

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
September 10th, 2014 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:08 AM. Brandt stated that part of this meeting today will be a joint meeting of the Environment and Land Use Committee (E & LU Committee) and Board of Health. Brandt noted that TCCTV will be taping this meeting today for future broadcast at some point. Brandt announced that the IT (Information Technology) Department is downloading the 100 plus page Health Impact Report and the PowerPoint presentation, that the Committee is about to see, onto the County website. Anyone who wants to view that should be able to do so via the website. There will be an opportunity for questions after the presentation. Brandt made mention that there will not be any other business conducted by the Health Board other than the presentation and the question/answer period to follow.

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

Committee members present: George Brandt, Michael Nelson, Wade Britzius, Jon Schultz, Curt Skoyen, Kathy Zeglin, Jeff Bawek and Rick Geske

Staff/Advisors present: Kevin Lien, Virg Gamroth and Jake Budish. Carla Doelle, Corporation Counsel Rian Radtke, Public Health Director – Sherry Rhoda, Board of Health – Dr. Joanne Selkert, Dr. William Baxa, Tim Zeglin, Sally Miller, Wayne Skroch and Pam Nelson were present for part of the meeting.

Others present: Christine Hovell, Bill Vachon, Terri Matelski, Nicole Hunger, Mark Kunz, Kathy Lockington, Donna Brogan, Mary Frisch, Marlys Kolstad, Gary Bixby, D. Mitekli and Beth Killian.

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

Adoption of Minutes – Zeglin made a motion to approve the August 13th, 2014 meeting minutes, Skoyen seconded. Bawek made a couple of minor changes to the minutes. Motion to approve the amended minutes passed with no opposition

Chairman Brandt called the Joint meeting of the E & LU Committee and the Board of Health to order.

“Moratorium” –Health Impact Study Committee Formal Presentation of Final Report – Brandt announced that the members of the Committees have the PowerPoint summary as well as a copy of the final report. Upon Brandt’s inquiry as to how the public can get a hard copy of the report, Carol Bawek stated they can call the Health Department, leave a name and mailing address and they would be happy to mail out a copy, but noted that part of the reason that the report is “online” is so the public can access it from their computer. Brandt called on Health Impact Study Committee members Paul Winey and Cristeen Custer to give the official presentation of the report. Winey introduced himself and stated he also served as Vice Chairman for the Committee and he then introduced Cristeen Custer who served as the Committee secretary. Winey recognized and thanked the Moratorium Health Impact Study Committee most of which were present and who worked very diligently over the past year to prepare the report. Winey thanked the other Departments who aided the Study Committee. Winey stated this is a report on the health impacts of nonmetallic mining. As such we need to recognize that health is so much more than just the absence of disease it is the balance of physical, mental, emotional and social well being. In essence, quality of life. They based the findings and recommendations of

this report on these aspects of health. In this presentation they will identify current and potential impacts and suggest strategies that will eliminate or minimize them. From the Committee's prospective, the citizen members and health care professionals, they feel very strongly that citizens should not bear the responsibility of proving harm but that it is the responsibility of the industry to prove safety. The goal of the Committee is the protection of the residents, visitors and those people working in Trempealeau County now and for the decades to come. The Latin phrase "*Primum non nocere*" first do no harm may best be applied here. This is a creed that Winey bases his application upon and a principle that they hope will be adopted by this County in regards to this issue. In regard to the study process, Winey stated they initially used the health impact assessment format to establish the scoping for the project. This process then lead to a thorough review of information from multiple sources. A survey of county residents living within one half mile of an active or permitted mine was compiled and several community, business and governmental focus groups were also held. The results of these surveys and focus groups were included in the final report as well. They were also able to work with the University of Iowa on an ongoing air quality sampling study. The results of this study are still pending. The mining industry itself was also surveyed and some responses received back. All of their responses are included as well. Cristeen Custer introduced herself. She has been a resident of the County for 25 years. She has been very active as a citizen member of zoning initiatives as she served on every Committee related to zoning and the regulation of nonmetallic mining since the inception in the County. Custer then gave a quick overview of what the report is. (A copy of this report and the PowerPoint which accompanied this presentation are attached and made part of these minutes). Custer did point out that the document before the Committee is a dramatically abbreviated version of the amount of material that was acquired. There is a lot of data out there and this is a very complex issue. Custer wanted everyone in the room to realize that this report is not the end of anything, we are just getting started. For all of the research they did, even as they concluded the study in their individual areas, there were more and more questions and observations and starting to see how all of the pieces fit together. Custer commented they did not have enough time. In deciding what to present to the Committee in 30-40 minutes, they discussed, what overall are we charging our County Board with doing and these were the recommendations of what the Study Committee thinks needs to be done to protect the health, safety and environment in the County; support community stability, improve pre-mining evaluation, require mining accountability, guarantee natural resources after mining operations cease. They suggested monitoring the location of new dwellings. If workers live here they are more likely to spend a greater amount of their income here and obviously housing has a direct connection with property tax and it is the basis for supporting county infrastructure services. Improved housing options would be a way to entice the roughly 6,000 workers who currently commute into our county for jobs, but here is the dilemma, people don't like to live near mines and our mines are located primarily around our urban areas. We are working with a contradiction here. We are increasing an industry that could repel housing at the same time, when we really should be looking at how do we get more housing and more workers living in our County. The Study Committee thinks the County needs to look closely at the sale of property in close proximity to mines. We should be monitoring that closely to determine whether mining is a factor there. Finally the last issues deal specifically with tax and the impact on school aid formula is beginning to be increasingly evident. School districts with higher equalized valuation receive less state aid. The financial impact of mining on school districts needs to be a bigger part of the discussion in our County. The Study Committee recommends the close observation of increased township taxes. There are many pieces about the tax formula that we don't know yet. The Study Committee is requesting the County Board to enact a long range strategic planning process to counteract the negative impacts from industrial sand mining. The benefits of mining are likely to accrue to the region. The money that is coming out of Trempealeau County is not staying in Trempealeau County, it is going out to the region and that is what all the economic prognosticators are saying. It is a regional boom it doesn't equate with a Trempealeau County boom. The problem is the cost of the infrastructure and services for Trempealeau County are borne by Trempealeau County taxpayers – another contradiction, as we have vitality in the region, but increased costs in our County. How are we going to offset those? The Study Committee thinks it is really critical that we as a County identify how we are going to address that. They believe that without pro-active regulation and long term planning the infrastructure and service costs created by mining will be borne by a taxpayer base that is not increasing. They recommend that the permit application fees for mining permits, to cover additional expenses of monitoring and research be offset partially by increased mining fees. The Study Committee recommended

establishing processes to monitor wildlife resources and tourism and that scenic beauty areas be designated where mining cannot commence. They felt reclamation is one of the key areas and deserves more study and monitoring in the County because this is what we are left with after the mines leave. They believe reclamation plans need to be tightened in the mining approaches to reduce open mining acres and reduce the amount of time the acres can be open because they know it is directly tied to degradation of that land and that we need to ensure that equal and compatible land use, both pre and post reclamation in mining permits is compatible with County and land use plans. They believe the County Board should pass a resolution condemning the use of “balloon on a string” annexation as we need to encourage cooperative boundary planning. When cooperation is lacking townships should be considering public interest and opinions from the Wisconsin Department of Administration and they think the County Board should take a very strong stance on annexation and support state legislation to prohibit annexation when 50% of the area extends further than one quarter of a mile from existing city limits. The Study committee thinks that there should be a significant push to update land use plans immediately so that County citizens have the opportunity to have their voice heard, from a planning perspective. They think the County needs to update its’ Comprehensive Plan as a result of that as well. Custer stated the decisions we are making in our County today are going to impact the citizens’ life in this County in 20-30 years dramatically. If we avoid decisions and don’t make decisions or ignore potential problems, we are condemning them to a significantly less quality of life. The final recommendation from the Study Committee was that we should be limiting the number and expansion and location of mines immediately to allow the time to update land use plans and develop a comprehensive, long range, strategic plan. Winey stated they tried to make their presentation in a way that the E & LU Committee would think through an application process. Ideas that need to be worked on immediately for the support of stable communities. Ideas that can be used for pre-mining evaluation, before perhaps that application even comes in. Some of these items could be included in the application process or perhaps conditions of the permit. In trying to identify how much land in current land use in compared to what the post mining land use will be should become a more defined part of the application process. In reviewing the Comprehensive plan, natural beauty and preservation of rural lifestyle was selected by 78% of those that responded on the survey. These factors directly affect an individual’s quality of life and that quality of life directly affects their health. Work should be undertaken to establish a lighting ordinance to address those portions of the County still experiencing undisturbed night times. We also need to continue gathering the data from the University of Iowa air quality study and report this on to the Board of Health, they can then make further recommendations regarding future air quality studies and the application to the mines. We need to better consider the vulnerability of ground water contamination. This needs to be identified before a mine is even located. A detailed listing of all chemicals and fuel storage should be cataloged and potentials for contamination of groundwater identified before the permit is granted. The Study Committee suggested increasing the radius of testing of private wells from the 2500 feet to a one mile radius and locations of mine should be prohibited of high groundwater contamination susceptibility. Post mining susceptibility should also be modeled and considered in the application process. In regard to sound pollution, the Study Committee suggested expanding the sound modeling analysis to include daytime noise production from a mine and making that an inclusion in the mine application. These are recommendations that are necessary to determine the appropriateness of mine applications. The information gathered through this process will give a much better understanding of the impact a mine would have before it is constructed. Specific health impacts could then be identified and a more informed decision regarding the appropriateness of a mine could then be made. Recommendations for ongoing mining operations are: any new development should comply with the lighting requirements, there needs to be ongoing monitoring of existing mines to ensure that they are meeting these standards. Multiple studies have shown the harmful effects of particulate matter. The specific effects of nonmetallic industrial sand mining on air quality, however, remain a huge question. The Study Committee feels monitoring needs to be expanded to include the smaller particulate size and to include all mines as we won’t know if we don’t monitor. They recommended that the permit holders be responsible for collecting all of the data and reporting that periodically to the E & LU Committee and also considering the Board of Health. This is something that the County needs to think about enacting. In addressing ongoing mining accountability with ground water, we need to increase the monitoring of the groundwater during the life of the mine and also into the reclamation process and beyond. Only food grade polyacrylamide based flocculants should be used and the amounts carefully catalogued and kept track of. In addressing mining accountability for surface water, specific

recommendations were that all process and settling ponds should be lined using closed loop systems. Pond sediment should also be tested again for specific contaminants before being used for reclamation. Monitoring of contamination of natural waterways should extend to a half mile from the mine. Materials and any processing should be enclosed as much as possible to prevent contamination. The Study Committee feels these are things the industry can do and in most situations would be willing to do in order to gain access to a permit, but there are things we need to put into place and many of them can be listed in the conditional use permit. The Study Committee is also requiring the mines to be responsible for reporting noncompliance. Right now it is a complaint driven process, citizens need to identify a problem, and bring it forward before it is taken care of and this needs to change. The Study Committee suggests reducing the night time noise limit from 45 to 40 decibels and reducing the day time noise average (which is not included in the current requirements) to 50 decibels as they come more in line with the State recommendation for wind turbines. The Study Committee asks that these limits be applied to all points on neighboring properties not just inhabited buildings. To finish up the presentation Custer provided the following points have to do with going through the mining cycle. Custer stated the Study Committee felt we need to guarantee natural resources after mining operations cease, specifically with ground water. We need to monitor for at least five years following reclamation. Changes in soil and weather patterns and contaminants moving through our aquifers are going to occur and we really feel strongly that the bond should not be released for at least five years after as the tenancy is for them to seed it over, put some grass seed on it and say “there’s your property back”, but in fact it is not going to be usable as agricultural land as we know it for some time so we need to both monitor and maintain the requirements for reclaimed land in addition – for five years. We need to expand our requirements for what we accept from a permit holder and their responsibility to the land that they mine. The Study Committee thinks that it is important that the County Board start to give thoughts to reclamation plans for structures post mining. In conclusion there are points that get back to the fact that health is imperative. It is one of the few things that we all are given and when we lose it, it is very difficult to get it back. Cristeen noted that when a part of the body suffers, the whole body suffers. The citizens are the body of this County and they need to be protected. This is not a simple issue, but will have lasting impacts and implications. Careful decisions need to be made now before irreversible damage is done. County resident’s health and rights should not be ignored in light of economic development. The Study Committee is truly grateful that our County Board took the time to stop and ask the questions because that is a point of pride for us, that they did hear that citizens were saying this isn’t a fit for us, this isn’t what we want, this isn’t where we want to go. Custer emphasized that we must remember that sand mining operations are just beginning in our County. We have 26 permitted mines, we have 2500 permitted trucks on our roads right now. We are just beginning to see what those impacts are going to be, there is a lot we don’t know, but she felt the research from this Study Committee is enough to start enacting significant changes in our approach to industrial sand mining because if we don’t we are going to suffer and the whole body will suffer. Chairman Brandt thanked Custer and Winey for their presentation and the whole Study Committee for all their work and the report that they produced. Brandt asked for any questions from the E & LU or Health Committees. Tim Zeglin stated that he joined the Study Committee very late. The Committee was already well underway. Zeglin wanted to emphasize that he would like the Board members to remember with the first premise that this presentation began with that the study was commissioned to ascertain the health impacts of industrial sand mining and that health means staying healthy, it doesn’t mean treating you when you get sick. Zeglin thought that the whole report is based on the idea that we are going to try to prevent people from getting sick or we’re going to try to prevent bad health impacts. Even though we don’t have people dropping dead all over the place, yet, (as there has been quite a bit of skepticism that nobody has died yet or had any real sickness) but remember that health means staying healthy it doesn’t mean treating an ill patient. Tied to that is another point about stable communities. Zeglin was placed on the Moratorium Committee in April after he was elected and he was a little surprised, since the premise was health, he could understand groundwater, air quality, etc. but he was surprised that one of the topics of the Committee was stable communities. Zeglin was then assigned to the stable community subcommittee and the more he participated in that, the more he realized, that indeed, stable communities is about health – that the world that we live in should be a healthy world and all these things that seem extraneous at first glance really are not so if people are worried about taxes or if they can’t sleep at night because of the noise or light, those are health impacts and they do belong in this study and they are important. Stable communities is an important consideration even though it doesn’t seem to be that at first

glance. And the third point that Zeglin made is that when the moratorium was first enacted, Corporation Counsel consulted with/or got some outside legal advice and decided that the moratorium could not be extended or there was no legal basis for extending the moratorium to annexed territories or annexed municipalities. As a result, while the moratorium was in effect, two incorporated communities annexed a great deal of land and two very large mines; one is operating and one is in the process of beginning. Zeglin would like the Board to consider the relationship of the County to this whole question of, not just annexation, but to what extent can County regulations be enforced. Zeglin thought Corporation Counsel Radtke may have more to comment on this, but Zeglin realized what our position is now and he would like to think about the County, in the future, possibly extending County regulations to annexed territories because, in effect, those are still County areas and the “flipside” of that is, that if these municipalities are removing township land from the tax rolls, and yet the township and the County are completely interrelated, they are disrupting the sort of normal tier of government, or the normal arrangement of layers of government. They are taking land away but yet these same municipalities expect the County to continue providing County services. Annexations remove land and remove tax base, but those same municipalities want the County to continue to provide emergency services, health services, etc. To Zeglin there seemed to be a disconnect and Zeglin would like the Board to think about that in the future. Zeglin added that the last annexation, which was approved by the City of Independence about a month ago, added 1500 acres to the City of Independence. That annexation extends for five miles south and east of Independence, in order to accommodate one mine company. That annexed territory for much of that five miles is only an eighth of a mile wide. Zeglin stated this is truly “balloon on a string” annexation. All County residents, including the people who live in Osseo are paying for that. Zeglin wanted the Board to think about that in the future. Brandt asked Pam Nelson, who was on the Study Committee if she had any comments. Nelson stated she thought Winey and Custer mentioned all the major points that have been going through her head regarding the months of work on the Committee. Nelson only hopes that the County Board, when they get the report, will give it serious consideration. The documentation in the report is not just opinions of individual people, it is evidence based research that was put in here. Nelson has to say that in her 44 years of working in nursing, health and education, she has never worked with a group of more committed, dedicated people. They wanted to make this a product to be proud of, to present to the whole County Board to look at seriously, and to be something that is representing, we hope, the citizens of Trempealeau County. Brandt called on Study Committee member Sally Miller for any comments. Miller stated she was actually Chair of the Committee and was the author of the resolution for the full County Board which asked for the moratorium and that was because people from the County (residents from all over the County) had contacted her after the May 13th vote on the moratorium which failed. Residents were very concerned about health impacts and many felt that Miller would listen and she did. Miller added that they just begged for a chance to get a break and to be able to study the health impacts and that is what we did. When the Committee was formed, there were some things that were brought up as topics that Miller or others said that is not exactly a health impact. While it is an important consideration, it is not a health impact and we need to stay more on our mission which is to study the health impact. Other things are important but health is something that needs to be a priority. Some things may not seem like they are health impacts so then they seem like they are incidental and they are not. Light and sound, for instance, sometimes people will say, “oh that’s just hogwash”. Those of you who remember the standoff between the A.T.F, FBI and other federal agents at Waco, Texas, if you remember what happened, some of the things that the government agencies did was they blasted sound and they had light and those were the things they used to break down the mental and emotional stability of the people inside the compound. Miller continued saying anyone who has ever sat in a bedroom or laid in a bed and listened to the drip of the bathroom sink knows that can drive one nuts. If you’ve ever sat in your bedroom at night and had someone parking on a hill with the lights shining into your window for an hour, etc. knows that those things add to our stress level, or our irritation. Anybody who has ever gone to the doctor and said I’ve had stomach aches, I am always ache, etc., some of the questions they ask are: 1) how is the water and 2) do you have a lot of stress. The question is there for a reason. Stress has a tremendous impact on our health in many ways; blood pressure, how our body functions, our ability to sleep to give our bodies a chance to recover. Sleep is important as sleep deprivation can lead to a lot of negative impacts; mental health issues, health issues, etc. These things may seem like they are just reaching for a problem but they are taking into account these impacts on our general health, the cumulative impacts that these things have. Miller stated we have a lot of input from a lot of sources. We have a lot of

questions. Someone on the County Board had questions about radon and asked that they look into that. Immediately it became obvious that radon is not an issue and is not something that we need to be concerned about. Miller stated there were things that they eliminated as they went through the whole process. When they got onto bigger topics they gave them a little more time and we had to as they became bigger and more questions came about. Miller added that the most frustrating thing for her was the fact that, almost immediately after passing the moratorium, they began to get contacts from agencies or organizations offering to assist in the air sampling – not on the mines, but near the mines so that we could maybe, actually get a handle on how the fugitive dust impacts people who live near the mines and how far away and where do we start seeing the impact start to drop off? Because it was something that really hadn't been done, they were sort of trying to build a plane while they were flying and ultimately, a couple of organizations that we were trying to partner with didn't pan out but then the University of Iowa came forward and said that they wrote a grant to work with us and that was exciting, but it was complicated. We had a small county dealing with a big state university and a lot of the time was spent hammering out the details of who is responsible for what, etc. That is in place, the lawyers on all sides were satisfied that everyone was protected. People were trained, the University of Iowa Department of Public Health had students and staff that came up to train our people and we have volunteers that are going out. We have sampling equipment out there now and they are starting to collect data. There is a turnaround on that so as that information becomes more available and starts getting results back, they will be updating the report. Like Custer said this report is the beginning, this answered as many questions as they could. There are still a lot of questions out there and they are going to encourage people to supply us with information and they will continue to apply the same scrutiny that we have. There are sources and information that was sent to us, on both sides of the issue, that we said, "This is an incredible source and/or this source has an interest or a horse in the game". We tried to make sure that we were using credible sources and credible data from objective points of view so that we were not slanting one way or the other. It is hard not to have an opinion when you are trying to write a report to not let that seep in but there was a lot of effort to try and pull that back. They had a lot of help from UW-Extension office in putting that together and compiling the information. Miller stated this is a heavy read, but study it. The presentation is an overview. Miller encouraged the Committee's to write down questions, to do the research on it. The Study Committee wanted this to be factual and useful to the policymakers of our County including school districts, townships and villages and anyone who is going to have to interact with sand mining in their district. This is not a recommendation to shut down mining, that is the logical to expect, and Miller stated that is not the goal. The goal is to figure out how we keep our County safe and healthy and how do we maintain the life that people living here have envisioned for themselves, their children and grandchildren, etc. and still have the industry work side by side as good, honest neighbors. One recommendation that came to mind for Miller is that perhaps when we are giving mining permits we should limit how long they are. As they come back every year to reapply for their mining permit, and they demonstrate safety and commitment to good practices, that the permits then be extended a little bit longer, so basically they are rewarded for good, safe practices and behavior and if they continue to have problems, we just kind of keep those permits on a shorter time period. Miller stated there have been comments made about the Committee and some of the quality of the work that they have done. Miller said the Committee members are intelligent people (if one looks at some of the acronyms and titles after their names) who are committed to science and data and all of their names are on this so their reputation is on the line. This is as good a piece as they could do with the time frame that they were given and they are handing it over to the policy makers now and asking them to give it all the weight and consideration that is needed and to start working with all the parties involved to find ways for us to stay safe and healthy. Brandt thanked Miller for her comments and asked for any other questions. Brandt noted two members from both Jackson and Buffalo County have joined us reminding Brandt that this report is for all policymakers not just this County.

Wade Britzius, a member of the Board of Health and Environment and Land Use Committee thanked the Study Committee for their amazing amount of work and he is grateful they were willing to do this. Britzius added that it is easy to have discussions about this topic in kind of anecdotal ways and to have a lot of evidence and to kind of pick things apart and look at them in "bits and pieces" is the kind of thing that we need to do and it is hard work. This is serious business and Britzius is impressed by how serious and complicated that it is and the long term nature of it. To think that what we are doing here, we could rush in and say it is business or health,

etc., but this is going to be with us for a long time and you really brought that out and to ask those big questions, i.e. what makes a good quality of life. If we want jobs, industry, business, and agriculture, what makes a quality of life and how do we work together to achieve that. Britzius is grateful to the Study Committee and to the staff people too. Britzius is also tremendously humbled as someone who is given this report and what do we do with it? What a challenge? What a job, as to how we are going to go forward with the charge to do more monitoring, more thinking and evaluating to continue that process that you've started and take it into the regulatory and practical realm of "what do we do with it". It is a bit overwhelming. Britzius also wanted to mention that this is a big picture and this isn't only about Trempealeau County or Jackson or Buffalo County, this is a national issue, this is a world issue – talking about our addiction, if you will, to oil, talking about health in a changing, modern world. It is not the world we used to live in. As Bob Dylan said, "the times are a changin'" and this is a big part of it and we are one little piece. Britzius again thanked the Committee for their work.

Mary Frisch – Frisch thanked the Committee because she knew how much work this was. It does feel like a beginning, not an ending. Frisch was curious as to how the Study Committee thought we should proceed. Frisch questioned how we are going to continue to monitor these things that you have identified that need to continue to be looked at, watched and safeguarded for our communities. Custer responded to the stable community saying that the Committee thought there were a whole series of things that they thought should be monitored. Honestly, Custer stated they didn't have a lot of time to think about what comes next because they were so busy trying to work with what they had. Custer continued by saying a whole host of those indicators that she identified could be handed off to a consultant (it wouldn't necessarily require a full time employee) to identify and research and report back routinely to the County Board so that the County Board is given, at least, annually a report on those indicators so that they understand when changes are occurring and as a result of it all, say these things may be a factor and these may not be a factor. Custer thoughts were possibly someone from UW-Extension, who's retired, who is great with data as a lot of that is data collection and analysis. Custer thought there are ways to achieve that kind of monitoring. Custer turned the meeting over to another subcommittee member to comment on air and sound. Winey stated he served on the air and sound subcommittee and he felt that he knew those best. Winey stated many of the specifics are in the report. If one really wants to do this justice, this presentation would be a "marathon" session. It has really taken us a full year to comprehend this. Winey added that the details are in the report and he encouraged all of the board members to read it and look at the references. There is an incredible amount of information. Look at it and see where we came up with a particular recommendation and how did we come to that conclusion. The regulations are already there, we need to take those tools now and put those into place. That can easily be done through the conditions of the permitted process. That way mines can be looked at on a case by case basis when necessary. Other specifics may require ordinance changes. Those are the key mechanisms that Winey thought could be carried forward. Frisch inquired if there already was some kind of blue print in the report that tells us how to proceed in the future. Winey responded not necessarily how to, but what to proceed upon. Winey didn't think we could be that presumptuous to tell the Board how to. They provided some recommendations on where this may fit for a condition in the permitting process or an ordinance or resolution, it will be up to the Boards to assemble it or decide where it fits.

Ellen Ott introduced herself as one of the Study Committee members. Ott stated they have referenced specifics in the report, i.e. air quality monitoring – they included the EPA guidelines about how to specifically monitor air quality. Ott also wanted to alert people to the fact that there are a lot of committees in the area, i.e. they took some of the light recommendations from the Minnesota Environmental Quality Board and that is a big document and they have specifics in there about how one can monitor environmental quality. There is also air quality monitoring ongoing in the State of Minnesota and they have some preliminary data out but that was not included in the report because it is not finalized data. Also the City of Winona is monitoring air quality along the truck route, so there are other places that are dealing with some of these health indicators and there will be data that will be coming forward in the next 6-18 months and Winey had eluded to the fact that even up to the last minute they were getting e-mails about new things that were coming out and recommendations, so it is an ever evolving picture. There will be other data that can be reviewed.

Miller commented that because we have established this partnership with the University of Iowa that other academic agencies with student departments may come forward and ask if they can also assist in getting some information, monitoring and other things like that. If we can get the science piece of that coming in, so that we have information about Trempealeau County, that would be something that could be almost a road map because then we can see what is happening where in our County and the different things that are happening. Miller is hoping that the air quality study is just the first of other studies from other universities that will be coming forward and offering.

Sherry Rhoda commented that basically it is her time going out and setting up the equipment for doing the sampling. Jake Budish has been going out and doing the sampling. There was a volunteer which has now gone back to school. Carol Bawek will also be out there sampling so there will be three people out there sampling in different areas and looking at people who reside within a half mile radius of working mines, at this point in time. Also at this point in time, Rhoda stated they do have 13 or 14 samples that have been taken. We are waiting for the University of Iowa to pick up the filters to actually do the testing. That is what is holding up the results of it being added to the report. It will be added to the report. The agreement with the University of Iowa is that they were looking at Trempealeau County being the “pilot” for them expanding and looking at other areas, other counties within western Wisconsin and other areas to also initiate this same program for air sampling regarding the mining issue. This is all up and new coming information, and as anything in science or medicine, it is always changing and new things are coming to light. As Rhoda has heard over time, during this Committee meeting is, we did not know for thirty years that asbestos was harmful nor tobacco and that is the same thing with this. We need to look at cumulative. One has the stress of where you live in your community, whether it is a stable community and do I have a job, is my property value going to decrease, then there is possibly the light or sound pollution which adds stress and because of the stress one cannot sleep. That is when we do a lot of healing. Even when we are ill, we need that sleep. It is very important. As a public health person and nurse, health is top priority, prevention is my passion. Let’s do the best job we can for our residents. Let’s work together with the industry, let’s collaborate, and let’s partner to look towards the future and the present in meeting the needs of our residents and anyone who visits here.

Donna Brogan - Brogan thanked the Committee members for the really elegant presentation. She thought they did an excellent job. Brogan read a couple of reports recently about deteriorating health among workers on the hydraulic fracturing sites, the well sites themselves out in North Dakota. The implication seems to be that they are having some effects from the sand dust that they are breathing and Brogan wonders, in the air monitoring section of the report, if there is any data from that as that seems to be something on the other end of this thing and it is our sand that they are breathing. Winey referred to Page 119 on the Report that references the National Institute of Occupational Safety & Health (NIOSH) that identified exposure to airborne silica and health hazards to workers at hydraulic fracturing sites. To be clear, Winey stated this is not the mining sites, this is the oil drilling sites, but this is the exposure to the same product that is being mined, processed and then shipped from our area mines. NIOSH collected 116 samples from 11 hydraulic fracturing sites in five states. Of the samples collected 47% were at levels greater than the calculated OSHA permissible exposure limits and 79% showed silica exposures greater than the NIOSH recommended exposure limit. While these samples were taken from fracturing sites and not mining operations, it does identify the potential hazards connected with working with the product. The OSHA article also made several suggestions to protect workers from exposure to silica including the use of alternative proppants such as ceramics rather than silica and air monitoring. Winey added they included this data more to point towards the hazards of the material. It should not be an argument as to whether it is there, the question is how that applies locally to the mining. They realize that MSHA deals with specifics within the mine and to protect the workers, they were looking to extrapolate that to say, “outside” of the mine.

Kathy Lockington – Lockington thanked the Committee because she knows how much work it is to collect that data and analyze it. Lockington wasn’t prepared to speak but she is going to speak to the individual (not the companies, not the sand), that may not want to have this “30 year problem” down the road. Lockington’s brother-in-law died from asbestos. It was after about 30 years of working in a foundry. Again, the sand was

used there to make forms but he died from the asbestos. One of the things he had to produce, (she wanted to caution those working in there), was a W-2 and also a stub from his paycheck. Accidentally her sister-in-law had kept one from his very first time with a company that had been bought out a couple of times. Lockington is asking those people that are working with the sand to be very careful about collecting data on yourself. Lockington questioned if that was something the Health Department could encourage people to do. When her brother's information was looked at, they also looked at the companies that were supplying supplies to the company. He had to provide some of those. He has since passed away and this is still not settled. She doesn't know what they will get, probably not very much but she thought this might be an individual type focus, rather than a company focus.

Miller addressed the statement, "we know people that have worked in mines nearby and we've never heard of anybody dying from silicosis or dying from doing that". Miller stated the truth of the matter is they sign nondisclosure statements. Two gentlemen contacted Miller shortly after the moratorium was passed and she met with them in a diner in Blair. They wouldn't tell Miller their names, they would not give her much information that was identifiable, but they wanted her to know that they had to sign nondisclosures and that if they became sick (and one of the individuals had become sick) there was a very generous payout for him. If he said anything about how he got sick or that he worked in mines or made any kind of connection between that, he would have to give the money back as he would be violating the nondisclosure contract. If his family talked about it, they would have to give the money back. We know that there have been nondisclosures that have been signed. Just because we're not hearing their story, doesn't mean their stories aren't there. They might have a reason for not being able to tell their stories and that was something that was a great source of frustration for Miller, but she has no desire to compromise these men or their families. So when you think to yourself that you've never heard of it, there may be a reason.

At this point, Brandt ended this part of the meeting. Brandt stated there will be a presentation before the County Board and that all the County Board members will be getting the packet. Brandt appreciates Britzius' humbleness not only for the work that has been done here, but also what it is that we have ahead of us and how it is that you have laid out your recommendations, in ways that we can understand, using forms that we deal with on a regular basis- ordinance, resolutions, conditional use permit possibilities. Brandt thanked everyone that participated in whatever way. At this point the Committee took a short break.

Discussion and Possible Action on Memorandum of Understanding with FSA (Farm Service Agency) and/or NRCS (Natural Resource Conservation Service) Chairman Brandt reconvened the meeting. Brandt stated staff and Corporation Counsel Rian Radtke have made the necessary changes related to the operational agreement (MOU). Most of the changes are either just updates on the titles of Committee and/ or staff. There were also a few places where some concerns were raised at the last meeting. Lien stated that he had discussions with Brandt, Radtke and staff to talk about areas that may or may not apply. Lien stated what we have in place now (which is no paper documents) does work. We don't really share equipment or vehicles so those things were lined out. In their current positions, Mark Kunz and Lien work well together, but that wasn't the case with their predecessors. The only major change in the agreement was making it a one year agreement as opposed to a five year so that it can be reviewed annually. Lien wasn't sure if the term made any difference. Kunz stated the items seem to be minor things to him and reiterated that they don't need each others equipment, vehicles, but Kunz felt they would make their stuff available if need be. Kunz added this is a paper document but it does give some mutual things from their (NRCS) perspective. It gives Kunz some more latitude and easier ways of communicating with Lien (in regard to NRCS rules under Request for Information Act). Kunz felt it would open up some opportunities and ultimately their goal is to make the process easier, and since we have the same clientele that is a good thing. Upon Brandt asking Doelle for her input, Doelle stated she didn't know how this agreement is going to change what we're currently doing, as she felt like we (NRCS, FSA & Land Management) have a good relationship and good communication and we are cooperative between the agencies. Doelle was unsure as to what changes would occur with the MOU versus what we are now currently doing. More discussion took place between Lien and Kunz on the request for information issue, etc. Geske stated that he felt that the MOU was more for the future as opposed to now because right now relations are good, but if the

players change, that relationship might change down the road. Radtke advised that the last two pages are unnecessary – the letter of authorization for NRCS and the certificate of insurance. In previous minutes Brandt had read that “the flag had gone up” and it became clear to your NRCS/FSA auditor that we weren’t signing off on CRP contracts. Brandt asked if that was something that we do or used to do or will have to do in the future. Kunz stated that took place over at the FSA (Farm Service Agency) which is like NRCS’s partner or “sister” agency and they do a lot of the financial things. They oversee the CRP contracts and because there is no MOU, NRCS doesn’t have DL M staff sign those contracts, but, Kunz stated if we do have a MOU, you will be asked to sign those documents along with our conservation plans and other things, so you will be reviewing them and seeing what is in them and signing them if you wish. Britzius questioned the need for a one year contract as opposed to a five year as he didn’t foresee any issue that might arise as being a big concern. Some discussion took place on that issue. Zeglin clarified that the MOU would not include – Attachment A - letter of authorization for NRCS vehicle use nor the certificate of insurance. Nelson made a motion to approve the Memorandum of Understanding with NRCS as presented, Geske seconded. Bawek asked if the “T” level issue needs to be addressed if we agree to this MOU and are we going to go to NRCS standards. Doelle responded we can’t because our Ordinance limits us to “1-T”, so we will stay at our current “T” value if the federal programs allow them to go to “2-T” that will still be their program, but the way our Ordinances are written, we are only at “1-T”. Upon Bawek’s inquiry as to whether the MOU addresses that issue, Lien responded he didn’t think it did. Motion to approve the MOU as presented passed with no opposition.

Review of Non-metallic mining CUP hearing process/ Review of Chapter 13 requirements for CUP applicants. Corporation Counsel Rian Radtke stated that some of the members of our Committee haven’t been here for the Conditional Use Permits (CUP) under Chapter 13-Nonmetallic Mining hearing process and all the steps that go with that. Radtke continued saying the way we have been doing it, is flexible, and we can change it if certain circumstances warrant that. Radtke thought it would be a good thing at this point in time to kind of take a look at what we currently do, is it working, and is it efficient, and is there something we can change to make it more efficient. In looking at that whole process and reviewing our Ordinances, Radtke wanted to tell the Committee about Trempealeau County Zoning Ordinance Chapter 13.02 (8) which states, “Nonmetallic mining sites of less than one acre must attach County approved erosion control and non-metallic mining reclamation plans to a non-metallic mining Conditional Use Permit application. Non-metallic mining sites of one acre or greater must attach a County approved erosion control plan, storm water management plan and a non-metallic mining reclamation permit issued through Chapter 20 of the County Comprehensive Zoning Ordinance. Radtke stated that currently the County does not do that. The way that it is done is the CUP and the reclamation permit hearings are heard at the same time and approvals are done at the same time. Radtke has talked to this Committee about making that more of a distinct process where you’re looking at reclamation and where you are looking at CUP’s and they’re two separate permits. They do go hand in hand often times, but the way our Ordinance is written here it actually would require an applicant to obtain the reclamation permit first before they could even apply for a CUP. Radtke has talked to Lien about that. Radtke’s suggestion would be one of two things; either change the way we’re doing things and go forward with a hearing and making a decision on a reclamation permits before they apply for a CUP or revise our Ordinance to make it so that the applicant can apply for the CUP and the reclamation permit and the hearings be heard at the same time and a decision be made on the same day. There are probably some pros and cons to each of those but Radtke wanted to bring this to the attention of the Committee as part of a general discussion as to how they want to approach this. Lien has struggled with that interpretation of the Ordinance because if one has the reclamation plan hearing first, you’re essentially putting the “cart before the horse” because you’re not looking at how you get to that result because reclamation is the end result after mining so the two kind of go synonymous together but Lien agrees with Radtke that we should, at a minimum, be issuing two separate permits. Lien felt having the hearing the same day puts it in everyone’s mind that we ‘re going to mine - these are mining plans – and then the reclamation follows the mining and the two should be contingent upon each other. Lien didn’t know how someone could approve a mining plan without knowing the reclamation plan and vice- versa. Lien thought having the hearings together the same day gets everything in the Committee’s mind as to; a) is the mine site practical, does the plan fit, is it realistic to meet what is being presented and b) is the reclamation practical and does that meet the intent and is it practical for this site and the mining plan so the two kind of have to go

together but Lien knows we should be issuing two separate permits. Lien explained what is required at the State level and that a lot of the county's do it the way that Trempealeau County does. Brandt and Nelson suggested that the key word is "issued" and that the assumption is that it has already been issued prior to the giving of the CUP. Brandt would read it a little differently and say it is just one of the phrases leading up to the requirement. Brandt understood how Radtke is reading that in the way it is written now it could be understood that the reclamation plan is issued prior to the granting of the mining permit. Radtke stated that what this section talks about is what does an applicant need to attach to the application for the CUP and one of them is the nonmetallic mining reclamation permit issued through Chapter 20. Radtke didn't know if there was any other way to read that, other than one needs to attach a permit that has been issued. A lengthy discussion took place on this issue. Radtke commented that historically the plan is adopted and that essentially becomes the permit. Often times Radtke gets records requests for a reclamation permit and then Radtke has to give them the proposed plan that was approved. We don't have a separate document where we took that plan, put it in our own document that says, "Reclamation permit", here is the plan and the conditions attached and signed by the Chair of the Committee. Budish and Radtke have worked on that. They have put together a separate document so now that the next CUP for mining that comes through, we will have a specific document for CUP's, preliminary approved conditions, final conditions and a separate document for reclamation and what the approved plan is, so that it will be real clear what that plan is. Moving forward that will happen but Radtke felt this is something that the Committee needs to deal with, in a sense it is telling applicants that they need to have this reclamation permit issued or they need to attach that to their application. It is Lien's job, as the Director/Zoning Administrator to deem when a CUP is complete. Radtke imagined there would be some applications coming in fairly soon. Discussion took place on how the change to the Ordinance would need to be made. Nelson stated he is very disgusted with the reclamation of these mines. They've annexed to the cities and the cities are not forcing them to reclaim it apparently. We had good plans in place and then they annexed and we lost control of them and apparently there is nothing we can do about that. Bill Vachon who was present stated as a permittee they basically look at the CUP as a one page document and all supporting documentation is the reclamation plan, storm water plan, etc. which is basically supplementing the CUP, so historically, since 2009 the hearing is basically heard for the reclamation plan and the CUP and there are a lot of conditions that are placed on the reclamation to make it more consistent with the County's desires and that is all approved as one, but as Radtke has said it doesn't include that actual reclamation permit that should be included with the plan. From Vachon's standpoint, to have one hearing to address both the reclamation plan and the CUP does streamline it for the individuals preparing and presenting the plan. Brandt felt everyone understands and agrees what needs to be done, but our Ordinance language doesn't say exactly that. More discussion took place as to whether this change should be done immediately and what needs to be done in the meantime. Radtke's recommendation is to follow the Ordinance as it was written and work towards a change and go through that process if that is what is desired, but not to ignore it simply because we have overlooked it in the past. More discussion took place on this issue with Radtke noting that NR-135 and under our Chapter 20 as well, it requires that a hearing for a reclamation permit must be scheduled as least 30 days from the time that one gets the application in. If the hearing itself is not happening within the 30 days of receiving the application because the Committee in the past has said we want to hear only two applications per month to keep the Committee from being overwhelmed and overworked, while there is no requirement for CUP when those occurred, there is, in the administrative code, in Chapter 20, that says we have to have the hearing scheduled with 30 days of receiving the application. Radtke added that knowing that, it would actually make sense why one would have that hearing first. Discussion took place on Radtke's recommendations. Vachon stated typically when they prepare for a CUP for a nonmetallic mining operation, they will meet with the town twice while the process is going with the County. If we are going to do strictly a reclamation plan approval, do we bypass the town? They didn't even notify the town because it is not a zoning issue at this point, it is strictly a reclamation plan. Brandt replied that was a good point. Bawek stated that what he was hearing Lien suggest is that we continue hearing mining permits before we have studied the health impacts. Lien stated that is not what he was suggesting, that is the unfortunate reality as the moratorium has expired and we could get applications in at any time, unless this Committee wants to take some action to prevent that, but right now we are open for business. Bawek stated, as he understands the way Radtke is reading the Ordinance now, that this has been thought out and it is something we can do; hear the reclamation permit and then we don't have to hear the mining permit until later down the road. Bawek said

to him this has already been thought out. Lien responded or not thought out as we have always heard the two (Reclamation and CUP) together but the language there (depending upon interpretation) eludes to that a reclamation permit should be issued prior and we have never done that.

Bawek asked if changes can be made to the reclamation plan at the CUP hearing. Lien responded if we are holding them jointly like we have done in the past yes, but if we hold a separate hearing specifically for that Lien didn't think one could. Radtke explained that the end product after the reclamation hearing would be a single page document that says reclamation permit and there would be attachments if there were any conditions which would be given to the applicant and that would be included in their completed CUP plan. The next hearing would be just for the CUP and any conditions relating to that, not the reclamation because you would be affecting something that you have already granted them and it would have to be noticed as an amendment to a reclamation permit. Lien asked what if the Committee issued a reclamation permit and then denied the CUP because of issues/concerns, would that open up the County for other legalities. Radtke responded no because a reclamation permit is basically a plan of how this is going to be put back together once it is all torn apart and we don't have the authority to tear it apart (for lack of a better way of describing it) so it never comes to the point of having to put it back together, so the reclamation permit would just sit there and under NR-135 the duration of the reclamation permit lasts through the life of the mine and if the mine is never "born", it doesn't have a life and it is basically a document that is out there that has no effect. More discussion took place on this issue and when a mine can do site preparation and is considered "vested" in a site. Brandt asked Lien and Radtke to come back next month with a couple of options for the Committee. Bawek asked how the Committee can move forward making fair decisions knowing that we have this information that may change something. Brandt responded it isn't that he doesn't agree with Bawek, it is just that there is nothing that we can do right now. We would have to change the Ordinance. Radtke stated that Brandt had asked him and Lien to come back with some recommendations, but Radtke couldn't see any other solution coming forward in the next month that was any different than what he had just said that either we follow the Ordinance or we amend it. Discussion took place about what changes would take place if we followed the Ordinance, i.e. as having a separate reclamation permit hearing. Geske questioned how long the Ordinance change would take and stated that the moratorium should have continued until this Committee had the results, could make all the necessary Ordinance changes and were open for business because right now we're right back where we were. We have all these recommendations and we're doing everything at the same time. Lien questioned Radtke, if the Committee left things alone, as to what the other consequences would be, other than someone potentially not getting a reclamation hearing within the 30 days. Radtke replied that was something that he also wanted to talk to the Committee about, that the practice of the Committee only having two mining hearing a month does put the Committee in a position where they may not be able to comply with having the reclamation permit hearing within 30 days. That could open up some legal challenges from both sides of the issue. This issue was debated further. Lien asked Bill Vachon as an applicant and knowing Trempealeau County's Ordinance, if he would ever consider submitting a reclamation plan without a mining plan. Vachon responded that if the County held a separate reclamation hearing, one would be hearing the same thing at the conditional use permit hearing. Lien commented we would be duplicating a process. Vachon added he would give the County everything they need to know up front so at the conditional use permit hearing, you have basically heard all your information, you've made all your conditions, identified all the concerns and those would all be brought over to the Conditional Use. Vachon wouldn't change a thing, it would all be a total package regardless if it is just the reclamation plan to be approved or what the County is currently doing now- it would all be the same presentation, same documents. Brandt commented that it sounds to him, that until we can change the Ordinance, we are going to be having two public hearings for each mine on two different dates; one related to the reclamation plan and one related to the conditional use permit. Upon Brandt mentioning that Lien might need to get the word out to the mining community that when they come in their plan needs to be complete, Lien responded the Committee had instructed Lien and staff that we not schedule a public hearing until everything is complete. After some discussion, Zeglin commented it would be a total inconvenience for the mining company, the public and for this Committee to have separate hearings thirty days apart for the same request as we would be duplicating efforts. There appears to be some immediacy in getting this resolved and it is unfortunate that our agenda only says "review" so we cannot go further. Zeglin thought it behooves us to correct this and change the Ordinance as soon as possible. Zeglin didn't think the Committee could wait to digest all the material that they have received

this morning and do all the changes at one time as this seems to need correcting “yesterday”. Zeglin urged the Committee to proceed with this change on the next agenda as this seems to need correcting now. Lien commented the process has worked since 1997 with the exception of a couple of words “hang-up” the process has worked. We are having the public hearing for both reclamation and Chapter 13 – issuance of permit. Lien understands we need to issue two separate permits and there should be two separate motions. Lien thought duplication of the hearings is a waste of the applicant and the Committees’ time because it is the same information and one is synonymous with the other it is just a matter of which one you want to hear first. Lien and Radtke agreed it needs to be changed but Lien didn’t feel that it is as urgent of a situation. The process for Ordinance change was discussed. The Committee agreed this item needs to be on the agenda for next month as a possible action item. In the meantime it was stated there would be two public hearings for each mining application. Donna Brogan made a suggestion that perhaps this Committee could bring forth a request to the County Board to extend the moratorium for this much unforeseen circumstance because if the moratorium was extended 6-8 months, the Committee wouldn’t be holding any public hearings that might be in violation of our own Ordinance. Britzius commented we may want to report to the County Board that we have an incredible complex job to do and it is creating havoc on the process based on this detail, etc. Geske commented this detail can be worked around just by having two meetings for now. Brandt recapped that we are going to go with our two hearing model and next month we will have on the agenda possible action on changing the Ordinance. Radtke advised the Committee on how to start the Ordinance change process and who can start that process. Skoyen inquired of Radtke as to where the review of Chapter 13 started or came from. Radtke responded this came from just a closer review of Chapter 13. Skoyen commented this has been an ongoing thing for the last four years and nothing has been brought up. Radtke responded that was correct and added that as Lien had mentioned we went through Chapter 13 in great detail but what they were most focused on the amendments that were made, but neither one of them caught this, that this was something that was in there. Zeglin asked if, under the current wording of both Chapters 20 and 13, we could do two hearings on the same day; reclamation and then for the CUP. For this provision, Radtke responded yes. Lien added that the provision eludes to that the reclamation permit should be issued prior. Lien thought it was a word error and Lien suggested lining out three words and adding two words which would eliminate that problem. Discussion took place on whether changing the Ordinance in this meeting was possible and whether or not this was a change in intent. Radtke commented we don’t have that provision that allows for a reviser to make those types of administrative changes and even if there are those are typographical errors not anything that changes intent. Even though it would probably be three words changed, it changes this significantly and in fact changes the whole process. Lien commented that Chapter 20 is the only statutory requirement. This is a County adopted Ordinance and amended and Lien thought this language was some model language. This is basically our adopted Ordinance that we’re saying we should issue the CUP for reclamation prior to hearing this. Radtke added prior to receiving the CUP permit. Lien stated this amendment has no statutory effects on NR-135 at all. Radtke agreed. Lien asked if we said “reviewed the plan” versus “issued a permit” it has no effect on Chapter 20, actually streamlines the process for the applicant and brings us back to the exact way we were doing things, with the exception that we actually need two motions; one to approve the reclamation plan and one to approve the CUP for nonmetallic mining. Brandt stated he and Radtke would meet after the meeting, revise the language to read “must attach a County reviewed erosion control plan, storm water management plan, nonmetallic mining and reclamation plan” and leave it at that and then make a petition to the County Clerk to post the public hearing. Bill Vachon clarified that in the interim, the Committee wanted a separate, nonmetallic mining storm water, reclamation plan for that application. Brandt responded there will be a separate hearing a month prior to the CUP hearing.

Discussion regarding Transportation Facility Engineering Services and Fees to townships

Lien stated this is one of the services that the DLM provides to the towns and has for many years. There was a bill that was passed that required all municipalities to submit erosion control plans and certain permits for any road construction that they were doing. The County offered this service to the towns because we have staff with Ag. Practitioner certificates and the thought was that this would aid the towns from having to hire engineers for minor things like erosion control, culver replacement, etc. The program that was put into place was the town was charged a price per mile of road in their particular township, i.e. the number of miles of municipal town roads in Trempealeau County is 291.73 miles so all the towns combined would pay an annual fee to DLM of

\$6,248.86 for that service in which they could utilize DLM staff to provide engineering and erosion control services, etc. Years ago, the Committee had decided that the towns would pay this annual fee with the understanding that sometimes there may or may not be money available for projects, but if the fee is paid each year they will get the service. The mindset was they didn't want the town to pay it one year because they had a big project and then not pay it for several years – thus the annual fee. There are three townships that do not pay; Arcadia, Burnside and Pigeon. What has occurred most recently is the Town of Pigeon sent in a check to the DLM as they want to “buy in” to the program? The Town of Burnside has also called and they want to “buy in”. In the past the Committee has said you can't just buy in for the future because you haven't paid in the past. Lien suggested/asked the Committee to perhaps waive that, and let them “buy in” if they made a five year commitment or something like that. Lien added it isn't fair to all the rest of the towns that have paid this annual fee every year for close to ten years. Discussion took place on the issue. Lien felt this was a good deal for the towns because engineering fees can cost a lot of money. Lien mentioned that this same issue was brought up at the last Towns' Association meeting. Zeglin asked how long this program has been in effect and can we ask them to pay from the beginning? Brandt responded this has been a point of discussion in the past (and Lien is being very generous here) and when there were township that hadn't paid and they inquired as to what it would take to get into the program, this Committee said they had to pay up all the way back to the beginning. As a taxpayer, Lien liked providing services to the towns that benefit us all and this saves the towns money so Lien wasn't sure why they weren't all utilizing it. Lien thought some of them have tight budgets and didn't have any projects planned, so they looked at it that if they didn't have a project planned why we would pay that fee. Now as a little more money has become available they are realizing they may have missed out on a really good deal. Skoyen commented there have been some changes in Chairperson at the town level too. As the towns' representative, Zeglin commented it is a very valuable program and to not take advantage of it is quite foolish. Britzius made a motion that any new townships coming into the Transportation Facility Engineering Services program be required to sign a five year commitment to the program, Nelson seconded the motion. Brandt noted this is with the understanding that they are paying the annual fee and committing to five years. Lien stated he would send a letter to all three townships that don't currently pay, those being Arcadia, Burnside and Pigeon and make the same offer to all. Motion to approve carried unopposed.

Conservation Aids Application Approval

Lien stated DLM received one Conservation Aids application in the Town of Ettrick from the Ettrick Rod and Gun Club for restoration of a trout rearing pond on the former Ralph and Lilah Kittleson farm which has been recently purchased by Tim Brandtner. Lien read aloud a history and summary of activities of the Ettrick Rod and Gun Club. Brandt read aloud the resolution that will go before the County Board. Lien gave a brief overview of the proposed project. Britzius made a motion to approve the request and send the resolution on to the County Board, Skoyen seconded, motion carried with no opposition.

LWRM and TRM Requests and Payment Approval

Targeted Runoff Management (TRM)

Name	Type	Amount	New CSA Total	Reason for change
Ted Imgrund	Contract	\$8,809.11	\$8,809.11	Streambank riprap
Red Imgrund	Pay Request	\$8,809.11		Certify Streambank riprap

Zeglin made a motion to approve the payment as presented, Nelson seconded. 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.

Surveying Update and Payment Approval

Brandt stated Nelsen has presented a couple of reports and a bill and it looks like he is finishing up T20N, R9W, Town of Arcadia and has done some maintenance work in Town of Caledonia. Nelson made a motion to

approve the reports and payment as presented, Britzius seconded, motion carried with no opposition. Lien commented that he has been talking to members of the Buffalo County Board and they were upset as to the lack of their remonumentation getting done. It came down to a funding issue as Buffalo County is only funding less than half of what Trempealeau County is to get the job done. Lien thought Buffalo County was going to try to address that. Lien added that other counties are envious of us and that we are ahead of the game.

Confirm Next Regular Meeting Date – October 8th, 2014 – Brandt confirmed October 8th would be the next meeting date.

At 12:39 PM, Nelson made a motion to adjourn the meeting, Skoyen seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary