

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
June 11th, 2014 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:02 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, Jon Schultz, Curt Skoyen, Kathy Zeglin, Jeff Bawek and Rick Geske.

Staff/Advisors present: Kevin Lien, Virg Gamroth, Jake Budish, and Forester Scott Laurie

Others present: Travis Thompson, Deb Reilly, Gary Bixby, Tom Forrer and Ed Patzner.

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

Adoption of Minutes – Skoyen made a motion to approve the May 14th, 2014 meeting minutes, Nelson seconded. Bawek and Zeglin each had amendments to the minutes. Motion to approve the amended minutes passed unopposed. Upon Gamroth inquiring, Committee consensus was rather than provide a hard copy of amended meeting minutes to each Committee member, it was alright for Gamroth to provide them only an E-mailed copy.

At this time, Chairman Brandt introduced and welcomed the new Committee member, Jon Schultz. Brandt noted that he nor Lien were involved in the process, they were just made aware at the last County Board meeting that Skroch would not be serving on this Committee any longer and that Schultz would be the new Committee member. If the Committee had any questions, Brandt suggested they talk to Skroch, County Board Chair Dick Miller or Corporation Counsel Rian Radtke.

Forester – Chairman Brandt introduced one of the two County Foresters, Scott Laurie and stated he is here to give a report and answer questions, etc. Laurie stated he has the Tree Planting Report for 2014 and provided each Committee member with a copy. Laurie continued it was the lowest tree planting numbers he has seen in his 22 years in the County. With CRP going by the wayside and commodity prices being where they are at and a lot of land has already been planted up in trees, CRP tree planting is not really doing a lot these days. About 55,000 trees were planted this year. Laurie added that unless there is another cost share, or some incentive to plant trees, he didn't see anything changing much in the future. They are doing some CRP renewals around the state as contracts have been expiring. For the most part, most of them aren't going to be renewing because the hardwoods haven't fared very well. Some additional discussion followed about the requirements of having a sufficient amount of hardwoods in CRP plantings. Laurie felt that a lot of the CRP acres that could have been planted up, have been statewide. Upon Lien asking if tree tubes proved to be useful, Laurie replied they are quite expensive, labor intensive and not real successful. Laurie has seen more trees die in them due to getting flooded, overheated, or having bird/hornet nests built on them. The trees with the tubes haven't done real well. In a case where landowners have had significant deer browse/damage, where the oak trees are just little shrubs, the trees are cut off at ground level, then place the tubes on the tree so it can pop up through the tube the first year, works pretty well. For the most part, Laurie has never been a strong advocate of people buying the tubes. Laurie noted too that in the 60, 70's and 80's we didn't have the deer population that we do now. Britzius questioned Laurie as to if 55,000 was a low number, what was a high number or what have the tree planting

numbers been in the past. Laurie responded in 2000 there were over 750,000 trees planted in the County and most of those were under CRP. Discussion took place about CRP sign-up. Laurie presented the Committee with revenue from tree planter rental in the amount of \$448.00 Britzius made a motion to accept the money, Nelson seconded, motion carried unopposed. Brandt asked what the Foresters were keeping busy with these days. Laurie responded they are doing more state land management. There is a lot of mature timber basically that is just falling over in Lakes Coulee, Forest Valley, Chimney Rock and Perrot Park - there is 600 acres of mature oak. Emerald Ash Borer (EAB) is now in the campground at Perrot Park which is a real concern for public safety. Laurie is trying to get that sale done before next winter and before the next camping season will start. Laurie added that half of their time is spent dealing with the private landowner, helping them manage their woods and the other half is spent dealing with state lands. Upon Brandt asking if there was anything the Committee could do to help, Laurie responded just keep supporting them – spread the word that forestry is a good thing and forests need to be managed. Lien asked for Laurie’s opinion as to what condition the tree planters were in and if he had checked them over after this last season. Laurie responded he did not. Laurie added that ten years ago, he was all over those machines, greasing them, etc. because when 800,000 trees were being planted three machines were needed to go seven days a week. Since Laurie has turned the machines over to DLM he hasn’t had a real chance to look at them. Lien stated the DLM keeps them greased, etc. but he knows that at one point there had to be hard facing welded on, etc. Lien added he wasn’t as familiar with the machines as perhaps Laurie was, so he suggested Laurie take a look at them and give any recommendations he might have. Lien thought they were in good working order and noted that Mark Carlson had greased them every time they were taken out. Laurie mentioned they have been around since the 1960’s and there isn’t a whole lot to them or not many moving parts, but again basic maintenance does go a long way. In regard to what the future holds for tree planting in the County and whether it is worth the County to keep those machines, that is up to the Committee and DLM. Laurie stated other counties have gotten rid of their machines. Lien thought that was something that the Committee has discussed in the past and probably could discuss again in the near future. Lien added that the planters don’t cost anything but are still a liability. More discussion took place on the tree planters and the procedures for taking ash trees out of the County.

Public Hearing – Land Use Change/Rezone-Transitional Agriculture (TA) to Industrial (I) - Hegg Mill LLC, Travis Thompson, Managing Member, Ettrick, WI, Property Owners/Applicants,

- Town of Ettrick Chairman Brandt called the public hearing to order at 9:23 AM. Nelson read the public hearing notice aloud. Brand explained the public hearing process to those present. Lien stated this site is just outside of the Village of Ettrick. Lien noted that the farm just to the west of this site is where a CUP has been approved for a sand borrow pit and that pit is for this project. Lien explained that Thompson is actually rezoning the rest of the parcel as many years ago Jeff Saxe owned the triangle of land and he had come in for a zoning change to industrial on the north part of the parcel. He built the grain bin with the intentions of moving Hegg Mill down to this site. Hegg Mill is currently located in Hegg, Wisconsin which is on County Road C and operates there today. Tavis Thompson is the new operating member and owner of Hegg Mill. Lien added Thompson is just following through with the second phase of this and looking to rezone the southern part of the parcel to industrial to be in harmony with the rest of the land. Lien noted that letters were sent to all adjoining property owners, a Class II notification has been in the newspapers, and Lien has a letter from the Town of Ettrick which he will read later. Brandt asked Thompson to describe the nature of the operation and the amount of building that will be done, etc. Thompson stated that basically what they are doing in Hegg right now is blending commodities. They get commodities and mineral products in for mainly dairy animals. They want to move that down by the highway. They don’t own the property where they are right now, they rent it. They are just looking to have a better “face” by putting Hegg Mill next to the highway. They would also offer some small consumer products such as dog and cat food, bird seed along with the bigger items. Thompson stated they do good business and they would like to expand on their own land. Brandt asked what sort of building would be put there. Thompson responded the building for manufacturing will be 80’ X 200’ and then there will be a 40’ X 36’ building with floor space for public and offices, etc. There is a driveway there right now with the bin and they will use that existing driveway. Thompson explained the site further. Lien commented he is familiar with the site and he didn’t recall any outside storage. Thompson responded that inside there might be some inside bins where just grain, etc. is stored. Thompson added he plans to do a lot of with the back side of the building,

keeping the front face nice and clean. He felt they keep their present site really clean and nice and that is what they intend to do in the new spot. Brandt called for public testimony.

Deb Reilly – Registered to appear and testify for information only. Reilly stated she owns the property directly across the highway from this site. Reilly has questions and just wanted to voice some concerns. Reilly stated it was great to have industry and business but when she found out it was right across the street from her she wanted a little more information. Reilly's concerns were if there were any restrictions on hours of operation or if it was a 24/7 kind of thing. Reilly's questions about where the building is going, etc. were just answered. Reilly clarified that the triangle (seven acres) in the south end is what is being rezoned and stated that as she understood it, the building will probably be in that area just a bit. Thompson responded "yes". Reilly asked if the seven acres wouldn't be used for the mill, if there was any potential, in the future, that the remaining area, since it is zoned industrial, for it being sold off to another business to do whatever they want with it. Reilly stated if it is already zoned industrial that does open up the possibility of other things happening there. Reilly added she would be concerned about the possibility of noise, dust and she wasn't sure what kind of truck traffic happens with a feed mill. Reilly questioned what that does to her property value. The fact that she hopes to sell her house sometime in the not too distant future, just the aesthetic value of having an industrial operation across the street will make it more difficult for her to find a buyer for her house when the time comes. Reilly questioned the digging which is taking place up the road. Lien responded that digging is for a Department of Transportation project and has no connection. Reilly commented there is an eagle nest fairly close to here- less than a mile which is the one that the Blair School has the eagle "cam" on. Reilly didn't know if there would be any impact on that and just wanted to make everyone aware of that. Reilly didn't know if there should be a Conditional Use Permit so that there wouldn't be a lot of lights and to have some control over it. Reilly wasn't sure exactly what the rezone process entails. Lien stated he is writing down all of Reilly's concerns and will address them after the public hearing is closed. Brandt called three times for any other testimony. Lien read a letter from the Town of Ettrick which stated the Town of Ettrick board has reviewed the request for the change in land use/zoning from Transitional Ag to Industrial for the purpose of a feed mill. The Town of Ettrick has no objection to this change in zoning to accommodate this request providing it meets with all Trempealeau County zoning requirements. Chairman Brandt closed the public hearing at 9:35 AM. Geske made a motion to approve the land use change/rezone, Nelson seconded the motion. In response to Reilly's concerns/questions, Lien stated because this is an industrial zoning request, industrial zoning does not have hours of operation attached to it. Lien explained the Zoning Ordinance Table of Uses and added it is not all inclusive but it does serve as a good guide as to what type of uses would be allowed under industrial type zoning. In an industrial zoning, mining is not a permitted or conditional use, so mining would never take place on this site, but there can be heavy industrial or light industrial use. Lien noted this is considered a type of light industrial processing and is a permitted use under mining. To further clarify, Lien stated mining is considered an industrial type use, but it is not allowed in industrial zoning. Brandt commented, he thought her concern was, does this open up the possibility of someone putting in a foundry across the road and/ or is that a possibility. Lien responded it could be, but the problem or limiting factor is going to be the amount of buildable area. Lien further explained the setback requirements, etc. and in Lien's opinion, the only buildable area was to the north and east on the lot. Lien explained to the Committee because it is industrial or in commercial cases the Committee could require some screenings or plantings if things become a problem, i.e. outside storage. Lien mentioned we do have lighting addressed in our Ordinance, so no projecting lights, spot light strobes, etc. are allowed. Lighting should be shielded or directed towards the facility. Lien felt it should be fairly quiet year around, but in the fall during harvest time it is probably going to be a pretty busy place. Thompson commented there is definitely going to be a flow there every day, but they try really hard to run 7:00 AM to 5:00 PM. They can go beyond 5:00 PM but their goal every day is to get the work done in that time frame as the workers have put in a long day already. As far as night time hours, Thompson felt generally, except during harvest time, everything should be shut down. Geske asked Reilly if she has had any trouble with dust or noise at this site now. Reilly responded just the bin during the fall. Reilly figures she moved out here and she knew the bin was there so she knew there was going to be something going on and in the fall there is more traffic. There are trucks going in, there is the sound of trucks going in and out. Geske asked if the dust makes it over to her property. Reilly responded yes and it is pretty dusty, but it is what it is. There is a dryer that runs and Reilly can hear it humming away. Geske

commented they have a facility like Thompson's and in the fall when Geske has it running, he just parks a grain truck in front of it and it is amazing the difference that makes. Geske added that just a sheet of plywood in front would make a world of difference. Lien continued that property values and aesthetics are a constant battle for this Committee because no matter what is done through zoning, every action has a reaction, so there is always that issue. The Committee just tries to do the best thing in order to balance it all. Lien has talked with Thompson and suggested putting the building on the back portion of that lot which is going to help both of those things. Aesthetically Lien knew it was going to be a change but he thought it will be a clean business. In this case, where Thompson is putting the structure, was in Lien's opinion, the best place on that lot for it. Lien added this has been planned for many years when the predecessor, Jeff Saxe, owned it. Lien stated when Ettrick did their land use planning, they actually looked at corridors along State Highway 53 on each side of Ettrick to promote industry and growth and this kind of melded in with Ettrick's plan as well. Geske commented that Thompson wants to do retail business out there and Geske was sure Thompson is going to have a nice retail front that is going to be inviting to people so they want to come in. Upon Lien's inquiry, Reilly responded that all her questions were answered and what Lien had mentioned for hours of operation was good news to her. As long as aesthetics was being talked about, Britzius asked what Thompson had in mind for signage. Thompson hadn't thought a lot of that through but he thought it would be as simple as just having something above the retail area. Reilly asked what the time line was for all of this happening. Brandt responded if the rezone is approved by the E & LU Committee, then it needs to go to full County Board which meets the following Monday. Lien added that it is a three step process, first it goes before the town, then this Committee and then to County Board. If it is approved by County Board then a change to the zoning map is made. Lien stated he had received a call from Percy Thompson who is a truck driver and keeps a semi in a shed just up the road. P. Thompson received a letter because he is an adjoining landowner and he told Lien he has no issues with this. According to Lien, P. Thompson knew this was "in the works" for a long time and had no problem with the rezone. Bawek asked Travis Thompson how much he dealt with chemicals and fertilizer on this site. Thompson responded they don't deal with any. They do sell some seed, but no fertilizer or chemicals. Upon Bawek inquiring if Thompson had any plans to do that down the road. At this point, Thompson responded he did not but he couldn't say what the future holds, however the building they are building is only sufficient for what they are doing right now. Thompson added he has plenty to do right now and he didn't foresee taking on anything else except for maybe more seed sales. Thompson stated doing that would pretty much require another building because they (seed and fertilizer) can't be contained in the same area. Britzius asked if it would be possible to get a concept of how big the building will be. On the overhead aerial map, Budish drew a general area of the building for the Committee to view using the measuring capabilities on the County website. Budish pointed out where Reilly's house is. Thompson commented he sees this as a positive things for Ettrick and possibly providing more jobs. Geske questioned when the last feed mill was built in our County or area. Upon Britzius asking how many employees Thompson had, Thompson responded a total of five. Zeglin stated her question has been answered as she was curious about why Thompson wanted this additional acreage rezoned but she saw by the drawing that the building will extend just into that new parcel. At Zeglin's inquiry about building plans and if the Committee could see them, Thompson shared them with the Committee adding that they were very rough plans. Geske commented that all of the bins shown are inside so that will alleviate a lot of the dust outside. Thompson invited the Committee to come out to his farm and business to see how he keeps things. Thompson stated he is proud and he likes to keep things neat. Britzius asked if Thompson would be completely vacating the place the mill is at now. Thompson didn't believe so as he thought there was an opportunity for some storage there and he does get a fair price on it. In his years in the zoning office, Lien has not received one complaint from the present facility since the big blue swimming pool (slurry tank) has been vacated. Lien added he used to get complaints about odor, etc. but since that pool is no longer in operation, we hear nothing about the mill. Britzius was curious about traffic patterns and asked where the speed limit for Ettrick drops down. Lien thought it was at least a quarter mile closer to town before it drops to the 45 mph. Britzius asked if a pull off lane would be required. Lien responded the DOT didn't require that when the driveway permit was obtained. Brandt commented the traffic patterns have changed significantly and it might be worth a call to the DOT to see if they would recommend a change. Geske added since they are going to redo that road, now would be the time to do it. Lien knew that the Town Board had talked during the planning process that if the commercial corridor ever got developed there might be the possibility of a frontage road.

Britzius asked if the entrance is going to stay right where it is. Thompson responded yes and he believed they would use the existing driveway. Brandt asked Lien and Budish to give the DOT a call regarding this issue and increased traffic, etc. Lien told Thompson he or Budish would let him know if the DOT had any concerns. Brandt stated there is a motion and a second on the floor to approve the rezone. Motion approve carried with no opposition. Brandt noted that the rezone needed to go to County Board for final approval.

LCC (Land Conservation Committee)/NRCS (Natural Resource Conservation Service) History

Brandt explained we've been contacted by NRCS to approach a Memorandum of Understanding (MOU), as in the past we have had a closer relationship with them. A conversation has been ongoing over the past few years as to what we can offer them and what they can offer us and how can we all work together to further better conservation within the County. Lien and Brandt want to give a little history of where it was and where it is. Lien was approached to place MOU on the agenda. Lien talked to Brandt and Brandt had requested not to put the MOU on the agenda but to first talk with the Committee about some of the history. Lien stated in the past we had an MOU with NRCS for many years. There was a "falling out" for multiple reasons. We still continue to work with NRCS. Lien noted that Mark Kunz and he get along very well. DLM staff does a lot of the engineering for EQIP (Environmental Quality Incentives Program) funding and works well with NRCS, so the function is still there even though there isn't a MOU in place. The last time this was brought up to the Committee was approximately four years ago and the Committee, along with the help of Corporation Counsel, decided there was no real need or necessity to have an MOU. Lien explained that all of the County information is public information and out at NRCS it is difficult to get any information because of statutory requirements. Lien basically can't get any information from NRCS unless the landowner gives permission. Lien continued that we work well together but the two agencies are very different in how they function and what the responsibilities of each are. Brandt commented there is an overlap in terms of a commitment to conservation and we are not only committed to conservation but we're a regulatory agency as well or we have regulatory authority in things related to Ag, soil erosion, etc. Brandt's understanding and experience has been that NRCS' concern is that landowners comply with federal regulations related to conservation in order to make them available for federal Ag programs. Brandt stated there is just a slightly different attitude and responsibility towards landowners. Geske commented, to which Lien and Brandt agreed, but you're all working for the same goal. Brandt added those things are controlling soil erosion, educating the landowner, giving them the tools that they need to do the right thing. Brandt talked about the "falling out" history. Brandt stated the "falling out" came the first time we asked them for information and they said we can't give you the information. Brandt added the responsibility of the staff here is to enforce NR1-151 which has to do with soil erosion, especially on sod covered land and if somebody opens up a field that was zero percent erosion in 2001, then we need to know about it and make sure they are doing the right practice. NRCS has that information and they are not allowed to give it to us. Brandt added the phrase that they use is that they have created a "fire wall" to keep the farmers' information private and within their office. Brandt voiced that the flow of information tends to go one way. When they need our help, our information it is public knowledge and it is available and when we need their help and their information, they are not allowed to give it back to us. The MOU is kind of a two way thing, it is more than just being able to work together, and it is sharing information. NRCS is constrained by law from sharing information with us. Lien felt it needed to be clarified that it is not a staff issue, it is a statutory issue and it is requirements that are beyond the staffs' control. Lien reiterated that he and Mark Kunz as well as the staff out there work very well together and we are all conservation minded in meeting conservation goals, so just because we don't have an MOU doesn't mean business changes. Britzius asked why there was conflict if it wasn't personal. Brandt responded that actually it was personal for a while but it isn't anymore. Lien responded that was before his time here. Lien went on to say they have some different policies. We have tried to "piggyback" with them on enforcement issues, but they have a "good neighbor" policy that if they get a violation turned into them, they don't deal with it, it goes to another adjacent county and so that other county deals with it and the intervention can be very slow, if any. Lien stated nothing seems to get done and we have a much faster approach at the County level. Britzius asked if this was inefficiency in government. Geske commented it is people retiring and there are not enough people in the office and it is very difficult because they are not hiring. Britzius added that it is difficult to find the tools. Brandt responded the tools are available in our office but we're also understaffed so if there was a way to work together in order to increase that outcome, by

taking the skill set that they have and the skill set that we have, that would be great. Upon Geske's inquiry as to what the MOU would do, Lien responded that if we signed an MOU, it might help on their end as far as their auditing, because they are one of the only county's that doesn't have an MOU, otherwise it wouldn't change anything. Lien added that our Corporation Counsel had some apprehension about the MOU language and that it might tie the County into things that we might not necessarily want to be tied into, but Lien thought that was when LaVerne Michalak was still Corporation Counsel. Lien wasn't sure what Radtke's interpretation would be, so Lien thought we could have Radtke look at it to see if his interpretation would be the same. Lien added that Michalak had basically said the County should not sign the MOU or get involved because we are potentially taking on liability which we don't need to do. Brandt stated there was a request for an appearance by an NRCS person. Brandt questioned if the Committee would like to see it on next months' meeting agenda in regard to a possible MOU with NRCS. Committee consensus was that it should be on the agenda. Lien stated he would try and get something from NRCS in regard to an MOU to have Corporation Counsel look at. Discussion followed on when the FSA Committee will meet again. Brandt also gave a brief history on how, in the first couple of years he was on the Committee, staff members from DATCP, DNR, NRCS, and the Forester all attended the Committee meetings and throughout the meeting their expertise was called on to talk about the programs in which we were a partner.

WLWCA – Nominations for Board of Directors

Lien commented that serving on this Board would be interesting because one would see what comes directly out of Madison, learn how to have input at that level and also be able to express some of the concerns of Trempealeau County. After a lengthy discussion, no one expressed an interest in serving on the WLWCA Board and no nominations were forthcoming from the Committee.

Surveying Update and Payment Approval

County Surveyor Joe Nelsen was present to give his report. Nelsen referred the Committee to a report in their folders. Nelsen stated his report consists basically of office work for the last month. Nelsen is getting ready to set three corners in T20N, R9W and then that township will be complete. Nelsen is getting ready to search those three corners as well as some corners in T20N, R10W which is their project immediately to the west – between there and the Trempealeau River. Nelsen explained the report details time for drafting public land survey record forms and some computations in preparation for those corners. Zeglin made a motion to accept Nelsen's report and approve the payment to the Surveyor as requested, Britzius seconded the motion. M. Nelson asked if, when the remonumentation is done, if the County would still be able to retain Nelsen as the County Surveyor. Nelsen responded if that is what the County would like. Upon M. Nelson asking how much it would cost, Nelsen replied right now he is here in the office every Wednesday for eight hours, so Nelsen actually has a separate billing for that and so we would probably continue with that office time billing. Nelsen added that when he started here, as County Surveyor that was probably a good year before we actually started the remonumentation. Nelsen suspected that separate office billing would be continued along with any maintenance budgeting which would be similar to what we do right now. Brandt commented what Nelsen had explained a couple of months back is that Nelsen is actually doing an on the ground study as to what parts of the remonumentation system will need to be maintained and at what level. Nelsen stated that was correct. Brandt continued that some of the monuments will need to be looked at every year and some will never need to be looked at. So, within this year because the maintenance has begun, Nelsen will be able to give the County a pretty good idea of what the cost is going to be. Nelsen responded that he should have a much better handle on that process and also the funding process to keep up to a certain schedule. Lien stated we will be addressing that at budget time. Motion to approve the paying of the surveyor's bill passed with no opposition.

Confirm Next Regular Meeting Date – July 9th, 2014 – Brandt confirmed July 9th would be the next meeting date. At this time the Committee took a ten minute break.

At 10:40AM, Nelson made a motion to go into Closed Session per §19.85(1) (c) to consider performance evaluation data of DLM staff, Bawek seconded, motion carried unopposed.

At 11:38AM, Nelson made a motion to reconvene into Open Session, Skoyen seconded, motion carried unopposed.

Nelson made a motion to adjourn the meeting, Schultz seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary