

**ENVIRONMENT AND LAND USE COMMITTEE**  
**Department of Land Management**

**REGULAR MEETING MINUTES**  
**August 13th, 2014 9:00 AM**  
**COUNTY BOARD ROOM**

Chairman 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, Jon Schultz, Kathy Zeglin, Jeff Bawek and Rick Geske. Curt Skoyen was absent

Staff/Advisors present: Kevin Lien, Virg Gamroth and Keith VerKuilen. Corporation Counsel Rian Radtke and County Board Supervisor Jeanne Nutter were present for part of the meeting.

Others present: Gary Bixby, Mary Ann Bixby, Town of Gale Chairman Roland Thompson, Todd Anderson – US Cellular and Kevin and Shari Wagner.

**Adoption of Agenda** – Nelson made a motion to approve the agenda, Geske seconded. Lien suggested moving agenda item #10 up under agenda item #7 as Fiscal Manager Vickie Stalheim has a conflict and might not be available for the budget discussion. Nelson and Geske approved of the change. Motion to approve the amended agenda passed with no opposition.

**Adoption of Minutes** – Britzius made a motion to approve the July 9th, 2014 meeting minutes, Zeglin seconded. Bawek made a couple of changes to the minutes notably on Page 10 and Page 12. Zeglin had a couple of changes notably on Page 5 (Lien and Gamroth agreed to look at the paragraph and make the necessary changes), and Pages 8 and 12. Motion to approve the amended minutes passed with no opposition.

**Public Hearing – Land Use Change/Rezone - Residential-8 (R-8) to Commercial (C) UR Home Sweet Sweet Home LLC, Landowner, Kevin and Shari Wagner, Petitioner, Arcadia, WI - Town of Trempealeau** Chairman Brandt called the public hearing to order at 9:13 AM. Nelson read the public hearing notice aloud. Brandt advised anyone that wanted to speak to this request to fill out a public hearing testimony form and give it to either Nelson or himself. Lien referred the Committee to the overhead aerial photo and pointed out the location of the property in the Town of Trempealeau, it being not too far from Centerville. Lien noted that Universal Trucking is a large landmark on the south side of the road. The current zoning on the property is Residential -8 and through Section 2.05 of the Comprehensive Zoning Ordinance, storage rental property is not be a permitted use under this zoning so the Wagner's have to rezone to Commercial. Lien voiced that this request would be fairly consistent with the Town's Land Use Plan as far as looking at other zoning uses in that area as it is right along the State Highway 35/54 corridor. Lien received one call from a neighbor (Lien didn't note the name) who said he had no issues with it. They were giving their verbal approval as they were unable to make it to the meeting. Lien added that was the only call he received. Later, under testimony in favor, Lien will read a letter from the Town of Trempealeau. Lien stated the request is to rezone 1.78 acres from Residential- 8 (R-8) to Commercial to allow the storage units. Upon Brandt inquiring of Wagner's if there was anything they wanted to add to that, Kevin Wagner responded that it is pretty straight forward. It will be a cement block building, shingled roof with black top around the building so that it will be nice to look at and will have a security fence and it will utilize the same driveway. Lien shared photos of the proposed buildings with the Committee. Brandt called three times for any testimony or anyone who wanted to speak to this issue. Lien read a letter dated July 3<sup>rd</sup>, 2014 from the Town of Trempealeau which stated the town

board has reviewed their plan and has no objection to granting the variance. Brandt closed the public hearing at 9:17 AM. Zeglin made a motion to approve the rezone, Nelson seconded. Upon Brandt inquiring if there was a residence on the lot, Shari Wagner responded there is a house there, but it is not being rented at this time. Geske asked where the storage units would be in relationship to the house. Shari Wagner stated at this time they will stand next to the house. Kevin Wagner added that as they build these up, they would like to tear the house down and put up two more right next to the original two. Upon Britzius asking how big the initial building would be, Shari Wagner responded 40 X140 each and there are two units being planned to the west of the house. Brandt asked about there being a business/commercial district in Centerville. Lien referred to the zoning map around Centerville which shows where they actually have some Residential-20 zoning, Commercial zoning and some Residential - 8 zoning. Lien then referred the Committee to the Land Use map which showed it to be very similar to the zoning with the land use map perhaps showing a bit more residential development and growth but pretty much maintaining the same type of commercial uses. Brandt stated the concept was that the intersection would be a commercial hub and so the Land Use Plan and the zoning reflect that plan and encourages just this sort of development north, south, east and west of Centerville. Lien confirmed exactly where this property was for the Committee on the maps. Brandt clarified that this is within the Land Use Plan and the zoning. Bawek asked Lien if there were any parking or restroom requirements being that this is commercial. Lien responded not for a storage unit like this because they assume people are just dropping stuff off or picking items up. Kevin Wagner added there will not be any electricity in these units either. Lien instructed the Wagner's, that if the Committee does approve this, one of them should be at the County Board meeting on Monday night. Zeglin asked if there would be a variety of sizes of units. Kevin Wagner responded yes but they would not have motorhome storage as it would be a lower building. Motion to approve the rezone passed with no opposition. Brandt noted that the County Board needs to vote on this to approve the change to the zoning map and it is rare that there are any questions but it would be good if one of the Wagner's are there.

**Public Hearing – Conditional Use Permit - Communication/Cell Tower – United States Cellular Operating Co., Applicant, Todd H and Josephine F. Koss Revocable Trust, Landowner, Fond du Lac, WI –Town of Gale** Brandt called the public hearing to order at 9:23 AM. Nelson read the public hearing notice aloud. VerKuilen stated this was an application for a Conditional Use Permit (CUP) and is for the replacement of the existing 185 foot, self-support tower that is onsite just east of the City of Galesville, but in the Town of Gale. VerKuilen hasn't received any comments from the public. VerKuilen does have a letter of approval from the Town of Gale. VerKuilen explained this is called a "drop and swap" as the existing structure is removed and the same sized tower is put up, dimensionally, to accommodate future co-locations at that site. Brandt asked Todd Anderson who was present from US Cellular whether he wanted to describe it in more detail. Anderson responded they are going to be doing a "drop and swap". All the carriers are giving Anderson "lag time". They'll leave both towers up for a time. (since they are taking everything and pretty much rebuilding right next to it). They will build the new tower (everybody is going to build a new site there) and when everyone gets cut over then they will remove the existing equipment off the tower and remove the existing tower. Brandt asked if the tower was going to be the same size and of the same dimensions. Anderson responded, "Yes, give or take – it will not be a noticeable change". The tower will be kept at 185 feet; the face of the tower might vary a foot but nothing noticeable. Brandt called twice for any public testimony. VerKuilen read a letter from the Town of Gale which stated they approved of the new cell tower by US Cellular on the existing telecommunications site off Hogden Road in the Town of Gale. Town of Gale Chairman, Roland Thompson was present so Brandt asked him for any comments he may have. Thompson responded no comments and that everything is just fine. Brandt called for any other public testimony. There being none, Brandt closed the public hearing at 9:28AM. Britzius made a motion to approve the CUP, Nelson seconded. Brandt inquired if there was a list of existing conditions on the tower now. Lien responded there really was none other than the bond which he (Anderson) is aware of. The same conditions for this site that exist will transfer over to the new site because we're not going to relinquish any of those conditions. Lien added that there haven't been any complaints or issues as the site as it is pretty remote actually – there is a road up to it and Lien thought that road only led to the tower and back. Brandt noted that part of the condition is that the people who build the tower are responsible for maintaining the road and keeping it open for emergency vehicles. Upon Brandt's inquiry about lighting, Lien responded that all the requirements of the Ordinance still have to be met.

Lien added this does not require approval from County Board so if this Committee would approve the CUP then it is final. Britzius mentioned it says something about new facilities and inquired if there would be some structures for equipment there. Anderson responded no that they will be moving the antennas and coax over to the new building or building a new site on the new tower and then taking down (not facilities) equipment. Britzius inquired if there was a structure there for equipment? Anderson responded everybody has their own, either cabinets or shelters out there. Britzius hasn't seen them but verified there is a series of cabinets or shelters there. Britzius asked if all of those were staying the same. Lien provided an aerial view of the site and the cabinets for the Committee to view. Upon Lien inquiring if the cabinetry that is there now will be staying in its' current location, Anderson stated that will all stay and where one can see those routes, they will probably ice bridge (how the coax will be routed from the shelters) around over to the west to the tower. Britzius asked if the cellular service in Galesville would improve. Anderson responded yes as they are upgrading and that is what they are trying to do is to upgrade and go to LTE and they need the capacity on the tower. Bawek asked if the reason for the replacement was because there was a structural deficiency in the old tower. Anderson responded the present tower cannot support the future loading. Anytime they upgrade they check it structurally and make sure that everything is adequate and it just came down to dollars and cents. It costs too much to modify the tower or build it up and Anderson thought there was something with the foundation too which is not a cheap fix so they are farther ahead by building a new structure that is going to support the current carriers and then one future carrier. Geske asked how many were on there now. Anderson responded five. Britzius asked how many Anderson expected in the future. Anderson responded it will probably stay at five but one never knows but it is built in to allow for that future growth. Brandt stated it was the intention of the Ordinance, when it was written, to encourage co-locations and minimize the number of towers and the providers have been very good about that. Bawek asked if there was something about making them go up 200 feet. Brandt didn't think there was anything specific. Anderson commented it doesn't always need to be high. Anderson wasn't sure if the FAA had "knocked this down" and said this is the maximum height as they have final say on how tall a tower goes. Anderson has dealt with other towers and asked why they wouldn't go any higher and their response was that they don't need the height and that there is such a thing as going too high. Britzius asked how many cell towers there were in Trempealeau County. Lien wasn't sure but mentioned that Land Records would have that information. Motion to approve the CUP with standard conditions and the bond passed with no opposition.

### **Discussion and Possible Action on Memorandum of Understanding (MOU) with FSA and/or NRCS**

Brandt stated he had asked Lien to get everyone a copy of the operation agreement. Brandt voiced that he had hoped Corporation Counsel Rian Radtke would be present. Lien provided the Committee members with an edited copy of the MOU with Radtke's notes on them so that they could go through and discuss them with Mark Kunz who was present from NRCS. Kunz explained he and Lien have talked about this a few times over the years since Kunz has been here, but Julie Dokkestul with the FSA office had initiated this contact because their office had been through an audit of their CRP (Conservation Reserve Program) and the auditor was wondering why the LCD was not signing off on their copies of the contracts and they were notified that there was not a Memorandum of Understanding in Trempealeau County between this Committee and their agency at this point. Historically, Brandt stated there had been a closer working relationship up until a few years ago. Kunz added it is a positive relationship right now. Kunz stated he works with Lien, VerKuilen and Carla Doelle on a daily basis so this would just be one more tool to expedite that process or maybe facilitate it a little bit better. Geske questioned if we weren't one of the only county's that doesn't have one right now? Kunz responded yes and he thought there might be a couple of other county's. Nelson added there are a couple that are considered "outlaw" counties in the eyes of the federal office. Brandt commented that part of the MOU is the understanding that there is benefit to both parties and in the past we have found that there hasn't been a benefit to the County, in fact, it has been the opposite so part of what we asked Radtke to do at the last meeting was to go through the MOU. Radtke has provided notes as to where "red flags" were raised for him. Brandt suggested the Committee go through the MOU. Brandt commented that the Committee takes their role seriously and wanted to know that we get something for our cooperation as well as sharing our resources. Brandt added there has been a divergence in focus between state programs and federal programs over the years and we're responsible for state programs. Kunz agreed with that. The Committee started to go through the document. Kunz asked for and

Lien agreed to provide him with an amended copy. Lien noted changes on Page 1 and 2 of the document. Brandt commented that under #12 this was also a sticking point when we went our separate ways, “NRCS has no authority to help the County apply practices for state or county programs using standards or specifications that are not contained in the FOTG (Field Operation Technical Guide)”. Brandt commented we have some responsibilities under state law to enforce conservation and uphold the standards that, at times, the NRCS might be able to help us with but they literally are not allowed to give us certain kinds of information related to farming practices, so they are constrained by law from sharing certain information. Kunz responded they are also required to work within their field office tech. guide – within those standards and specifications that are identified within that and as Lien says on the engineering or agronomic practices the County follows for the most part, the same guide that NRCS does. Lien thought the sticking point to that paragraph or where it came to the separation of sharing services is that we are required to do some state requirements that once someone is in compliance they need to be in compliance for perpetuity. Brandt commented that is related to soil erosion or runoff. Lien felt the disconnect (an agency issue and not an issue with Kunz) is that if DLM were to ask if a particular person was in compliance/had met it, they cannot share that information. Kunz replied that under the Freedom of Information Act, not without the landowner’s agreement allowing them to provide DLM the information. Kunz noted that is one of the first things he asks when Doelle, VerKuilen, himself or someone from his staff meets with a landowner on the site, “is it ok for us to share information between Lien or VerKuilen and himself” because it gets cumbersome if we can’t. Lien stated that in a case where a landowners says, “no, we don’t want to share that information”, then DLM, technically, cannot get it because of rules that Kunz is bound to. Kunz responded that is correct - under the Freedom of Information Act. Lien added that is where the County differs; unless there is a social security number, cell number or some personal financial statements on it, we give out that information because of open records requests. We don’t have anything at the County that prohibits sharing information. Lien continued that in certain instances, we can’t do certain parts of our job because we can’t get that information unless a landowner is willing to give it up so Lien reiterated that was one of the problems – that disconnect. It isn’t Lien’s or Kunz’s fault it is the agencies, but as far as the standards that we all follow, for the FOTG or job approval, we are bound to the same ones. Kunz added that we go to the same training sessions and we follow the same standards. On Page 3, Lien noted that Radtke had some questions. Under “b”, “the County will (2) provide training to NRCS employees on State and/or County laws and Ordinances related to conservation programs implemented”. Radtke had questioned what state laws? Lien answered that it would be the same kind of technical guides and other things. Lien wasn’t sure that there was a whole lot of training going on between DLM and NRCS as it is more just working together on projects. Lien explained that a lot of the time, one staff member from NRCS or staff from the County might have special skills or more experience, i.e. on a roofed barnyard project, and we can “piggyback” cost sharing. Kunz and Lien agreed they have done that a number of times. Lien added so that working relationship has always continued. Lien commented that Brandt has been on the Committee the longest so he remembers more of the Committee/Departmental issues versus staff. Brandt agreed with that. Lien reiterated that he and staff have a great working relationship with Kunz and his staff. Since Brandt has been on this Committee, he stated that the issue related to nonpoint pollution has been the issue in agriculture. Nutrient management was the issue in agriculture in the mid 90’s through today and the approach to it started out because we had just come out of the point source pollution regulations. The original approach was regulatory. The agricultural community organized a lobbying effort which morphed that to a more of a “carrot” approach; here is what we are trying to accomplish and here is what we can give you to help accomplish that. Our Feedlot Ordinance scared the animal agriculture community in the State and so we were basically responsible for organizing the Wisconsin Dairy Business Association to spur that on, as well as the National Farmer’s Organizations to resist the kind of regulatory approach to nutrient management and non-source or non-point pollution which is to say runoff and as a result it is mostly “carrots” when it comes to helping people/producers with their runoff issues. Brandt didn’t know if it is the case here, but Brandt does know what people are saying, especially since what happened in Toledo where 300,000 people couldn’t drink the water because of the algae bloom which was a result of the nutrient runoff from the farm fields and the animal agriculture in the area. There has been a discussion, even as high as the federal level, to start talking about “carrots” and “sticks” and we have been in an Ordinance writing and enforcement mode. NRCS has moved more toward the “carrot” mode and so, sometimes between 1995 and 2005 we split in terms of how we approach the issue of nutrient management and nonpoint pollution. Brandt

thought that what we are really trying to do now, within the context of what has become national conversation again, is start trying to figure out how it is that we can keep the stuff on the land, in the soil, out of the water and do that the best way possible. We are part of a national conversation and this will only be the beginning of an ongoing conversation. Britzius asked if that resulted in actual policy conflicts. Brandt responded yes, in some cases it did. The most obvious one is our standards for soil erosion is 1-T (one ton per acre) and NRCS's is 2-T. Our goal was always 1-T, they changed their goal from 1-T to 2-T, so that was a policy change. Kunz responded the two times the soil loss (2-T) is relative to the compliance provisions of the farm bill and compliance relative to participation in federal programs, but as someone that has been working with farmers in this role for 31 years, our goal is always to get someone within soil loss tolerance levels or heading that direction with them. If we were to contract with someone to do nutrient management, on one of the practices that was mentioned, they do have to have to be farming their upland, cropland to within soil loss tolerance levels to be eligible for the nutrient management planning cost share. Kunz added that even though some parts of our work say they only have to farm to a certain level, as conservationists we're always trying to get them to farm within soil loss tolerance levels or within that tolerance where their erosion is less than or equal to what that soil is actually building in any given year. Lien continued going through the MOU with the Committee - #3, "Provide technical support to NRCS with agency's conservation programs implementation at the county level". Lien stated we are doing that now, we provide technical support when they need it or they provide it to us when we need it. #4 - "Through the County conservation or equivalent, collaborate with NRCS to develop work strategy's designed to meet the soil and water conservation goals and objectives of the County's Land and Water Resource Management Plan as well as NRCS local work group, State Technical Committee and agency priorities". Lien thought, that might be that "sticking" issue where to meet our goals sometimes NRCS can't provide some of that information unless a landowner would agree, so they might have had someone that has done things at the federal level and that could affect how we work with them or services we provide or enforce on them as we might not know. Bawek asked if we were going to change "T" level. Lien responded we have to already in order to be compliant with certain programs because of the State level so sometimes we have to practice "2 X T" to meet those goals. Lien has always struggled with that because we are allowing more erosion and more runoff. Lien read from Page 4, "Adopt and require County employees to use NRCS standards and specifications contained in FOTG". Radtke's comment was, have we done this already? Lien responded yes, we all are bound to those standards. Lien read #9, "Provide equipment and supplies for County staff working under the terms of this agreement". Lien didn't know if too much of that has been done. Kunz wasn't aware of it. Lien added that we don't have any extra equipment - we have spent a lot of money on the one piece of survey equipment now because we are down to basically one technician. Lien read aloud, "Authorize NRCS employees to use County equipment and supplies as appropriate in carrying out the County's Land and Water Resource Management plan. Lien noted Radtke had highlighted both of these things saying if we agree to these is it going to be a problem when we have one piece of equipment. Lien stated, to date, it hasn't happened but anytime one puts something like this in writing, he thought it could. Britzius asked if it could be an advantage to us if they have equipment - as this says we can use their equipment as well as they can use ours. Lien and Kunz stated it hasn't up to this point. Lien read #12, "Maintain records of work activities and accomplishments on federally funded projects to insure that conservation planning, the application of other required conservation activities can be recorded as needed by the County and NRCS. County employees are performing within their engineering job approval authority as indicated on the NRCS/DATCP job engineering/job approval practitioner certification". Lien stated we do that now already, the only thing would be in regard to the records of compliance, there are things that we can give out and there are things that they can't give out (who has accomplished what out there) or are unable to share that information back and forth. Brandt noted this is part of what VerKuilen is doing with the DATCP trainer. Geske asked how often it happens that someone Kunz is working with doesn't give him the approval. Kunz responded, "Never, because if they say no they are not going to be able to participate in what the County offers and what NRCS offers - because if we can't communicate, we can't have that working relationship. Upon Geske questioning that Kunz doesn't run into someone saying no, Kunz responded not when working on projects that involve cost-sharing. Lien commented it is not on those projects but it might be past projects where people have run into compliance. Lien added that current projects that we're working together on are not issues; it is past practices because there was a date of compliance that, after that given date, landowners need to stay in compliance for perpetuity.

Brandt commented it may be as far back as 2001. Lien stated the landowners in those contracts could be obligated to have to meet requirements through the County and we're not aware if they have met them through NRCS. It isn't any current landowners that we're working with, especially if we are working together – those aren't issues. Britzius asked, if in the past, Kunz has had people refuse to have their information shared? Kunz responded not in the seven years that he has been here. Lien added that it had happened in the past where a landowner didn't want to share that information, prior to Kunz being in Trempealeau County, and the landowner has that right. Lien read #13, "Use NRCS government owned vehicles provided". Radtke had questioned whether the County would ever need to do this? Lien couldn't see this happening as the County never has done that. The one issue that Lien would think of was with the Forester as Lien thought they had only one vehicle. Kunz shared that they now had two vehicles. Geske suggested perhaps taking that sentence out of the MOU as it probably wouldn't matter to either party. Kunz stated it wouldn't matter to him at all. Geske continued that items like that, to Geske, seem pretty simple; you don't do it; you don't want to do it, so let's take it out. Geske added the problem is that it isn't the parties here today, it is those person's working together in the future, however Geske felt those are the types of things that he would pull out. After some discussion, Kunz thought one could recommend some changes in the document and he would take it back to his supervisor and they would adjust it in any way that the Committee would like and also see if it works for them too. At this time, Geske suggested that perhaps Lien and Kunz should work together on this document and make those adjustments first and then come back to the Committee for review. Some discussion took place on this suggestion. Kunz noted that this MOU can be revisited at any time and changes can be made. Brandt suggested Lien "star" that particular item for review. The Committee agreed to go on with review of the MOU. Lien read #5, aloud and then Lien stated Radtke had a comment under the Civil Rights Policy asking what this all includes. According to Lien, Radtke had looked up the policy and there is a lot of information under that particular policy. Brandt stated that what he has heard in the past is that there is a lot of training that FSA and NRCS goes through in regard to civil rights. Geske commented that even the FSA Committee has to go through the training. Brandt added that, it becomes a burden, in a sense, on our staff whose time is limited and may not have the time to go through that training if that is required, as well as the Committee (if we are the oversight committee and we have to comply with the civil rights policies), which Brandt had no problem, but he did have a problem with taking up time learning what they are, when we should be moving on to something else. Kunz commented that civil rights are a top priority and that most of their training is done right on the computer. Geske clarified that there was no civil rights training for the Land Management Dept. Lien responded no. Lien continued with the MOU stating under "C – Ethics and conflicts of interest", Lien had a question. I.e. if someone reports to DLM a violation of some issue where NRCS would have some jurisdiction or input, Lien wanted Kunz to explain to the Committee what the fairly new and adopted policy is. Kunz explained that NRCS has regulatory authority over wetland issues involving participants in USDA programs or the farming of highly erodible fields under USDA program participants. Kunz can take a call from the LCD staff or the FSA staff where either they saw what they felt was an issue or they received a complaint or a call from one of our mutual clientele. They can request that a "whistleblower" complaint be filed at FSA, it is anonymous, and a 569 noncompliance review will take place where an actual landowner is contacted and notified there has been an anonymous complaint about excessive erosion on the farm, or tiling or ditching that is taking place, etc. Upon Lien's inquiry as to whether they are contacted by Kunz, Kunz responded they are contacted with an official form that is sent to them and then NRCS makes a call to let them know that NRCS would like to come and look at the issue. If they refuse NRCS, as federal employee access to the property, it is no longer an issue for us, because they are no longer eligible for USDA programs. The refusal of access stops the process at that point. They are advised that they are no longer or could be found ineligible for USDA program benefits. Lien asked if that ever happened. Kunz replied he has had some upset people; he has never had someone say that he couldn't set foot on their property. Kunz stated they have a new procedure in place now called "separation of duties" where if there is a chance that there will be a negative response to what they are doing (i.e. they may have to restore a wetland that they have drained or put in waterways before the next crop year or they will be ineligible) the staff from Buffalo County comes and does all of those type of activities in Trempealeau County, and staff from Kunz's office goes and does Buffalo County. Brandt verified that this was on the enforcement side. Kunz added that anyone that has an enforcement issue in Jackson County is addressed by someone from Neillsville and vice versa, so NRCS doesn't address any issues that could have a negative impact on the landowner in our

own counties. Kunz reiterated that it is called, “separation of duties”. Brandt had heard this language before that it is to avoid getting someone upset; we won’t call them out on digging up a stream or draining a wetland. Kunz responded no, explaining that the separation of duties is to ensure that there is no conflict of interest between the landowner and Kunz, so Kunz does the Buffalo County determinations and Buffalo County does the determinations in Trempealeau County so there is no conflict of interest. Brandt commented so that there is a “firewall” there and there is no personal relationship that has been developed. Geske commented that being on the FSA Committee, he gets checked every year for compliance and Geske had Buffalo County at his place this year and then they pick a random farm. Brandt stated he had heard this from Carla Doelle that the personal relationship goes a long way toward getting people to comply. Kunz added that once the decision is made, the determination is completed, and then they work back with the staff in Trempealeau County to address the issue if there is one, but it is to ensure that there is no conflict of interest between those landowners and the County that Kunz lives and works in. Kunz added that he knows Geske and Nelson’s family and there does not want to be any appearance that Kunz is giving Geske particularly (because he is on the FSA Committee and lives right down the road from Kunz and Kunz knows him personally.) preferential treatment. Lien asked how long that process has been in place. Kunz responded about a year. Lien asked if Kunz thought that has stifled or prolonged compliance – because of that disconnect. Kunz responded it can be cumbersome, it can be confusing for the landowners because they see names of people that they don’t know (i.e. why is this person from Alma coming to my farm), but they try to deal with it. It can prolong issues because it is easier for Kunz to drive from Whitehall to Blair, for instance, than it is for Kunz’s counterpart to drive from Alma to Blair, so Kunz said, “Yes, it can draw things out”. Geske added that this is something that would be taken care of within a year, not within weeks. Kunz responded they try to take care of it between 30 or 60 days or even 90 days if they can. Lien commented there have been situations that have extended far beyond a year. Kunz said he couldn’t deny that and that is a fact. Lien explained that the problem with DLM staff is that, as it is whether you’re raising kids or training a dog, when something is out of compliance, and people are watching, a quick remedy goes a long way. Lien added that when nothing happens for a long period of time, other people start to see and think that maybe this is ok and then Lien sees a repeat of what happened because there has been no action for a lengthy period of time. This is a frustration for Lien. Lien explained a situation he is currently working on. Kunz further explained that there is an appeals procedure to everything that they do that can involve an adverse decision. The landowner can do a step that will then draw it out another “x” number of days to allow NRCS to respond, so there are appeals rights for every adverse decision that they make that can prolong the process. Kunz couldn’t deny what Lien was saying and Kunz likes to see things move quickly also. Brandt commented that we have incredible mapping ability in this County with the GIS and LIDAR, but even before that when it was just paper maps, every field in this County was mapped. Brandt has seen these old maps, so it is possible to know what is going on with just about any place in this County. Brandt thought that the commitment that this Committee needs to reinforce as well as Kunz’s committee is the commitment to conservation of soil and water and the responsible management of nutrients. This is going to be an issue. If Gold n’ Plump wants to expand the way they say they want to that is going to be a soil, water and nutrient issue. Geske commented (and it is undeniable) that is what both offices are here for. Geske thought we were all on the same page, totally, is just that there are different ways of going about it. Brandt commented we need to be working together as much as we are now. Geske commented that with some of the stuff that is coming out of here and we are talking about, Geske asked if the Committee felt it is better not to have a MOU or to have one. As far as Lien was concerned, to be completely honest, it is a piece of paper as Kunz and Lien are going to continue to work together as they currently do whether the MOU is signed or not. It isn’t going to affect how Lien and Kunz work together. Geske asked about the next people? Lien couldn’t answer that but reiterated he and Kunz will continue to work together. Geske added that is what everyone is looking at is the future, i.e. we talked about taking the vehicles out, but for the future, have something in place so that we don’t have a misunderstanding because that is where it goes away. Lien referred the Committee to item “d” as it says this agreement shall become effective on the date of the last signature, here to, and shall continue in effect for a period of five years from the date unless terminated by either party. Any party of this agreement may terminate the agreement as it applies to the party upon notice in writing to other parties as least 60 days prior to the date of termination. Any party may request amendments to the agreement by notifying the other parties in writing of the nature and purpose of the requested amendment. According to Lien, Radtke’s comment was that there are very limited options to

terminate a five year agreement. Lien felt that perhaps it didn't have to be a five year agreement perhaps it should be reduced. Lien felt this was a standard model. Kunz noted it says right in that paragraph that it can be amended or changed at the request of either party. Brandt commented, based on the history he knows, that the danger he was feeling 10 years ago or whenever this memorandum was terminated is there seemed to be a movement to incorporate the changing NRCS standards into what is was that local LCC's were doing –in other words to take away our ability to focus on local concerns and focus on what we knew best and rather to kind of “vanilla” or bland it out to national standards. Brandt stated the Committee, at the time, just did not like the way things were going. Geske commented that at that time, you had two people sitting in Lien and Kunz's spots that were two completely different people. Brandt agreed. Additional discussion took place. Geske couldn't see how having a MOU couldn't be good even if it is limited in some things, it would be better than nothing. Geske felt it would be nice to have something in place for the future as the new people coming in would know how to go about things. They would also be able to amend the MOU or cancel it. Schultz commented that item “d” pretty much certifies that this is a piece of paper. Brandt encouraged the Committee to be strong in this perception; In the past other Committees have assumed that NRCS takes the lead and what they do is what is going to be done. Brandt added that has never been the case in Trempealeau County. Upon Nelson questioned why that has to be the case now, Brandt stated that what he is saying is to be firm in the understanding that we are going to be the masters of our fate, so to speak. If this MOU benefits us and it benefits them, then it is the thing to do. Brandt told of an incident where the State Conservationist at the time basically told a group of people that things are changing boys, it isn't going to be the way it used to be – that is to say the whole concept of partnerships was changing and rather it was going to be that they were going to tell us what to do and we were going to have to do it. Brandt added that was the message that the group got and things started “going south” after that. Geske clarified and Brandt agreed that wasn't at a formal meeting though. Britzius clarified that Brandt wants the Committee to be aware of it's' autonomy and “stay on our toes” and be thinking for ourselves and not just take the lead from somewhere else. Brandt agreed. To recap the MOU, Brandt stated the Committee basically has a couple of concerns; the vehicles, the civil rights item and what it means to comply with those policies. Some discussion to place on the civil rights training and Geske thought the DLM probably should be doing the training as it is common sense if one is working with the public and working with different people. Brandt asked Lien and Kunz to get together and come back with a slightly amended MOU and bring it back next month. Brandt suggested Lien have Radtke take a closer look at it. Brandt thanked Kunz for coming. Kunz responded neither he or nor Lien are looking for extra work on either part, mutual clientele, mutual work, if we can work together it eases our work load and we are still going to maintain our autonomy and he appreciated the Committee having him to the meeting. Brandt asked Kunz to keep the Committee informed as to any new information on the Toledo water issue or on the federal level.

### **2015 DLM Budget**

Brandt referred the Committee to the budget handouts which they received in the mail. Lien stated one of the most complex things about our Department, which Lien felt differs from every other department in the Courthouse, is that the DLM is economic dependent and a lot of DLM's fee's are user fees. Depending on the economy and the amount of permits that come in, or when things like large scale industrial sand mining come upon us ( a lot more hearings and permits) all those things directly relate to staff time, money and revenues/expenditures. Lien and Stalheim went through the budgets with the Committee noting that the Building Inspector position will be discussed later in the meeting. Upon Brandt asking if the 2015 budgets reflected the 1.5 percent increase, Lien and Stalheim responded, “yes”. Lien referred the Committee to the Surveyor's budget. Lien explained that is the item that we have been expecting to drop based upon the remonumentation being completed. Lien met with County Surveyor, Joe Nelsen and went through a detailed budget for/with him. According to Lien, Nelsen feels the amount listed will meet all of his requirements as far as continuing with maintenance of survey corners and his staff time in the office. Lien explained Nelsen is here every Wednesday to do CSM (Certified Survey Map) reviews and meet with clientele. Lien added he is usually busy every Wednesday when he is in the office here. Lien noted the budget realized a significant drop or savings of over \$116,000 mainly because of that item. Britzius questioned a No Line Detail on that same page. Lien explained that is a non-lapsing account that was put in place back in 2005 when the Building Inspection program was implemented. That program was to be self funded and it was also known that because of the

economy fluctuating that there might be lean years where there wouldn't be enough permit money brought in, so County Board allowed DLM to establish a non-lapsing account (not to exceed \$50,000) that DLM could add to or subtract from for that position. Lien noted that this year, in essence, we were paying two building inspectors for a period of time and therefore this line item came in handy. Upon Britzius asking if the account was tied to just that one position, Lien responded no, not necessarily, it is tied to staff funding, somewhat, because of the merging of the two offices, we have multiple people who do different parts of the inspections and the inspector was also doing other duties. It was intended in lean years to be used for staff compensation. Nelson inquired as to how much we were paying the current building inspector. Stalheim referred him to 211 – Building Inspection. Lien explained that there is nothing requested for 2015 because their fee schedule that we adopted makes them self-funding. Lien continued that the problem is that Uniform Dwelling Code permits are valid for two years, so because we have a vacancy now, we're working through and doing inspections on permits that we received money for two years ago, so when they bill us for those particular permits, that is additional money that comes out of our current budget. Brandt commented that the money that was originally put down for those permits was received two years ago and is spent already. Lien added that from 2015 forward, all the new permits that will come in will be self-funding the inspector plus there is a 10% increase built in to help pay for staff administration (i.e. taking permits at the counter, helping schedule inspections, issuing permit cards, etc.), which the Committee adopted and can be reviewed annually. Lien reiterated that the intent is that it be a self-funding program. Lien explained that when the UDC Program was adopted back in January 2005, it was the mindset of the County and the DLM that if someone is building a new house, they should be paying for those inspection fees as they are the one benefiting from that program and that it shouldn't be money taken from the general taxpayer or levied money. It should be self-funded by the person getting the service and that is how Lien administers it. Upon Bawek inquiring why the past UDC Inspector's salary is still in the 2015 budget request, Lien responded that we currently have a contract expiring in August. When Lien went to the recent Towns' Association meeting, the consensus at the meeting was that they want the County to keep the program in place and that they like the service that is provided to the cities, towns and villages, but they suggested doing a one year contract with the company to see how things go because anytime there is a change over in services, a lot of it is individual perspective. There is a statewide code to enforce and one could get an inspector that "nitpicks" a certain item and then when a new one comes in they have a different perspective. Lien added that whenever there is a change, no matter who gets hired, it takes times for contractors to adjust to the inspector's way of thinking. The town's had asked that the inspecting contract be implemented for a year and Lien has discussed that with Brandt and Stalheim and it was decided that we should still budget that wage and salary so that at any time we can terminate a contract if so desired and/or hire someone full time. Lien did some further explaining about the services that are provided now compared to the services that were provided. Lien would prefer to keep the salary in the budget for 2015 in the event that a change would have to be made. Bawek stated there are also a lot of benefits that go along with that salary and inquired if that was budgeted also. Lien responded that it was although right now we are not paying those benefits. Nelson commented that even though it is budgeted it is not being used so it is still a savings to our Department. Lien responded, possibly, but we still may have to use some of that salary because we have those two years of permits that are still out there and need to be cleaned up by the current inspector. DLM is being charged \$75.00 per hour plus mileage for those old permits – so those we are losing money on because we didn't receive that amount of money when we took them in. The new permits coming in will "be a wash". Bawek asked if that non-lapsing fund wasn't for that reason. Lien responded part of that is. Britzius commented if the new plan works out there should be a budget surplus. Lien responded for sure we'll be saving the benefit package dollars unless we decide to hire someone. More discussion followed on the inspection program and the number of staff with inspecting credentials. Lien's concern is so the program doesn't break down to where we're not providing service to the towns' and they start getting frustrated and want to go elsewhere. We have had a couple of towns that have always had their own inspector but they've actually talked about using the County one. Lien explained the current company that we've contracted with has multiple staff and they have been doing really well. There have been a few small complaints which Lien felt you're going to have anytime there is turnover. Upon Bawek asking if we entered into a one year contract with them, Lien responded no and that their contract expires August 31<sup>st</sup>, so we will talk about that later. Bawek asked if this money could be used for any type of employee or any type of staff. Lien responded that would be up to the Committee now during

budget time. Lien elaborated a little on the planning position that the County used to have and our contract with Mississippi River Regional Planning Commission. Nelson asked if there was more than one inspector as he had received a complaint this morning, (the person knew there was a Committee meeting today), that it was not the same guy that came before for an inspection and this guy wanted different things done. That contractor asked Nelson how someone is supposed to do wiring when there is no consistency. According to Nelson, this contractor felt with the old inspector it was always consistent. Lien has always told staff that even if one is making a judgment call, if it has been made consistently in the past, there is something to be said for that, because at least you're consistent. People don't like to be singled out as then they think their being treated unfairly. Lien reiterated that people like consistency. Lien and Gamroth thought for the most part Kevin Henrikson has been going out, but they were training someone new. Lien stated we could see a transition again, but as always anytime there is a change there might be complaints. Lien explained some other situations that have come up recently with the new inspector which were worked out. One thing Lien liked about the new company is that they have engineering staff so this past summer someone came in with a project that wasn't in the code book and that staff reviewed the plan and made suggestions to the plan in order to make it code compliant. In the past, Lien stated we didn't have that option. Gamroth commented, in regard to Nelson's concerns, that one needs to remember that the contractors have had nine years of a "comfort zone" with having the same inspector being on staff just like the DLM has and now, just like the DLM is going through the change, those contractors are going to have to go through the change with us and adjust. Gamroth felt it would all work out as she felt the new inspectors seem to be really nice, very professional and she felt they were willing to work with people. The Committee continued reviewing the budget. Lien referred them to Page 4, #7 which is nonmetallic mining revenues under anticipated revenues. Lien noted that has declined significantly and part of it is because of the moratorium. Lien wasn't sure what will happen when the moratorium expires. Lien and Budish have been in contact with several companies' that are looking to locate in the County and applying for additional permits. Lien felt that industry was going to continue to grow. Britzius asked if those fees represent application fees. Lien responded no, a lot of this was the reclamation fee which is based upon open acres. Annexations greatly affect the DLM, because when they annex that money then goes to the city or village. We don't have the option like towns where we continue to get the fee for five years (like towns do with taxes). Upon completion of the city adopting the program and the oversight changing hands, at that date it automatically switches and the city gets the revenue. In regard to Brandt asking about state grant funding revenue, Lien stated he and Stalheim are constantly juggling those issues as far as continuing to get as much of our reimbursements as possible. They (DATCP) made it difficult for 2015 because of the way they view merged departments. They view a merged department as no longer conservation minded. In the past, Brandt has written letters and Lien's time sheets were attached (to document what Lien does through the Land and Water Resource Management plan) to document that for reimbursement. Lien explained that documentation no longer suffices as DATCP has changed it so that if one has any duties in a job description that are outside of conservation, you cannot be the #1 funded person and not only that but one has to have ag practitioner credentials. Lien feels it really makes it difficult for merged departments to capitalize on funding, which affects Trempealeau County. Nelson asked about #9 and 10 – fund balances. Lien responded that is the same \$50,000 non-lapsing fund that is on the page before. Nelson clarified that the remodeling fund is \$12,500. Lien explained that when the Departments were merged, Lien thought there was a lapse in staff and that is where the money originated from. At that time, the Committee set aside \$12,500 for doing remodeling to make the DLM work area flow better. Right now there is a hallway that runs right through the middle of the office and because the hallway has an emergency exit in the back of the building, the hallway cannot be blocked or removed. There were a number of different possibilities looked at, and the best solution was to swap spaces with Ag/Extension. That didn't go over so well as Ag/Extension didn't want to move at all and so the issue was dropped. Lien thought it was left that if Property Committee or the two standing Committees wanted to make it happen, staff will adjust. Discussion took place on the issues with remodeling. Lien stated the \$12,500 has always been in place with the thought that maybe the move would take place or perhaps someone would come up with a plan to make the DLM office flow better. Lien explained some of the issues with having the staff in two different rooms. In reference to the nonmetallic mining dollars, Bawek stated that Lien had said it is basically a reclamation fee. Bawek clarified that all we do is basically hold that money. Lien responded that is the bond and that is a different issue and that is not in the budget. Lien explained this budget item is for

meeting the NR-135 requirements which allows the County to charge a fee for whatever it costs to administer that program. Brandt added that Budish goes out there regularly to make sure they are doing what they say they are going to do. Multiple staff (Gamroth is handling a permit, etc. or Betker looks up a deed) is used to justify that money. Schultz asked if zoning permit fees were relating to nonmetallic mining. Lien responded some of that is as it includes all general permit fees. Lien referred the Committee to public hearing fees which dropped significantly. Zoning permits fees increased because in 2013 there was a giant storm that hit the City of Blair and the surrounding area and virtually every structure in town was damaged so there was huge revenue from the storm plus we started to see an economic upswing. Lien referred the Committee to Nonmetallic Mining Reclamation – professional services and explained that those were engineering services that an applicant paid (and the Committee had agreed to) to have a third party engineering firm review the plan for compliance. Those fees are basically money in, money out. In regard to the Fish and Game budget, Lien commented this account is also money in, money out. The DLM gets money through a grant application through Fish and Game and then there is a matching club contribution. The more money that the County can have in those programs, the better they are because that means that we are getting great things on the land in Trempealeau County. Upon Brandt asking if that money was cut in half from last year, Lien responded last year there was a surplus and we applied for more money and the club matched those funds and if that would happen again, the budget would be amended. Stalheim explained that we apply to the State for extra money leftover from other counties. In addressing the Vehicle fund, Lien stated we might look at trading one vehicle. Lien explained to the Committee how this account is maintained so that it is non-levied. DLM bills every mile that each vehicle is used to the particular/appropriate program so that it pays back to the DLM, so it is a self-funding program. It works out really great. Lien explained that the County gets a government discount pricing, staff takes really good care of the vehicles along with the maintenance program that is in place. Lien elaborated on some of the maintenance issues which are minimal because of the good program that is in place. Human Services and the Health Dept. are trying to start the same program. The program works because DLM doesn't run the vehicles into the ground by keeping up maintenance and keeping them clean and keeping value up high and trade before they exceed 60,000 miles (there are increments in a vehicles life where they take major drops in value such as at 60,000 miles and 120,000 miles). Lien added there was one instance in the past where a vehicle was traded and it cost the County \$102. Lien elaborated on that particular trade. Lien has always told the Committee that if they get flack from the public about seeing the new trucks in the parking lot, one should be able to justify why they are there and the program that is in place. In Lien's mind we are saving the taxpayer's money with the program that is in place. Lien might be coming to the Committee yet this fall in regard to trading one vehicle. The Committee moved on to the Mississippi River Regional Planning Commission services/planning budget. Lien explained that the verbal agreement that DLM had with MRRPC is that they would update our county land use plans (Arcadia is the only town that has spent that money last year in 2013) for \$2,200 per town and we were budgeting three towns per year (\$6,600). 2015 is the five year increment where the Smart Growth Plan has to be renewed so we have been talking with Peter Fletcher from MRRPC about doing that five year renewal to those plans and "piggybacking" that with another item on our agenda – the updating of the Farmland Preservation Plan, so we could potentially reduce this dollar amount a little. Lien added that the money has been set aside so we could be spending the \$36,900 in 2015 to meet those goals/requirements. Lien thought we would continue to put that money aside until 2020 which is the next increment in which the countywide plan needs to be revised. Brandt stated the Wisconsin Fund is the septic replacement fund. Lien explained that we paid nothing out last year because there were no eligible applicants. DLM is still hoping to get money so \$25,000 was budgeted again. Lien felt this is a great program that helps, basically low income families in Trempealeau County, fund the replacement of failing septic systems. They have to install it, pay for it, they submit the bill to the DLM and we turn it into the State. Funding varies each year depending upon how many apply statewide to the program and how much money is appropriated in the State budget. The more applicants that qualify and receive that money, the better we protect our surface and ground waters in Trempealeau County. Lien confirmed that this is a money in, money out account as is the next account to be discussed; Wildlife Damage and Claims. Lien explained that Duane Snobl has come before the Committee and talked about this program. Eligible landowners in Trempealeau County can submit claims for damages related to wildlife and this account assists in the funding of that program. The money is directly reimbursed out to qualified applicants so it is a money in, money out program. Brandt stated the next item is Farmland

Preservation which is a piece of the MSRRPC. Lien explained that this is a grant that has been talked about with the Committee previously and was applied for. This budget item is a money in, money out account to meet the Farmland Preservation requirements and that will be talked about a little later on the agenda. It is non-levied money from a grant. As far as TRM (Targeted Runoff Management) Brandt commented the cost share dollars are pretty much “in the air”. Lien agreed and explained that depending on the economy and the applicants those numbers can fluctuate – we haven’t paid a lot out to date this year, but we have a lot of applications on the books. Lien explained that Keith VerKuilen is out in the field today working on a manure storage project which is a big funding project so there will be an increase in expenditures out of that line item and will continue throughout the rest of the year. Lien noted this one will be on the agenda later as a “pay” item. Lien felt those were great dollars to see on the budget because if we can receive that money through our landowners then it is benefiting the resources in Trempealeau County as well as individuals. The last budget item was Land and Water Resource Management which Lien explained was the same type of program as the TRM grants. Some discussion took place as to where any budget issues may arise during the budget hearings. Lien discussed the possibility of losing the storage facility out at the Health Care center and that there may be a need in the future to build/buy some type of storage building. Lien suggested putting some of the excess budget money aside (a small amount each year) for that future purpose. Lien’s experience as Director/Department Head has been that once money is given back to the General Fund it is very difficult to get it back. Brandt stated that the issue Lien is raising may take some time to discuss. Brandt also mentioned that there has been a change in tone at the Exec. /Finance Committee and they have encouraged people to create a Wish List with whatever money they have left over and decide what we want to do with it. Lien commented that he, as Department Head, and this Committee like to plan ahead, i.e. we fought hard for many years to get LIDAR flown, this Committee put “nest eggs” away each year until we had enough money to give to Land Records and thus we will see that project come forward this fall. At this time, Brandt suggested a seven minute break. County Board Supervisor, Jeanne Nutter who was present at the meeting suggested that either there be no more acronyms on the agenda or otherwise an explanation of the acronym provided in parenthesis as many people don’t know what they mean. Nelson made a motion to approve the budgets as presented, Schultz seconded the motion. Upon Nelson asking how much money was proposed to go back to the General Fund, Lien responded approximately \$100,000. Zeglin asked what the Committee could do with that money or if the Committee can do something with it? Brandt stated basically, as he understood it, Exec. /Finance has instructed Department Heads to create two things; 1) A Wish List – that is to say if we have more tax dollars because of perhaps increased valuation for the County therefore there is more money to work with so lets think about how that money can be used and 2) if there is an overrun convince Exec. /Finance how it is that money should be used – come up with a plan for that overrun money. Brandt stated that this has come out of a Department Head meeting; it hasn’t come out to the other Committee members or County Board members. Brandt’s understanding is that it is the Committee members that set the priorities for how that Departments’ money is to be used. It seemed to Brandt that the Exec./ Finance Committee is trying to “short circuit” the Committee’s by having the Department Heads go directly to Exec./Finance. Brandt was thinking that as part of the approval of the budget, staff has a recommendation for what to do with the money and the Committee should incorporate that into the budget. Discussion took place on what happened in past years with excess money which included the funding of LIDAR. Lien suggested the Committee set up a County based conservation program with some incentive money to do low cost, high impact projects, i.e. fish structures or waterways. Lien talked about office space issues in the Courthouse and suggested the Committee consider putting funds away for the future, for a separate building for the DLM office or remodeling but Lien thought it would be pretty hard to add extra space onto the Courthouse with the way it is located. Discussion took place about previous Courthouse remodels that were done and where offices were located. Brandt recapped that Lien has given the Committee two possible options; 1) put money aside for cost share – currently according to state law we cannot require anyone to put a practice on the land unless it is cost shared. Brandt noted that waterways are an excellent example and the Committee had discussed last month about landowners tearing up the waterways Brandt added that UW Extension has evidence to show that the cost benefit analysis favors waterways – one is not losing that much money, in terms of bushels of corn by putting in a waterway. Brandt thought that could be made a possibility as we have the technical ability to lay them out it is just a matter of spending the seed money. Bawek commented that an argument on that is that someone who maintains their waterways versus the guy that plowed them up –

shouldn't the guy that always maintains them also be rewarded? Bawek added we talked about low cost, high impact conservation and he felt that was an excellent idea. Bawek thought some of the ideas on that should be expanded. Geske commented that in Jackson County one sees a lot of waterways that they put in or strips that are workable and the farmers over there all hay in them and they work. Brandt commented that as opposed to the minimum, they actually make it work. Geske responded that everyone makes them smaller and smaller but the guys in Jackson County maintain them and with the new GMO crops, it is not a big deal to maintain them anymore. Some discussion took place regarding the strips on CRP land. Lien thought that low dollar conservation projects (riprap, fish structures, and waterway) would be a great use of some county money. Brandt thought he was hearing a positive response to that. Zeglin stated she liked that idea. Brandt threw out the other idea of a building fund. Britzius commented he thought that was a job for the Property Committee and commented that he thought they were looking at something. He felt Committee members could lobby them but he didn't think we should be thinking about money out of our budget for that. He felt Property Committee had to come up with a budget for that project. Britzius preferred the Committee talk about items that were their job such as conservation related stuff. Lien commented the space issues have been an ongoing discussion for years as there is no room to grow or expand. Lien mentioned that he and Bruce Cheline had looked into the building across the street. Britzius commented that he serves on the Human Services Committee and they have big space problems, so it isn't just this Department and Britzius wasn't sure how many other Departments had issues. Britzius knew it was an important issue but he really didn't think it could be funded from this Department. Lien felt it it was to be addressed in the future that there needs to be some planning done and money needs to be set aside. Bawek asked if the issue couldn't be solved by renting space. Bawek added, like a storage unit was discussed today, it would be a lot cheaper to pay rent for a small amount, like the area that Lien is after, rather than put up a building for it, and maintain it and pay taxes, Lien suggested the County put up a building and rent it out not only to DLM but to other offices/businesses. Brandt stated he was with Britzius and suggested holding off on the building talk for now. Brandt stated Lien had mentioned (fish structures, waterways. minor grade stabilizations, critical area stabilization) low cost, high return conservation projects. Lien stated it would be projects that could eliminate erosion and runoff and stream stabilization and not be major structural practices. Brandt asked if this would be something that we would fund individually or would we be "piggybacking" on TRM or LWRM grants? Lien thought it depends, as the Committee could decide to (right now things are cost shared at 70/30) pay a portion of that "30" for individuals or the Committee could have their own program like the Fish & Game, where people would submit applications to this Committee and annually the Committee would be review them and award certain landowners, at a cost shareable rate. Brandt voiced that the later option gives the Committee some flexibility to address Bawek's concern which is, and has been a concern of all the Committee's over the years (why are we rewarding the ones who have the worst practices or "bad actors"). Bawek commented that along that line, it could be a simple plaque of acknowledgement being sent out to five or ten landowners on a yearly basis – as it goes a long way. Schultz suggested perhaps one landowner in each township. Bawek voiced that something to that effect would give the DLM some really good "PR". Geske asked if Lien had enough staff to do these projects. Lien stated he thought there was and especially with having the LIDAR, one would be able to design a waterway in-house. Brandt suggested putting some of the money aside for a conservation awards banquet. Lien commented that we used to sponsor a banquet and a few landowners were given awards, and the poster and speaking contest winners would be there. Zeglin commented that any program that would showcase conservation would be a benefit. She thought perhaps one of the problems that is leading to some bad practices is the fact that we are not really out there in the public all that much, so anything that can publicize conservation programs would be a benefit; a banquet or an honors program, etc. A brief discussion took place on waterways and their maintenance. Brandt asked Lien for a dollar amount for consideration. Lien responded that first of all we would have to find a line item where non-lapsing money could be placed for that purpose. Upon Lien's inquiry, it was Stalheim's opinion that a separate budget would need to be created but she would have to consult with the County Clerk on that. Brandt stated it would be a non-lapsing local cost-share budget. Lien stated staff could come up with a list of practices for the Committee to consider. Lien stated the DLM is going to do a spring newsletter and that program and that people could apply for that money could be an item in the newsletter. Brandt stated the budget information is due August 22<sup>nd</sup>. Lien suggested the Committee do what has historically been done which is give 50% back to the General Fund and then start an account with the other 50% (approximately \$50,000) for the conservation

projects. Geske commented that since that is what the Committee has historically done he wasn't sure how anyone could complain about that. Britzius commented that they are probably going to want a concretely developed proposal to look at so that a lot of the details are filled in as to what we are going to do. Brandt stated he would entertain a motion to amend the budget to include a new line item for a non-lapsing account related to local (in county) conservation cost-share practices, then Brandt changed this to a motion. Stalheim clarified that it would be to add a new line item or create a new budget based on consulting with the County Clerk. Brandt agreed. Zeglin seconded the motion. Brandt asked Lien to develop a list of those practices for the next meeting for a quick Committee review. Brandt clarified this is an amendment to a motion to approve the budget. Motion to approve amending the budget to include the approximately \$50,000 line item carried with no opposition. Brandt stated we are now voting on the main motion which is the budget as amended. Motion to approve carried with no opposition. Brandt stated the budget will be sent to the County Clerk as amended.

**DATCP Governmental Responsibility Resolution**

Lien stated that Carla Doelle was going to come down and talk to the Committee on this. Brandt clarified that this resolution basically makes Lien the agent for signing up cost share agreements. Lien explained this is what we currently do now, but we're trying to make an even stronger effort to bring things forward to the Committee and to make sure that the Committee understands what the DLM is doing with DATCP (Dept. of Ag, Trade and Consumer Protection) and that DLM has final approval from the Committee on everything. Lien stated DLM has always done that in the past; however Lien felt we would do it more formally. Brandt stated they (DATCP) wants to be sure that you're not "pulling the wool over our eyes". Lien stated that was correct and they (DATCP) wants to know that the Committee is informed and knows what staff/ department is doing. Brandt commented he had hoped Doelle would be here, but asked if there were any questions on the resolution. Upon Britzius inquiring, Lien stated this is all in regard to the TRM and LWRM money that we receive from DATCP and there will be a certification (which is the next agenda item) that Lien will be presenting. Lien explained that staff always has and does bring the pay requests to the Committee each month for approval. Lien added that this is non-levy/grant money that comes in and out for those programs. Brandt asked if this will go to County Board. Lien responded no. Nelson made a motion to approve the DATCP Governmental Responsibility Resolution as presented, Britzius seconded the motion. Upon Doelle's arrival to the meeting, Brandt stated the Committee has just made a motion and second to approve the resolution. Doelle asked if anyone had any questions. There being no questions, the motion to approve the resolution passed with no opposition.

**LWRM and TRM Requests and Payment Approval**

Lien stated that what is exciting about these pay requests is that these are the first two landowners, Randy Herman and Gerhard Von Uhl receiving money from the small, large scale watershed grant that DLM received for the Elk Creek area.

**Land & Water Resource Management (LWRM)**

Name	Type	Amount	New CSA Total	Reason for change
Benjamin Henderson	Contract	\$2,100.00	\$2,100.00	Diversion
Benjamin Henderson	Pay Request	\$2,100.00		Certify Diversion
Billie Loesel	Contract	\$9,170.00	\$9,170.00	Streambank Riprap
Billie Loesel	Pay Request	\$9,170.00		Certify Streambank Riprap

**Targeted Runoff Management (TRM)**

Name	Type	Amount	New CSA Total	Reason for change
Randall Herman	Contract	\$6,611.33	\$6,611.33	Streambank Riprap
Randall Herman	Pay Request	\$6,611.33		Certify Streambank Riprap
Gerhard Von Uhl	Contract	\$6,504.75	\$6,504.75	Streambank Riprap
Gerhard Von Uhl	Pay Request	\$6,504.75		Certify Streambank Riprap

Nelson made a motion to approve the payments as presented, Geske seconded. Brandt clarified that this was for both the TRM and LWRM payments. Motion to approve carried with no opposition.

## **Update to Trempealeau County Farmland Preservation Plan-Opportunity for public comment**

Brandt stated this is an item that will be on the agenda. Brandt called for anyone present who would like to speak to this issue. Lien referred the Committee to a handout in their packets entitled “1981 Farmland Preservation plan goals”. Lien explained that Peter Fletcher, MRRPC, is working with Judy Betker on this. Lien read aloud an e-mail from Fletcher which stated, “Attached are the goals from the 1981 Trempealeau County Farmland Preservation Plan. Would it be possible, at your next meeting, to show the goals to the Committee and see if they believe the goals are still relevant and should be included in the updated plan? I think for the most part they are relevant. My commission’s bi-monthly meeting is at the same time and date of your meeting. If they decide they should still be included remind them that the draft Farmland Preservation plan is being prepared and that the public will have the opportunity to review the goals as well so they can change their minds later if they wish”. Lien asked the Committee, as they read through these goals, if these were things that they still believe are relevant today. Brandt commented these are a lot of the items which came out of the land use planning process. Lien questioned if the Committee noticed the “provisions for industry” goal? Schultz stated he would like to see, in terms of agriculture goals, maintain and encourage a sound agriculture economy or something that would address perpetually, agriculture as a long term economic activity that society will always need. Nelson commented that the market is going to drive that. Schultz responded people need food and agriculture has pretty much been the foundation of the Midwest economies. Brandt questioned what Nelson meant? Nelson responded we will see \$2.50 cent corn again at some point. Schultz responded that this doesn’t say agriculture depends on corn. Nelson replied, therefore it makes it harder for the farmers to come out economically. Schultz reiterated that this document does not say that agriculture is dependent on corn. Geske felt Nelson was trying to say there are highs and lows in agriculture. Britzius didn’t think that conflicted with what Schultz was trying to do – as Schultz is talking about long term goals. Nelson asked how we could do anything as far as setting goals. Britzius commented that is what we’re doing, and Schultz is just saying that we value agriculture as an activity in our County perpetually. Nelson agreed with that. Schultz added the comment that we recognize the long term importance of agriculture. If the land is maintained, it is going to employ and feed people forever and it has to and that is our responsibility. Britzius noted that this whole thing is title “Farmland Preservation Goals”. Schultz suggested something with the long term vision or perpetually the importance of agriculture. Brandt commented the second goal takes care of that and it has to do with the Class 1, Class 2, and Class 3 soils; “public and private actions in Trempealeau County should regard all lands which have historically exhibited high yields as an irreplaceable resource whose value should not be impaired for future generations.” Brandt thought that was the spirit of what Schultz was saying. Schultz responded this is also exhibiting high yields. We have bushels per acre as a way to measure yield. Schultz questioned with pounds per acre do we measure yield for livestock? Schultz continued that agriculture encompasses a lot of activities, not just corn and soybeans; grazing and Schultz questioned the wording, “historically exhibited high yields”. Brandt stated that during the planning process this came up all the time, Class 1, Class 2 and Class 3 soils with Class 1 being the best, so when one is looking at where to put housing for instance, nonmetallic mining or industry, one starts looking at the Class 3 soils first so as to avoid putting it on the productive land, so this language has been reflected in our planning process over the last twenty years because it was all about preserving the best land as we build out in the County (as we have seen in the last 20 years) trying to push it to those hillsides and hilltops. Schultz stated the people using less prime soils for forage, grazing and hay are feeling pretty smart right now in terms of agriculture economy. Brandt understood that and he was giving the historical perspective on this and it wasn’t that he disagreed. Lien suggested the Committee start considering, along with agriculture goals, the provisions for industry goals, because this question is going to come up again. Lien didn’t think still today that this Committee or the DLM for that matter has come up with great criteria to address the industrial sand mining industry. Maybe along those lines we should be looking at, related to those applications because they are all on agriculturally zoned land, how it impacts those historically exhibited high yields and maybe those aren’t places where we should be allowing mining activity and looking more at lower yielding places. Lien knows we tried to address it somewhat with the conditions in saying that, (using simple math) if you have a field that yields 100 bushels per acre today, it is not reclaimed until it reaches 70 bushels (70% of the cropping yield). Lien thought those were realistic goals even though he didn’t know if it was possible. If we are talking about productive Ag in our County, and the reclamation plans says it is going to

be put back into Ag, if one can't meet 70% of today's goal, to Lien it is not productive land. Lien stated those are just arbitrary numbers that he picked up from other county's, maybe this Committee wants to address that further, but Lien thought before it hits us again and we're not prepared, this Committee needs to think strong and hard about good criteria and siting because they are going to be coming back. If they meet all the criteria, they should have the opportunity to operate in our County, but if the site location isn't suitable for many reasons/conditions then that is a good reason to deny. Lien thought the Committee needed to think about that before the day comes and part of this planning process is a step in that direction. Brandt clarified that this is an on going thing and going over these goals was just a "heads up" to get the Committee thinking about it. Lien questioned the Committee as to whether the goals from 1981 are still the same goals today? Lien would say absolutely yes. Brandt encouraged Schultz to come up with some language to reflect what Schultz was talking about. Brandt understood what Schultz was saying in terms of agriculture and that it has changed significantly since 1981. There is niche agriculture as well as big commodity agriculture. Schultz commented this was 1981, but forage was a large component of Ag in the County as compared to now.

Brandt stated that County Board Supervisor Jeanne Nutter who is Vice Chair of the Personnel/Bargaining Committee has been waiting patiently for agenda item #14 so Brandt asked to move to that item at this point. Brandt noted that Nelson was on the Personnel Committee also. Zeglin stated that Corporation Counsel Rian Radtke had notified her that he wanted to be called prior to #13 – UDC Inspector and Inspection Program as he wanted to be present for that.

Brandt moved to Item #12 on the agenda. Britzius questioned what happened to the Farmland Preservation list that the Committee was going through. Lien answered that it is an ongoing thing and Lien had just given it to the Committee to review and if someone had any changes/additions/deletions bring them next month. Along those lines, Bawek stated the Committee had talked about siting of the mines and Bawek agreed that there are areas that are open and are great and would fit the County, but we don't have anything written down as a guideline. So, in principal, it sounds great, in practice when it comes to the meeting, it isn't happening. Bawek stated we are being accused of denying and that is not our intent and so we need to have something to work with (where the best place is for them to be). Geske commented that is all a matter of opinion. Bawek stated no, there are places that are better than others – there has to be. Geske replied but some people think their place is perfect and that makes it difficult. Britzius commented then we need criteria for what is more perfect and what is less perfect. Bawek stated the Committee needs to have a discussion on siting. Brandt recapped that Bawek is raising an issue, related to this (FLP goals list), which is what is it that guides our decisions. Checklists, templates, maps, etc. were listed and that's what Farmland Preservation was. The Farmland Preservation program was a way of creating a zoning map with exclusive Ag districts. Brandt stated, let's give it up to DATCP, when industrial sand mining came to the first Farmland Preservation farm, they said, "you know what, this was never part of the program - but if you wanted to put a quarry on your land you could do it and still be a part of Farmland Preservation". They understood it to be significantly different than the quarrying activity that was allowed under Farmland Preservation. Anyone who is in Farmland Preservation who wants to put a sand mine on it, loses their Farmland Preservation. The State at least understands that it is significantly different and using that as a precedent we can start making those types of decisions as well. Britzius asked if the Committee should think about a process for pursuing this type of thing or questioned what our process is going to be. Britzius suggested an agenda item next month. Brandt stated the agenda should read – Discussion of Farmland Preservation plan goals relating to provisions for industrial sand mining.

### **Surveying Update and Payment Approval**

Brandt stated Nelsen has presented a couple of reports and bills. Lien stated Nelsen is working in T20N, R10W, Town of Arcadia and he has the majority of it done and when that is completed we will have the entire county remonumented. Lien referred the Committee to the maintenance sheet/report. Lien noted that Nelsen has been working in the towns of Lincoln, Burnside, Sumner, Hale, Gale, Caledonia and Trempealeau. If the Committee members have a few minutes to look through the maintenance report, Lien noted that it shows the monuments that are damaged, lost or need additional work versus the monuments that are completely intact. Lien felt it was good to have the maintenance program in place as the monuments are of great value to the

surveyors that come into the office weekly. Bawek noticed that for every corner maintenance, there is basically a \$10.00/hour fee and asked if that was some kind of standard in place? Brandt explained that Nelsen has been trying to come with a number for what it takes to maintain a corner. In the past Nelsen has talked about this sort of three-tiered approach; there are some one looks at and they are fine all the way to- nobody has any idea where it was and Nelsen has to find out why it is gone and put it back. Lien commented on the report he sees a few at 9.5 hours so Lien wasn't sure. Bawek asked if Brandt was saying that as Nelsen is going through them he will come up with an average number. Brandt responded that basically by using terrain and land use, Nelsen should be able to predict what the chances are of a monument being damaged or disappearing and then Nelsen will estimate that a third of the County is going to be an hours worth of work, a third will be five hours, etc. and that is basically how Nelsen came up with a \$79,000 budget. More discussion took place about the codes on Nelsen's reports. Zeglin made a motion to approve the reports and payments as presented, Nelson seconded, motion carried with no opposition.

**Discuss Joint Meeting with Health Department to be held September 2nd, 2014 at 6:00 PM in**

**County Board Room.** Brandt stated the "Moratorium" Health Study Committee wants this Committee to be the first Group that they present a summary of their report to. They will have it prepared and then we will meet with the Board of Health in this room and they will give their presentation. Brandt added they also wanted to get it into this Committee's hands so that we can start reviewing it. It will be an open meeting and Brandt clarified it will be September 2<sup>nd</sup> and not on September 6<sup>th</sup> as the agenda reads. As the Chairman of the Board of Health, Brandt noted there will probably be a couple of other items on that agenda.

**Confirm Next Regular Meeting Date – September 10th, 2014 –** Brandt confirmed September 10th would be the next meeting date.

**UDC (Uniform Dwelling Code) Inspector and Inspection Program – Contracting for Services**

Lien explained that basically Rod Stenulson was notified after the Committee's last meeting from Human Resources that he had been given a time line to return to work, which expired on August 8<sup>th</sup>, or it would be a permanent absence. Lien stated that time has lapsed so now we need to look at how we continue to provide that service and fulfill our obligations. DLM has a current agreement with GEC (General Engineering Company) that expires August 31<sup>st</sup>, 2014. Lien informed the Committee that we received another proposal from High Cliff Consulting that pretty much mirrored the same program because High Cliff had made an open records request and received a copy of GEC's contract. High Cliff is a local provider (Emery Palmer) located in Trempealeau. Lien wanted to put it out to the Committee. Lien gave an update at what occurred at the Towns' Association meeting which he recently attended. At that meeting Lien had asked the towns what they felt. According to Lien they all recalled what happened back in 2004 when Lien had met with them about the Uniform Dwelling Code (UDC) Program and how it was intended to work. The Town's were in favor at that time with the County putting something in place in January 1<sup>st</sup>, 2005 to meet the State UDC requirements. Lien stated the Town's reconfirmed that, but stated they would like to see the County do a twelve month contract (if we are not going to fill the position) with a provider in order to make sure that they are still providing the same services and that things are working out. It would then be revisited after twelve months. As we talked in budgets, Lien reiterated that the company we are using now is working out well but they are only here for so many hours/in the office on Monday, Wednesday and Friday. DLM staff tries to fill in the void. By contracting, Lien stated we are not providing the same public service we did before but we're making it work. In reality, after we weather through the two year period of permits that have been issued prior, we should actually make roughly 10 % income versus either zero or taking a loss, depending on the economy. The contract with GEC states that they are only receiving the permit costs. We are not paying mileage or an hourly rate. Lien thought both proposals are the same. With that, Lien wanted to continue to support this program and will continue to encourage staff to get credentials because we still have inspections that could/should be done on Tuesday's and Thursday's. Right now Lien stated there is no one on staff that has all the UDC credentials that are needed so we need to contract out or hire someone as of August 31<sup>st</sup>, in order to continue to provide that service. Lien asked Radtke to review both of the contracts. Lien knew there was language in one or both of them that should be amended. Brandt asked if Lien was making a recommendation as to whether we should change whom we contract with. Lien had

stated earlier in the meeting the benefit of consistency. GEC, even though it has been a transition, Lien thought are working rather well but it is really a Committee decision. Upon Zeglin inquiring if High Cliff Consulting had the required staff that has all the licenses, Lien stated he believed through multiple people they do. Lien didn't know if any one person had all the credentials. The company we are using now has multiple people with all the credentials plus they have in-house engineering staff which isn't in the contract but we have utilized it once already. Zeglin commented when contracting with High Cliff there might be numerous inspectors going out on a particular site where with the current one, hopefully, there will consistently one person going out. Lien commented that for the most part it has been one person but they are training another person. Gamroth questioned if DLM contracts with GEC for an entire year would they come every day and would they send the same person (unless there was an illness or something). As far as Zeglin was concerned, Department staff is already overworked and having them take time away from their day to make these inspections is not beneficial to the Department. There either needs to be a full time person on staff or contract with an organization who can do inspections every day. Lien added that neither contract states hours or times, they just state they will provide the service. Brandt clarified that what Lien was saying is that the three days a week that they are here is not part of the contract, it just happens that they are here three days a week. Lien responded that was correct. Upon Nelson inquiring if they both were offering three days, Lien replied he hasn't really had conversation with High Cliff about days or hours. Brandt asked Radtke what he saw in the contracts. Radtke asked Lien to correct him if he was wrong, but in order to give the Committee a full picture, Radtke stated he didn't believe that the County is absolutely required to do UDC inspections, this is something where an Ordinance could be repealed and this project sent back to the State and the State would be responsible for carrying that out. Lien stated that was correct. Radtke just wanted the Committee to be aware that it isn't something that has to happen it is just something that Radtke believed the County chose to do at a local level and it could be done at a town level (and some have) and other County's have chosen to defer it to the State and in Trempealeau County, the County does it. There are other county's that do it. It is somewhat of a "mixed bag" and Radtke just wanted the Committee to be aware of that. Radtke thought the question the Committee has to ask itself is whether they want to hire a full time person to fill that role versus contracting it out. If the Committee decides to contract out, Radtke would mention that, while we have a current company, (Radtke wasn't sure how we came to utilize them), we also have one proposed company, so we have two proposed company's to contract with and your trying to decide which one to use or if you're going to go that route, with sort of similar terms. Radtke suggested (and he has suggested this to other departments) that when needing a professional service sometimes the best way to get the best price is to put out a RFP (Request for Proposal) and send it out to the various companies that can do those types of work (it can be done by sealed process or not) and then get possibly more than just two company's to look at. Radtke explained that what would happen in the RFP process is spell out specifically what it is that we are looking for (someone here five days a week, 8-4:30, etc.) and put that in the proposal. Then we get a response and they will tell us how much they are going to charge and we can agree or not agree with those proposals. While having two in front of the Committee and making a decision here today, Radtke understood there is only a short window of time, as this current one is looking to expire as of the end of this month, but Radtke didn't think there would be anything prohibiting the County from entering into a one month extension, etc. if they wanted to go that route. What Radtke was trying to say is that there are other options other than just having to look at just these two and if the Committee doesn't like the terms, etc., we can always work on changing those. There are a lot of options out there to discuss; it is not just these two. Radtke continued that if the Committee does want to go with one of these two, Radtke does have some specific recommendations relating to the proposed contracts that are in here. Radtke wouldn't get into that detail unless the Committee is thinking they want to go that route. Brandt asked Lien how we acquired these inspectors. When the vacancy occurred that DLM wasn't prepared for, Lien called around everywhere, to see who had credential or who could even fit the County in, and basically this was the only company. At the time, High Cliff Consulting didn't have anyone with all the credentials needed. Other private inspectors had "full plates" but said they would try to help out short term. This company said it was perfect timing as they had a new guy, fully credentialed that they were training out of Black River which is close to us. This company, GEC, is out of Portage but said they could help us out in the interim. We had a very short term contract with them that was extended to August 31<sup>st</sup> and we said we would review it at that time. Lien knows there are some language changes in the contract that Radtke would definitely want to amend, but at the time, GEC was the only company

that was willing and able to help us out during that immediate crisis. Brandt asked Lien if he saw an RFP as being a possibility or helpful. Lien responded it is a possibility; however Lien had called probably a half dozen people and inspection companies. Lien felt he had exhausted every avenue. Lien added that when Stenulson was hired, the position was posted and publicized and twenty people applied, but only one was qualified and that is who we hired. Lien stated there aren't a lot of people in the area that have building inspection credentials. Brandt commented it is odd since it is a State mandate. Lien thought the State has really toughened up the criteria. Usually the inspectors one sees are very rarely new ones – they are usually seasoned ones that have had it for personal use or have worked for bigger companies in the past. It was always a requirement that if there were over 5,000 people in a municipality that you had to have a building inspector and then it was changed in January, 2005 and said that regardless of your population, everyone had to have an inspector. Lien stated Radtke is correct by saying it isn't a mandate for us, it is a mandate at the State level so when we met with the towns' (that we provide a lot of services for), cities and villages in 2004, they asked the County to provide this service and put it in place. That is why Lien went back to the towns' association last month and asked them again. Bawek and Zeglin were at the towns' meeting and heard the conversation. Lien stated, unanimously, the towns' wanted the County to keep this program in place. Zeglin stated the towns' are very appreciative of this program in the County and they would like to see it continue. What Britzius was hearing Lien saying is that the best possible public service was having somebody on staff here all the time? Britzius was wondering if we could hire somebody and give them time to get the credentials. Lien responded that the problem is that one can't provide the service unless you have the credential. Lien noted that is why we left the salary for a UDC inspector in the budget. If the Committee decides that the current situation isn't working out, we could continue to contract with a company and still post and advertise to fill the vacancy. One of the real benefits to this program, when we had a full time staff person, is that an applicant could come in (whether the landowner was building it themselves or whether it was the contractor) and if they had questions they could walk down the hall and meet with the building inspector. Right now, we don't always have that luxury. Nelson stated we have the money in the budget and questioned if it could be posted to see if there is anybody out there who would apply? As Radtke had mentioned, Lien stated we could either extend this contract or something because we need to provide the service and realistically we are probably look at a couple of months which are needed to advertise, interview and fill the vacancy. If that is the way the Committee chose to go, Lien did have the money in the budget. Zeglin thought that might be a good way to go; contract month by month with the current company until someone is found to be permanently on staff which would free up the rest of the staffs' time as when staff is running out on "emergencies" it has to be very difficult to provide those services. What Brandt was hearing is a trend towards a willingness on the part of the Committee to consider refilling the position through advertising and also keeping a two month extension of the contract, if the company is willing to do that. Brandt asked to hear what Radtke's concerns were about the contracts. Radtke explained that if we did an extension, it would need some clarifications on a few points, so if the company is willing to do an extension, we could work with them directly on that issue. Bawek asked if an addition to the staff would have any other responsibilities or could they fill in any other capacity? Lien responded the only thing that we talked to them about is that in some point in time, if we wanted to pick up commercial building inspection, which we currently don't do at the County level, that one of them is a commercial building inspector. Right now all commercial inspections are deferred to the State inspector, Leonard Alexander from LaCrosse and he comes up and does all commercial building inspections. We issue the zoning permit and we are done with it. Lien thought it might be a service that we could provide through GEC in the future. Brandt thought Bawek's question was, if we were to find someone who had all the certifications to hire as a staff member, would that person also have other responsibilities other than inspections. Because the DLM is economically driven, (Lien explained what has happened in the past) in 2006 was the peak of building in the County and then it dropped, so in lean times, the UDC Inspector was also putting up 911 signs and doing some zoning, so he did have additional duties. Right now the company that we're contracted with only does building inspection. Upon Bawek asking if Lien could find additional work for this person, Lien responded "absolutely". Lien added that if we were to hire someone, there would be other job duties besides building inspection. Building inspection would be the focal point, but in lean times they would pick up other duties as needed. Bawek and Lien agreed that would be a big plus for the department. Brandt stated Lien is looking for some direction. We currently have money in the budget, it is possible to post for it, the contracted services could be extended and we have

very little financial responsibility to them or requirements. Geske asked if the contract should be extended two or three months because even if someone is hired in two months it will still take some time to get them “broke in” and used to things. Radtke suggested putting in a provision for a certain amount of months and then including a 21 day or 30 day cancellation/termination clause to give us the flexibility as there is somewhat of an unknown as to whether we are going to be able to find someone on the first try, second try. Radtke commented we could even do another annual contract with that termination provision in it or shorter notice if we do hire somebody. Geske inquired if it would be wrong to try to find an individual to take the job and ask these company’s what they would do if they had somebody full time – could the Committee do both? Bawek commented we should be able to check out both and that was one point Bawek was going to make. Lien thought it might be possible to negotiate with the current company that their new employee out of Jackson County could be here five days a week. Geske stated that is what he was talking about that Lien should find out what they would charge us and find out how far they are willing to go because if they can do it and the guy is good (it sounds like the DLM is happy with them), Bawek chimed in then we would have a comparison. As Lien has said, Geske reiterated it isn’t easy to find someone with all the credentials and that way the County wouldn’t be done advertising and yet no one is here. Brandt stated this is a change to the contract and would require some “spelling out” of the ability, with the possible change in services. In the meantime, Geske suggested having Radtke extend the contract right now and then do both of the other avenues and see which one does fit or works out. Nelson made a motion that we try to post for the inside position in the event that we can get someone on board and if not, explore the other company’s to see if they would provide someone full time and how much it would cost, while extending the current contract at least two or three months. Geske suggested adding, what Radtke had suggested, that it be a one year contract with a provision to cancel (this was somewhat of a group motion). Geske seconded the motion. Brandt repeated that the motion is to extend the existing contract for a time to be determined by staff with a provision for canceling it within so many weeks if necessary and to pursue the double track of hiring full time county staff and the possibility of contracting for full time staff. There being no other questions or discussion, the motion passed with no opposition.

### **Review Revised Job Descriptions for DLM staff**

Brandt suggested going through the three job descriptions one by one. Geske excused himself from the meeting at this time. Lien stated it was interesting to sit down and review the job descriptions. Lien worked with Gamroth and Doelle on their job descriptions. As Lien was looking at his job description he couldn’t understand how the company that did the wage study looked at his and decided what the wage should be. Lien’s job description has always included administering ordinances generally. Lien told the Committee that in the past five years, the Nonmetallic Mining Ordinance has “eaten up” more of his and his staff’s time than the Committee could possibly imagine and Lien questioned how one writes that into a job description. His job description says, “Administers ordinances, updates” and one thinks about what they do eight hours a day, forty hours a week and one of the largest work loads that Lien has is really just dealing with clientele. The e-mails, the phone calls and the “walk-ins” are such a huge part of what one does on a day to day basis. It is the answering of Ordinance questions, subdivisions of land, mining, junk ordinance and all these things are huge “time eaters” and it could be wrote in one small paragraph in a job description and “eat up” 70 percent of ones time. Lien wasn’t sure how they (the job study) weighed certain things. What Lien tried to do was just add the things in “red” that Lien felt were additions to his job description that weren’t really very clear. Some of them are repeated a little bit but Lien added them in there because he thought they are important, like the paragraph about nonmetallic mining because it does take up so much of our time. Lien added it may be consulting with attorneys, other towns, cities or villages. In regard to that, Lien mentioned that the Independence Mayor, “Ottie” Baecker had visited him and they had a nice chat. Lien had called him and offered for Baecker to come in and meet with Lien to discuss the newly adopted Ordinance (the changes to the newly adopted Nonmetallic Mining Ordinance) so that it was clear to Baecker. Lien thought there were a lot of rumors out there as to what the rules are and what is driving annexation. These types of meetings are pretty hard to write in a job description or describe. Lien explained his reasons for requesting a reclass. Lien discussed the job study and where he was placed and it was perplexing to Lien to understand how it was done. Lien felt the only people who should determine what he gets paid is the Committee as they know what he does and as far as staff their wages should be determined by the Director relaying it to the Committee because Lien knows what each staff member does

40 hours a week. Jeanne Nutter and Lien discussed the education requirements for his and some other Department Heads. At this point Zeglin suggested that Nutter be introduced to the viewing public and suggested explaining why she was sitting with the Committee right now. Upon Brandt asking Nutter to introduce herself, Jeanne Nutter stated she represents District 15 on the County Board of Supervisors and that she is also the Vice Chair of the Personnel Committee. Lien explained to Nutter that some of the discussion at last month's meeting was how the system works in the County as far as pay. It allows for a reclassification process. Lien wasn't sure if he needs the Standing Committee's approval. Lien thought he could just fill out the reclass and it goes on to Personnel. Lien didn't feel good about that and he wanted the Standing Committee's support and to have them "on board" with his and the other two job descriptions (which will be talked about later). If Lien doesn't have the Standing Committees' support he won't go on to Personnel with it. At this time, Brandt clarified that Nelson is also on the Personnel Committee. Lien stated Brandt had asked him to just highlight in red the changes/additions made to the job descriptions. Lien has elaborated a little more on each of his job duties and noted that he is the only one on staff that has UDC credentials even though that is not one of Lien's primary duties he is doing inspections on an as-needed basis. Schultz commented that if someone were hired to do that full time, Lien has the knowledge and experience to oversee their work. Lien stated that even when Stenulson was here, Lien still did some inspections because it is a big county and if he was up north, someone might call and need an inspection down south, so it was easier to have Lien just go down there. Lien elaborated on some of the demands on building inspection from the public. Britzius stated this job description is in some respects specific to Lien and if someone else came in they wouldn't probably have those credentials. Lien stated that was his problem with the job study. Lien added the wage was based upon a job description and it was made generic so the Committee could replace Lien's position at any give time. Lien thought that was fine for replacing somebody, but that isn't fine for establishing what Lien should make for a wage. Lien has been here 22 years and a replacement might be fresh out of college and for them to make that kind of wage is an injustice to them and the County both. In thinking about ever having to replace the Service Specialist, Lien stated it takes approximately three years to get to the knowledge/experience level that Gamroth has in that position. Lien stated there isn't a class that he could send staff to, to teach them zoning or administering the Ordinance. One has to just absorb it over time. Lien stated Gamroth answers the questions she is knowledgeable in and if necessary refers them onto someone else but she is willing to do that and that experience is priceless and when someone new is in that position that can't answer those questions it dumps a huge workload on everyone else – a bigger one than is already there. Those are Lien's problems with how the job study is done and basing reclasses off of job descriptions. If Lien had to refill the Service Specialist position today, he would write a new job description because Lien would not expect or require them to have the knowledge that Gamroth has from experience. Brandt repeated Lien's concern as being a job description being used to determine what the pay level is yet the job description is not based on what Lien is actually doing nor years of experience. Lien added that this job description is a revision and with Committee approval this is what Lien would take to Personnel. When one looks at the job titles, pay grades and classifications, what Human Resources had explained to Lien was that the goal should be that staff is at the mid-point of the grade they are in. If Lien had Committee approval he would request that he go back to where he was previously, with the IT person and Highway Commissioner at the Grade 3 at a mid point. Lien asked if the Committee felt this was accurate and a representative job description or would they like it amended and does Lien have the support of the Committee to go on to the Personnel/Bargaining Committee. Lien added he would be asking the same thing for the next two positions. Britzius stated he didn't feel competent in looking at the job description and know specifically if all these things are accurate but Britzius trusted that they are. At this time the fire alarm sounded. Nelson stated he needed to officially leave the meeting and that Lien could take the job descriptions to Personnel Committee. For this particular position, Britzius made a motion to direct Lien to go to the Personnel Committee and change his classification from a 4 to a 3 (Nutter mentioned Lien would go back to where he was – a 3) and support a revision to the job description, Zeglin seconded the motion, motion carried with no opposition. At this time because of the sounding fire alarm, Brandt recessed the meeting until 1:15PM. The Committee members left the room briefly. Once the Committee members were given the "all clear sign" in regard to the fire alarm, the meeting was brought to order again. Brandt stated the Committee was still working on the revisions to the job descriptions and the requests for a reclass. Brandt noted that the Committee had previously voted to support Lien's reclass. Brandt also noted that Nelson has left the meeting but that there is

still a quorum present and that Jeanne Nutter is joining in the meeting to add perspective. Brandt stated the next position to be considered is the Service Specialist. According to Brandt, Rick Geske was shocked that Gamroth was making as little as she was and had commented that a ten month secretary position at the school district was making more than Gamroth. Lien requested a wage increase for Gamroth from a Grade 14 (she is in the upper group with little or no room to grow her wage) to a mid- grade of a 12. Lien added that if/when there is a vacancy in this or the other positions, new job descriptions will have to be written which is almost always the case anyway. Brandt read aloud an addition to the Service Specialist job description, “the ability to work in a, fast paced, high stress environment with a variety of people from the public with a good degree of accuracy”. Lien commented that is an understatement. Gamroth commented that she didn’t think words could describe the last four years of work since the mining took off. Lien stated we were busy before, but when the sand mining started, it flipped our world upside down. It wasn’t only the miners that came in that created the work load, it was permitting, inquiries from people for and against mining and requests for information. Gamroth added that we were “blindsided” and not prepared and didn’t know what was actually happening until we were probably six months into it and by that time there were all these issues to deal with which included emotions. As everyone knows we struggled with Committee meetings, rooms to have the meetings in, etc. Brandt added that Gamroth set up all those venues and made sure that the public notices were done. Gamroth stated that all the surrounding landowners also had to be notified and it is hard for anyone to imagine what was dealt with and Gamroth was unsure of what would happen once the moratorium is lifted. Speaking from a Personnel Committee perspective, Nutter stated this Department took on a whole new work load which Nutter thought could really be its’ own standing department as DLM deals with lawyers, lawyers from out of state –knowing what’s going on in other states, and the media, etc. and there has never been an adjustment made for that increased demand. Speaking as a citizen, some of the other stuff that the Department used to do doesn’t get done. The relationships that you used to have with farmers, and the interaction that you had with all of the people, isn’t there anymore because you don’t have the time or staff because your focused primarily on the sand mining industry, so Nutter thought Personnel has to acknowledge that immense work load that has been added to the Department with no compensation for anybody. Lien added that there was some new staff added and when that happens there is increased workload on everyone else because there is training involved on a daily basis and can take years. Gamroth also elaborated and emphasized the importance of continuity in her and other positions. Brandt put focus on some of the legal aspect of what Gamroth does – everything from notifying the newspapers to notifying the towns’ after this Committee has made changes to the ordinances. After the Committee has gotten through their process there is a big sigh of relief, but there is another whole step that has to be done such as various postings, legal documents and what we do as a department in notifying landowners that something is coming up in their neighborhood – that is something that the Committee doesn’t have to do and Gamroth does it. Gamroth stated that was another thing that was scrutinized more than ever throughout the mining hearings. Brandt added she is legal, she is public relations and we don’t pay her to do that. Britzius stated we need the Personnel environment of the County to reflect the realities. This isn’t some kind of manufacturing plant where you have somebody who does “x and y” all day, this is a fluid environment, especially in regard to what was just talked about. Britzius felt the challenge for the Personnel/Bargaining Committee at this point was that the County is moving into a new world, the world is different than it used to be and it is going to take a really flexible system to be fair and equitable and keep good people here and it is not a simple matter. Britzius stated Lien wants a reality of the systems that he is working in and not some rigid, old fashioned thing that has a bunch of boxes in a row and that is challenging the County government to wake up and come into the modern world. Schultz commented that was well said. Nutter stated Britzius should come to the Personnel Committee as a representative of this group. Brandt recapped that what Lien has done with Gamroth’s assistance is to illustrate more accurately the level of work and the quantity of work that she does. Brandt added this is a little different as Committee action is only required for Lien’s request for revision and reclass. No action is required for Gamroth’s, but Brandt added that Lien is right that this would go a long way towards convincing the Personnel Committee that this is important. Schultz commented it is really quite simple, Lien has added detail to what is done and he needs to move forward with that. Zeglin made a motion to approve the Service Specialist position description and the move up to a Class 12 in the grade schedule, Schultz seconded the motion. Motion carried with no opposition. If these reclasses go through, Brandt asked what the budget impact would be. Lien responded the budget issue related to staff funding in the DLM is very rarely an

issue because we are somewhat of a self-funded department and we charge fees for the services that we provide. The fees the DLM charges usually try to offset the wages comparably so that we don't have a lot of levy dollars involved. Lien's wage and a portion of Carla Doelle's wage is probably going to end up funded by DATCP. Lien explained the DATCP funding process. Because of that program DLM gets reimbursed some wages and benefits plus there are the "user fees" that the DLM charges which this Committee has the ability to change to offset costs. Brandt clarified that Lien was saying there won't be much of a budget impact. Brandt stated the Committee is now looking at a position that Carla Doelle holds. Lien stated Doelle is the Zoning/Agriculture Conservation Specialist. Lien explained that the main reason for this change is because Doelle trained herself, took the test and became certified for the POWTS (Private Onsite Waste Transfer System). She is a back up person to Mark Carlson. Doelle is also a Certified Soil Tester and is a back up to Carlson on this also. Lien holds those credentials as well. Lien encourages staff to do things like that because it allows for better service to the public and makes our Department better, however there is no compensation tied to it. Lien struggles with that as he feels there should always be incentive for staff members who want to take on more and do more. The way the system works is, because she took on those additional certifications and programs, the job description was revised to reflect those. Doelle is currently an 11 or she is beyond the mid point of the 11 and a Category 10 where Carlson is at which is one step higher and Doelle is actually beyond the midpoint of that, but that category fits the same and it would be consistent with Carlson. Lien referred the Committee to the second page of the job description and pointed out that it includes coordinating Youth Education Programs. Doelle has always coordinated the Soil Judging Contest, but the Youth Education Program (getting more involved in the schools) has been added to her job duties. Brandt assumed that the item below that, "serving as liaison" means between the Department and DATCP and the Department and DNR and that she doesn't stand between the DATCP and DNR. Lien would adjust that. Lien commented that Doelle has taken on more of that liaison role. Lien stated Doelle has her well delegation credentials and issues well permits. Lien and Doelle both hold those credentials. Lien stated these were his justifications for making adjustments to Doelle's job description. Lien reiterated that if Doelle would vacate the position this job description would be re-written to accommodate for the new person coming in because one doesn't expect to hire a new person having the POWTS, Soil Tester and well certifications, but Lien felt Doelle should be compensated for the additional duties she has taken on. Britzius clarified that if the change is made, her salary won't actually change much but she'll be in a position with more "head room". Lien replied it depends upon where she gets placed. Lien hasn't been through this process. Lien thought an applicant requests to go to a different pay grade at a certain level because there is a minimum, a mid point and a maximum of each pay grade. Nutter stated she is new to this, but she thought that was a discussion that could be had at the Personnel meeting. Nutter believed that a couple of months ago Personnel made some changes because of someone in the Highway Department who had taken on some additional responsibilities and then there was compensation. Nutter thought that at the Personnel meeting it would be a discussion just like this Committee is having right now and the Committee will say, "Aye or nay". Nutter hoped that someone from this Committee would be there with Lien for support. Regarding the Zoning/Agriculture Conservation Specialist, Britzius made a motion to approve the revised job description and support the move to a reclass of that position, Zeglin seconded the motion. Motion to approve passed with no opposition. Brandt stated that Britzius and Lien will try to attend the Personnel Committee meeting.

Brandt reminded the Committee of the meeting on September 2<sup>nd</sup> to hear the report from the Moratorium Health Study Committee. Brandt stated this Committee will have a lot of homework to do because there will be recommendations for ordinance changes as well as some policy changes based on their findings and it will be up to this Committee to decide if that is what we will want to do.

At 1:06 PM, Zeglin made a motion to adjourn the meeting, Schultz seconded, motion carried unopposed.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary