinance and these are Chapter 10, Conditional Use Permit. If one is looking at nonmetallic mining the Committee would also refer to Chapter 13, and if one is looking at a cell tower, one should be looking at Chapter 4 of our ordinance. Radtke added the Committee should specifically look at other areas in the ordinance that may have other information as to what the standards are and make sure that the Committee is applying to the facts that are before you, to that law. That is what the proper legal standards section talks about. Radtke stated there is more to come. The Committee will often get letters from the town. The new Committee members may not know why we do that. Radtke explained that under Chapter 10.04, 2(b) it says “a CUP must include a letter from the town board regarding the CUP”. Lien read aloud the new wording in the Ordinance, “a letter from the Town Board regarding it’s position in response to the CUP application. If a town board elects to not submit its’ position after an applicant makes such a request, then the County will deem the town board to have no position in regard to the CUP application”. Lien added that basically the town is giving the Committee their opinion. Lien stated it doesn’t mean the Committee has to follow that. This Committee has the right to go against a town board but either way we request a letter from them with the town boards’ opinion. At this point Brandt noted that the Human Services Director had just joined the audience. Radtke continued on by reading Chapter 10.04(5)(a) , “In approving conditional uses, the Zoning Committee also shall determine that the proposed use at the proposed location will not be: 1) contrary to the public interest and: 2)will not be detrimental or injurious to the public health, public safety, or character of the surrounding area”. Radtke stated this is different than what he talked about to the Committee before: “Factors you may consider”. This is saying when the Committee is reviewing the application, the majority of the Committee has to determine that the proposed use does not or will not be contrary to public interest and detrimental or injurious to public health., public safety or character of the surrounding areas. Radtke emphasized that is a standard the Committee needs to apply. Our Ordinance says “shall” and anytime the word “shall” is used that means it must be applied, it is mandatory or the application of that standard has to be made to the facts that are before the Committee. Radtke addressed 10.04 (6) which talks about “conditions”. Lien had alluded to those earlier and about attaching conditions to the CUP. Radtke stated this body will be deciding whether or not to issue a CUP and may also add conditions and the statutory section that is relevant to that says, “The Zoning Committee may, in approving an application for a conditional use permit, impose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development of other properties in the neighborhood and on the general health, safety, and welfare of the County. Such conditions may include financial sureties. The Zoning Committee may limit the use of land to one specific use permitted in the zoning district for which the conditional use permit is sought”. Radtke stated that is language right out of the Ordinance and is saying that the Committee can, but it doesn’t have to, but are allowed to and if you would, you would be imposing them based on the intent to minimize adverse affects from that proposed use onto the neighborhood and the general health, safety and welfare of the County, so there is a tie of those conditions to that proposed use and to the community. An example of a condition that could be attached to a CUP would be something like a berm to protect noise or sound or visual effects which would be required to be in place in order to be in compliance with the CUP. What Brandt heard in the last sentence that Radtke read was that one of the conditions can be limiting the use of land to what it is the applicant is applying for. Brandt thought this was raised by Bawek and stated that in other words, it is possible for the Committee to say, in this context, that the landing strip is good, but a housing development would not be good or is not to be allowed under this CUP. Radtke responded that he thought the Committee could reach that conclusion and be consistent with our Ordinance. Brandt wasn’t saying that is what we are going to do; it was just a thought that came to him. Finally, Radtke stated generally the Ordinance says, “Following review and investigation and public hearing the Zoning Committee shall render a decision in writing”. Often times, in the past, Radtke knows that Gamroth has put together in writing the decision that has come from the conclusion of the voting and motions that this body takes up. Radtke concluded by saying those are the general sections on what are the proper standards that the Committee is supposed to be reviewing when considering

a CUP. Radtke addressed the next topic or fourth standard of unbiased decision making. When an applicant brings an application forward before the body here or the Committee, the laws says they have a constitutional right to fair play and due process. What that requires is that there is an impartial decision maker that is going to hear the case and make a decision on the application. What the law has said or where the Supreme Court has sort of “drawn the line” on what is bias of a decision maker comes down to whether or not a pre-judgment or that you made your decision in advance. There is a case called *Marris versus the City of Cedarburg* that addressed that topic. It talks about that the applicant is entitled to a fair and impartial hearing under the common law concepts of due process and fair play and have matters decided by an impartial board or in this case, a Committee. If the decision maker is not fair or is not impartial, due process may be violated and could be grounds for a decision to be overturned. Whether or not that is existing is really a fact based case by case question. In the Marris case, that is a case where the decision was overturned because the Board Chair, in advance of the hearing, had made some public comments that indicated that the individual had already made up their mind or pre-judged the case and already decided how the outcome was going to be before they even heard the facts and applied those facts to the law and that is what the Supreme Court is saying is that when pre-judgment happens due process at the hearing itself is affected and that is when it becomes a problem. It seemed to Brandt that how it is judged that someone has made a decision in advance or pre-judged the case is if there is some public statement related specifically to that case that is available and that person puts out there. Brandt questioned if that was the limiting factor? Radtke responded that is what the statement in that Marris case, specific to that applicant, specific to those facts and that is what the law currently or that case represents a situation where that did happen and those facts are specific to that application. Radtke was careful not to give judgments on what is or is not pre-judgment as currently there is legal action occurring against the County and a question of whether or not there was bias in the decision maker has been raised in that case. Radtke just wanted to present this idea to this Committee and tell what the law is in this regard and to educate the Committee so that when we look at CUP’s we are following all the correct steps and we’re not leaving anything open to challenge whether a decision is to approve or to deny the CUP. To answer Brandt’s question, Radtke stated the Marris case is a Wisconsin State Supreme Court case from 1993. In that case the court noted that zoning decisions implicate important private and public interests. They significantly affect individual property ownership rights as well as community interests in the use and enjoyment of the land. Furthermore zoning decisions are especially vulnerable to problems of bias and conflicts of interest because of the localized nature of the decisions, the fact that members of zoning boards are drawn from the immediate geographic area and the adjudicative, legislative and political nature of the zoning process. Since bias has made historic judgment, impartial decision makers are needed to ensure both sound fact finding and rational decision making as well as to insure public confidence in the decision making process. It goes on to say that nevertheless, a board members opinion on land use and preferences regarding land development should not necessarily disqualify the member from hearing a zoning matter since they are purposely selected from a local area to reflect the community values and preferences regarding land use. Zoning board members will be familiar with local conditions and the people of the community and can be expected to have opinions about local zoning issues. Radtke explained that it is saying that on one part of it, these types of decisions because of the localized nature can be prone to issues relating to bias. On the other side though, this body was created by design to have representatives from all areas of the County (rural to residential, from agriculture, from north to south, east to west), so the idea is to have a good representation of the County, bring them together and make decisions in this regard and just by the fact that we are taking people from different areas there is an expectation that there is going to be some opinions relating to local zoning decisions. That in itself would not preclude somebody from a hearing where they would have to recuse themselves. Brandt commented that if there was ever any doubt that this is a big deal, what we do is important, there is an expectation in impartiality, there is a public confidence which rests in our ability to make those sound and rational decisions and the Supreme Court recognizes not only the power and responsibility of this citizen board, but the power of the citizen decision making process. As Radtke has said, Brandt repeated that it was designed this way so that we would have people with different views of where we are and what we do, would come together to make these kinds of decisions. Brandt apologized to the applicants for having to wait while the Committee went through this issue, but stated it is important because this is our first meeting with three new Committee members. Radtke mentioned two quick things where the United States Supreme Court said are areas where bias would be is where a member of the body has a monetary interest in the outcome. Again there are other reasons, and we’ll talk about recusing and not being part of that process, but they are saying that is also an area where one might not be completely impartial because one has a monetary interest in it. Another one would be where a person has been a target of personal abuse or criticism from the party that is presenting the application. Radtke didn’t have specific facts on that case but stated that is something where the U.S. Supreme Court has said that experience teaches that the probability of actual bias on the part of the

decision maker could be too high to be constitutionally tolerable. Those are just other areas where bias can be affected by circumstances that one is in. Radtke stated to the Committee that if you feel that you have a personal conflict or personal interest in a matter or a family member (and we'll talk about conflicts of interest coming up yet) than that is an area where one is going to want to recuse themselves or not hear that decision. Radtke encouraged Committee members to meet with him and talk with him ahead of time if you think there is a possible conflict in order to steer clear of any of these issues. The fifth and final standard that Radtke wanted to cover is whether there is substantial evidence to make the decision that the Committee has made. Radtke told the Committee to make sure there is a record made of all the evidence from the site inspections or from any of the evidence that was presented and that it is in the record. What Radtke meant by the record is at a CUP hearing (we're on television right now) there is a video recording and an audio recording also so if someone were to challenge this hearing or its' decision, what happens is that a record (usually a word for word or verbatim) is made of what happened and how things were exactly said because a court would be reviewing exactly everything that this body heard. One of the things it is going to be looking for is whether or not the decision explains the reasons why the Committee felt that a particular standard was met or was not met and what evidence supports their decision. Radtke has talked to this Committee in the past about developing a record. It is not enough for the Committee to just make a decision, let's approve this or deny this, and say nothing further. If anything, it may imply that the Committee looked at the standards but it doesn't create a record of that and those of you who have been here in the past know that sometimes Radtke will sit down here and list and read each one of these factors, one at a time, and ask the Committee to now discuss and talk about whether they feel this is being met or not, what evidence is there, because what that does is it creates a record that you are considering evidence and you are making the decision based off of that evidence. It is important not only for the Committee in exercising and understanding whether the standards are being met or not and kind of wading through the credibility of the evidence but it is also important for the public or the applicant to know that this body has looked at all the evidence, thoroughly reviewed everything and is making an informed decision and is not just making a decision without hearing all the evidence. Radtke added that the question that would be asked is, "Could a fair and reasonable person have reached the same conclusion as this Committee on the facts that are presented in the record". Radtke stated that is the standard that is going to be reviewed to the Committee. Again that is the not the standard the Committee needs to look at when making a decision, but the Committee needs to make sure that there is enough substantial evidence in the record (what is being recorded) so that a reasonable person could reach that same conclusion. So if all evidence is "for" and the Committee votes against it, that could be a problem and vice versa. As for the recording, Radtke stated this is something that we've learned, having a few dealings with a few appeals now, is that it is very difficult to transcribe the record when we have two, three or four people talking at one time or if the audio recorder is there and there are people talking or whispering, or making other noises, etc. Radtke emphasized that it is important to make sure only one person is talking at a time. If anyone has ever been in a court room, there is someone typing the testimony down, word for word, and only one person is allowed to speak at a time. People don't talk over the top of each other and if they do they are scolded and told that only one person speaks at a time and that is because the record is being made and with four conversations going on at one time it is impossible to hear what is being said. It is very important to make a clear record and more importantly for the Chair to make sure that when people are speaking, whether it be the public or a Committee member, that only one person is speaking at a time and that their microphones are on. Radtke commented there have been several times where we watched the video and nothing could be heard because the person's microphone was not on. Radtke restated that if someone from the public is speaking, have them speak at the podium into the microphone; otherwise it is not going to be heard. If a Committee member has something to say, make sure the microphone is on or it is not going to be part of the record. Brandt thanked Radtke for his time.

Public Hearing –Conditional Use Permit –Grass Landing Strip –Lucas Huisman,

Applicant/Landowner- Town of Hale. Brandt opened up the public hearing at 10:05 AM. Nelson read the public hearing notice aloud. Brandt informed the public present that if anyone wishes to testify the registration forms to do so are on the table. Lien stated that when an applicant like Mr. Huisman comes into the DLM office with a request, we look at Table 2.05 of the Comprehensive Zoning Ordinance to see where that request fits. The Ordinance gives Lien the ability to try to find the best fit. If one look at the table it directs you to Section 4.09 Miscellaneous use requirements, (1) Airports, airstrips, and landing fields.

(a) The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the Federal Aviation Administration, Department of Transportation, for the class of airport proposed.

(b) One off-street parking space shall be required for every tie-down space or plane space within hangars.

After looking at this information one should go to Chapter 10.04 of the Ordinance, Conditional Use Permits and apply those criteria. Lien stated in this specific case we have the information from the previous rezone public hearings. The proposed grass landing strip area encompasses both the Guse and Huismann properties. Lien has a letter from the Town of Hale supporting the same request. Lien reminded the Committee of the letter from Mr. Lisowski stating his concerns. Lien stated there was no other correspondence received on this issue. Brandt asked Lien whether or not the criteria for the landing strip has been met, based on what Lien has just read regarding space and parking spaces, etc. Lien responded, "yes" as Huismann has proposed that only his plane will be there most of the time but if Huismann allows for other planes there would need to be additional parking spaces provided. Lien didn't feel that was an issue. Lien noted that we do have other private landing strips in the area. The closest one probably being Halama's which is on the ridge on County Road O. In regard to what was discussed in Lisowski's letter about a berm and trees being planted, Lien's only concern was if the berm and trees would affect take off or approach areas. Huismann commented that is a concern of his because if something were to happen or the plane got away from him, there is a hill or dip right there and that was Huismann's safety catch otherwise he would end up in Lisowski's yard. The dip is fine because it would probably just tear the landing gear off the airplane, but Huismann didn't want to plow into a berm or a bunch of trees because that endangers his life or his family's life. The take off and approach area was discussed and viewed on the overhead aerial photo. Lisowski stated that at the town meeting Huismann had said that the end of the landing strip would be approximately 450 feet from the fence, so Lisowski figured a berm should be put up at about 300 feet and then trees should be planted back to the line fence. Huismann stated there are already five rows of pine trees planted in that area right now. To answer Brandt's question, Lien stated the landing strip does meet the Ordinance requirements. Brandt called for any other public testimony.

Ken Slaby, Whitehall – Slaby stated he was concerned about the tree planting and the berm and guessed we were talking about over 100 yards from the line fence. Slaby felt that should be sufficient area to cushion any noise or anything like that and there are already trees planted in that area.

Brandt called two more times for any other public testimony. Brandt closed the public hearing at 10: 15 AM. Zeglin made a motion to approve the Conditional Use Permit for the grass landing strip, Nelson seconded. Skoyen asked, if when Huismann would be coming in from the west, if he wouldn't be cutting the engine already to come in for a landing. Huismann stated that was correct and that when coming in for a landing or when he is landing the engine should be at an idle so the noise factor is minimal. Upon Skoyen's inquiry, Huismann clarified that he would be taking off to the west and wouldn't be up off the ground until he reached the end of the landing strip. Huismann agreed with that statement but added it depended on the day and the airplane, etc. but by 500 feet he should be in the air. Skoyen clarified that at no time would Huismann be flying over any cattle pasture. Huismann stated he wouldn't be flying over Luke Lisowski's farm at all, he will be flying over Guse's which is a quarter of a mile away or not even that. Huismann added he has landed out there multiple times and friends of his have landed out there. There was a helicopter out there about a year and a half ago and to Huismann's knowledge there has never been a problem. Skoyen asked Guse about the location of his cattle. Guse stated he has cattle right near County Road O and planes have been coming in there and they don't bother the cattle a bit. Huismann added that when he flies over Guse's he is probably 3-500 feet in the air. Nelson commented that he thought Guse has cattle in the pasture there and they are fairly close to this site and if the cattle aren't bothered then everything should be fine. Guse reiterated that Huismann has landed there before in the summertime and there hasn't been any problem with the cattle. Huismann commented that Bill Maliszewski is a good friend of his and has a large farm just outside of Independence and when he takes off with his plane; he is easily within 100 feet off his cattle at full power as he takes off right over his feedlot. Huismann has talked to Maliszewski about it and the cattle don't even so much as look up, they don't care. They are used to thunderstorms and Harley's going by on the highway with street pipes. Huismann felt it was sort of the same thing. Huismann commented that the noise will start and within 30 seconds he is going to be a half mile away. The noise won't last very long and it isn't going to be every day. Nelson commented that the

big thing for him was that Huismann wasn't going to be over Lisowski's farm in either direction – taking off or landing. Huismann stated that was correct because to take off he would have to take off up hill and that strip from the east to the west slopes over 30 feet. To take off up that hill, Huismann wouldn't get off the ground and vice versa, if he tries to land on it he would be in the swamp at the bottom of the hill because he wouldn't be able to stop, so he isn't going to land that way. Huismann would find a different air field if the wind was so bad that he couldn't land on his field. He would go to Strum or Eau Claire or someplace else to land. Britzius stated that Huismann had said his plane was a pretty small one. Britzius inquired as to how big an airplane this landing strip could accommodate. Huismann responded that Maliszewski could probably land his plane on Huismann's strip and Maliszewski's plane is probably twice the horse power of Huismann's, but as far as a large airplane that couldn't land. The strip is only 1500 feet and it is grass so anything with any weight is not going to get in there and if they did they're not going to get out. Huismann added it is not going to accommodate a very large airplane. Britzius asked if there were actual FAA restrictions on the size of the plane compared to the number of feet of the strip, etc. Huismann responded there is not, that is left up to the pilot and you better make a good choice or your not going to survive. According to Huismann the FAA doesn't care about that, they just really care about air space or clearance to other airports so they sent letters to Mr. Halama, Mr. Maliszewski and the Blair airport to get their approval. Huismann noted there is no conflict there. Huismann added the DOT is just interested in clearance of the roads and they didn't have a problem with it. After a year and a half, Huismann is still waiting for paperwork from the FAA. Since there are a bunch of possibilities with this property in regard to the rezone, Britzius clarified with Lien that only this one use is permitted under the Conditional Use Permit. Lien responded that was correct. Lien added that the Rural Residential rezone allows for anything under that district, but the particular use is the CUP for the air strip and is specific to that use for this site. Zeglin noticed that in the northeast portion of this forty there is approximately two acres zoned commercial. Zeglin questioned what was there that it is zoned commercial. Huismann responded that is his shop as he runs his business out of there. When he bought the place he ended up having to rezone that area to run his business which is R & R Waste Systems and they clean industrial and municipal sewer systems in the area here. Zeglin assumed Huismann would need to have a hangar and questioned where Huismann would be building it. Huismann pointed out the hangar area on the overhead aerial photo and explained how he would taxi out to the landing strip. Zeglin asked Huismann to speak again to the concerns he has about the berm. Huismann responded that if something were to happen and he would land long or he has a tail wind or something of that nature and it pushes him beyond the end of the strip (which has never happened to Huismann) he doesn't want to run into something – running into trees is not a good thing because the airplane is built out of aluminum and it is just going to smash it. In regard to the berm, Huismann really did not want to run into it and if he would go up a berm there is a chance that the airplane could fly again because it only takes about 40 miles per hour and the airplane will fly whereas the dip that is there right now, if he goes down to the bottom of the dip, he would hope it would just break the bottom of the gear off or just stop him. Brandt stated the concerns that Lisowski had related mostly to cattle bolting through fences, etc. His solution was to possibly deaden the sound of any disturbance to the cattle and Huismann described how flying over that is not part of the flight plan and how the possibility of a berm or more trees would endanger you, your family and the plane as well. Brandt added it may be that a solution/condition that could be applied to this, which is what Lisowski implied in the first part of his letter, is a guarantee of the replacement of fences in the eventuality that the plane was responsible for cattle bolting through fences. Huismann asked who determines that. Lien offered a possible condition by saying that as Huismann stated he would only be coming in from a certain manner in which the engine is decreased to an idle and only taking off in a certain way so that the loud noise is traveling in another direction, actually away from Lisowski's property. If the Committee would make it a condition that is the only way Huismann could come and go, the effects will be minimized to Lisowski's property and should eliminate the issues with disturbing the cattle. Britzius asked Lisowski to respond to that suggestion. Lisowski stated the prevailing winds are from the west and he flies into the wind, so when Huismann is taking off the wind will carry noise. Huismann commented he didn't believe wind had any effect on noise or very little. Lisowski continued saying that Huismann had talked about Maliszewski's cattle not being scared. It was Lisowski's opinion that those cattle are used to noise from being close to the State highway whereas Lisowski lives in a dead end valley, secluded with less noise. Huismann commented there are thunder storms that come through the valley and guns that are shot and those are louder than his airplane. Lisowski has found out that when guns are fired the cattle

run because they aren't used to it. Lisowski questioned who would round up the cattle and also once cattle are scared they don't usually calm down so that was a concern of his also. Lien commented Huismann alluded to that fact that there have been planes that have taken off and landed on this site. Lien asked Lisowski if he had any issues with those planes. Lisowski explained that he had one this winter and he thought it was a photographer as he saw it flying low. Lisowski didn't pay much attention but when he walked out of the house a half hour later there were cattle out in the yard. Lisowski didn't know who it was flying around but it was a white plane. Huismann commented he has landed there a couple of times, friends of his have landed there and a helicopter was landed out there. Huismann and Pat Halama have come through the valley below Huismann's house (his house is on the opposite side of the valley) 100 feet off the ground, multiple times, and if his cattle got out the one time Huismann doubts that it was an airplane because by law, if he was circling, he would have to be at least 500 feet above a house. Brandt stated the Committee understood Lisowski's concerns and understand the difficulty in rounding up cattle and replacing fences. Brandt added that Lisowski's letter was direct in terms of not only the issues with the cattle but the serenity of the location as well as the value of the property. There are concerns that Huismann has raised as well, so it is up to the Committee to come to a decision on whether or not to apply conditions to the permit or whether to even approve the permit. Britzius stated that not only have we talked about limited this to east-west take off and landing, but perhaps we could talk about flight patterns going over the farm. Huismann commented they call it a traffic pattern. Huismann stated he would be over the opposite side of Guse road to make a left hand pattern and further described his flying pattern. Huismann didn't feel that he should ever fly over where Lisowski lives unless he was to fly over taking a photo or something like that but taking off or landing, never. Britzius and Huismann agreed that sometimes it is just a matter of consideration between neighbors. Huismann didn't want any issues he just wanted to be able to use the field and the land for his recreation. Britzius made a motion to place the condition of an agreement, to permit recreational flying that it does not go over the property of Mr. Lisowski. Huismann requested that it be with the exception of emergencies. Brandt clarified the condition that would be placed on this permit as, with the exception of emergencies, Mr. Huismann would not be flying over Mr. Lisowski's land for recreational purposes. Zeglin seconded the motion. Bawek asked Lisowski if they are penned or pastured cattle. Lisowski answered there are calves from birth to 6-8 months old. Upon Bawek's inquiry if they are in housing and basically penned, Lisowski responded that was correct. Bawek was having a harder time wondering why they would get out versus pastured cattle when it comes to noise. Lisowski commented that when calves get wound up, they get going. Bawek clarified that it is gated. Slaby asked how one can stop a person from flying over someone's property when the general public could do that if they wanted to? Lien responded that because this is a condition use permit hearing, the Committee has the ability to place those types of conditions, but Slaby is right that it doesn't stop anyone from flying within FAA requirements over the property. Lien reiterated because this is a CUP hearing, the Committee can single him out and put that requirement on him. Huismann commented the FAA requirement is 500 feet so as far as Huismann is concerned if he is above 500 feet it is ok. Lien added that in order to alleviate Lisowski's concern, the Committee had discussed that the entrance and exit from the runway be limited to a certain direction but noted that has not been made as a condition. Brandt asked for any other discussion on limiting the flight pattern. A small discussion took place on the motion. Britzius made a friendly amendment to the motion to add, "Applicable to FAA regulations", Zeglin seconded the amendment. Brandt repeated the condition as being, "Except in an emergency, the applicant cannot fly over Lucas Lisowski's property for recreational purposes outside of FAA regulations". Upon Bawek inquiring, Huismann restated that he has no intention of doing that anyway as he didn't want to "ruffle any feathers". Bawek asked if Huismann would talk to his friends and pass that word along. Huismann added they're not going to do it anyway because if they know the strip is sloped the way that it is they're not going to do that anyway. Huismann stated for anyone who fly's in, he will make it known to them not to fly voluntarily over Lisowski's property. Motion to approve the condition to the permit passed with Bawek voting in opposition. Zeglin made a motion to add a condition that departures will always be to the west and landing will always be made to the east, Nelson seconded the motion. Motion to approve passed unopposed. Lien asked Huismann if there would be any lighting requirements. Huismann stated he is not going to be landing on it at night. Nelson asked how tall the trees were near the line fence. Huismann stated he just planted them two years ago so they are not very tall. Brandt clarified that what is on the floor right now is a Conditional Use Permit request for a grass landing strip with two conditions, one having to do with restricting

the flight patterns and the other having to do with landing and take-off. Bawek said Huismann had stated it is limited public use but asked if that could increase to open public use if the landowner so chooses? Huismann is registered with the FAA and they require registration in order to have strip. Huismann thought he could choose whether he is on the map or not, he wasn't 100 % sure. If that is an option, he stated he does not want to be on the map because for someone flying a fast airplane this is not a strip that they want to try landing on. Huismann reiterated he would prefer not to be on a map but he couldn't guarantee it won't be. Lien suggested Huismann talk to Pat Halama as Lien thought when Halama went through this he was put on the map in the event of any emergency. Huismann stated the government likes to know it too because they fly the jets, etc. low around here and one does not want to come up in front of one of those. Huismann added Halama is not on the map, he actually cancelled it after he went through the process of it. Bawek thought it would be appropriate to state it as limited public use so that the R-8 development in the area is aware of that and it will help address some of Lisowski's concern that it is not going to be turned into a public strip in the future. Brandt thought that was something that Huismann would have to come before the Committee in order to do. Lien stated right now it is considered a private landing strip. Huismann believed that private is defined as permission only. Lien stated it just says to be adequate to meet the standards of the FAA and that the width and length of it dictates the size and type of plane that can be utilized there other than in the case of an emergency. Bawek was concerned about it becoming open to all public use because of the R-8 in the area. Lien reminded the Committee that all conditional uses can be revisited. If there are problems in the future or there were complaints, Huismann could be brought back in and the conditions be reviewed. Brandt suggested leaving it at that. Motion to approve the Conditional Use Permit passed with no opposition. Brandt noted that the CUP applies after the final approval to the rezones is given by the County Board.

Conflict of Interest/Ethic Laws Presentation - Radtke stated he has spoken to the full County Board and members of this Committee in the past about conflicts of interest and ethics laws. He wants this to be just a review and basically a reminder that one cannot use their office/position on this Committee for financial gain or anything of substantial value for private benefit for yourself or for your immediate family or an organization that you are associated with. You cannot take any official action substantially affecting a matter in which you or a member of your immediate family or organization is associated with or has a substantial financial interest in, so not just necessarily getting eventual gain from a decision but something that would affect something that you or your family or business or an association of yours has a substantial financial interest in. Also, you cannot use your office or position in a way that produces or assists in the production of a substantial benefit directly or indirectly for the official/yourself or one or more members of your immediate family either separately or together or an organization which you are associated with. The idea there is that you can't be involved in decisions where you or your family has financial interest in matters. Sometimes there will be matters that will come before this Committee, as we just had a landing strip, and whether you know them or it's your brother or somehow you have some financial interest or your family does, you cannot participate in that. What Radtke has been saying quite a bit is, know what your family is up to, know what your brother, sister, parents or your children are up to and what they're involved in. Are they involved in any of the matters that would come before the Committee and could have any impact, even an indirect impact in any way? Radtke emphasized that if any Committee member has any such conflict please talk to Radtke as soon as possible and we can analyze and determine whether or not it is, in fact, a conflict or whether it would not be a conflict. If it were a conflict what one would do is abstain which means not participate in the discussion, not participate in the vote, making motions or having any sort of impact whatsoever with this Committee. The recommendation from the Attorney General's Office is that you don't even sit in the same room if you have a conflict. Under Wisconsin Statutes 19.59 which Radtke has been reading from, under Subpart B it says, "no person may offer or give to a local public official directly or indirectly and no local public official may solicit or accept from any person directly or indirectly anything of value if it could reasonably be expected to influence the local public officials vote, official actions or judgment or reasonably be considered as a reward for any official action or inaction on the part of a local public official". So again, Radtke stated, be vigilant if you are getting something for free or are promised something for free, even if it is a small matter it could be argued that something received or solicited in exchange for a certain position that you would take on this Committee could be a conflict of interest. Radtke stated to be careful of what you do or of anything that you would receive for free. Radtke added that the big

thing is that if you even think you might have a conflict, come see Radtke. Look into your family's business, or what is going on, what are they up to or what are they involved in. Really do kind of a self examination of your family and your business or any association that you are part of. Where are they spending their money or who are they supporting. If that is somebody who is going to come before this body with an application or a competitor of theirs comes before this body and asks for a decision, all of those things could potentially be a conflict of interest and this Committee, Radtke thought, in particular to other Committees', is more vulnerable to conflicts of interest because people are coming before this Committee asking you to make a decision. A lot of the time the decisions involve some type of financial interest in why they are before this Committee asking for a decision and that is more so than any other Committee. Again, Radtke just wanted to, since this is our first meeting of the new Committee, remind everyone to really look and see whether one has any conflicts. At this time the Committee took a five minute break.

Consideration and Discussion of Appointments to Board of Adjustment

Chairman Brandt called the meeting back to order. Lien explained to the new Committee that by State Statute our Department also has another Committee which is the Board of Adjustment. Board of Adjustment decides and considers any appeals to any of our ordinances, so any of the County ordinances that this Department has adopted, if someone is aggrieved by them or wishes to challenge them that would go before the Board of Adjustment. By State Statute they have five standing Committee members and two alternates. They have alternating terms. Two of the Board members will be up for re-appointment in June. Lien wanted to give the Committee a month to think about that. Nelson stated Dave Larson is interested in one of the positions. Typically, Lien has asked this Committee for recommendations; those recommendations are forwarded onto the County Board Chair. The County Board Chair has the power, at will, to pick/ appoint or re-appoint whoever he wants for the new term starting in June. Next month Lien will be asking for names of persons the Committee would like forwarded on to the County Board Chair for consideration. Upon Zeglin's inquiry as to whose terms were expiring, Lien stated Gerald Hawkenson, who is a standing Board member and Robert Tenneson is an alternate.

Staff Introductions and Department Highlights

DLM Staff that was available introduced themselves. Judy Betker who has been with the Department 23 years stated she works with the Farmland Preservation Program and she came before the Committee a month ago and talked about the Working Lands Program. Betker stated she can get any of the Committee members who are interested in that program information on it. Betker explained we are going to be updating our Farmland Preservation plan for the County so that is something we will be working on the next two years with Mississippi River Regional Planning (MRRP), so we will probably be giving reports and meeting with all the different townships. Peter Fletcher from MRRP and Betker will be going out and doing that so it is one of the major job duties that she will be doing again in the near future. Betker also works with the septic maintenance program which deals with the three year pumping; we are also working on currently updating inventory for septic systems for the whole county which is something the state is requiring so she is assisting with that. Betker covers the front desk, building permits, phones, etc. when Gamroth is on leave or absent. Betker works with legal descriptions; she does the contracts for the Land and Water Program and checks ownership and helps with mapping and some practices, etc. She works with nutrient management issues and assists the landowners at the classes at the technical school which ties into compliance for Farmland Preservation and the other cost sharing programs that we have that require nutrient management and updated farm plans. Betker added that is a brief description of her job. Skoyen congratulated Betker on her time here at the County.

Vickie Stalheim who has been with the Department 23 ½ years introduced herself. Stalheim handles the accounts payable and accounts receivable for the Department. Stalheim works with depositing grant revenues, mining revenues and any permit revenues. Stalheim does all the invoicing for the Department. She assists in preparing grants, budgets, resolutions. She works on anything money related. Stalheim does various financial reports for the State. She works with DNR (Department of Natural Resources) and DATCP (Department of Agriculture, Trade and Consumer Protection) as far as state auditing. Stalheim works with the County auditors. She processes Department contracts and amendments between the landowners and the State for any of the cost

share programs. She submits those to the state and enters those items into the computer. Stalheim does anything related to the contracts with the landowners such as verifying some of the information and making sure it is sent in correctly. Stalheim works with anything financial related. Brandt commented she works with the Petty Cash which is later item on the agenda. Brandt added if everyone else in the office is gone, Stalheim is usually the one still in the office.

Nick Gamroth introduced himself stating he joined the Department of Land Management as a merger last July or August. Previously he was a “stand alone” department as the Real Property Lister. Gamroth has been with the County for 11 years next month, full time. Gamroth started out as an intern, in limited term employment, in the Land Records office. Gamroth handed out a sheet of paper to the Committee that explains the duties that Gamroth does for the County as Real Property Lister. Gamroth’s job is to prepare and maintain accurate ownership and legal descriptions for all parcels in Trempealeau County along with maintaining the parcel numbers and current and former owner names, mailing addresses, number of acres, school districts and all types of taxation district boundaries in the County. Gamroth also coordinates between all the county taxation districts, cities, villages and townships on their assessment roles until it gets to the point of creating the tax role which is done by our County Treasurer. Gamroth also works with other offices in the State, most often with the Department of Revenue and also with the DNR on Managed Forest Law and sometimes with DATCP when they call and request information. Gamroth is responsible for changing the ownership records based on the latest deed recorded in the Register of Deeds office. Right now we are looking at about 1500 recorded documents that Gamroth reviews in a year, out of that office, which deals with some type of ownership change or some corrections on landowner’s deeds. One of the reasons why Lien and Gamroth worked on the merger of his Department with DLM was to improve efficiencies with day to day operations here in the County. With staff reductions we were sort of falling behind in enforcing the County’s Subdivision Ordinance. Typically, Gamroth was the first person to find any of the violations. Someone from the Register of Deeds is the next person to see the recorded document. If Gamroth noticed something that created an illegal split because they didn’t have a CSM (Certified Survey Map) or they didn’t have enough road frontage, etc. he would pass it on to a person in DLM to take care of it. It seemed to work really good when Appleyard was the Department head and Lien basically did all of the zoning work as he was able to take care of it, but because of retirements and staff reduction, we really didn’t have someone to take care of that issue so Lien and Gamroth got together last year and decided the best resolution would be for Gamroth to handle it and the only way that could be done was for Gamroth to merge his Department into the DLM. There were 9 or 10 deed corrections last year and four so far this year and as soon as it gets recorded Gamroth meets with the landowners that are involved and gets the issue corrected on a timely basis and it seems to go really well. Brandt asked County Surveyor, Joe Nelsen to come forward and suggested the two of them tell the new members what the Subdivision Ordinance is, how it came into being, what land in the County is covered by it and what it requires.

County Surveyor Joe Nelsen introduced himself. Nelsen has been the County Surveyor since about 1996. As part of the County Surveyor’s process we do the review for CSM’s, plats, condominiums and developments as well as parcel splits. When any land under 20 acres is divided in the County as a new parcel a Certified Survey Map is required. That map has to be reviewed and approved by the Department of Land Management and as a part of that activity Nelsen is responsible for reviewing that map to make sure it complies with County ordinances and state law pertaining to subdivisions. Brandt asked where that applies in the County? Nelsen stated anytime there is a newly created parcel that is less than 20 acres in size. Brandt commented he was trying to get to the remonumentation component of that. Nelsen continued that the entire County is nearly remonumented. We intend on finalizing that endeavor this year. Nelsen explained he probably has 25 to 30 corners left out of nearly 2400 that he needs to set final monuments out and get the data into the Land Records Department with final coordinates for the mapping. Once we get that data done and these two townships, those (Southwesterly part of Arcadia) townships will come into the requirement of the Zoning and Subdivision Ordinance to require CSM’s to be done. Gamroth added we don’t handle the cities and villages as far as when they subdivide property within their boundaries. They have their own ordinances for that, we only deal with the townships. Britzius asked when the remonumentation was started and when it will conclude. Nelsen thought he started in 1996 and the remonumentation was officially started in 1997, so it is around 18 years.

Brandt asked if Gamroth had anything else to add. Gamroth stated because of other staff reductions that the County has had, the Land Records Department is down to one employee also, so Gamroth has been assisting Hempel with the parcel mapping since he had started out in that Department and was familiar with it. Hempel has been focusing on keeping up with Nelsen and the remonumentation and completing all the parcel mapping so that we can get as close to a one to one relationship between the parcels and the assessment and tax role and what we display on the parcel map. Gamroth's part is that he maps up into the city and villages so last year he completed the Village of Ettrick and got about 70-80% done in the City of Arcadia. Gamroth is just waiting for Nelsen to finish up in the south corridor in the Town of Arcadia which would take in the south end of the City of Arcadia. This year, in conjunction with the County Treasurer and Pat Malone, UW-Extension, we held our first part of training with new County Board members and Zeglin and Bawek sat in on it about property taxes and how they affect the County budget as far as increase or decreasing the levy, mill rates, etc. It was an idea that Gamroth had come up with a couple of years ago based on County Board training that we did with the WCA (Wisconsin County's Association) and the impacts of what the County Budget has on peoples' property taxes. Gamroth felt it went pretty good and hopefully they can expand on it as this was their first time at it. In Gamroth's work with the County GIS he has kind of taken him on a different endeavor with a project. Being a member of one of the local fire departments in the County, for the past year and a half they have joined MABAS Wisconsin which is the Mutual Aid Box Alarm System. They held their first training here, with the State coordinator, last week along with the dispatchers and some area fire departments and the ambulance service. MABAS is replanning all of the incidents so that when one goes out to a fire scene and the fire chief has to determine if he needs more assistance, etc., he doesn't have to think about it, he can call dispatch and tell them, go to this certain level on the box alarm (which is our pre-planned incidents down in dispatch). Normally what dispatch would have is something similar (Gamroth shared a display) in an Excel spreadsheet with all the different incidents planned out. Gamroth started with taking all the fire departments and divided up their fire departments based on geographic areas. From that, when a call comes into dispatch on their computer screen, Gamroth had Hempel in Land Records customize a button which they can click on their screen and it would auto populate based on the work Gamroth did in the County GIS system so that they wouldn't have to reach around and pull this off of a bookshelf and do everything with pen and paper. It would be right on their computer screen. In talking with that State coordinator last week, we would be the first County in the State to have this type of sophistication in our dispatch. There are a couple of little bugs to work out in the stations down in dispatch. Gamroth had been approached by a couple of different fire chiefs in the area and asked how this could be made simpler for our dispatchers. Gamroth explained an incident that happened a couple of weeks ago and how this will help. Gamroth understood there is a County in the northwestern part of the State that has possibly spent \$25,000 on trying to create something like this and we haven't spent anything.

Keith VerKuilen introduced himself as the Zoning and Environmental Specialist. VerKuilen was hired around May, 2012, so he has been here close to 1 ½ years. VerKuilen started out doing nonmetallic mining work with Jake Budish. VerKuilen was redirected in a path towards more technical work for Ag practices and conservation work available through TRM and LWRM grant money that we get annually. VerKuilen has been staying busy with that work and receiving training by Pete Wurzer from DATCP – Altoona office. Just about every week Wurzer will come down and VerKuilen has learned much. This week VerKuilen is working on a waste storage facility down by Centerville for Ed Trim. VerKuilen is working on getting some class approval for practice work for himself. With spring, a lot of farmers want to get out in the field and get some of these practices in, so things are picking up. VerKuilen is staying busy and learning a lot.

Brandt mentioned that Jake Budish and Carla Doelle are gone and asked if Lien wanted to elaborate on what they do. Lien responded saying we are actually void five staff members right now for multiple reasons. Lien stated Jake Budish was hired about the same time as VerKuilen. Budish is kind of in charge of the nonmetallic mining right now. He is the one that reviews the plans, reviews the permit applications, reclamation plans and one will see him here every time there is nonmetallic mining hearing. Lien continued by saying Budish also works closely with the Highway Department, DOT, DNR, private engineers, Corporation Counsel, Land Records and with Lien. Budish not only works on nonmetallic mining, he does some Zoning Ordinance

enforcement and he is also in the process of taking UDC (Uniform Dwelling Code) tests. Mark Carlson and Budish are both out of the office today for that reason. Lien explained our Department is really unique because we are five standing Departments merged into one so we try to diversify our staff, so if someone is out of the office, someone else can perhaps answer those questions and provide customer service. Lien has always felt if someone makes their way to our office, they should always leave with some kind of answers. We have a very diversified staff. Lien tries to answer as many questions as he can about surveying, subdivisions, etc. when Nelsen is not in the office, but without any doubt Nelsen is the expert on that subject. When it comes to Ag engineering, VerKuilen is the expert in that, but we always have someone cross-trained who can fill in and answer questions. The problem with that is that in the past we have lost really good staff because they are so highly trained that they are sought after by other counties or even the private sector.

Lien stated Stalheim, Betker and himself are the long standing employees of the Department and getting to be in the Courthouse. Lien has 22 years at the County. Lien had worked with Britzius for many years while he worked in the basement. There is no schooling to go to which prepares one to be a Zoning Administrator, it is just something that happens and one learns by "hard knocks". Lien stated he "holds the pen" but this Committee drafts the Ordinances. Liens' job is to enforce those ordinances. If one hears in the public that Lien made something too restrictive, it isn't Lien, it is this Committee or County Board. Lien only enforces what this Committee adopts. Lien doesn't have a say, he doesn't vote, so this Committee is Lien's advisors. Lien runs the Department and stated that if anyone from the Committee ever has questions about staff he hoped that one would come to him first. Lien's door is always open and anyone is welcome at any time. If you feel there are inefficiencies in the Department let Lien know. We are definitely down on staff; at one time the Department had seventeen employees. Right now we're down to ten or eleven. Lien continued, saying it can be a challenge at times. Four years ago the industrial sand industry came into our county and each and every one of you will be challenged with that issue. We've had very long, challenging meetings. We've started meetings at 9:00 AM and adjourned at 8:30PM – the record being almost 12 hours. Lien reiterated that his door is always open and the Committee members can come in and talk to him about anything they wish. Brandt asked Lien to talk about what Carla Doelle, Mark Carlson and Rod Stenulson do.

Lien stated part of the reason VerKuilen has taken on the role he has is because Mark Carlson had previously held that position. We were void a POWTS (Private Onsite Waste Treatment Systems) Inspector (Sanitarian) and also a zoning person. Carlson accepted that position so those are his main duties but he is also a back up to VerKuilen because Carlson still has engineering credentials and is still able to help out with that. Lien also holds the POWTS credentials and Certified Soil tester credentials along with Carla Doelle. There are three people that are versed in that so if one person is on vacation or void, business can still run normally.

The UDC (Uniform Dwelling Code) Inspector is the only major void in our Department. The tests are extremely hard to pass. There are four tests and the only way to get the credentials is to pass the tests at the State level. Right now, Lien is the only one in the Department to hold two of the four credentials. Lien didn't want to go too far into it as it will be discussed later in the meeting.

Lien stated Carla Doelle is our Agriculture and Environmental Specialist. Today she is out in the field doing manure spread calibration. Lien explained that Doelle works with landowners on the Watershed contracts, TRM (Target Runoff Management) grants and doing 590 Nutrient Management planning and conservation planning involving crop fields, etc. That is her primary role, yet she is also a certified POWTS Inspector and soil tester so we have back-up. We have very well rounded staff.

Lien stated Virg Gamroth is the Administrative Assistant. She directs all the calls in the Department. Everything comes into her phone extension and she redirects it from there. Betker is filling in right now for Gamroth and she is doing a great job. Gamroth is very knowledgeable in her position and again she got it through "hard knocks". Through experience and by listening to Lien and County Surveyor Nelsen, Gamroth is able to answer some of the tougher questions on parcel subdivisions and lighten Lien's load somewhat. That position whether it is Gamroth or someone else in it is a very important hub to our Department.

Britzius commented that he is appreciating the complexity and diversity of this Department. He lived next door to it for so many years while working for the County but didn't know totally what the Department was doing. Britzius stated he is a little intimidated by having to understand and participate in all of this. Britzius asked if Lien had an employee list or a flow chart or something like that which would be handy for Britzius to just get an idea of what is going on. Lien responded that he does. There was a great flow chart which should have been a part in the Division of Land Management plan. How it started was with a Director and then it had an Ag Supervisor and a Non-Ag Supervisor, but when it got to County Board they decided that they didn't want to pay these two people. They lined out the Supervisors and left Lien with all of the responsibilities, so we were supposed to have two supervisors which were to help with the administration of the historic duties of Land Conservation and the historic duties of Zoning, with planning and surveying going underneath those. Lien thought the County Board felt that way because Lien was diversified in both roles. Lien worked for nine years in VerKuilen's position in Land Conservation and then he went into zoning. Lien has worked both departments, long term, so he understands both departments very well. Not to "toot his own horn", but Lien's fear is that if he were to vacate the position, it may be difficult to find someone who is well diversified in both departments and understands each of those roles. Lien can get Britzius a copy of that flow chart but it has changed. Britzius wanted the flow chart as a tool for keeping the staff straight as to the various roles that they have. Lien commented it might even help to give the Committee copy of job descriptions and offered to bring those to the next meeting.

Surveying Update and Payment Approval

Brandt referred the Committee to the Surveyor's report in their folders. Nelsen stated he would pick up where he left off. Nelsen is the County Surveyor and he has been here since 1996 and has been working on the remonumentation project since about 1997 and is looking at completing that project this year. The remonumentation is about an 18 year project where he worked township to township until the County is complete. He is in the County Surveyor's office every Wednesday during normal business hours. Nelsen's goal there is to meet with other staff to help them with issues related to surveying, parcel mapping, certified survey map (CSM) review. At that time is when Nelsen does his certified survey map review, prior to recording. Nelsen reviews problem issues that Ann Hempel may have in Land Records during her parcel mapping endeavor and reviews parcel splits with Nick Gamroth when he comes across subdivision violations. Nelsen talks with Lien and Virg Gamroth about descriptions for rezones and basically, on Wednesday's, helps with anything at all related to surveying, describing or mapping land. Once the County is fully remonumented, actually this has been started this year, Nelsen is working on a corner maintenance program. A corner maintenance program is basically a program to maintain, keep track of and make sure the monuments that he has set, over the last 17 or 18 years, stay in the ground/stay current. Nelsen explained that one of the reasons we had such a long, drawn out remonumentation endeavor is the fact that the county never really had a maintenance program since about 1850 when the corners were originally set until the time Nelsen started. In Nelsen's humble opinion he would hate to see us go back to the situation that we had 150-160 years ago. Nelsen stated the report the Committee has in front of them is the results of this reporting period of that maintenance program. As one looks through it, you will basically see a spread sheet which shows Nelsen's daily fees and copies of maps with the maintenance progress. The dark circles are the monuments that Nelsen has visited and maintained, in other words, confirmed that the monument is still in place as well as the sign post and ties and the open circles are areas where Nelsen needs to go back with a survey crew and replace the monument because it has been damaged, destroyed or removed. Nelsen is currently working in Town 19-9 and Town 19-10 as well as Town 19-8. Brandt stated last month Nelsen had talked about developing a schedule of maintenance and a budget for maintenance depending on what Nelsen is learning during this initial process. Nelsen explained that since he started the remonumentation effort., we have been taking our time, and funding to continue with the effort to get that completed, but Nelsen hadn't gone back and done any maintenance. Because he is almost finished with the remonumentation, now he is going back and starting maintenance. As part of this maintenance, Nelsen is creating a rating system for each corner. Right now we have five categories which basically correspond to when we feel we should go back and visit that corner again. The categories are every two years, five years, ten years, twenty years or effectively hardly ever. Nelsen felt we actually have some

monuments that he didn't think he has to go back to, at least not in his lifetime and some that he will need to go back to quite often. Through this initial maintenance process, they are rating these monuments based on couple different factors; 1) Most important - what is the current condition of the monument and condition of the ties, 2) Are we in an area that is unlikely to be disturbed – by either equipment or people. With those two processes they have put in this rating system. Nelsen believed that rating system will tell us; 3) how often we need to go back to the corners, 4) how many on any given year which will, in turn, 5) reflect the approximate cost and a budget to do that with. Brandt commented there will be some pressure on Nelsen to come up with that number sooner than later. Nelsen thought he would be able to do that based on past experience as he has been at virtually every one of these corners, although he doesn't remember every one. He can also look at some of his existing data and probably work with those numbers. Given the technologies of the modern world, Britzius asked if these monuments were going to stay useful and a necessary technology or are we going to go beyond them. If one looks at land records in general, Nelsen liked to relate it to a really nice house. Some of the things Nick Gamroth was talking about are the things above ground, Nelsen is the rock solid foundation with the public land surveying that the house sits on. Without the rock solid foundation, this house kind of crumbles. One has to have a rock solid foundation based on accurate monuments because virtually every piece of property in this County is based on that remonumentation or the public land surveying corners that Nelsen has remonumented – the descriptions, taxation, etc. Lien asked Nelsen to explain how, with today's technology, a monument gets set and what Nelsen looks for. Nelsen responded what he is looking for most of the time are wood posts that were set between 1840 and 1850. The last 150-160 years has raised havoc with those wood posts and there is not too much wood still in the ground. What Nelsen finds himself doing is trying to recover those corners based on excavation in the subsoil and determining locations where the actual wood is rotted away. Nelsen is actually finding evidence of those wood posts set 150 years ago. Britzius asked if Nelsen had any other way to locate those posts. Nelsen responded the irony of the Public Survey System is that it is a fantastic way of describing and conveying and taxing property. The weak point is that it is based on monuments. The mandates Nelsen must follow say that he must replace those monuments where the original government survey set them, not based on distances between them, so Nelsen's goal is to find the old monument and remark that monument. People say well now you have GPS (Global Positioning System) and accurate air photos and it should be a lot easier. What it really does is provide an easier, more accurate measurement tool but Nelsen still uses a shovel to find the monument which becomes a rather time consuming process. Nelsen asked the Committee to imagine not looking for the monument and having someone set a corner based on measurement. Britzius commented someone did that originally. Nelsen responded and have someone build an expensive house or something else only to find out that the monument is not in the right place. That is where Nelsen takes the foundational aspect of his job very seriously. Nelsen added that at a future meeting he would be happy to bring some exhibits of what they find, etc. and how they find them. Mike Nelson asked, when they originally set the corners, if they had to tape it as they didn't have any equipment back then. Nelsen explained what they had was a surveyor's compass and a chain. Nelsen stated the chain was effectively a measuring device that, for the most part, was 33 feet long. They recorded it in 66 foot long increments. They measured this whole country with something that is 33 feet long and a compass that was basically reminiscent of a peep site for a rifle with a compass in the middle of it. At later survey's they used what is called the Burt solar compass which had an attachment for viewing the sun. It didn't work very well on cloudy days – worked pretty well on other days and that is pretty much how this whole country was subdivided, except for probably the thirteen colonies and parts of Texas. They went up and over these hills on what we call "true line" which means they measured everyone with that 33 foot chain. If it got steep they broke chain to stay level. All the measurements have to stay level. There are times on some of these hills that Nelsen has taken his hand level and looked as he is walking and they had to break every five feet, roughly, to stay level. It is amazing, as Nelsen added they have found some corners where they have actually recovered the 1850's wood stake evidence and it matches within a tenth of a foot up over some of those hills, others have been 100 feet plus. Again, Nelsen's goal is to set those monuments where they set them. It doesn't really matter the distance between them; it matters where they originally were. Britzius clarified that everything is based off of those monuments and where they were set them at that time. Nelsen stated that is correct. Part of Nelsen's remonumentation process is that when they do recover that position, they do set a new current monument that is much easier to find with a shovel. It is a metal monument and can be found with a metal locator. They have

reference ties and they also provide through the GPS equipment, an accurate coordinate that is relative to all the other corners in the County. That is the data they've supplied to the Land Records Department and that is the data that is used for parcel mapping. That is the foundational element of our Land Records system. Lien commented the southern part of the County is fairly flat whereas the middle part has more hills and creates more challenges. Lien explained that prior to Nelsen coming on board, there were surveyors that would go out there and perhaps couldn't find that original monument, even though land was divided from that original monument and they would set what is known as a "false" monument – or where they felt it was. It wasn't correct and then properties got subdivided off of that "false" monument. There have been some very complex situations in the County, especially in the southern part, where there are multiple parcel splits made from a false monument. Lien stated when Nelsen goes back he recognizes the false monument but sets the original where it is supposed to be and that one is put into the GPS for future use, but there are still properties subdivided from that false monument. One has to start with the parcel split being accurate and from the original government survey corner. One can see that from Nelsen to the Register of Deeds to the Real Property Lister to the Treasurer how it is all linked together. Nelsen made a motion to approve the payment to the Surveyor as presented, Skroch seconded, motion carried with no opposition. Skoyen asked if when Nelsen gets to the northern end of the County if he finds any problems with how it narrows up. Nelsen explained the system itself was designed to recognize those types of issues because we all end at the North Pole. Our mathematical ability to recognize all coming at the North Pole was actually designed and laid out as if it were not going to one point, it was laid out as if it were a plain system, in other words a flat piece of paper, so every 60 miles in the State of Wisconsin, as one goes north from our southern border, they pre-designed what we call correction lines and the correction lines were partly designed to account for that narrowing at the North Pole as well as potential surveying error as they measured up. They recognized as well as anybody else that they weren't perfect. Measurement is not an exact science. Our task is to minimize those errors. With equipment like Britzius was talking about we are able to minimize them a lot less than they are now. Upon Brandt's inquiry, Nelsen stated we do have a correction line in the County and it is the north line of Town 20. It goes from the Mississippi River to Lake Michigan. When they originally ran the line they ran it from east to west and from that line they went straight north and started subdividing the townships which later became subdivided into sections. The sections to the south, they started at the previous correction line and ran north for sixty miles and then when they intersected that line, they just set another corner, so the offset is whatever it is. If one gets over in Buffalo County it is about a mile and a quarter, over here it is not quite that much probably closer to three quarters of a mile. When one looks at a typical survey section, the corner as you go north is the same as you go south. On a correction line situation, they are staggered and if one looks at a plat book in maybe an area where that correction line is, in a flatter county, where the roads actually run on section lines, one will actually see that stagger and that is because of that correction line and that was originally designed mainly for what was mentioned as a concern. Some discussion took place about other surveys and line fence disputes. In that discussion, Nelsen explained that the monument is always right because in the course of history, if each time we had a better technology to measure and every time we got a better technology to measure, we changed the location of the monument, nothing would stay the same. That is why the monuments have to stay and they have to find them. Lien asked Nelsen to bring some items that he has found during his survey work to the next meeting.

2014 Soil & Water Resource Management Grant Contract

Lien stated that for 2014 the County has been awarded grant money from DATCP which provides funding for Lien's position (historically as County Conservationist), and 70% of a second staff position and 50% of a third position. We have never received that amount from DATCP. What we typically receive 100% funding of the first position, a portion of the 70% of the second position and we receive no funds for the third position. This year, which seems to be an unusually high year because there was some additional funding, DLM will receive \$121,554.00 for staffing grant money. We are also going to receive \$65,000 in LWRM (Land and Water Resource Management) grants, which are grants to put practices on the land that landowners can apply for and this is a 70/30 cost share. In example, Lien stated if someone has a project which costs \$100,000, the County grant money pays \$70,000 and the landowner has to pay \$30,000 to install the practice. Lien stated we are always pro-active in Trempealeau County and we try to get as much of that money as possible because it is a

statewide pool and if we can get conservation projects on our land, we are benefiting all of Trempealeau County. Money is disbursed on a first come/first serve basis. Landowners apply and if it is awarded by the State they can receive some money. Lien noted that, in the past, projects had been done for Nelson and Bawek under what was the watershed programs. DLM also receives money through the SEG program for nutrient management planning. That program is not an income generating program as that money goes directly into assisting our landowners with developing nutrient management plans.

2015 Joint DATCP/DNR Grant Application

Lien stated he and Stalheim are working on this grant right now. On a statewide basis, DATCP is concerned about combined departments like the DLM is in Trempealeau County. We have diverse staff doing what they (DATCP) feel is beyond conservation. Lien had a rare opportunity to speak in front of the Land and Water Board last spring and he asked them at that meeting that he would challenge any one of them to debate Lien on, if we are dealing with nonmetallic mining or one and two family dwelling erosion control, that those are not conservation goals at the heart of Trempealeau County because Lien feels they are. Lien feels that whether we are overseeing one and two family dwelling construction erosion control or regulating the mining instruction through reclamation and on erosion control those are all conservation issues in Trempealeau County. Some of the people there disagree. They feel that those are zoning issues and that the state should not be funding those issues. Lien strongly disagrees with that opinion. In the past, as our Chairman, Brandt has supported Lien on that issue. Lien actually had to submit two years of his time sheets, along with a letter from Brandt as Chairman, that the work Lien does is actually conservation related work. With that said, Lien stated they have changed the funding formula for year 2015 so that Lien is only using 90% of his salary for that first 100% reimbursed position. Now DATCP is saying that Lien cannot be the first person if he has any duties underneath him that are not directly conservation related such as zoning, planning and surveying, so we have to use other staff for that first position. Even the 70% position staff must have an engineering job approval like VerKuilen, Doelle and Carlson or be only conservation related. DATCP has really tightened up how we are going to receive funding in the future. In the future, Lien may talk to the Committee about restructuring the Department or restructuring job descriptions. Lien disagrees with how the State is viewing this Lien hoped the Committee would understand that as well that Lien thinks the work being done in the Department is still 100% conservation. It shouldn't matter what the job title is, but within the course of the work if there are jobs being done that meet the conservation goals of our County, Lien thinks funding should be allowed for those people, but the State doesn't necessarily view it that way. Lien stated we may have to do some restructuring or we are going to lose funding and we have already lost a lot of funding because of this. They take a little more away each year, but they seem to be singling out "merged" departments, like ours, for 2015. Lien and Stalheim have worked on different scenarios and they feel the most we'll probably received is \$118,360. That is down but it still significantly helps our County, but he sees it being reduced each year unless we take a pro-active approach.

DATCP Governmental Responsibility Resolution

Lien stated that under this resolution the Committee authorizes either the Chairman or Lien to approve and apply for these grants and allows Stalheim to submit the paperwork for the grant reimbursement. Zeglin made a motion to approve the Governmental Responsibility Resolution, Skroch seconded the motion. Brandt read aloud from the resolution, "The Department of Land Management authorizes the Department of Land Management Director, the Environment and Land Use Committee Chair or County Board Chair to submit a signed grant application to DATCP". Motion to approve carried with no opposition.

Limited term staffing needs for 2014 construction season—Contract for services. Discussion/Approval

Lien stated we have to be sensitive to what is discussed on this issue. All Lien could say is that we have a staff vacancy right now for twelve weeks of the Uniform Dwelling Code Inspector. He is the only one in the DLM that holds all four UDC credentials. This leaves us with a very untimely void because right now we are in the peak of construction season. Lien has tried to be very pro-active on this and has interviewed a company called GEC (General Engineering Company). They are out of Portage, WI and currently do the UDC inspections for almost all of Jackson County. They have just retained staff out of Black River Falls. They have submitted a fee

schedule here. Basically, Lien stated we have an agreement for inspection services that can be terminated at any time with this company. Lien is requesting that the Committee allow the County to contract with GEC. Lien has also consulted with Human Resources Director, Jami Kabus, and stated this is all legal stuff we can do. We would contract with GEC for the interim twelve week period to provide construction inspection to our constituents. Lien explained that back in 2003-2004 the State announced that they were going to mandate UDC countywide. Every city, village, town and county had to put this program into place no matter what the population (prior to that you had to have an excess of 2,500 people for it to be required). The City of Arcadia was the only municipality in Trempealeau County to have UDC inspection at that time. At a Towns' Association meeting, Lien invited all the cities and villages in and asked them how they wanted to handle it. Each one of them would have potentially had to hire an inspector or the County could put an inspector on board and make it very simple for the cities, towns and villages (sort of one stop shopping). Lien explained how the permitting and inspection process works. Lien stated the only municipalities that are not utilizing the County inspector are the Town of Arcadia which used the City of Arcadia's inspector. The Town of Trempealeau used the Village of Trempealeau's inspector; otherwise we do the rest of the County. The intention in 2005 when the program was actually installed was that this be a self-supporting program. We provide the public service but that it not generate money. It was decided that if the UDC program had a good year, money could be put into a nonlapsing account until that account reached \$50,000, after that any excess money would go back to the General Fund. In 2005 and 2006 we had great years, 2006 was the highest permit year we've ever had in this County. That year the nonlapsing account was capped at \$50,000, so we had that money in there to fill in for voids in the economy. Lien added the DLM budgets are very much driven by the economy. If we have a lot of building or mining permits, we have a lot of revenue, fewer permits equals smaller revenues. Lien elaborated on the uniqueness of the DLM by being able to generate money, but DLM also has the potential to lose money in times of economic downturn, so Lien created that nonlapsing account to carry DLM through those times. This is a time when we may have to use that nonlapsing account money. Lien has asked to be on the Towns' Association meeting agenda to discuss this issue with them. Lien is going to ask if the towns' want the County to continue to provide this service. If they don't, the towns' would then have to take over the UDC inspections at the end of the twelve weeks. If they want the County to continue, this Committee will either have to look at a long term contract potentially replacing the vacancy. Lien thinks the UDC program is a great one and historically it has worked well. In times of economic downturn, Lien had to add additional duties to that job description otherwise Lien couldn't justify keeping that position on full time. The UDC inspector also did 911 signage, zoning violations and erosion control issues. Lien went through some scenarios that he had discussed with the representatives from GEC. Through the interview process, Lien feels GEC is a good company and they will be good to our constituents, but they do have some additional fees. Lien went through the fees proposed by GEC. Lien explained the mindset behind the UDC inspection as being; if someone is building a brand new house why should the rest of the taxpayers be paying for that inspection and that it should be a self-supporting program. Lien agreed with that. Perhaps this Committee will have a different mindset. Lien went through the way some of the fees will be charged or assessed. Lien stated there is no charge to the County, this will be self-funding. Brandt asked why we would need to dip into the nonlapsing account. Lien stated because our current fee schedule is less than what GEC is charging. Part of Lien's question to the Committee today is to adopt their fee schedule and then a "yes" or "no" on adding 10% to cover some of our staff time and administration. Lien would like to "mesh" the two fee schedules so recoup some of DLM's cost because in essence we're paying for two staff, theirs and ours as we still have to pay for the vacant twelve week position. Upon Skoyen's inquiry as to what will happen after twelve weeks, Lien replied one of two things has to happen; either the employee will have to come back or that employee will be permanently gone. Lien is hoping before that time we will have some idea of what is going to happen and the County can either extend this contract or the County could advertise to hire or if the towns' don't want us to provide the service we can just drop it. Lien was asking the Committee if the County could contract with GEC and to allow staff to use their minimum fees where it is greater than DLM's and DLM's fees where DLM's are greater and then a 10% or 20% mark up as they suggested or just those minimum fees. Bawek clarified that would be 10% above their fees which would stay with the County. Lien responded that is correct and that is because we are still taking in the permits and doing the permit processing and relaying, faxing or e-mailing information to the inspector. Because Lien still holds two of the credentials, he is going to help them out as much as he can but Lien can't do electrical, plumbing nor

should Lien be doing final inspections because that encompasses all four of the credentials. Upon Bawek asking why the inspector was out, Lien responded that he couldn't elaborate on that. Britzius clarified that the twelve weeks that he will be gone is set, but after that is unknown. Lien added that this action will keep the day to day operations moving. Upon Skroch inquiring when the twelve weeks starts, Lien read aloud, "This agreement will become effective on April 23rd, 2014 and shall remain in full force and effect until (this is blank) or upon 60 days advance notice by either party to the other to terminate the contract for any reason, however either party may terminate this agreement at any time, for any cause". Lien stated we're not bound to anything. They know they're providing us a service in our time of need. They are also providing services for Jackson County. The person that GEC has newly hired has somewhat of a void in his workload so it will work out good for everyone. Discussion took place on a time period for the contract (decided it would be July 31st, 2014) and also the timeliness of inspections. Brandt recapped that Lien was looking for a number of things; 1) a date to put on the contract, flexibility for GEC and DLM staff to work together to work on fees or what is it that this Committee would determine regarding a fee schedule to be used and blend the fee schedule and does the Committee want to add on the 10% to whatever fee schedule they come up with to cover administrative costs and then, of course, whether the Committee agrees to the contract. More discussion took place on the 10% additional fee. Lien noted that the County has not changed its' UDC fees since 2005 so Lien felt it could justify a 10% fee increase. Upon Bawek asking if once the County employee returns would the 10% fee be dropped, Lien responded we would go back to our old fee schedule. Lien asked the Committee to keep in mind that they can review those fee schedules at will and adjust them and it does not need to go to full County Board. Zeglin asked if Lien felt the 10% was sufficient to cover staff time. Lien thought he would like to start with that for now as it is a small fee. Lien reiterated that neither he nor the Committee ever intended this program to be a revenue generator and that it only cover costs. Lien stated last year, the first quarter of the year we brought in \$6,400, this year we brought in \$4,000 so at that time we were down. Lien added that last two weeks we've probably taken in 30 permits, so it has picked up and that number will change. Skroch clarified that the 10% would just be through the end of July and then it could be dropped, etc. Lien responded that was correct. Lien added it is also contingent on whether the towns want the County to continue to offer the service. Brandt stated we have come up with a date for the end of the contract; we seem to have a consensus on the 10% addition and staff discretion on the fees. What Brandt would entertain is a motion to approve the contract with those elements in place. Skroch made a motion to approve, Skoyen seconded. Brandt recapped the motion as provided a contract for inspection services with GEC out of Portage and a Black River Falls office to run through July 31st of 2014, there will be a 10% surcharge added to inspections and the staff will use its' discretion on the fee schedule. Motion to approve carried with no opposition.

Petty Cash –Refill Kwik Trip Card

Lien gave some history that back in the 1930's and 40's, the Soil and Water Conservation Districts allowed County's to create an LCC checkbook. Trempealeau County does have a checkbook. During the days of the watershed programs, where the County had the Elk Creek, Lower Black River, Trempealeau, and Beaver Creek watersheds, the County was given a pool of money. People in that particular watershed could apply for and utilize that money. One of the caveats was that interest off that money could be retained by the County and put into the LCC checkbook to be only used for future conservation goals of Trempealeau County. Lien stated that checkbook has come under scrutiny through auditors or "the powers that be". At a later date this will be an agenda item and Lien feels someone would like to do away with that checkbook. Lien's job is to research that history. Lien felt that in a time of economic downturn that money could be used to retain conservation staff. Part of the money that gets put into that account, which is minimal, is money from the tree and shrub sales. Any revenue that is generated in addition to that can be put in the LCC checkbook to further conservation goals. Currently the account has about \$60,000. A couple of year ago the DLM purchased a runoff model. DLM staff goes out to schools in the area and does demonstrations for kids. Lien explained how the model works. Lien said the funds from the LCC checkbook were used to purchase the model. The funds for petty cash have come out of this account for monthly meeting expense. Stalheim is asking for \$50 to be transferred from the LCC checkbook to the Kwik Trip petty cash card. Nelson made a motion to approve the transfer, Skroch seconded, motion carried with no opposition.

Set Next Regular Meeting Date – The next regular meeting date was set for May 14, 2014 at 9:00 AM in the County Board room.

Lien asked if Britzius would be able to attend the Soil Judging Contest set for May 14, 2014 and hand out awards that day. Britzius stated he would need to know the date as soon as possible.

At 12:25 PM, Nelson made a motion to adjourn the meeting, Skroch seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary