

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
October 8th, 2014 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:05 AM.

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

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

Staff/Advisors present: Kevin Lien, Virg Gamroth and Jake Budish. Vickie Stalheim, Corporation Counsel Rian Radtke, DeWayne Snobl – APHIS Wildlife Damage & Claims Program, County Board member - Sally Miller, Pat Malone - UW-Extension, Nick Gamroth – Real Property Lister and Ann Seymour – Land Records Director were present for part of the meeting.

Others present: Steve Haines, Gene Haines, Bob Tenneson and Paul Syverson,

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

Adoption of Minutes – Nelson made a motion to approve the September 10th, 2014 meeting minutes, Skoyen seconded. Schultz had a question about an issue that was brought up at the Town of Arcadia meeting the previous evening, in regard to the townships “buying in” on the Transportation Facility Engineering fees and how long the County was offering that “window” allowing the townships to buy in. Lien responded we didn’t state a window but the Committee stated that if they agreed to a five year commitment, we would let them in with no back penalty. Lien added that in the past they had to pay back to the inception of the program. The Committee kind of waived that and said that if they wanted to buy in and commit to a five year agreement we would let them in. Upon Schultz clarifying that there was no limit of time set on that offer, Lien responded no there was not. Lien thought maybe that was something the Committee should set on a different agenda. Lien stated he has sent a letter to Arcadia, Burnside and Pigeon in regard to the decision to let them buy in to the program with a five year commitment. Gamroth stated there was nothing in last months’ minutes about a “window”. Lien thought he would put this item on the November agenda. Zeglin had one minor change to the minutes. Motion to approve the amended minutes passed with no opposition

Wildlife Damage & Claims Program – DeWayne Snobl

For the benefit of the new members, Snobl introduced himself stating that he works for USDA Wildlife services. He has worked in Trempealeau County since 1997. On behalf of Trempealeau County he administers what is called the Wildlife Damage Abatement and Claims Program. It is a totally hunter funded program. Money comes in from the surcharges on hunting licenses and then any bonus tags fund the program. There are no County dollars involved in the Wildlife Damage Abatement and Claims Program, it is just state funds. When the County contracts out with Wildlife Services then there are some federal funds that are involved as far as paying for administrative costs and abatement. Snobl has been working for Wildlife Services for 22 years and besides Trempealeau County he works in LaCrosse, Buffalo, Jackson and Clark counties as well. Snobl stated the Program works with wildlife damage management, dealing with conflicts between people and wildlife and trying to resolve those issues. Statewide he works with the Wildlife Damage and Claims Abatement Program, and they have cooperative agreements with the State Department of Natural Resources (DNR) and they do all the nuisance bear work, trapping, relocation, etc. They work with wolf depredations and trapping those and also monitoring trapping for wolves. He works with urban goose problems, works to protect endangered species and in

certain situations they work at airports to minimize wildlife hazards, so it is a pretty diverse set of programs that he works in Wisconsin. Snobl explained that with the Trempealeau County Wildlife and Abatement Claims Program, Trempealeau County contracted out to Wildlife Services, but there are certain things the Committee has the responsibility of doing; approving budgets and claims (which will come down the road – not today.) In certain programs, like the Deer Donation Program, Wildlife Services presents the information and the Committee makes decisions on those.

- 1) 2013 WS WDACP Summary Report - Snobl went through the annual report with the Committee. (A copy of this report is on file with these minutes in the DLM office and also available as a link on the County website)
- 2) 2014 Deer Donation Program – Snobl explained the Deer Damage Program to the Committee. Snobl stated the Deer Donation Program has been really well received in this area. Trempealeau County used to be in the top one or two, however, this County is down to one processor (in Strum). Snobl thought there are still a lot of people that want to donate deer, they just take them to other counties and then they are processed through that County. Snobl stated the budget for the 2014 Deer Donation program was approved in 2013 (as far as the funding level) but DNR requires that the program set up should be done and operating before the bow season so Strum has signed the agreement and should be accepting deer however the DNR still requires the Agreement to Participate forms signed. Snobl added that it didn't need Committee action or anything (because it was approved last fall), the agreement just needs Chairman Brandt's signature.
- 3) 2014 WDACP Crop Prices (set) – Snobl explained that he monitors crop prices throughout the year, basically from October of last year until September 2014 to determine his recommendations for crop prices. The Committee has the right to adjust those recommended prices. Nelson made a motion to approve the crop prices as presented by Snobl, Skoyen seconded the motion. Motion to approve the following crop prices passed with no opposition.

<u>Crop</u>	<u>Price/Unit</u>
Corn	\$ 4.02/bu.
Soybeans	\$ 11.89/bu.
Alfalfa	\$194.12/ton
Mixed Hay	\$130.68/ton

- 4) 2014 90% Harvest Cut-Off Date (if applicable) - Snobl stated there were a couple options on this matter; we table the matter and wait until the next meeting in November to set the date or it is self-limiting statutorily. Snobl stated the reason for the 90% cutoff date is, that way in the past, folks were leaving corn and soybeans stand over winter and that is a bad idea, so once 90% of the corn crop is off Snobl can no longer appraise the crop. Brandt clarified that what the Committee is doing is setting a cut-off date for applying for the claim part of the program. Nelson made a motion to table the setting of the harvest cutoff date until the next meeting, Schultz seconded, motion passed with no opposition.
- 5) 2015 Trempealeau County WDACP Budget Proposal (review/approval) - Brandt reminded the Committee that Snobl had said the budget all comes from hunter fees as it is all state funded dollars. Snobl added that the other amount that comes in are the cooperative funds that wildlife services allocated. Snobl went through the budget items with the Committee. Zeglin made a motion to approve the \$31,364.40 total proposed WDACP budget, Nelson seconded the motion, motion carried with no opposition.
- 6) Other Wildlife Updates - Britzius asked if Snobl had noticed any interaction between wildlife and sand mines that are cropping up in the area. Snobl responded there hasn't really been any issue that he has heard of nor was Snobl aware of any studies going on. Upon Skoyen asking what kind of damage would result from a cougar, Snobl responded it would be to livestock. Snobl felt the chance of a claim coming up from a cougar is so miniscule versus a bear or wolves. More discussion on cougar migration and other animal damage took place.

Discussion on setting up a meeting with County Board, Town, City and Village Officials to discuss annexation issues. Lien stated that T.J. Maglio, DNR works with Tom Portle, DNR and they are the two people in the State of Wisconsin who regulate NR-135. Lien has been working with them to try to hold a joint meeting with the County Board, towns, cities and villages in order to discuss annexations, as a countywide issue and not just the individual towns or cities

that are affected. Lien stated a tentative date of November 6th has been proposed. As Lien gets more information on that, he will let people know. County Board Chair, Dick Miller, had also been in Lien's office and requested this item to be on the agenda and Miller is also interested in holding some type of meeting of this nature so that everyone gets on the same page. Lien has talked to Peter Fletcher from the Mississippi River Regional Planning Commission (MRRPC) to see if he could come to facilitate the meeting and talk about how this affects cities, towns, and the County has a whole from the planning perspective. Lien commented a lot of time and effort was put into the Smart Growth plan in the County and those were all adopted and done. These annexations as Nick Gamroth will show are greatly changing the countywide planning perspective. Gamroth stated that Lien had asked him to display (on the overhead aerial map) some of the annexations that have happened recently here in Trempealeau County. Gamroth explained the color coding of the map. Gamroth pointed out the land which the City of Whitehall had annexed in for the Hi-Crush operation which was roughly about 623 acres. Gamroth pinpointed the land the City of Independence has annexed in for the other portion of the Hi-Crush operation and that was roughly about 270 acres. Gamroth stated roughly about 893 acres was lost out of the Town of Lincoln for this particular annexation. Gamroth referred to the purple shaded area which is lands that Hi Crush has purchased but still remains in the townships which is approximately 411 acres in the Town of Arcadia, approximately 88 acres in the Town of Preston and approximately 230 acres in the Town of Lincoln, so that particular company owns approximately 730 acres which lie outside of the annexation but because it borders land that they have which has been annexed. As one town chairman stated, "it is just a springboard for more annexation in the future". If the land wouldn't be annexed they would have to come to the County for a permit, but if they just keep on annexing, the cities would just keep on growing. Gamroth next referred to the Preferred Sands mine that was annexed into the City of Blair which is approximately 502 acres. Gamroth pointed out the "yellow shaded" areas on the map which is what Preferred Sands has purchased but it still remains in the Town of Preston and that is about 287 acres. Gamroth pointed out where some of the homes were located on this particular property and named some of the former property owners. Gamroth stated if they (Preferred) doesn't purchase any more property, there could potentially be some areas that are "boxed in" that will remain in the town. Gamroth added that 502 acres were annexed and 287 acres still remain in the town but it is all owned by Preferred Sands. Gamroth pinpointed the most recent annexation which was Superior Sands to the City of Independence. Gamroth stated that annexation was approximately 1,575 acres; 20 acres from the Town of Burnside, 78 acres from the Town of Lincoln and approximately 1,475 acres from the Town of Arcadia. Gamroth added that annexation was recently passed within the last month and a half. Gamroth pointed out the Sand Products mine which was annexed to the City of Blair in 2013 of last year which was approximately 917 acres of land which the Town of Preston lost to annexation. Gamroth explained the City of Arcadia has annexed the Arcadia Sands mine from the Town of Arcadia. That mine is a little greater than 140 acres and is located behind Shopko and is actually in Thompson Valley. Upon Brandt inquiring what the "yellow" solid lines were on the map, Gamroth responded those lines represent "proposed" annexations of which Gamroth has heard of through his office and has thus obtained information from the particular cities. Those cities have yet to make a decision on those annexations. Gamroth noted that these are subject to change because they are just proposed. Gamroth pointed out the proposed Hi Crush annexation between City of Blair all the way to the Jackson County line and Gamroth roughly figured the acreage and came up with approximately 572 acres which would be annexed from the Town of Preston. Gamroth acknowledged Paul Syverson who was present to speak on that issue because Syverson is also on the Blair City Council. Gamroth noted that, the previous Monday, the City of Blair Council had passed a resolution to not accept any new annexations until, at least, July 1st, 2015. Gamroth pointed out a proposed annexation, based on information gathered from the City of Whitehall, from Whitehall Sand & Rail which would be for the Lamberson property just west of Whitehall and northwest of Ashley Furniture, which would go up to the town line. This proposed annexation would be in the area of the Whitehall/Pigeon Rod & Gun Club and then south. Gamroth roughly figured that annexation to be about 1,218 acres. Gamroth added they had also met with the City of Independence, earlier this week, to discuss a possibility of annexing that particular mine to the City of Independence with another corridor that would go across the Town of Lincoln. Gamroth has yet to obtain that map from the City of Independence. Upon Britzius asking if that was just an alternative way for them to annex the same chunk of land to either Independence or Whitehall, Gamroth responded that was correct. Gamroth pointed out the proposed All Energy annexation which lies southwest of the City of Arcadia and encompasses approximately 1,300 acres of land. Gamroth noted that this acreage is based on information that was proposed to the City of Arcadia last year (2013). Gamroth had a conversation with the Town of Lincoln Chairman, and according to Gamroth, he has a lot of concerns because his particular township has four islands in it which he has to try and manage with his residents, and the other services that the township provides. Growth becoming stagnant in the township is becoming a concern for them. Gamroth emphasized that the "yellow lines" on the map are only proposed annexations, there is nothing definite. Gamroth added that Lien had wanted him to present this information so that the Committee has an idea of what is going on in the County. Schultz stated he has had multiple requests as people want this online and they want it updated every week, when there is a new purchase of land. People want to know and have been asking for this. People have been asking for a long time, "where can I build" (some inaudible text). Gamroth responded he gets calls like that and people also stop in and what Gamroth does is direct them to Jake Budish. Upon

Schultz asking if this information can be available online, Gamroth responded we have the permitted mines on line. Budish chimed in that the permitted mines are on line, but he doesn't put the "proposed" information on there, because that is just "proposed", there is nothing definite until something is handed in to the DLM on paper and it starts going through the public hearing process. Schultz asked if people have to call individually and if there wasn't any way to avoid the redundancy of gathering that information. Gamroth replied we do have all the up-to-date ownership online, on our online parcel mapping. Gamroth explained there were some issues about a month ago, where the ownership, etc. wasn't updated, but that have been sorted out, otherwise the land ownership is up-to-date pretty much the week after it is recorded. As far as showing lands that are annexed in and how the municipal boundaries have changed, Ann Hempel in Land Records tries to get that information updated through the Land Records Department as soon as Gamroth forwards it to her. Gamroth stated he has not "processed" the annexation for Superior Silica and he is going to be very firm as to when he is going to do the update because there may be potential issues. From Gamroth's standpoint, in the job that he does, it is a lot of work to change over all these parcels. Gamroth stated he is really working hard with the Department of Revenue, because it is not like when a home is being annexed which is just a single parcel to put a value on. For the Hi-Crush annexation, Gamroth worked closely with the Department of Revenue and basically he lumped parcels together (there is one parcel that is 140 plus acres) and put all the infrastructure on that one parcel so that only one value has to be put on that parcel. If the parcel would be divided by forty lines, as they typically are, to come up with a value for each individual parcel with that piece of infrastructure on it would leave them "on the hook" for possibly being debated for all those individual values instead of just having one value that they would have to hold up if it is debated. Brandt asked if the value would be debated with the local assessor or the Department of Revenue. Gamroth responded these are manufacturing parcels which the State manufacturing office (out of Eau Claire for residents of Trempealeau County) sets the value of all those parcels in the County. Gamroth added that portions of these mine areas would be under their jurisdiction. If a certain percentage of the individual parcel remains in agricultural use, then the local assessor would assess that remainder parcel. Gamroth receives copies of all communication between the State and local assessors which defines who is responsible for assessing the particular parcels. Brandt recognized Ann Hempel from Land Records who was present and asked her to join the discussion. Brandt stated that Gamroth has been explaining what he has been doing with the annexations in relation to parcel mapping or creating the parcels that would be taxed, etc. Brandt asked Hempel how she fits into this whole issue. Hempel asked Gamroth to display the map with the fire boundary districts. Hempel stated it is not only land that is being exchanged, it is also boundaries for other services. In regard to fire districts, they are still trying to find out who is going to respond to what area. Gamroth displayed a map which showed the annexations and the fire districts. Gamroth and Hempel had discussed whether or not the changing of these districts/ annexations was going to be a problem with dispatch knowing who needs to be dispatched for emergency services. Hempel identified the services as being fire, medical and law. Hempel stated the fire departments get revenue from whatever areas they cover, so when areas get annexed and boundaries change, they kind of have to "fight it out" to determine who is going to get that revenue and that causes a lot of issues. When it comes to law enforcement, some of these smaller police departments are being dispatched out many miles from where their original boundaries were. The medical services include ambulance and at this point no one is communicating to Hempel what changes are happening. Hempel knows that the fire departments have to work it out between themselves before they let Hempel know, but especially with the law enforcement and medical, there is no one out there that is making the decision as to whether these boundaries are going to change or not and no one is vocalizing that to Hempel. In addition to that, the roads are being annexed in and there are address ranges that need to go with that emergency service (fire, medical and law enforcement) number and the addresses also have to be annexed into the city. All of those things have to be relayed to Hempel so that she can keep dispatch updated with the proper information. Brandt clarified that the information that dispatch uses comes from Hempel's office. Hempel stated she usually receives her information from the municipality itself or it has been previously determined. Hempel emphasized that all those things need to be given from Hempel, not only to dispatch, but to the County database provider (connects ones telephone number to the address and to these particular emergency services). In the long run, what Hempel would like to do, is to be able to talk to the cities and towns and be able to explain that it is not just land that is being transferred over, it is all lot more and a lot more communication needs to be happening. Gamroth asked Hempel if the address location, where the physical driveway is, is in fact, tied to that ESN (Emergency Service Number) which when it comes up on the dispatch screen tells dispatch who to dispatch for emergency services, (i.e. if the driveway locations are on River Valley Road, and a 911 call comes in at a particular address, dispatch could be mobilizing the Independence Fire Department or wherever the infrastructure may be located which could be in a different fire district). It puts dispatch in a situation to question who should be responding. From a different aspect there are homes that are annexed into the City that can receive new services that they couldn't receive before. Gamroth stated as he and Hempel discussed all these issues and this annexation discussion becomes very broad. Gamroth added there are a lot of layers in the GIS (Geographic Information Systems) that are affected by this. Hempel agreed. Hempel stated that Syverson and herself have been talking about the wards and districts. Hempel explained that she provides the GIS data to the State Government Accountability Board and they notify the clerks of who is going to be living in those districts, so those addresses need to

be submitted to the State and when the districts change, as a lot of them have, those addresses need to be submitted. Syverson stated, with the annexations to the city's, when one is a rural address there is a "N" or a "W" in front of the 911 number. In the city's, all our city's customarily do not have the "N" or the "W", so it was kind of an easy differentiation. Syverson used an example in Blair where a residence was annexed into the City and that landowner refused to change their address so they are going to keep the "N" in front of their five digit 911 address. Lien commented he wasn't sure if a resident has the right to refuse to change their address as our existing system is a County ordinance. Hempel commented it is in the city limits now. Lien continued that as far as the 911 number that was issued through the County, he questioned if the County had the ability to remove that number or should it be left. Radtke stated that once the property is annexed, the 911 number should be issued by the municipality. In this case, the City of Blair should be issuing the number to the property owner and the County is not involved other than getting information from the City as to what that address is so that it can be logged into our system. Lien questioned, if an individual city chooses to take no action then there are addresses that "fall through the cracks" as far as their number not being sequenced correctly. Syverson stated that this particular resident has been told by the Whitehall Post Office that they don't have to change their address and they are still a Whitehall, WI address even though it is now in the City of Blair. Brandt stated that different level of government communicating with each other is critical; Department of Revenue, Post Office, Government Accountability Board (GAB), etc. Hempel added that when that one particular address is not changed, your not considering future growth either. If more homes are built out there, what is going to be done with those addresses. Hempel thought it was important to communicate that to the municipalities that are letting these things happen, just so that they are aware. Syverson commented that with some of these annexations such as the one south of Independence which also crosses school district lines, we have more voting issues, so GAB is really concerned on how to keep all this information straight. Hempel stated, that with the election within a month, they are asking her for the information for these boundaries and they are running out of time and they want information soon, especially with the newest annexation which happened south of Independence. GAB wants the actual map data from Hempel. Hempel wasn't sure if they get written tabular data from somewhere else or not. Hempel stated it is hard to submit that when it is "on the line right now" and Hempel wasn't sure what to do. Hempel added it has been a good two months of a lot of confusion as to what Hempel is supposed to be doing and where this information should be coming from. Brandt clarified that what Hempel was saying is that, i.e. someone shows up to where they go to vote and they say, "you don't live here anymore, your name is not on this voting list, here is a provisional ballot or try the other municipality". Hempel replied, "yes". Brandt commented that there exists the possibility that someone may be denied the opportunity to vote. Hempel again replied, "Yes". Lien asked Syverson, if in the City of Blair, they added an extra ward. Syverson responded they reversed that already with the resolution that was passed at County Board. Syverson thought the resolution said that whenever you annex to a city it becomes part of the ward that it is contiguous to. Radtke responded that was for County supervisory districts. Brandt commented so you're dealing with county supervisory districts, school districts, municipal elections, town elections. Syverson added that in the upcoming election the Town of Arcadia has a referendum. Syverson stated that those people "that used to be in the Town of Arcadia", whether it was Independence or Arcadia school district, they are still Town of Arcadia, those people will not be able to vote on that referendum because now that is City of Independence. Radtke wanted to clarify Syverson's last point as Syverson had kind of indicated that the County's ordinance (that amendment that just happened) would not allow a city to create a new ward. Syverson stated it would not create a new ward unless the city decides to create a new ward, otherwise they are just going to be added to an existing ward. Radtke stated it would be whatever ward it was in, it will just be expanded and then it is up to the city to decide if they want to create a new ward, etc. Syverson had sent letters out to the municipalities but he received only two responses back. Syverson commented that some city ordinances say that every ward gets two representatives on the council, so if we would go to a fourth ward, there would be two more aldermen on the city council, so that is why that was reversed in Blair. Gamroth commented with possibly no residents or maybe one. Syverson added that in the one ward there are only eight voters out there so they would have had two city councils members out of those eight people in the fourth ward. Syverson stated these are some of the concerns. Brandt hoped someone was writing these concerns down because of the agenda item related to setting up a meeting with the towns, cities and village officials to discuss annexation issues. Brandt could see that were easily a half dozen issues or questions that need answering by different levels of government just within the County, everything from fire departments deciding who it is that gets what, in terms of response area, to whether or not the Department of Revenue has a say in assessing the value of the property and this is a big deal because of the election stuff and an ability of citizens to be represented to their government that Brandt can see being compromised. Gamroth commented as far as the assessing, for that part it is really either "a" or "b", either your local assessor or state for manufacturing and your either in the city or your not and as far as crossing different taxation districts, Gamroth really has to pay attention to that. Gamroth really has to watch the school district boundary's because if he is putting tax parcels together based on use or future use, he has to make sure that he is not putting parcels together that would be crossing a taxation boundary like school district boundary's. In this area, in the northern area the technical school information comes into effect. One really has to take time on these things. Gamroth also has to keep track of where these parcels came from – a sort of a historical reference, what they were in the town and

what they are in the City because if something changes, Gamroth has to have really good record keeping to keep track of everything. With the Hi-Crush annexation, Gamroth was getting phone calls from a lot of different entities as to what it was assessed at this year and what is it now. Where did these certain parcels go, etc. Gamroth stated it was really a lot of work. Gamroth thought Lien wanted him and Hempel here today to discuss these issues with the Committee and to show the Committee the importance of having a meeting with these other municipalities so that we can all come to the table and discuss how to better work together so we don't have all this confusion out there in the future. More discussion took place on the land use maps and zoning maps and the fact that they need to be updated soon. Lien clarified that November 6th was a tentative date for getting together with the towns, cities and villages regarding the administration of NR-135 but Lien wanted to go over these other issues if we can get everyone together in one room. Upon Brandt questioning who Lien hoped would be at the meeting, Lien responded he hoped it would be those municipalities that have dealt or are dealing with annexations; City of Blair, Town of Preston, City of Whitehall, Town of Lincoln, Town of Burnside, City of Independence, City of Arcadia and Town of Arcadia and anyone else would be welcome. Lien stated County Board Chair, Dick Miller, is really pushing this agenda item and this discussion probably should have taken place a couple of years ago, but it is never too late. Lien thought it was important to the County and this Committee to support this meeting to try and get some of these issues worked out. Lien thought Peter Fletcher would be a great resource from the planning aspect as this Committee is going to be challenged with conflicting land uses, rezones, etc. At this point, the TCCTV studio experienced technical difficulty with the videotaping system, therefore Brandt called a short recess of the meeting.

Chairman Brandt called the meeting to order and stated he thought the Committee was very close in coming to a consensus in regard to the meeting on November 6th in which the DNR representative will be discussing the responsibilities in municipalities that oversee an NR-135 permit and that Lien should invite the elected officials as well as the administrators of each of the municipalities that are affected. Brandt thought the Committee members should make a point to be there as well.

At this point Brandt moved agenda item #9 - RCPP (Regional Conservation Partnership Program) Proposal Discussion below agenda item #10 and stated the Committee would address items 7, 8 and 10 somewhat together.

Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining. Discussion of Farmland Preservation plan goals relating to provisions for industrial sand mining.

Brandt introduced Pat Malone and County Board Supervisor Sally Miller. Malone explained that because of the work she has been doing with Peter Fletcher and Buzz Sorge up in the Town of Unity while going through their Land Use Plan to update it, one of the questions that was asked is, because it showed up in the plan, was there a desire to preserve prime farm land in their township. At that time, Malone had Ann Hempel, Land Records, create a map of the prime Ag land in the town. As Malone has been having conversations and with the Study, Malone thought, of course, she can do that same type of mapping exercise for the whole County. Malone had Hempel prepare a map that shows the entire county and it spells out what the areas are of prime farm land in the County and it also has boundaries for each of the municipalities with the up-to-date annexations (does not include proposed). Malone stated the map is based on the Soil Survey data as it is data that is embedded into our GIS system. Malone explained the map and symbols, etc. Malone stated she wasn't sure how closely this relates to the overlay of the Farmland Preservation because that is an elected program. Malone stated one can see that a lot of the prime farm land follows the Trempealeau River and the railroad which is also where the majority of the industrial sand mining is currently occurring, so if one of the goals of your Land Use Planning process is to preserve prime agricultural land, this is a visual reminder of what you need to be thinking about because you need to be taking care of those areas where those "colors" show up. Malone explained the circles on the map by saying that the State of Wisconsin allows municipalities to create wellhead protection areas. A handful of the communities in Trempealeau County have actually gone that far and they have also created wellhead protection areas and ordinances to go along with them. (Independence is one of those municipalities). Land Records didn't actually have that specific information (groundwater) coded in, so Malone thought an easy alternative to that is to create a one mile, two mile and a five mile radius around each of these municipal wells and that is what the circles are on the map (these would be the potential recharge areas for those municipal wells for the majority of the people in the County). So if another of those priority issues (and it shows up repeatedly in our Study and in the surveys that have been done) is the protection of groundwater, you need to be paying attention to the Land Use activities that are occurring particularly within the one mile area. Brandt commented that it looks like Whitehall has 2 wells, Independence – 2, Trempealeau – 5 or 6, Arcadia – 4. Upon Brandt asking Malone what the classification was for the prime soils, Malone responded they are called "area of prime farm land" and "farmland of statewide importance" and they are generally valley soils. Brandt noted that the soil survey has a different classification. Malone responded this aggregates data so it may very well be that, for it to be considered prime farm land, it would be that combination of Class I and II soils with certain levels of productivity and certain slopes. Upon Britzius asking what "wellhead protection area" means, Malone explained that what it means is essentially places that

have the ordinances that classify their protection area and limit the kinds of land use activities that can occur within certain distances of their municipal wells. Brandt asked how a municipality can limit the land use five miles out. Malone replied that is where they need to be cooperating with the towns and the County and that is another reason why they have a vested interest in the land use planning that occurs at the County and the town level. They should want to be “at the table” because the decisions that the towns and the County are making in terms of what is an appropriate land use, within those areas, could potentially impact their municipal water supply. Malone explained that there are different zones; the zone of influence that is within approximately 850 feet and pretty much you can’t do anything except a park, wildlife area, some residential or ag uses, but once you get further out, you’re talking about asphalt, bulk fertilizer, junk yards, landfills, exterminating shops or pretty much the whole list of point sources that could potentially, negatively impact ground water quality. Malone commented one wants to make sure that those things are controlled. Some discussion took place. Malone stated that the County has a Well Ordinance and that is not the same as wellhead protection. Brandt commented that when people spread manure they have to stay a certain distance away from the well and that has more to do with a whole bunch of “melt” water taking manure and topping over the well and going down into the ground. Malone replied that is one of the issues and the other issue is that whatever ultimately lands on the surface, if it is not evaporated, gravity sucks and those things that are water soluble will gradually pass through the soil surface and can make their way down to the water table. Once they are in the water table, getting them out is hideously expensive, so the notion behind a well head protection area is to keep potential contaminants from entering the groundwater in the first place. Contaminants can enter in a couple of ways; inadvertent spills, or i.e. salt piles - if they are covered and on an impervious surface that is fine but otherwise the rain falls on it and that salt water mixture eventually makes its way through the soils and could potentially enter into the groundwater. If it didn’t enter the groundwater that way, it depends on whether or not it moves into the surface water because a river or a stream can be a “losing” stream or a “gaining” stream. A losing stream can actually be a source of groundwater - it can actually feed into the water table or it can be a gaining stream and it is fed by the groundwater. An easy way to spot a gaining stream is if you drive around in the winter and you see a stream that is open then it is groundwater fed. That is the notice behind this, it doesn’t prohibit those activities, and it simply says that you need to be thoughtful about where and how you allow them to occur. You spend a lot of time thinking about how to control the manure, not just so you can keep it out of the surface water, but that you keep it out of the groundwater. The map is really essentially, if groundwater is important, if preserving prime farm land is important, a tool that the Committee can use to think about where and how things should go. Brandt commented that Lien had raised the issue of the Land Use Plan and how that looks. Nelson stated that usually along the river valleys the ground is really heavy and fertile but Nelson has a different situation in the northern part of the County as along the Buffalo River it is very sandy, light ground. Nelson questioned if that land is considered prime farm land. Malone responded that parts of it are. On the map one can see where the soils would vary. On the southern end of the Buffalo River, it is not prime farm land, so in that area just south of the river it is not considered prime farm land. There are some small exceptions generally on the northern side of the Buffalo River and your prime farm land is a bit further south, but even that soil, because of its productivity is considered prime in the northern part of the prairie. In regard to the wellhead protection area, Britzius asked if there is a big effect in terms of other high capacity wells that are put in within a certain range of the city’s supply. Malone responded they don’t talk about that, but frankly the Committee needs to be thinking about the amount of demand in a small area. These wells are big, they are deep and the cone of depression that they create is significant so they can impact water levels in neighboring wells. Malone explained that literally it is a cone. As the well pumps the water table levels drop and it depends on what their pumping capacity is and how much they are doing. If there is a lot of them, what we’ve noticed in the southern part of the County, is that most times when there is a plume of contamination, it kind of sticks or is almost sticky so it literally looks like a feather (plume) and it moves through the ground going downgrade in, following the pressure or gravity down. When there starts to be a lot of wells, a lot of high capacity wells, they start mixing the water and it is like taking a beater and mixing the waters. When Malone tests a well further north in the County and it has nitrates, she feels reasonably comfortable telling somebody to check neighboring wells that are shallower and check neighboring wells that are deeper to see what the nitrate levels are. Malone explained some of the different findings in wells. Upon Britzius asking if the irrigation wells that we see are high capacity wells, Malone responded they are. Malone added that an overwhelming majority of high capacity wells in the County are the irrigation wells. Malone noted that one of the maps that Ann Hempel in Land Records created for her, literally, mapped out all the high capacity wells in the County and most of them are in that lighter soil in the southern part of the County which is very productive if irrigated. Zeglin asked Malone if she knew which municipalities have the well ordinances. The only two that Malone could recall were Independence and Trempealeau, but added that the information is easy to find. Malone thought they may have actually expanded the law to require that communities with new wells put an ordinance in place. Those municipalities that have the newer wells often have the ordinance in place. Upon Zeglin asking about the other circles on the map, Malone replied; brown = 1 mile, orange = 2 miles and green = 5 miles and there is an EPA software product that estimates that five year time of travel – up gradient and down gradient, but that also assumes that the aquifer is uniform, therefore it is an easy assumption to make but it is not 100% accurate.

Brandt confessed not getting through the whole Health Impact Study but he read as far as the conservation attitude reports and the thing that jumped out in Brandt's mind was about our role as a conservation committee. Brandt stated the question in the report was, "How important is each of the following as a source of information on cropping practices for your farm" and although University of Extension made it to the list, the Department of Land Management did not. Brandt added that apparently our Committee's/Department availability or just knowledge of what we do here in relation to conservation is not widespread in the County. Everything else Brandt could have possibly figured out on his own, but that one was new and it was kind of troubling to him, so he felt the Committee has a public relations task ahead. Malone knew that the DLM has been tremendously busy, but they do intend to meet jointly and talk about public relations, talk about education because both groups have a strong commitment. Malone thought that one of the job/responsibilities of any Board is to lead, link, educate, get feedback in, so the more the Committee knows about the programs that the DLM offers, the better job you can do communicating to your friends, neighbors and constituents. In regard to high capacity wells used for agricultural use, Bawek asked if there was a cone of depression study done when that well is put in, and if so, they could then communicate with the municipality. Malone wasn't sure what the DNR process was to assess the impact, but Malone said she would find out.

In addressing the Health Impact Study, Brandt stated there are lists of suggestions related to issues that were raised. Some of them have to do with the possibility of changing the Ordinance, possible changes to Conditional Use Permits or certainly areas to be concerned with and also County Board action in terms of resolutions, etc. Brandt called on Britzius to voice his opinion as he was the one who had requested the agenda item. Britzius stated it is such a broad subject and there are so many concerns and recommendations that came out of that report, but Britzius thought a response is called for and that is why he wanted it on the agenda and suggested perhaps a Committee just to study what should be done. Radtke commented the Final Report is very thorough and there are a lot of recommendations, but what this Committee is asking itself to do is really what sort of changes we need to make to our Ordinance. The question Radtke had for the Committee is, in regard to Chapter 13 or Chapter 20 or our Ordinance, have you sat down and read them and are you familiar with what is in them. As Counsel for the County, Radtke has read them numerous times and he is still finding stuff out. Radtke asked the Committee if they were familiar with the Ordinance to know what is even in there, to know whether we like it or not or whether it needs to be changed or not. Britzius commented that he agreed that Radtke's suggestion is incorporated into his question as we have a complex ordinance to begin with along with a complex set of suggestions. A few people have read the Ordinance entirely, therefore Britzius felt there wasn't any one person who has the wisdom to say what to do that is why Britzius suggested some type of group process. Britzius asked if anyone had concrete suggestions of what a response would look like. Malone responded that the action the Committee has taken to recommend a joint meeting with the municipalities is, indeed, one of the recommendations in the report, so the Committee is already addressing recommendations spelled out in the report. Malone felt the only way to deal with this is "one bite at a time" and one of the first places to start, because it is very broad and some of them impact your ordinances (some are more general or more of a County Board item) Malone recommended that Lien and his staff, as a start, look through them and literally put them in a pile as to what impact the Ordinance and what doesn't and then a prioritization process can be done. Zeglin stated that when one looks at all of the recommendations they either belong in an Ordinance or maybe they go in a CUP. The first task would be to separate out which goes where and some of them (such as lighting recommendations are already in the Ordinance. Zeglin thought each recommendation has to be looked at and decide where it belongs, is it already there or do we need to throw it out. Zeglin didn't know if Lien and his staff had the time and that it might be better if the Committee had special meetings just devoted to looking at these recommendations or suggested perhaps creating an Ad Hoc Committee to look at things and then bring them to this Committee during meetings. Zeglin didn't think the Committee would want to recall the Nonmetallic Mining Advisory Committee. Brandt commented that is another option - to give this to the Nonmetallic Mining Ordinance Advisory Committee and then have them come back to this Committee. Lien gave a history of the Nonmetallic Mining Ordinance Advisory Committee. Lien thought the options were to go through each of the recommendations as a Committee or to bring the Advisory Committee back. Lien suggested revising the Committee and recommended that all the current stakeholders related to industrial sand be given the opportunity to be on it. The entities that have annexed to the cities don't really pertain and some of the people that were on the original committee are now part of the annexations. Miller commented the whole point of the moratorium was to do a health impact study. The reasoning behind it was because every time elected officials would get to their microphones, they would say, "we just don't know whether it is good or bad, we don't know what the impact is, we don't have the answers" and it was such a massive amount of information to sort through and digest that this Committee was put together to do that leg work. This report was basically to say we've done all this work and we have this information and then there are others who will continue to go forward with this information. This report basically put all of the information that we could find that was credible into a usable source of information that the Committee could start to use. This is where the Committee starts to do their research/study and then you make your decisions on what

appropriate changes or new ordinance, etc. needs to come. Brandt eluded to comments that Radtke has made in the past in regard to decisions being made on facts or decision made by will, that is to say, when a body or an individual comes in and has already decided without looking at any other facts other than what it is that is bouncing around in their minds, that is considered using your will as opposed to using facts to make decisions. Brandt was grateful to have the Health Impact Study and that combined with the Committees four years of experience should make the process, going forward, a lot easier. Miller reminded the Committee that the air study is going on, in the background, so that is something to certainly keep in mind. More discussion took place on the Health Impact Study and other studies occurring in regard to sand mining in the State. Upon Britzius asking Lien if he had sorted through the study, Lien responded that he had gone through the Study focusing on the recommendations portion of it and analyzing how big of a task it would be to implement some of the recommendations. Lien thought some of the recommendations could be easy modifications to the Ordinance, others would be really huge undertakings, .i.e. the air study. We are still doing monitoring and still learning and as that information comes in, Lien assumed there would be recommendations to the Ordinance. Lien added that just because we amend the Ordinance now, based upon some recommendations, doesn't mean that the Committee won't be amending it again in six months or a year because we are constantly learning and gathering information. Malone noted that science is a process of discovery – as you discover more, you need to be prepared to adjust policies appropriately. Some of the other things that show up in the report are simply recommendations that DLM staff can use in the CUP process, it doesn't involve change in the Ordinance. It is just a little more detail to think about when they are issuing their CUP. Miller commented that what we needed to be concerned about almost five years ago, when we had one mine operational, which was our reality then, is different when we have seven operating mines. The impacts already are going to be different. It is about amount and volume, and so the Ordinance needs to be fluid and it needs to adjust to the current reality, or the current new normal. Every time we open up a new mine in the County, normal is going to shift and we are going to have new realities. The Ordinance and the people who are working on it and enforcing it and elected officials need to have the mindset that there may need to be constant changes to our Ordinances to be changed to the reality that is currently present. Discussion took place as to the procedure in regard to possible activation of the Advisory Committee. Lien's thoughts were to separate the different items out and meet with the Committee, either in a separate meeting or within one of the regular meetings, to discuss them and decide which way to proceed. Brandt stated this item will be put on the agenda for November as the staff will have time (taking Malone's recommendation) to separate out the Ordinance action items and then the Committee can make a decision as to how to approach them. Zeglin asked Sally Miller if the sand industry was invited to be on the Health Impact Study Committee. Miller responded yes and added that when the County Board in August, 2013 voted to approve the formation of the Committee, Miller personally contacted some names in the industry that were given to her. Miller had also asked the County Board Chair to appoint people from the sand mine industry. Miller thoughts were if one is going to go through the effort of having a Committee, to make sure that it is balanced and as fair as possible. Miller stated it would have defeated the whole purpose if we had excluded their voice. Miller added they chose not to participate. Miller's calls were not returned. Miller asked other people to make those calls as well and they were also declined. In light of that information, Zeglin stated it seems preferable that we keep this work more or less, "in house" or form an Ad Hoc Committee from this Committee as we are available to talk to anybody at any time. Zeglin thought it was important to get to these recommendations quickly and she thought it was better handled on a timely basis, and suggested it be in house. Brandt again asked that this issue be put on the November meeting agenda. Brandt stated we will have a list of Ordinance revisions or other suggestions to deal with related to what DLM staff comes up with and how the Committee might approach those suggestions. More discussion took place on whether or not to have a special meeting. Lien encouraged Committee members to read the Health Impact Study, particularly the recommendations. Bawek stated he felt it was alright to have the issue on the next meeting agenda as long as the Committee is not hearing any other CUP's as Bawek felt each of the recommendations were relevant until proven ineffective through real life scenarios or experience that Lien can bring back to the Committee. Bawek added that the Health Impact Study was done by a group of professionals, in his opinion, that gave hundreds of hours to us, free of charge, and he felt it was very important that the Committee acknowledge that by saying that what they gave us is relevant and that this is the best that we've got. Bawek felt that with the Committee hearing other permits, this has to be directly taken into account. Brandt stated he will read the Study and possibly in the future, Brandt will say, "having read this Health Impact Study Report, I have a concern related to the permit application about sound or light or decibel control or runoff". Sally Miller noted that at the County Board level, an effort was made to extend the moratorium so that this Committee would have time to implement, etc., however that was voted down. A lot of the discussion that was had at that time was that special meetings could be had to make up for that. Bawek stated it is for this Committee to make the best decision at the time of the hearing. By knowing what has been recommended in the Study by a group of professionals is going to sway our thought process. Radtke encouraged the Committee members, between this and next months meeting, to get Chapter 13 and Chapter 20 and read it because it is going to help give that base of knowledge of what we have and perhaps how to change what we have. Britzius thought it was important to keep the whole County Board informed also.

Trempealeau County Zoning Ordinance- Chapter 13 – Discussion and Possible Action on Petition to Amend

Lien distributed copies of the recommended changes to the Committee members. Brandt stated that for the second time in the history of the County an individual petitioned to have a change to the County Zoning Ordinance. The discussion from last month revolved around Radtke's findings that within our Ordinance it looked like they were supposed to have a reclamation permit issued before they applied. Brandt read aloud the new changes which were taking out the word "approved" and putting in "reviewed" and changed "permit issued through" to "plan that meets the requirements of". Bawek asked about the requirement to have a hearing for a reclamation plan within 30 days and how DLM staff wanted to handle that. Lien responded that is why we're trying to amend this Ordinance language so we could address just the reclamation permit to meet the 30 day requirement, if needed and then later the CUP would be addressed. Brandt requested a motion to approve this language change in the Ordinance and instruct staff to schedule a public hearing next month. Nelson made the motion to approve the change, Bawek seconded, motion carried with no opposition.

RCCP (Regional Conservation Partnership Program) Proposal Discussion

Lien explained the RCCP which is a potential grant encompassing a five state regional approach to attacking some groundwater issues. Lien stated he had asked Radtke to review the proposal because they were really pushing us to agree to this and many of the adjoining counterparts "dove" right in; Jackson, Vernon, Buffalo. Everyone seems to be completely onboard. Lien was more reluctant as well as staff and so Lien had Radtke take a look at it and Radtke had some concerns as well pertaining to committing to future funding. Lien explained there is a financial assistance request in which they're requesting \$3.5 million over a five year project including \$400,000 for financial assistance for the first year of the project (possibly \$64,000 per year for five years). Lien stated it is very unclear as to what we're completely being committed for. Lien stated the contract also says that Land Conservation Committee and Departments will provide a significant contribution funding for technical assistance for conservation planning, etc. which are to be derived from state funding from DATCP (Dept. of Ag, Trade & Consumer Protection) staff and state funds DATCP awards to county's annually as staffing grants through the SWRM (Soil & Water Resource Management) program. Lien stated that is how we get reimbursed so Lien's question, that really didn't get answered, was are they going to take money away that we are currently awarded or giving us more money. Lien said they (DATCP) is saying they are going to give us more money if this grant gets awarded because it is a joint DATCP/NRCS grant that utilizes county staff to implement the project. Brandt questioned if this was like a watershed where one signs up and gets a bunch of money and then we go out and do the construction? Lien responded it is in essence because this five state area is the watershed, but it only encompasses a small area of Trempealeau County. Lien read a statement that Doelle had prepared for him which stated it is a multi-state application which includes Illinois, Iowa, Minnesota, Missouri and Wisconsin. Missouri is the lead state in this application. The application was submitted on October 2nd, 2014 by the Missouri Dept. of Agriculture. It is anticipated to find out on November 14th if the application is accepted. The goal of the RCCP is to implement state nutrient reduction strategies and related conservation practices to improve water quality and soil health in the upper Mississippi River Basin, so basically focusing along the Mississippi area. If it is accepted, beginning January 2015, they would do outreach to cooperators and landowners, begin to implement practices, implementation years would continue through September 30th, 2019. The portion of Trempealeau County that has been selected to participate in this program is a 220 square mile area in the Middle Trempealeau River Watershed and a small portion in the southern part of Trempealeau County to address potential groundwater concerns. Practices identified to be addressed in our target areas are cover crops, residue, tillage management, critical area planting, grade stabilization structures, grassed waterways, stream banks, shore land protection, diversions and nutrient management planning. The funding and eligibility for the conservation projects will follow EQIP (Environmental Quality Incentives Program) guidelines through NRCS. All payments will be distributed through NRCS as well. The DLM staff will work with NRCS staff to contract, survey and design practices necessary to accomplish the goals of the RCCP. Lien reiterated that he thought it sounds like a good program. Lien had Radtke review it because his concern was with signing something that is going to obligate us to spend money that we may not have for the future. Brandt commented he didn't understand that this is going to be a grant program that is going to be administered by DATCP and the NRCS yet we have to keep putting money in every year. Brandt questioned if they were talking about money or are they talking about designating staff time as it was confusing. Lien agreed that it was confusing and that they were pushing everyone to send in a letter of support (which they provided) for the application. Before Lien received Radtke's response back, Lien signed the letter of support and sent it off because that is what his counterparts had urged him to do. Lien didn't believe that committed the County to anything. Radtke commented the draft letter is attached and says "we are committed". Lien added that every County that is involved sent the same letter of support and he was the last one, at the last hour to send it in as he really had some unanswered questions. To Lien it appeared that we would get additional grant money to fulfill this obligation. Some discussion took place on the funding, DATCP requirements, etc. Radtke stated that was one of his questions to Lien as to whether we were going to be getting the same amount and asked

to do the same with less money or more with the same amount of money. As the letter states, it is committing the County to a total of \$320,000 over a five year period (approximately \$64,000 a year) and that was Radtke's concern as obviously the County works on an annual budget to commit funds in the future and we just can't do that unless we did it by some contract or something and maybe even then the County Board has to approve that. Radtke would like to learn more. More discussion took place on the document. No action was needed but Radtke wanted it on the agenda as the letter says it is this Committee that is also committing to future financial assistance and contribution to the project, even though the letter itself doesn't say that, but the main packet of information states that. Radtke wanted the Committee to be aware of it and make a decision whether this is something we want to be in on or not. Radtke would like to see something that says in the event the County does not receive the DATCP funds or additional funds in this amount or in addition to sums that we would ordinarily get, that the County is not financially responsible for that sum. Radtke felt that was the major issue that if we don't get the DATCP funds are they going to come knocking on the door with their hand out saying here this is the letter that was signed. In discussing the issue with DLM Fiscal Manager, Vickie Stalheim, Lien stated he and Stalheim agreed that in dealing with the worst case scenario, these are budget amendment items that if we didn't get the funding, Lien didn't have authority to make those kinds of decisions, so he thought his signing would be trumped by this Committee or the Executive/Finance Committee. Brandt voiced it would be hard for the Committee to make a decision because they haven't had an opportunity to look at the project or the agreement that was asked for. Lien stated he could get copies to the Committee members but he thought there might have been an e-mail sent out. At this point Radtke left the meeting.

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

No public comments were forthcoming. Lien noted that Peter Fletcher, MRRPC (Mississippi River Regional Planning Commission) is working on updating this plan and he will be attending the DNR meeting on November 6th to help facilitate the planning discussion related to the annexations. At this point, Bawek suggested since this item is on the agenda every month it might be good to do the same with the public health impact so that if anyone wants to come forward with more information that they would have an opportunity for that. Committee consensus was that would be a good thing.

LWRM and TRM Requests and Payment Approval

Land & Water Resource Management (LWRM)

Name	Type	Amount	New CSA Total	Reason for change
Gene Berg	Contract	\$ 8,270.54	\$ 8,270.54	Waterway
Gene Berg	Pay Request	\$ 8,270.54		Certify waterway
Charles Carhart	Contract	\$14,290.00	\$14,290.00	Streambank Riprap
Charles Carhart	Pay Request	\$14,290.00		Certify Streambank Riprap

Schultz requested that the township information be added to this report. Zeglin made a motion to approve the payment as presented, Nelson seconded. Motion to approve carried with no opposition.

Surveying Update and Payment Approval

No survey report or payment approval was presented, therefore no action was taken.

Confirm Next Regular Meeting Date – It was brought to the attention of the Committee that the November meeting of the County Board is on November 12th which is the usual meeting date of the E & LU Committee After some Committee discussion, Brandt stated the next regular meeting would be November 19th, 2014 at 9:00 AM. A brief discussion took place on the November 6th DNR meeting and the special meeting to discuss annexation.

At 12:25 PM, Zeglin made a motion to adjourn the meeting, Nelson seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary