

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
November 19th, 2014 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:07 AM. Brandt gave instructions to the public in regard to the registration and procedures for the public hearings. Brandt asked the Committee members to introduce themselves for the benefit of the public.

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. Mark Kunz - NRCS, Corporation Counsel Rian Radtke, Pat Malone and Steve Okonek - UW-Extension, and County Clerk Paul Syverson were present for part of the meeting.

Others present: Judy Boland, Paul Boland, Robert Luethi, County Board District 12 Supervisor - Tim Zeglin, Renee Suchla, Duane Suchla, Dan Weissmann, Mary Anne Bixby, Pat Prokop, Darlene Rossa, Steve Haines, Anthony J. Schmoldt, Jake Bork, Johann Bragger, Michael Spellmeyer, James Bork, Nathan Lewis, Tom Forrer, Brian A. Bautch, Fred Boe, Kevin Werlein, Ken Schreiber, Anita Adams. Note -Some names registered were illegible.

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

Adoption of Minutes –Nelson made a motion to approve the minutes, Britzius seconded the motion. Zeglin had one minor correction to the minutes. Motion to approve the corrected minutes passed with no opposition.

NRCS (Natural Resource Conservation Service) Update

Brandt welcomed Mark Kunz from NRCS to the meeting. Brandt noted that the Department of Land Management just signed a Memorandum of Understanding with NRCS. Brandt stated we have been working together all these years but now it is official and we are grateful that Kunz is here to give the Committee an update on their work and how things are proceeding. Kunz stated he appreciated the opportunity to come and speak with the Committee. Kunz keeps in pretty close contact with Lien and staff on a regular basis with all the issues that are worked on together, but added it is nice to come and talk to the Committee and have an opportunity to let the Committee know what they're doing at the USDA (United States Department of Agriculture) office. Kunz stated there was a new Farm Bill signed in 2014 and it brought some changes at their office but one of the things that they are specifically working on would be the EQIP (Environmental Quality Incentive Program) Program. They held a ranking period this fall and they had 83 applications submitted for evaluation and to ultimately cost share, based on environmental benefit. They are working on that right now. Kunz emphasized that is a really high number and in Kunz' mind is a testament to what is going on out in the countryside. They are working with the LCD (Land Conservation Dept. now known as DLM) on some streambank projects, etc. so they are hoping to get those "tied down" sometime later in the winter. Brandt asked Kunz to give a brief description of the projects. Kunz responded we are talking anything from barnyards to streambanks to cover crop applications, pollinator habitat and grassed waterways. Kunz stated it is a very broad

base of practices that can be implemented through that program and it is pretty exciting. Kunz mentioned they are also working on a Conservation Stewardship Program which basically rewards good producers in the County for implementing best management practices relative to water quality, erosion control, and wildlife habitat. They develop contracts with the landowners and they evaluate them to make sure that they meet the base line data that they have identified and then they ask them to implement at least one additional enhancement activity that is new to their operation and in turn they receive a contract with an annual payment for five years. Currently they are working with 17 producers in the County on that program and they should be holding another signup this coming spring. Kunz stated they are still doing a little construction out there and it is supposed to warm up a little next week so Kunz is thinking that they may possibly start another couple of projects. Kunz mentioned there is still a lot of corn out there and that impedes on some of the practices that they would like to implement. Brandt mentioned that in the last few months, the Committee has decided to re-focus on the land conservation part in what we're doing. Brandt thought our discussions are certainly a result of that and stated that the Committee appreciated the update and that it is a reminder to the public that this partnership (NRCS and DLM)is going on and we're working together to make sure that conservation practices get put on the land. Kunz agreed and added there is a lot of opportunity out there for people who own land in this County.

Public Hearing – Petition to Amend Trempealeau County Zoning Ordinance- Chapter 13, Section 13.02(8)

Chairman Brandt called the public hearing to order at 9:20 AM. Nelson read the public hearing notice aloud. Brandt stated this is related to the County Ordinance which is related specifically to nonmetallic mining. This is an issue that was brought up a couple of months ago during a review done by our Corporation Counsel and the language is about clarifying what is required for the reclamation permit. Radtke stated the basis for this is just a minor change. Historically, Trempealeau County holds the Nonmetallic Mining Conditional Use Permits (CUP) hearing together at the same time as a reclamation permit hearing. In a thorough review of our Ordinance, Radtke found the language in our Ordinance currently reads that a reclamation permit must be obtained first and be attached to the application for a CUP for nonmetallic mining. Radtke commented that is not how the County has done it in the past so to get back to doing it the way the County has done it in the past where both the reclamation hearing and the CUP hearing are done on the same day, there is a proposed change to the Ordinance that just indicates that an applicant for a Nonmetallic Mining CUP has to attach a reviewed erosion control plan, storm water management plan and nonmetallic mining reclamation plan that meets the requirements of Chapter 20 of our Ordinance. Lien added it is more of a “housekeeping” change to have the Ordinance language read how we do business. At this time Brandt called three times for any public testimony for the change to Chapter 13 language related to nonmetallic mining reclamation plans and how they fit into the nonmetallic mining permit. There being no one who came forward to testify on the changes to Chapter 13, Brandt closed the public hearing at 9:25 AM. Skoyen stated his township, which he is on the board for, has about a half acre fill site that probably gets used once every five years. Skoyen asked Lien how this Ordinance change pertains to the site. Lien responded this language change won't pertain to that site at all. Lien explained this actually affects new applications and just clears up the language but the process will be exactly the same. Britzius made a motion to approve the change to the Ordinance, Schultz seconded the motion. Committee consensus was that they had talked about this change thoroughly in the past. Brandt reminded the Committee that this change will need to go to full County Board for final approval. Britzius asked if our Ordinance specifically states somewhere that these two hearings will be held on the same day. Lien responded no, however, there may be rare cases where we could hold them separately but typically it would be on the same meeting date. Motion carried with no opposition. Brandt noted the resolution would be sent on to County Board for their December meeting.

Public Hearing – Petition to Amend Conditional Use Permit – Condition #9– Bork/Bragger Mine site –Town of Burnside Chairman Brandt called the public hearing to order at 9:27AM. Nelson read the public hearing notice aloud. Brandt asked staff to give an overview specifically the nature of the condition that is being requested to be changed and the date of the original public hearing. Brandt stated staff would be going through the minutes of that meeting to find those parts which relate specifically to Condition #9. Lien stated that during the process of the public hearing, the Committee listens to public testimony, they listen to the

applicant and they set specific conditions for each individual site. Lien read aloud one of the conditions, which is referenced as Number (#) 9 on this particular site, "We also acknowledge the concerns expressed about the effects on the quality of life for adjacent owners, particularly the Paul Boland property, and the desire for an acceptable agreement to be reached between the property owner and 10K International regarding the concerns. It is our view that the town board has no authority to address this concern". Lien stated that basically because of the concerns of the Boland's at this site, the Committee at that time, asked that they negotiate/ mitigate or come with an acceptable agreement between the two property owners. Lien explained that mitigation is wide open to a multitude of things; berms, tree plantings, increased setbacks, acquisition – if necessary, and it is left up to the two parties. Mr. Bork had contacted Lien and said that they were at a stalemate with this situation and couldn't move forward with this particular condition so they asked that this condition be placed on the agenda today and be reviewed by the Committee. Lien advised the Committee and the public present to view Condition #9 displayed on the overhead screen. Lien asked Budish to pull up the September 2012 meeting minutes for review because there were different Committee members at that time. Budish displayed the conditions forwarded to the E & LU Committee by the town. Brandt clarified that those were conditions sent by the town and that the comment related to "how the township has no authority to address this concern" was from the town itself and not from the Committee or a condition that the Committee recommended. Historically, the DLM had asked for the towns' input and any conditions. The Towns' can forward a list of conditions to the Committee which is based on suggestions/issues that came up at the town meeting. The E & LU Committee then has the option to make those a valid condition of the CUP, which in this case, they did. Lien pointed out on the overhead aerial map the proposed mine site and the Boland property and stated it is directly to the north, across County Road X. Lien pointed out the site and stated one can see where the Boland's live in comparison to the proposed mine site. Lien noted that the two are separated by County Road X. Upon Britzius' inquiry as to how many acres Boland's own, Lien and Boland replied fifteen acres. Brandt stated that generally the Committee has the party requesting the CUP speak to the Committee to explain their position. In this case, Brandt decided to have the person who requested the hearing do that and then he would allow the Boland's to explain their position and then proceed through the public hearing process. Upon Brandt asking for a representative for the Bork's or Bragger's, Attorney Anthony Schmoldt, Chippewa Falls, WI introduced himself and stated he is representing Jim and Patricia Bork. Schmoldt added he is here with Michael Spellmeyer on behalf of 10K International. Schmoldt stated they are seeking to resolve the issue of the Condition #9 and what they are really looking to do is to get some clarification. According to Schmoldt, they have attempted to try and settle the situation with the Boland's. In the petition that they filed, they sent a letter that represented that their last correspondence with Boland's stated that if they attempted to try to continue to negotiate with them, Boland's were going to try and file harassment charges against them so they ran into a roadblock. Schmoldt explained they have sent Boland's Offers to Purchase on the property exceeding 20% over what appraised value was, in an attempt to try to be negotiable and cordial and trying to settle it out. In the paperwork, Schmoldt stated it should represent what the appraisals were and the offers that were made. According to Schmoldt, they thought that was a significant amount over what the actual value was. Schmoldt would like to see somewhere that the Board would be able to clarify or eliminate that condition so that the applicant could actually have a way to meet their conditions. At this point, to try to get a settlement with person's that they can't communicate with was extremely difficult, Schmoldt said. Schmoldt added that if it were a state or governmental entity and trying to take it, in order to overcome the property, at that point they would do an appraisal and it would be purchased at appraised value. Schmoldt stated they tried to give more than what the appraised value was in an effort to make this a more cordial situation. At this point, Schmoldt explained they were just looking for some clarification so that they can move forward and satisfy Condition #9. Brandt clarified for the public present that the CUP applicant isn't able to start their operation until all the conditions of the permit are met, so Brandt assumed that is what Schmoldt felt is the hold up. Schmoldt stated that was correct. Brandt asked the Boland's and their representative to make a statement. Attorney Robert Luethi introduced himself but stated Mr. Boland has a statement to make prior to Luethi talking. Paul Boland read a letter that he stated he basically sent to most of the Committee. Boland read aloud, "We purchased the 15 acre property in 2002. It needed a lot of work. This is such a peaceful little valley, protected from the wind on three sides, it makes it very special. The two machine sheds and the pond in the yard, which they dug themselves, add to the love that they have for this property. Did I mention how peaceful it is? The day before

the vote to permit the mine, Jim and Jake Bork came into our home to buy us out. We settled on a price of \$400,000. I left that meeting and went to my lawyer to have the papers drawn up. When I returned home, the Bork's had backed out, but the price was set. They got their permit and no longer cared what happened to us until they didn't get their way on the wash plant. Condition #9 was put in because someone could see that directly affected people need to be somehow given a fighting chance. When we first began, we were nearing the completion of a two year house remodeling project. We had completely gutted out, rewired, re-plumbed, insulated, added new windows plus built a 40 X 50 in-floor heated shop – my dream shop. It all added up to about \$150,000 worth of improvements. We did this because we are planning on retiring here in our peaceful little valley. Had we known about this sand mine, we never would have done the project. Appraised price should have no bearing on this, because we were told by the Bork's that they were going to bulldoze down all of our hard work, so we feel that we are being more than fair and not unreasonable and that Condition #9 should stay in place. These sand mine owners think that a person can just abandon his/her life and dreams and start all over without any reimbursement for their hardship. We pay our taxes, keep our property clean and well kept and are willing to help our neighbors. Is this the repayment we get for our efforts? We respectfully ask you to honor our rights to remain living here where we choose or at least get a fair compensation for all the work we have put in our property plus all the work and stress we will have to go through to relocate to a new home and move all of our belongings". Luethi stated he admired the Committee for making the initial decision which Luethi felt was the right decision. Luethi doesn't blame either party. If the situation was reversed, we would still probably be here. Luethi stated what the question really is here is what someone else thinks the Boland's property is worth and added that it really should be what the Boland's think it is worth. We all have a home and Luethi didn't believe any of us would want to be forced to move and let someone else put a price on it. Luethi respects everybody in this room, whatever their situation is. Luethi said if he was in their shoes, he would probably take their position, whichever side it is. Luethi added there is a law in this state called "eminent domain" where property can be taken for the public good and the owner forced to sell. Luethi thought the one thing all of us can agree on is that having a sand operation next to our home, owned by private parties, is not for the public good. As Paul Boland said, it is not only what some other person puts on his property for a value, it is his home, his child's home, his wife's home and to be forced to move or if you change it, to drastically reduce the value of his property, it would certainly be unfair to a law keeping, private citizen. Luethi asked the Committee to keep the agreement in place which you had to begin with and Luethi didn't know what additional information this Committee has that Luethi didn't have, that would make the Committee change their mind. Luethi added that it is not a closed deal. We have all heard about the money that has been thrown around by the sand company's, so at this point we are \$165,000 apart and this would be over with. If Boland's got their price we wouldn't have to sit here and talk about it. Judy Boland stated that for 2012, 2013 and now 2014, her/our life, and her son's involved, has been living hell. Boland stated they have been threatened, just not treated correctly as human being's. The neighbors have done things to their property. Before this we have always been told that we are supposed to deal with the sand mine – 10K International. The last Boland's have heard from 10K International was when Brian Hanson came to our property and said, "You need to be in the house baking bread and you need to give me your address, because you'll be hearing from my lawyers from Madison". Boland added that is what we get every time one of them speaks to us, is just "digs". It makes a person just want to pack up their bags and get out of here because you don't feel wanted and to be treated like that when they are doing this to us is a tragedy and it is wrong, completely wrong especially by these people. Boland didn't know what to say to try and protect themselves. J. Boland stated she would take that money and she would run so fast just to get away from them. They are not nice people. Brandt opened up the public hearing. The Boland's passed around a picture for Committee members to view, which was taken in their living room and showed the hill across the road where the sand mine will be located. J. Boland added that it is directly across the road. P. Boland stated that hill is the sand mine and the wash plant would be located between their house and that hill. Upon Britzius inquiring if there was any activity at the mine site right now, Boland's responded no and that it is a permitted mine. Britzius clarified there is wetland in between – a creek with some low ground. Brandt announced that there would be a 3 minute limit on public hearing testimony.

Nathan B. Lewis – Registered to testify in opposition. Lewis stated he moved here in 1994 from southeastern Kentucky. He is a coal miner. He mined coal 22 years in southeastern Kentucky. Lewis wanted to tell a little

story about his life. Lewis lived in the middle fork of the Kentucky River, a beautiful area. Lewis could take his fishing pole, walk down to that river, before the mining started and catch a nice limit of Kentucky spotted bass. There were beautiful holes and water there that he could dive out of the tops of trees and not touch bottom. Lewis moved away in 1994 because there were no longer any of those holes of water over his head anymore. There was coal and all kinds of junk mixed with the sand and the pretty river bank down through there. The top of the hill where Lewis was raised was no longer there – just devastated country because people needed jobs. Now the coal is gone, the jobs are gone and the country is torn apart and that is in southeastern Kentucky. Lewis would like all of the people to think about this as all of this happens in this area. Lewis moved here because it was undisturbed and now he doesn't know if he will even stay, but it is beautiful, beautiful country. Reclamation departments and all of the things that happened didn't save our water. All the silt ponds broke and all the silt went into the rivers killed the fish. One could no longer catch any fish worth even eating – only suckers or something like that could survive. Wildlife areas were totally destroyed. The only thing that lives there now is elk on the strip mines as that is something that only elk could forage on and that is the only success story that they have to tell. Lewis worked 22 years of his life and he has black lung disease. The company gave him \$22,000. Lewis asked the people to think about this – please.

James Bork – Registered to testify in favor. Bork didn't know how to put it. He tried to be neighborly. She claims that we were impossible to work with. When Bork bought his property, adjoining their property, back in 2002, there was a road that went in there. Bork stated he and Paul had an agreement and Paul had said you can use the road. Well when we got the sand mine, he said you get on your side of the fence. Bork can't necessarily say that he, himself, was the one in the wrong as we shared that road for 4, 6, 8 or 10 years. Bork continued that she said Bork was impossible, but Bork just wanted a line fence put in there so he could pasture his cattle on his property. She claims that I moved stuff. Bork said he didn't move anything. That is the way it was when he bought the property. There was a bunch of stakes set there. Bork doesn't know who moved the stakes, but it wasn't him. Bork thought they were neighbors and friends. Bork didn't sign up for sand mining to be an impossible neighbor. He saw an opportunity to maybe make some financial recovery from it as farming isn't always great. Bork didn't even know he had sand when he bought the property. Someone contacted him and Bork said if we got sand let's see if we can get an approval and we were fortunate enough to get approval. When Bork walked out of the town hall, Boland said, "I want to be bought out". Bork told him to get his appraisal and Bork would get his and then they would negotiate from there. Bork stated Boland's appraisal was \$220,000 and Bork's was \$192,000. Bork added that we can't even come close as Boland is asking \$400,000 and Bork is offering \$230,000 and that is more than what his appraisal was and more than Bork's appraisal. Bork questioned, "Where does he go?" Bork expressed that he feels he has given Boland's a fair offer. Bork stated he is willing to negotiate but the last time that Bork made the offer for \$230,000; they sent us a letter saying that they were going to put a court order against us if we offered anything less than \$375,000 or more. Bork felt that was an unreasonable number and that the property isn't worth that and he is sorry. Bork agrees it is probably his home and Bork didn't know if he would want to be in Boland's situation but Bork didn't think he would be quite this impossible.

Brian A. Bautch – Registered in favor but not testify.

Michael Spellmeyer – Registered to testify in favor. Spellmeyer stated he is the Operations Manager for GNS which solely owns 10K International a frac sand plant in Mississippi. Spellmeyer voiced that there has been no issue from his side trying to work to get to a resolution and to come to some way to get through this Condition #9. It was Brian Hunter. Spellmeyer funded all this up here but he had nothing to do with what Brian Hunter had to say or how he acted. And for that, if it truly happened, Spellmeyer personally apologized. Judy Boland stated they accept it. Spellmeyer continued saying that was not the way to handle it and their whole intent is to be good stewards and also to actually try to help the community out. Spellmeyer stated they are also not here to wreck land, destroy property or leave a hole in the ground. If one goes back to the reclamation plan and what they have proposed, the land will actually be returned to usable ground whenever they are finished. That was one of their reasons for not wanting to buy the property outright but allow the original landowners to hold it and then they would return it back to a usable form of a property. Spellmeyer explained that basically all they are

doing is taking the hills out of it and turning it back to flat land. As far as the other issue that was raised about silt, contaminating water, etc. with their method of washing the sand, which would involve a clarifier and will not involve ponds, there will be no way that could be an issue.

Patricia Prokop- Registered to testify in favor. Prokop stated she got a permit with Bragger for them to come to her place to get sand too. Jim Bork and Prokop are both farmers and he has bought hay from them for six years. If you know the price of hay and he was reasonable to them and he is a good guy. In talking about water in the stream, etc., Prokop is in one of those stewardship programs and she has been in it five years. Prokop didn't think they would do anything wrong or if there was something wrong with the fish, etc., Prokop stated no way because Prokop's are for conservation. Prokop couldn't see how they could put a price like that on a home. It was old, a very old home that they fixed up. Prokop agreed they should get some money but Prokop wished she could sell her home for that. Prokop thought this would give the Town of Burnside a lot of tax. Prokop wants the Town of Burnside to get the tax money and that would help a lot of people in the town. Prokop thinks it would give a lot of jobs. People have asked Prokop about jobs and she told them she would get them in. If you are in the County and you need a job, you can work for the sand mine. They won't bring people in because Prokop will stop them. The Road 93 comes across their house and Prokop's have land next to Jim Bork as Prokop's own most of the land around there. Prokop stated there shouldn't be any complaints because they know that with Prokop's farming they treat people really good. Prokop's have rented land for 20- 30 years from people. Prokop thought their situation is the best that the Town of Burnside could have.

Anthony J. Schmoldt – Registered to testify in favor.

Paul Boland – Registered to testify in opposition.

Judy Boland – Registered to testify in opposition.

Ken Schreiber – Registered in opposition but not testify.

Anita Adams – Registered in opposition but not testify.

Tim Zeglin – Registered to testify in favor - on behalf of Boland's. Zeglin introduced himself and stated he is the District Supervisor for District 12. The Boland's are among Zeglin's constituents and he is here to support them. Zeglin wanted to address a couple of questions. Zeglin is actually anticipating some objections that he might hear later in the Committee discussion. One objection Zeglin might anticipate hearing is that the County should not be in a position of adjudicating property values. Zeglin agrees with that position but Zeglin would have to point out to the Committee that the Committee two years ago already put itself in that position. That is not adjudicating or arriving at whether this property is worth \$190,000 or \$230,000, the Committee did insert itself into the process in September 2012 and is already in there and that by removing this condition, the Committee would be exposing itself or saying to all the applicants who are out there with one or two unpleasant/difficult conditions, ok we'll give in at the last moment if you just come here and complain about it. Zeglin thought the objection that the County should not have put itself in this position is correct but the County is in this position and Zeglin just thought they have to follow through with this. Another possible objection that Zeglin anticipates is, as he has heard this kind of rumor around, that Boland's are just using the County for their own purposes. They are trying to exploit the condition to try to make more money. Zeglin was wary of that position. Zeglin talked to the Boland's about ten days ago. Zeglin stated the Boland's contacted him and he talked with them. Zeglin really laid it out to them without trying to influence them one way or the other. Zeglin told them this could possibly go either one of two ways; if they leave the condition in you would still have the ability to negotiate with the Bork's. If the Committee takes the condition out you are S.O.L., you're going to be sitting on a 15 acre property that is essentially unsaleable, is that the position that you want to put yourself into and they thought about it, and they've had ten days to think about it and you see them right here in the corner here today. They have decided that they believe strongly enough in their position and they see themselves as being in the right in this and they are here gambling their whole life's work, so keep that in mind - when somebody says they're just trying to make some money off the County. Another point Zeglin wanted to make is that Mr. Schmoldt had referred to the last letter from the Bork's and that the Boland's were being intransigent. Zeglin suggested giving Judy Boland more time to come up with a series of letters that she has in her possession from Schmoldt Law Office, all of them essentially are "arm twisting" the Boland's. The

last letter, the one that provoked the letter that Mr. Schmoldt referred to, from Schmoldt Law Office, signed by Anthony Schmoldt, CC: James and Patricia Bork, Michael Spellmeyer and Fred Boe, says, “if we do not have an acceptance to the Offer to Purchase or an alternative resolution designed we will be communicating to the County about your clients refusal to act reasonably relating to their property. We have been in contact with the County and a failure of your client to act reasonably may result in the County fully releasing such condition of the permit for the sand mine”. Zeglin stated this is the sort of “arm twisting” that this entity has been guilty of.

Fred Boe – Town of Burnside Chairman – Registered to appear and testify for information only. Boe really only had two comments. Boe mentioned they had spoke briefly about this at the last town meeting and the town boards’ position hasn’t changed – they want a resolution. The other comment is that Boe wanted to ask Lien as to how many conditions are actually satisfied. This is one and are there a number of conditions on this mine site satisfied? Lien deferred that question to Jake Budish. Budish responded there have been attempts at getting some of the conditions taken care of. Budish referred to a letter that was sent out on January 27 or 18th, 2013 to all the mine sites regarding their industrial sand operations in which they had one year to complete or satisfy most of the preliminary conditions and this was just one of the conditions on this permit to satisfy within one year, since it was reviewed. Boe asked Budish if they have satisfied a number of them or where are we at? Budish responded there are a few that have been worked out right now, so far. Boe commented there are approximately 14 conditions or something to that effect.

Lien recapped for the public in the room, that we had a lot of public comments in the past (this was a hearing that happened in 2012), that there have been permits out there a couple of years where there has been no activity. People have been saying do we need to sell our property, do we need to relocate, is there going to be a mine or not, so the Committee took action last year and instructed staff to send out a letter to every pending applicant stating they have twelve months to meet the conditions and be actively moving forward and mining and if that is not going to happen, the permit is basically going to become null and void. The applicant always has the option of coming back before the Committee. Lien stated this is one of those that sparked a little more activity trying to meet the conditions and they haven’t expressed any difficulty with meeting any of the other conditions that they are working on, but this one was the only one in which they expressed that it was insurmountable. At this time, Judy Boland had a question; Every other family, person, people dealing with sand mines that want to sell their property, give up their property, always deal with the sand mine corporation. Why aren’t we? According to J. Boland, it always says in all the papers, “10K International will” and she questioned why aren’t they (10K) contacting us and trying to work this out as Bork is going by what the bank will give him. J. Boland stated the sand mines should be contacting us saying, “Let’s get you out of the way, move on, let’s go” and there has been none of that.

Luethi commented he thinks everyone has figured it out by now that there is just one question. Should the Boland’s get the extra \$170,000 or shouldn’t they, and if they don’t and you null and void the condition, as was previously testified to, their property is pretty much worthless. As J. Boland said, get the sand company in, we have all been hearing about a whole lot of money being thrown around, so Luethi didn’t know if \$170,000 should actually stop them, and of course that is up to the other side, but that is really the issue here. It is not whether they won’t sell at all, they would agree to sell and because the offer wasn’t increased, that is why the Boland’s decided they didn’t want to be bothered anymore unless they met Boland’s conditions. They are the owners, so you should be able to “make the call”. Brandt stated we have gone into a final argument stage and asked Schmoldt if there was something he wanted to say before the end. Spellmeyer stated, to back up his earlier statement of how they want to be good stewards and be friendly with everybody, this is not a one shot, last shot wonder for the Boland’s as they are willing to leave the Offer to Purchase of 20% above Fair Market Value for twelve months from this date. Spellmeyer added he was willing to put that in writing. Upon Brandt commenting that is as Operations Manager for 10K, Spellmeyer responded “yes and he is willing to put it in writing. At the time that they feel like we’re causing them great heartache living there and they don’t have a good quality of life, the offer will remain for 12 months” Brandt closed the public hearing at 10:09 AM. Brandt called upon Corporation Counsel Rian Radtke to make comments. Radtke stated that one thing he wanted to address before we go into a discussion phase, and it is just to make a record of information, is Tim

Zeglin had spoken and given an opinion during the public hearing portion to this Committee of which his wife, Kathy Zeglin, sits on this Committee. Because of that, Radtke wanted to ask a couple of questions to make a record. Kathy Zeglin commented it was a surprise to her too. Brandt commented it surprised him. Upon Radtke asking K. Zeglin if she heard Tim's comments today, she responded, "yes". Radtke asked if K. Zeglin, as spouse of Tim, is able to consider this matter and vote on it and make a decision on it, independent of any opinions that your husband has represented here today. K. Zeglin responded "absolutely, we have been married for 43 years and there have been numerous differences of opinion in our household, so we are used to lively conversations and we frequently don't agree on things and do things independent of each other". Radtke asked if K. Zeglin came here today without a decision made, to take in information and to make a decision based on the facts presented to you today, independent of anything that your husband has said. K. Zeglin responded, "Yes". Radtke stated that was the only questions he had and he wanted to make a record of that. Radtke did have specific comments to the request. Radtke stated this type of condition that is in here, and Budish has it up on the screen here, is the type of condition that the County has not proposed on other CUP's. The reason being, partly because of Radtke's recommendation that to have a condition like this puts the County in a position where they are going to have to arbitrate or potentially arbitrate as to what is the fair market value of property and that is exactly what is happening here today. This hearing, this request to amend this condition, is the exact concern that Radtke has raised, regarding having this type of condition in place. Our Ordinance requires the County to look at several factors when considering adopting conditions and those are things that this Committee should have in mind in making any decision here today because this is a decision related to a condition of a CUP. Chapter 13.03(3)(a) of our Ordinance says, "when considering an application for a nonmetallic mineral mine permit, the County must consider, among other factors, the effect or impact of the proposed operation on public infrastructure, present and proposed uses of land in the vicinity, surface water drainage, water quality and supply, soil erosion, aesthetics, including but not limited to scenic beauty and conservation of natural resources, outstanding quality and uniqueness, the market value of lands in the vicinity of the proposed operation, the physical practicality of reclamation on the site after operation has been concluded, and finally the public interest from the standpoints of smoke, dust, noxious or toxic gases and odors, noise, vibration, blasting and operation of heavy machinery and equipment. Radtke added that is what our Ordinance requires this Committee to look at in making a decision relating to adopting certain conditions. That is what the Committee had looked at when it originally adopted this condition. The one Radtke was sure everyone noticed, sort of on point here, is the market value of lands in the vicinity of the proposed operation. While that is an interest that you can look at, Radtke has not been able to determine a way for this Committee to have a condition that would be able to protect property values in a way that isn't also just requiring an operator to purchase all the neighbors' property or to not be in a position where you have to decide what is a fair value; you have competing appraisals and that type of information. The Department of Land Management is the administrative arm of this Committee and oversees and regulates and enforces these conditions and it would really put the County in a position of where you almost have to be an expert in real estate to try to determine what is fair and what is not fair. This is just the background of why, in the past, Radtke has recommended to the Committee that if there is a site and there is a neighboring property owner that has objectionable concerns, ones that are relevant to the factors in the Ordinance that you are to consider, he has said in the past that it could be then that it is not a site that should have a CUP or should be utilized. If that neighbor is not objecting and does not raise objectionable concerns that are factors in our Ordinance then obviously that is not a concern that the Committee has. What the Committee has done in the past, where there are neighbors trying to seek a resolution but haven't got there yet, is (Radtke knows of at least one case or possibly another case) the Committee asked the two parties to either step in the hall or gave them 30 days to try to mitigate their concerns or asked the applicant to mitigate the concerns with the neighbors and to do it on their terms, outside of the county's oversight. All the County would be interested in is whether it is worked out or not. Since there are some new members on this Committee, Radtke is just trying to get them "up to speed" where things have been in the past. So, to circle back to the beginning, this is a condition that is hard to enforce, it puts the County in a position where you are trying to determine what is an acceptable agreement. When you look at the actual language of that condition it says that "they are acknowledging that there are concerns expressed, it affects the quality of life particularly the Paul Boland property and (this is the County saying this) the County desires an acceptable agreement to be reached between the property owner and 10K International regarding their concerns". Radtke voiced that is pretty open

ended, pretty vague and it does not say one appraisal versus another appraisal and meet in the middle, it doesn't have a fixed dollar amount, and some of that is because, for the County to put a specific dollar amount, or tell the operator you can mine but here is the condition; you have to buy that property for that dollar amount, etc., it puts the County in a position as to how you're able to determine what dollar amount is the dollar amount that should be put on that property. It seems as though it is almost too far away from the center/core issue here which is the CUP and the mining. Radtke felt that the two options that he saw the County/Committee has here as to amending this request here is to: 1) leave the condition as is. As it is it just says that the parties reach an acceptable agreement. It does not talk about a land sale. It could be a land sale. It just says an acceptable agreement to address the concerns. The Committee could leave it at that and let the two parties work it out behind closed doors or whatever. All the County is concerned about is whether an agreement has been reached. How that gets worked out, whose appraisal gets followed is up to the parties. That is one option that the Committee has here today. Another option could be to go the other way. Since this is a condition that Radtke wouldn't recommend if this were a new CUP here today, for the reason that Radtke had mentioned, the Committee could remove this condition in its' entirety as it is unworkable or difficult to either enforce or difficult for the parties to utilize and it is kind of vague or open ended. Radtke thought that was another option as well and it is well within the authority of this Committee to do that. Obviously those are two sort of polar opposites here. Radtke thought it would be difficult for the County to have to get into the role of an arbitrator here and pick which appraisal wins or which dollar amount wins. That seems to be beyond the scope of what this Committee does and what the authority grants the Committee under the Statutes and under our Ordinance. Brandt needed some clarification as to what specifically they are asking and suggested perhaps Mr. Schmoldt can address this. Brandt stated the request is for an amendment to Condition #9 but it is not specific. Brandt questioned if they are asking to eliminate it or to force the Boland's to sell, or to reduce the value? Brandt wasn't sure exactly what it is the Committee is being asked to do by the petitioner's. Brandt asked if there was a clarification for the Committee. Schmoldt responded by stating they are seeking out clarification so that they can actually have an obtainable goal. All the other conditions are something that has a set thing that needs to be completed. At this point, the Boland's, as they expressed this is their home, they don't want to consider it at appraised value and as Mr. Radtke kept referencing which appraisal to go by. We're happy to go by their appraisal. They stated in their statements that it is not about an appraisal, it is about what they think the value is worth. Schmoldt stated if you wanted to take my home and my five kids and move them to someplace else, it may be worth an exorbitant amount because we live right next door to my in-laws. In someone else's situation, each property has a different value. We need some way to know that this is what we need to accomplish. To reach an agreement with someone that is never going to be happy no matter what amount we give them, we could give them their four hundred and Schmoldt would imagine they are not going to be happy about that just because, as they expressed they want this home, they want to be able to stay there, this is a beautiful picturesque valley. Schmoldt explained that what they need is somehow that it is either eliminated, (even if we use their appraisal and as Mr. Spellmeyer said) and/or give a percentage over the top of that, that is fine. We just need something so that we can reach that goal. Right now we are at a spot where, in their letter they say we can offer \$375,000 but it might change and it might go higher than that. If we offer the 400 or the 375 that they have proposed it could be changed again to a higher level and we may never reach that. In summarizing, Brandt stated you did use the phrase, "to eliminate the condition" or to "set an attainable goal" and so the question you are asking is for this Committee to tell you what you need to do to accomplish the condition. Brandt added that, in the past as a Committee, we have set a timeline, i.e. 30 days, and then at the end, whatever agreement you have come to, that has been a way of addressing the attainable goal issue. For the record, Luethi stated that Boland's have authorized to say that they will lock in the \$400,000 if this purchase is made within the next 60 days. Luethi continued that they will stand by the \$400,000, (admittedly by letter to Mr. Schmoldt over here who said they would/could still raise it), but they are on the record now saying that they would take the \$400,000 if they get it within the next 60 days so that eliminates any speculation on their part that they are going to raise. Brandt pointed out that we have made some motion; probably more than has been done in the last two years, just within the course of this discussion so it is obvious that both sides can come to some agreement. Brandt appreciated both parties input and reasonableness and stated the Committee will now take up the issue but Brandt needed some clarification as to what exactly Schmoldt was asking by requesting an amendment to this. Brandt thought the Committee had that. Brandt called for discussion and possible action by

the Committee. Lien commented he has been through every single one of these public hearings and through multiple Committees and if one reads this language it says, "Desire an acceptable agreement". Lien stated our whole conversation today is focused on a buyout. How we ever got to that is beyond Lien. That is not the Committee's intention, like Radtke stated; we shouldn't be here setting property values. This Committees' job is to look at all the aspects of the factors to consider. The Committee has a decision if we are in adverse to some of those factors to consider; property values, slope, dust, noise, all of those issues and perhaps it is not a good mine site, so then the Committee makes a decision of voting no and denying it or giving the option to come up with an acceptable agreement. This Committee and Committees' prior have all agreed, if the parties are happy with the agreement, no matter what it is, why should this Committee care or anyone else, if those people are happy. Lien said the Boland's have stated they put a lot of time and money in that house. Lien asked why they have to sell it. Lien asked Budish to pull up the aerial photo of the site. Lien stated there hasn't been any discussion on amending the plan or making concessions to an agreement. If the wash plant across the road is the issue, look at moving the wash plant. If it is an entry, with trucks, look at changing that. There are multiple options that have not been discussed at all today. Lien is very disappointed because when he met with the applicants a month ago, he had asked them to come forward to this Committee and state all the possibilities. A buyout is only one. Not everyone has a price. There are people that are not willing to sell regardless of it. Boland's may be those people. One shouldn't be forced out of their home by any industry, but maybe there are concessions to make both parties work together or live together. That is sort of this Committees' job. To look at all the aspects, not set property values, not force people out of houses and not allow an industry to come in for a price. You need to look at everything in the Ordinance; look at the site, not every site is a good site. Keep that in mind. We've had 30 public hearings for mines, we've issued 28. The two that weren't, were not good sites and there were multiple reasons why they weren't, so not every site is good. Again, if the parties can mitigate to an agreement, this Committee doesn't care what that is. This whole focus today has been on a dollar amount. Lien stated that is sad because not everyone has a price to sell and business shouldn't just have a price to buy in. It should be worked out with the neighbors. So, if the Committee makes a suggestion, Lien would like to see the agreement expanded and they be given 30 days to come up with other choices. A buyout is only one option and Lien didn't think that was always the right option, if they don't want to leave their home. There are other ways to mitigate; berms, tree plantings, site modification. There are a lot of things that haven't been mentioned once today and Lien thought we are losing site of that. They need to expand that option and then the Committee has a tough decision. It is either a good spot for it or it is not. Lien agreed with Radtke that we shouldn't be put in the middle but at the same time, this Committee has a tough time making decisions that adversely affect people and this Committee does it every month whether it is rezones, mining, or large livestock facilities. It is a tough job. Spellmeyer commented that he wants us to understand that in order to make the right decision he thought all the information needs to be on the table, not just bits and pieces, of everybody's conversation. Spellmeyer stated we are willing to do multiple things whether it is putting trees in for barriers or whatever it takes. The only option, as far as Spellmeyer was aware of, that has been on the table, and that they would accept is a complete buyout. Spellmeyer thought it was important that the Committee understand that. Spellmeyer also stated he did not agree that we are trying to "stiff arm" somebody, whether it is the Boland's or whoever it is within this County or within this area that we are going to be conducting these mining areas, into being forced to sell property that they feel that strongly about. Spellmeyer has a home, wife and kids and we love where we live. Spellmeyer would not appreciate that either but at the same time we all have to be reasonable and we all have to try to work together to get a solution to the problem. Spellmeyer's issue is that, we are willing to do that, but not be held hostage over it. Spellmeyer's question is, as this condition is so broad as you said and he isn't even sure why it is in there much like the attorney has stated and that is why he said a while ago, if you choose to remove this condition, I'm not walking away from this, we will come to a resolution and Spellmeyer is willing to leave the offer on the table for up to 12 months and he will put it in writing. Britzius thought it was a technical question, in terms of Lien's comments, and asked if we were here today to only decide about this one condition or are we actually looking at the whole CUP. Brandt responded we have not opened the CUP. The request was to amend this condition and as Mr. Schmoldt pointed out the request has to do with doing one of two things; either eliminate the condition or place an attainable goal so that the parties can/ or are forced to come to a resolution. Nelson, in addressing Judy Boland, stated that you have made up your mind you want to sell and you don't want to stay

there right? J. Boland responded “absolutely”. It seemed to Nelson that 10K wants to mine and asked Spellmeyer if that was right? Spellmeyer responded “yes sir”. Nelson addressed Spellmeyer stating “I think you should step up to the plate. Make an offer that they can accept. Since your only approximately \$140,000 off, for a sand company, that is not a lot, make it work if you want to mine. Nelson didn’t think that Mr. Bork should have to deal with his neighbor it should be with you fellas. It is not right to force a neighbor to deal with a neighbor when it is financial issues. Nelson thought it was up to 10K to step up to the plate if they want to mine”. Bawek made a motion to leave the condition in place, Schultz seconded the motion.

Brandt stated there has been some clarification that wasn’t here prior to our discussion, there has been movement and promises made on both parts. Brandt made an offer to the attorneys and parties to step into the hall for some time to see if they can come up with an agreement because basically that would satisfy the condition. Instead of dragging this out for say another 30 days, Brandt suspected what will happen is that at some point we will vote on whether to leave this in place for an amount of time (not saying that is what is going to happen) but that is what we have done in the past. Brandt realized he was “springing” it on everyone but asked if there was a possibility they would like to spend some time talking in the hall for awhile and report back to the Committee. Brandt received a positive response from the parties, therefore Brandt suggested taking a short meeting recess at this time, giving the parties time to see what can be worked out and asked that the parties report back to the Committee after the recess.

Brandt called the meeting back to order. Brandt explained that the parties are still in negotiations so he asked for a motion to table the issue until they are finished negotiating. Nelson made a motion to table the issue, Zeglin seconded the motion, motion carried with no opposition.

At this time the Ag Extension Agent was not in the room for discussing the setting of the 90% Harvest Cut off Date so the Committee agreed to move onto agenda item #9.

Set an expiration date for towns to enter Transportation Facility Engineering Program.

Lien explained the DLM provides engineering services for towns to meet some of the transportation facility requirements for projects. DLM does minimal engineering and erosion control plans and submits them as required. DLM provides those services for all of the towns with the exception of three; Arcadia, Burnside and Pigeon. The Committee had previously decided we would offer that service again to those towns. This came about because DLM received a check for the service back in August from Town of Pigeon as they want to get involved in that program. The Committee instructed Lien to send a letter to the three towns that if they want to commit to the service for a five year period (in an effort to be fair to the other towns who have all paid) that we would welcome them back. The only response Lien received was from the Town of Arcadia which was “no” response. Lien read the letter from the Town of Arcadia aloud which stated, “the Board discussed the Transportation Engineering Fees program. Since the fees are built into the projects and most of the projects are paid through state funds or reimbursed, the Board felt it does not pay at this time. The Board has the understanding that there is no time limit to this offer, as they may want to join the program in the future”. Lien commented that is why this issue is on the agenda because perhaps we should set a time limit for this offer. Lien acknowledged Town of Burnside Chairman Fred Boe and asked Boe if the town had discussed the program at all. Lien and Boe briefly discussed the towns’ correct e-mail address as Boe did not receive an e-mail that Lien has sent regarding the program. Upon Boe asking what the original question was that Lien had, Lien responded the question was whether or not the Town of Burnside was interested in what the DLM had to offer. This program started back in 2005 and each of the towns’ pay with the understanding that sometime they will utilize the service and sometime they won’t but across the board it is a savings to the towns as far as engineering and erosion control services. The Committee had suggested that if towns’ wanted to get back into the program and agreed to be in it for at least five years, there would be no back penalty for not being in it since the beginning. At one time a Committee had said if a town wanted to get back in they would have to back pay to 2005. For clarification, Lien stated the Town of Burnside’s annual contribution would be (based on the miles of town road so each town is different) \$607.47 per year. Boe stated he would be sure to make it an agenda item for December. Boe thought, from general discussions in regard to the engineering program, it was likely that the town board would accept that. Brandt recapped that the question before the Committee was if they

should set a cut off date for agreeing to come into the program for those three townships; Arcadia (has indicated no interest now, maybe in the future), Pigeon (agreed to the program) and Burnside (will discuss it). Schultz made a motion that we extend this offer through the end of January, 2015, seconded by Zeglin. Schultz commented that when this was first brought up back in September, we were waiving asking incoming townships to pay back to 2005, so Schultz asked if we would return to that policy or the Committee needed to set that as well as to what the policy would be after January. Zeglin commented that having the deadline at January 2015 would give all the town boards involved two meetings, in the case of Arcadia four meetings, which is ample time to discuss this and come to some conclusion and get that information back to the Committee. Bawek asked how would they get back in the program if, i.e. they changed their mind in February. Lien responded if they contacted DLM, Lien would bring it before the Committee and Lien thought if they wanted to do the five year agreement this Committee would welcome them. Brandt stated we have been asked to set a deadline; we have a motion to set a deadline. Zeglin asked that the Department send a letter instead of an e-mail to each of the town boards in question so that they do get something, formally, in writing that they can hand out to each of the board members and discuss it. Motion to approve the January 2015 deadline passed with Skoyen and Bawek voting in opposition. At this time the Committee went back to agenda item #8.

Set 2014 Wildlife Damage & Claims Program 90% Harvest Cut-Off Date

Brandt explained the Committee has an obligation to set a cut-off date when 90% of the harvest has been taken from the fields and that gives the Wildlife Damage and Claims Program participants an opportunity to settle their claims. Brandt asked the UW-Extension Ag Agent – Steve Okonek to give his opinion. Okonek suggested December 15th, 2014 as a date for the harvest cut-off. For the week ending November 16th, according to Okonek, West Central Wisconsin is 63% harvested on corn, 99% harvested on soybeans. Nelson commented that he heard a prominent Illinois farmer make a statement that a harvesting day in October versus a harvesting day in November will take two days to what one can get done in one day in October. December will take three days versus one day in October. Discussion took place on harvesting, the weather and setting that date. Upon Brandt inquiring if it was a good year for corn, Okonek responded it was a good year for yields, test weights and moistures are all across the board because of varying planting dates, generally though it is a pretty good crop. Zeglin made a motion to set the 90% Harvest Cut-Off Date at December 15th, 2014, Skoyen seconded the motion, motion carried with Bawek voting in opposition.

Resolution related to 2014 DLM Budget Excess for County Cost-Share Program

Brandt acknowledged UW Extension Community Resource Development Agent Pat Malone. Brandt explained this is an issue related to the testing of wells. At the public hearing for the budget, Ms. Linda Mossman had made a suggestion related to the water testing for private wells near active mines. Discussion was somewhat complicated because there wasn't enough information and it sort of came into the hearings at the last minute. Instead of forcing a vote, the County Board indicated, informally, that it would be willing to take the issue up again at a future meeting. As Chairman of this Committee and as the person who made the motion, Brandt asked that the item be put on this agenda. It was on the agenda for the Extension, Education and Communications Committee yesterday and hopefully the Exec./Finance Committee will also be taking it up. Brandt stated the issue relates to the testing of private wells whether they are in the townships or an annexed area in the County. There isn't a resolution before this Committee because it will be created during the discussion today and then Brandt will bring it to the January meeting in order to give a number of Committees the opportunity to review it. Brandt asked Malone to describe the proposed water testing program. Malone explained that what they have proposed is conducting a private well water testing program using the environmental analysis lab at UW-Stevens Point working with their specialist. That is the lab that Malone uses regularly when people walk into her office and have a question. This is very targeted as it targets specific areas and it is done as a batch, so instead of sending one or two samples in at a time, we look at the capacity in the lab and they can take up to that many samples (which is 100). Malone continued that they want to offer two packages; one is the homeowners' package which tests for important things like bacteria, nitrates, chloride, conductivity, alkalinity, hardness, PH and the saturation index. They also want to offer a heavy metals package that includes things like lead, arsenic and manganese and zinc. The cost of those two packages together runs right around \$100. What is being proposed is offering that test to people with private wells within a half mile of

an active mine in the central part of the County for a couple reasons; one being that is a part of the County where we do not have much water test data as we do for other parts of the County and the other is because of the ongoing and increasing concern that people have for how their water quality is being impacted by mining. This is a way for us to get that base line data. Traditionally, they charge individuals who participate in the program. What is being talked about is seeing if the County will help pay for that cost. Brandt had asked the Extension Committee the previous day what is it that this resolution needs to contain in order for them to support it. According to Brandt what they came up with was a number of issues they wanted answered. One, is there a cap on the number of tests? Is it countywide? A member of that committee stated they would support a countywide offer of financial assistance for anyone within a half mile of an active mine. Another request was that there be cost-sharing perhaps 70/30. They all indicated that they were concerned about ground water quality. One person wanted it to be clear that this is not coming out of the Highway fund. Brandt is asking this Committee the same question. Malone has a program that is going to go on anyway. Ms. Mossman suggested that the County indicate its' concern for groundwater by assisting citizens in having their wells tested. Nelson asked how much money was needed.

At this time, Brandt stated the Committee would revert back to agenda item #7 which was tabled earlier in the meeting. Britzius made a motion to remove the issue from the table, Nelson seconded the motion, motion carried with no opposition. Attorney Anthony Schmoldt stated they have reached an agreement. Schmoldt continued by saying they are going to get a closing done before the end of the year to take care of the transaction. At the time of the closing, they ask that once the proper payment is made on the closing date that Condition #9 would be pacified and that they have satisfied with the Boland's in regard to Condition #9 and at that point they would be sending a confirmation to the Committee that it has been taken care of so that the condition is pacified. Attorney Robert Luethi stated we do not want the condition removed until the Committee would get the letter signed by the other attorney and Luethi himself. Lien commented that the condition won't be removed, it will be satisfied, but the condition will stay there. Brandt stated the Committee will abide by that and wait for the letter before the end of the year. Brandt thanked all parties. Brandt announced we have a motion and a second on the floor that Condition #9 should remain and it appears that the parties are willing to fulfill that condition, motion carried with no opposition.

Lien recapped that the Committee veered from the agenda item; Resolution related to 2014 DLM Budget Excess for County Cost-Share program. That was how this discussion started and then at County Board meeting the well water testing that Linda Mossman had proposed was discussed. Lien explained the DLM budget situation, that being two staff vacancies, the remonumentation being done, etc, is resulting in a significant amount (approximately \$161,000) to be returned to the General Fund. Brandt proposed doing a resolution that gets money to well water testing. Brandt asked what kind of resolution is needed to get the Committee to support well water testing whether it is through the cost-share program or goes directly to Malone's office. Britzius suggested perhaps these issues should be separated out because one resolution may be more amendable than another. If we have the local cost share conservation programs that would be a separate resolution from the one for water testing. Britzius thought it was bulky to have three resolutions. Britzius stated the water issue is the highest priority for him and from what he was hearing at the meeting he thought it was for the County Board members, so he thought it would be good idea to separate that one out to try to make sure it would get through and then if we could do the others that would be wonderful too since this Department is returning that money therefore it gives us some justification for the conservation program. Lien gave the Committee some history on previous budgets. Lien agreed with Britzius that the resolutions should probably be separated out because at the County Board level there was a great discussion on the need for well water testing, not just in the area suggested but countywide. There are a lot of groundwater issues and a lot of concerns even outside of areas that aren't necessarily being mined. Lien and Malone had a discussion about the fact that the county cost-share program was a 70/30 program historically. If that was allowed for water testing on a countywide basis it is still a great savings to the public and it would also extend the number of wells that could be tested. Tim Zeglin commented that he would like to remind the Committee (as some members were at the County Board meeting, some were not) that if there is a resolution to test well water throughout the County that the lab isn't going to be able to handle that many samples at one time so as part of the resolution the Committee would also

have to set up some type of list of priorities. T. Zeglin thought the biggest concern was for wells in the Lincoln/Burnside area or possibly around Blair because those lands were recently, surprisingly, annexed and suddenly there are people living next to the City, and never dreamed that they would be and they should probably have priority for well testing. Brandt asked Malone to discuss a waiting list and priorities. Malone has been trying to meet with Kevin Masarik, UW Stevens Point, to discuss these issues and how we might be able to expand effectively in a way that recognizes his labs' challenges. Malone can set up priorities in a way that reflects what the Committee thinks is important. In Malone's mind certainly it is those private wells within a half mile of an active mining operation and right now that is Lincoln, Burnside, Arcadia, and Preston. There are a few in other places but that is where the concentration of people is. It is also the concentration of the area where we have the most blank spaces in terms of data, so from a data perspective and from a need perspective, those are the priorities. Beyond that Malone stated we can do registration (first come, first serve). Malone can make it work the way the Committee needs it to work and Masarik and Malone can work something out so that we can get this valuable resource to the people who most need it. Brandt mentioned that the Health Director has mentioned that private well owners should have their wells tested every year for the basics: bacteria, nitrates, ph (the Homeowner's package). Upon Britzius asking how Malone would offer the program, Malone responded that we will identify those people (utilizing data from the Land Records Dept. and the Real Property Lister) with private wells within a half mile and they will get a personal letter/invitation. Brandt clarified that the resolution is going to be to transfer money from the General Fund in the 2015 budget to either the cost share account with a commitment to using it for well water testing or to UW Extension to use for well water testing. The number we are using right now is \$15,000. It was suggested that \$10,000 be used for cost-share and \$5,000 be used for administrative funds). Malone has indicated that she will probably use \$15,000 for testing. Discussion took place on the dollar amount and participation. Malone noted that back when the County funded the Ground Water Study, a three year study, the primary purpose of which was not water testing, but it did include water testing, they tested between 500 and 600 wells over a three year period so between 150 and 200 wells a year, for three years. Malone felt that was a lot of data, spread out throughout the County. Malone was in favor of the cost share because it gets us more tests and you start to send the message to private well owners that if you're concerned about protecting the environment and protecting your health, you need to monitor your water quality and we know it's a private responsibility but we'll help you with that. Nelson and Brandt discussed that the issue would go to Exec./Finance and County Board which is why Brandt is "shooting" for the January County Board meeting, so all the Committees can get a look at it. Malone added it gives her more time to talk to Masarik to see if they can get answers to some of the questions about how to stage it or work with other certified labs. Zeglin stated she was confused about the dollar amount that the Department will be giving back as it was her understanding that the Building Inspector salary was going towards the private company that we have to hire to do the building inspecting. Lien responded that building permits are good for two years so permits that we issued and collected money for two years ago, we are paying them out of that unused salary, but any new permits that come in, is a "wash", they are just getting that fee, so we are paying nothing out of the County or DLM budget for those permits. So basically, every month, the amount is dropping as to what we are paying them because those permits are "going by the wayside". Lien noted there are permits out there that are two years old but aren't completed as of yet so those permits we do have to pay the inspectors out of the DLM budget. Upon Zeglin inquiring about the Farmland Preservation Specialist position, Lien responded we probably won't get anyone yet this year as Lien is talking with staff to determine departmental needs and will probably be coming to the Committee with a revised job description, a new role that will include her duties. Zeglin just wanted to make sure that the funds stated are going to be accurate. Lien added that he and Stalheim had gone through the numbers this morning and Stalheim had said that as of right now it looks pretty accurate. Tim Zeglin, as a member of the Exec. / Finance Committee also wanted to be really sure about those numbers. Brandt clarified that amount will be going into the General Fund but the question is how much we are going to ask for to be taken out of the General Fund for water testing. Tim Zeglin wanted to clarify for everyone that when it goes back to the General Fund, the allocation or spending of that money will then be subject to the review of Exec. /Finance Committee and the full County Board, so it is not being "squirreled away". Malone added that if she understood it correctly, it also requires a two thirds vote of the full Board. Lien clarified for Tim Zeglin that this money, the DLM excess for 2014, was not accounted for in the 2015 budget that was just reviewed by full County Board as we didn't know for sure what the amount was at that time and it is money that

has not been allotted for anything else. Linda Mossman stated that by doing this, it also starts the commitment to two of the recommendations of the Health Impact Study and it specifically addresses GW-4 and GW-5, so of those 37 recommendations, by this resolution and this action, you are actively following your next agenda item. Brandt recapped that what he has heard from this Committee, so far, is any requests from the General Fund in regard to water/well testing should not be linked to any other request for money from the General Fund specifically our low cost conservation practice/cost share program. The other thing Brandt has heard, as clarification for Britzius, was that the process of identifying the people and communicating with the people be solidified, in other words, that there is a way to gather the data that is scientifically viable, i.e. the letter of invitation and that it go through the Exec./Finance Committee. Brandt stated there is no resolution to vote on, this is a discussion question. We will have a chance to look at this in December and hopefully vote it out of Committee. Radtke is taking notes and hopefully we can come up with some resolution language. Upon Britzius' inquiry, Brandt stated the resolution would be for January County Board, hopefully. Britzius commented that we talked about \$10,000 for testing and \$5,000 for training and mileage, and asked what training and mileage means. Malone answered that it really depends on how we do the program. She would prefer to put \$15,000 towards the actual testing as we are given mileage dollars anyway and it would involve a couple of trips, at most, to Stevens Point and some mileage to the collection points to distribute and collect the well water. If we wanted to do something more elaborate, we might want to recruit the Water Action Volunteers and do some more training, it is not necessary, it just sort of depends on how the program is designed. Whatever amount of money that is given to Malone is more than she has for water testing right now. Britzius clarified that the resolution would not include a distinction, it would just be \$15,000 for water testing to be used in the most effective manner. K. Zeglin asked if we needed to delineate a starting point around the mines that have been annexed to cities since, to her knowledge, there is no requirement by these cities put on the mines to test wells outside of their area so we give a starting point and then if there are funds available it is expanded from there. Brandt thought it was important to make it clear that this is a County program and so it is countywide. Malone stated it is countywide, private wells and from her perspective as an educator, if somebody lives in a city and receives public water, the public utility tests the water on a regular basis. They are required by EPA (Environmental Protection Agency) to send out a water quality report card every year so people can look at that. This is for private well owners because of the unusual situation that we have with these large amounts of annexed land where they are not being provided public water. Malone wouldn't distinguish between them not living in an annexed area or still living in that town. As long as they had a private well and were closed to an active mine, they would be on her priority list. K. Zeglin clarified private well whether they are in an annexed area or outside of the annexed area. Malone stated usually one of the arguments for being annexed is to receive public water but it is not happening, so they are still under an obligation to test their own well water. Britzius asked what obligations the cities have in regard to private well. Malone answered that many of them actually have ordinances where they are supposed to close it, but that would be a function of, are they then going to run their water lines out there to provide water. Upon Bawek suggesting that river, creeks and streams be included, Malone stated that Kris Stepenuck who is our Water Action Volunteer Coordinator for UW-Extension statewide is working with a few individuals within the County, getting them trained up as volunteers to take surface water samples, so there are other programs which are voluntary but some of that action is happening. Upon Brandt asking Radtke if he was in a position to start giving up some language, Radtke responded yes. Brandt stated we will bring back a resolution to the December meeting, we will work on that and hopefully that will be supported by a number of committees and bring it to the January County Board. Britzius asked about the other two components of the request. Brandt thought what he heard people say is lets be sure to separate them out. In staying on this track, Brandt stated the Committee has already committed to cost sharing conservation practices, if this Committee feels it wants to put that money back into the budget by requesting it come out of the General Fund, we have already approved the 2015 budget which didn't include the \$47,000. Having heard what Lien had said and you feel that there is some linkage that we would be in the right to request that back into his budget, Brandt felt that could be covered by this agenda item. Britzius made a motion that we also consider putting a dollar figure in, as a request, to fund the conservation cost sharing program in 2015 and that money again would have to be requested to come from the General Fund in the same manner as the previous discussion/resolution that is going to be drafted. Brandt suggested that, for discussions sake, we just say \$47,000 which is what we had in the original budget. K. Zeglin seconded the motion. Schultz

stated that we suggested \$15,000 so that we can collect more data on water so that we can find some answers on that as to if there are or aren't risks, and now we have \$47,000 for conservation and Trempealeau County has long been a leader in conservation and Schultz was raised to see that as an investment. Schultz asked what the written statement is for the purposes of the General Fund and questioned if we have a written mission statement of the General Fund? Schultz added that obviously the County is never going to retire and live off of this money and Schultz hoped it was, generally, for investment and obviously a "rainy day" fund. Brandt explained it gets brought up in discussion when we talk about our bond rating as there is a certain percentage of emphasis that bond raters put on how much (6% of operating expenses is what is recommended) is in the General Fund balance. Upon Schultz questioning if we have a written policy on the purposes of the General Fund, Brandt responded that has been "flirted" with and it depends on what the County Board wants to do. Lien commented that Schultz is touching on long term planning which is a great idea on a county wide basis and that the County has attempted that in the past. At one point in time they prioritized every service in the County and Lien thought it "went out the window" when the vending machines ranked higher than remonumentation. Brandt suggested perhaps Schultz could bring that issue up on the County Board floor. Brandt pointed out that when people talk about where they learn about conservation practices, it isn't this Department any more. Actually UW-Extension ranks higher, and the Ag Agent Steve Okonek has been working with Lien to get the word out that we have the technical ability if we have the cost share ability. Brandt thought that would be even more of an opportunity. Britzius thought with this motion we are revisiting the 2015 budget and it was a item that we as a Dept. had in the budget and it got "bumped out" and in the November meeting we discussed putting it back in and clarified that now we want to continue that discussion. Okonek stated that in the past, most counties have had some sort of cost-share arrangement. Laying out contour strips was popular many years ago. The arguments made often on concrete barnyard projects were whether they are effective or not and there are a lot of things we can do. Cost sharing of converting to no-till and reduced tillage has been popular in other counties around the area for a number of years. We can take some money and really get some leverage on it and get it across a lot of acres and some of these waterways that were taken our erroneously over the last four or five years can be put back in with cost sharing and then there can be possibly some "teeth" in that, i.e. if you take this waterway out within a given number of years of this cost share, you owe the money back plus a penalty. Okonek thought that was something that could be done and there are a lot of things that we can do to leverage to meet our conservation ethic that our survey shows is still alive and well in the County (at least the County psyche but if one looks at the land there seems to be a disconnect between the thought process and the tillage process). Okonek thought that it (cost-share) was a very valuable investment for the County to make, then the landowner or the operator has an investment or stake in what is going to happen whether it is the well water testing or on-the-land type conservation projects. Everybody needs to have a stake/payment out of their pocket going into it so that everybody has a buy-in and sees the value in it. Okonek reiterated that he thought it would be an excellent way to address some of the issues that we see around the County. Brandt recapped that we have a motion and a second to bring a resolution to the County Board to take \$47,000 from the General Fund and return it to the County cost share program for low cost conservation projects. Zeglin commented that the Committee had discussed the pros and cons thoroughly a few months back and we have agreed unanimously to hopefully reinstate this program. Zeglin didn't see any reason to delay the vote. Brandt restated the above made motion and the motion was voted on and passed with no opposition. Brandt stated we will design a resolution and try to get that to the County Board as quickly as possible. A short discussion took place on policing these conservation programs.

Replenish Petty Cash (Kwik Trip Card)

At this time Brandt stated that County Clerk Paul Syverson was in attendance. Syverson stated we have done away with Petty Cash accounts and this thing looks like it is a debit card which is just holding on to cash in a different way and Syverson asked how it is being replenished. Syverson asked how it is set up in the first place as there had to have been cash up front. Syverson brought it to the auditors and asked them and they said no, we don't have petty cash anymore. Lien responded the Committee had set up, rather than having cash or rather than using the checkbook, that a maximum \$50 Kwik Trip card be set up and used to supply refreshments for these meetings. Syverson asked how the first \$50 was put in there. Lien stated the money comes from the Tree & Shrub program. According to Syverson the first thing the auditors asked was what is the risk and control on

that account. They wanted to know who is keeping track. Lien responded Stalheim does and the Committee, that is why it is put before the Committee and it is only a \$50 maximum and the Committee makes a decision whether to replenish it or not. Syverson asked if when it is replenished, it is the receipts that were basically used to buy items today. Lien explained the receipts are logged in each time but when the card gets down to zero, then they replenish it to a maximum of \$50. Syverson asked if it wouldn't be better to have a credit card. Syverson added that at least on a credit card, you make the charge, you have a receipt and when the bill comes you have something to match up, so there is a check and balance. Brandt understood the control issue and the auditors concerns. Radtke commented this is an issue that he has talked to Syverson about and Radtke was the one who alerted him of the Petty Cash on this agenda again. Radtke has spoken, in the past on this and it seems like it just is continuing on even though it is not appropriate – almost like you're ignoring him, Syverson, the auditors and potentially the law. Radtke stated the Tree & Shrub Program needs to be in an account held by the County, not in a separate checkbook. Gamroth commented that it is in an account that only Lien and Brandt have control over. Syverson stated all money in the County is watched over by the Treasurer and the Clerk. Radtke added that in order for the County to spend money it has to be in the budget so you are talking about something that is in an account that is spent at the discretion of this Committee and that is not how financing and budgeting works. Lien stated that statutorily there was a LCD checkbook that was allowed to be created by County's for conservation goals and purposes and that is how it exists. Syverson and Radtke asked what the Statute was. Syverson stated the auditors do an audit on that checkbook. Gamroth added that the Committee reviews it, at least, once each year. Radtke added that for money to be spent, it needs to be in the annual budget, it needs to be approved by the full County Board and so this is a process to kind of go around that and use money out of a checking account that is not in the budget. That is the bigger problem and that is what Radtke has spoke to the Committee in the past about and Radtke was sure that is what the auditors have concerns with too is that it is outside of the annual budget. If the County Board decides they want to pay for refreshments and put it in the budget that is fine but to have it in a separate checking account and have this Committee just authorize money every now and then to be spent, that is not following the ordinary course. Radtke would be interested in seeing any statutory authority that says the County can have a checkbook. Brandt understood the concerns, but stated what we have lost sight of is the power that is given to Land Conservation Committees and Departments by State Statute. Admittedly we are part of county government but we also stand separately from county government and we are the descendants of the Land Conservation Committee. Brandt thought what they are describing is an entity of the County. The conservation committee and department are attached to the County but they are not completely as they stand a little outside the umbrella of the County as well. It was set up that way so that we could have authority not only to seize property which we have the authority to do but to buy property as well. This is not a power that has been used but it is a power that exists because of the importance that was attached to land conservation when this legislation was written. Britzius suggested that Radtke and Lien do a little research on that and report back next month. Syverson suggested getting a credit card. Radtke stated it still needs to be in the budget and then that bill is sent to the Audit Committee who would approve payment of that bill. That is the process that is missing here. It is treated like any other invoice that is sent to the County. If it is in the budget then it goes to the Audit Committee for approval, they sign off on it, and the bill gets paid. Brandt recapped that Radtke and Lien would discuss the issue and come back with a recommendation.

Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining – particularly action items or opportunity for any additional information from public.

Lien stated he took the recommendations and thought about how to narrow a little bit of the focus, highlighting items like groundwater recommendations, stable community recommendations, light recommendations, air, noise, etc. and that just starting those conversations and how that all relates to existing language in our Ordinance and possible amendments to the Ordinance to either meet some of the recommendations that came out of the Study or leave them alone, are very lengthy. Radtke understood, from the last meeting, that Lien was to go through them and pick out which ones are related to environment and land use, ahead of time. Radtke thought to go through each one of these would be cumbersome. Radtke went through them and pointed out which ones he thought were something related to environment and land use or within that authority or things

within the County Board authority, maybe not necessarily environment and land use or which ones are sort of just a request for data collection, etc. In addition, Lien stated he and Radtke had met with DNR (at reclamation training) and Radtke had posed some questions in regard to reclamation and the Health Study Report and asked for some guidance or where the line is as to regulating either in our reclamation ordinance or possible changes to the Ordinance or ways to do things differently in our reclamation permit and the conditions that we attach to those. Radtke submitted those questions in writing however he hasn't received a response back from DNR on those questions. Radtke added we are going to get another regulatory authority, the DNR, to kind of speak to us on these reclamation recommendations (NR-135) as to which ones are practical, which ones we can or can't do, or where the line is on some of those. Brandt noted that one of the recommendations was to spend more time with the incorporated municipalities and the townships in discussion related to the effects of annexation, nonmetallic mining or what information that we can share based on water study's, groundwater and surface water study's. It wasn't for that purpose, but we were in a room with all the municipalities that have NR-135 Ordinances and have annexed land in order to incorporate around mines. Brandt asked Radtke to touch on highlights related specifically to recommendations that this Committee can address. Radtke referred the Committee to the Health Impact Study, Page 6, Summary of Subcommittee Findings and Recommendations. Radtke thought the first recommendation that was relevant or within environment and land use authority is SC-4 (Page 8) – modify ordinances to limit the number, expansion and location of mines. This would allow for the protection of natural beauty, drinking water, environment, this is identified in the current comprehensive plan. Brandt said this is a question that the public has raised from the very beginning which is “how many is too much”. The Arcadia citizens along the corridor of Hwy 95, at almost every public hearing, would come and say think of the cumulative effect and what this means if all these permitted mines are active at once. The Committee has never taken up the issue related to putting a number on it. At this time, Britzius suggested having a special meeting just to cover this large topic. Some discussion took place. Linda Mossman requested to speak, as she had to get back to work. Mossman stated she attended a meeting on Monday of the Joint Finance/Highway Dept. and realized that there are other county's that are doing things that could be utilized within the report and within what this Committee asked for, i.e. Mossman understood there is a process called the TIA (Traffic Impact Analysis). That survey can be as in-depth as a group requests it to be. It can include things like bicycling traffic, number of cars on a road which would be very useful, in her opinion, when we are looking at where these mines are located. If it is going to be located on a rustic road, on a historic county road or a designated bicycle loop road, why can't we make the person responsible, come to us requesting to be doing business in our county, to put in bike lanes on a County road. Build it wide enough give us a bike lane, allow for our local traffic to continue utilizing the road. These issues, Mossman agreed, are huge, they will require a lot of research, but she asked this group to maybe take into consideration what others have already learned. Chippewa, Eau Claire, and Jackson County – go to those people and find out what they are using that seems to work so that the residents and an industry can live in the same area. That is just one example. At this time the Committee took a five minute break.

Brandt called the Committee meeting back to order. Schultz commented there is an interesting case, which started in Winona and is going to the Minnesota Supreme Court which is about whether the City can limit the number of residences on a block in a certain area of the city that can be rentals (30%). Schultz added there are limits on the number of bar licenses but how do we set a number on the number of sand mines as they vary so much in scale, etc. Brandt noted the issue of eminent domain which was brought up earlier. By issuing CUP's or by changing zoning, we are affecting the people around them with whatever we do. The given here is the protection of natural beauty, drinking water and environment as identified in the current comprehensive plan and that is something that we are required to take into consideration when we make decisions. Brandt suggested we keep going through the points in the summary of the Health Impact Study that Radtke thought were pertinent. K. Zeglin clarified that these were items that Radtke thought would be suitable for the Committee to incorporate into an Ordinance or CUP. Radtke thought they were within the scope of the E & LU Committee. Radtke thought Schultz had done a good job of describing the unknown on regulating density, etc. and as we discuss the different points each one is going to have their own little issues that we are going to have to make sure that we are within the confines of law, the Ordinance and Statutes. These are the points that Radtke feels are relative and within the scope of environment and land use or something that the land use

regulates. K. Zeglin thought it might take all of us, individually, a while to think about each one separately so it might be best to run through the list, the Committee can take it home, mull it over and come back with ideas as it is hard to come up with something on the spur of the moment. Radtke had highlighted some points but encouraged the Committee to go through the list as something like Stable Communities - SC-1 – talks about enacting a countywide long range strategic planning process and sure that is something that this Committee is going to have some input on but that is a larger project for the County. There is also a recommendation for the County adopting an Ordinance regarding light and questioned if that was something that would come from this Committee (he wasn't sure) but it was definitely something the County Board would have to look at specifically. The points that Radtke thought pertain to this Committee were SC-7 (Pepin and Buffalo County has a similar type area and have worked on some type of regulation), SC-10 (Radtke has asked DNR about this and is hoping to hear back from them), SC-11, SC-12 (Radtke has asked DNR to weigh in on this topic), SC-21. Radtke noted that some of these points are just asking for some sort of data collection or further study on things and while that is something that this Committee could put forward Radtke said it was something that the Board of Health or another arm of the County Board might want to do. Radtke continued highlighting points, Groundwater - GW-1, GW-2, GW-3, GW-4, GW-5, GW-6, GW-7, GW-8, GW-10 (might be a tough one to impose as there are lot of unknowns), GW-11 (Radtke thought it was probably something within the jurisdiction of DNR and did not include this point in any of his questions to DNR), Surface Water - SW-1, SW-2, SW-3, SW-4, SW-5, SW-6, SW-7, SW-8, SW-9 (wasn't sure if it fell under this Committee or Board of Health, etc.), Light – L1, L2, L3 and L4 (talks about establishing an Ordinance and the criteria), L5, L6, L7, Noise – N1, N2, Air Quality – AQ1, AQ2- Radtke thought there was an inconsistency here as they talk about the permit holder being responsible to obtain air quality samples every 3 days for 3 years and then it says within normal ranges it can be down to sampling every 6 days but then it says the site should continue all the requirements and that air quality monitoring should continue until all requirements of the reclamation plan are met, AQ3, AQ4 and AQ5 are basically data collection, AQ6, AQ7. Brandt advised Committee members to take these recommendations home, study them and the discussion will be continued. Zeglin suggested, as a benefit to the Committee and the public, pulling these deliberations out of our standard monthly meeting and have it at a separate time and limit the time of that meeting to three hours. Duane Suchla was present and stated that just looking at these, it seems like you are doing everything in your power to make it tougher for anybody who wants to mine and asked if there was anything they changed the other way – not penalizing. Upon Suchla asking if they did the health study and where the results were, Brandt responded this is it. Suchla asked if they found anything bad. Brandt responded they made these recommendations based on the evidence and their findings and suggested Suchla get a copy of this report from the Health Department or it is accessible on the County website. Brandt read aloud some of the findings. Brandt added that Suchla raised a good point that much of the expense is being put on the industry which may in fact limit who it is that can mine. If they have the backing, if they have the money and the ability to do this they can mine and if they don't it raises the issue that Suchla mentioned of it being expensive and difficult. The intent is not to make it expensive and difficult but rather protect groundwater, air, soil and whatever else. Darlene Rossa commented that the noise decibel is at 50, right now we're at 62 so how do you expect them to get to 59. Brandt responded that relates to what goes on during the comprehensive planning process where people identified wanting quietness, especially at night, darkness and desires for a rural lifestyle. If we want to continue to follow those desires of people who live here we have to find some way of making it possible. Rossa added just be realistic as corn blowing in the wind is 80 decibels. Upon Britzius asking if there was a response to Zeglin's request, Brandt responded not right now as part of it is that we are coming into the holidays but in one way if it is going to be a change to the Ordinance there is going to be a public hearing and also having a conversation with the public is going to require some parameters. Upon Brandt asking the Committee if in the New Year they would be up to two meetings a month to deal with some of these recommendations, Zeglin suggested another alternative, that being if we're going to have other business to specify a time for those items. Brandt added it also depends on what else is on the agenda. Discussion took place on setting a time and Brandt decided he would discuss it with staff.

**Discussion of Farmland Preservation plan goals relating to provisions for industrial sand mining.
Update to Trempealeau County Farmland Preservation Plan-Opportunity for public comment**

Committee consensus was that they would move on to agenda item #14 as #12 and #14 are very similar. Darlene Rossa stated she was concerned about this new Trempealeau County Farmland Preservation update and asked if this was going to circumvent the Town comprehensive plan that is already in place, if the Committee is taking over the zoning on this. Rossa asked exactly what does this all mean. We have a State Farmland Preservation, now are you circumventing the State and doing your own as far as zoning goes. Brandt responded that is sort of two separate questions; one relates to the changes in Farmland Preservation at the state level that we have to come “in step” with and the other has to do with the planning part of it. Unfortunately, neither the Farmland Preservation Specialist nor Peter Fletcher from Mississippi River Regional Planning Commission were present so Lien stated he would do his best in answering the questions. Lien explained this was to meet the new goals of the Ag enterprise areas as it is tied to zoning. Brandt added that the Farmland Preservation Program is disappearing, and contracts are expiring. Lien added the existing contracts in the County are still in effect and will be honored until they expire. Lien continued that our County is a little different from other counties in that our Farmland Preservation contracts were tied to zoning where others were not. The new program with Ag Enterprise areas are somewhat tied to zoning. To date, we have had a couple of inquiries but no one really interested in the Ag Enterprise Areas because the guidelines require multiple landowners, and much larger acres to be able to qualify to enroll in it. Rossa asked if the Committee would be zoning just exclusively for agriculture and nothing else? Lien responded if one looks in the Comprehensive Ordinance, Section 2.05, to even comply with current Farmland Preservation requirements you have to be zoned in an “Exclusive Ag” district and that is a state requirement. In looking at this and understanding the language of it, Rossa stated you are qualifying agricultural land at different levels so Rossa wasn’t sure if the County was using this as more of a control factor for mining that if it is highly desirable ag, the County could turn around and say this is going to be highly desirable ag land so we don’t want to issue a permit on this area because we would rather keep it in ag instead of having it go to mining, etc. Rossa asked what are your reasons for it. Lien responded the reason for us doing this is a State requirement. We have to update our program and we got a grant for it, but Lien thought what Rossa was talking about was actually a discussion that took place at Committee level when we talked about planning and where to site mines and where they should or shouldn’t be. The Committee talked about the study that was done through UW-Extension in regard to preserving good agricultural land in the County and that is not any part of this plan. Lien added that mining is considered an allowable use in Ag districts or it is a Conditional Use in Ag districts and also through Farmland Preservation. Lien didn’t see that changing in this plan. If the Committee chose to look at preserving Ag land in the future that is something they could do. That would be another topic but not part of this plan. Rossa responded that is the question. If they decide to preserve it in this way, then when one comes for different permits or i.e. 10 years down the road Rossa wants to take and put a housing development somewhere, and then all of a sudden they have the say over that section of your land that it will stay in Ag, a person wouldn’t be able to do that because it is not zoned for that and we(County) are going to make that decision on your land. Rossa would still like to be assured that landowners have the ability to keep their land zoned in what they want it to be without somebody coming in and saying “no, you can’t do that”. Lien replied that Rossa was also asking for two things; the benefit of Farmland Preservation but also the option to develop it sometime down the road and it can’t be both ways. To do a rural development one has to be zoned R-20 but to comply with Farmland Preservation you have to be in an Exclusive Ag district, however after the Farmland Preservation contract expires one would have the option to rezone to a different zoning district. Rossa wanted to make sure that she has the ability any time she wants to be able to come in and ask for a rezone on her property and not be locked in for twenty years into just one area that somebody else thinks she should be in. Lien suggested not signing up for Farmland Preservation. Rossa asked if the County was having contracts or if this is just a fictitious name on the top of the report. Lien responded because there isn’t a new signup for Farmland Preservation this is addressing the change of the program to an Exclusive Ag enterprise area and you would have an option to look into that program and sign up for that and those are different agreements, however there is always the option of a buyout. Rossa clarified that if she doesn’t sign up for the Trempealeau County Farmland Preservation Program she is not involved in it. Lien responded that was correct, it is a voluntary program, it is not mandatory and it is not tied to zoning. Lien added if you comply to the zoning requirements the requirements may change the zoning of the property if you want to be enrolled in it, but just because you have current land that might be zoned Exclusive Ag, doesn’t mean that you’re enrolled in this program. Rossa commented the County didn’t have it very well

explained, it is just like you're going to be in that program no matter what. Lien replied no, not at all as these are all voluntary programs, because people that are in Farmland Preservation volunteered for it at a given time anyway and they had a set term limit on that program to comply with. Brandt commented Farmland Preservation is a program that came out in the 70's and it was a benefit because it reduced your property tax and Trempealeau County led the state with over 800 contracts with a range of acres. Brandt added that the State perhaps was tired of losing money every year and changed up the program, where agriculture changed significantly, eliminating the Farmland Preservation Program. The contracts for that program have been ending. One of the components was a planning component and Peter Fletcher who is our project planner from Mississippi River Regional Planning Commission said put this item on the agenda every month for a considerable amount of time and you will meet a requirement for the plan update. Brandt stated that Rossa is the first person to notice it and come in and Brandt appreciated the opportunity. Gamroth mentioned that our FLP plan was originally written in the 70's and now we are required by the State to update the plan by approximately the middle of 2015 and since we have contracts that are in place we have to update the plan. From what Rossa had read of the plan, in her opinion, it gave the Committee more control as to where they want agriculture to be and where they want mining sites to be and building to be. Rossa wanted to make sure in her own mind that it is clear and not get a surprise later on and say to herself how could I not have understood that. Brandt stated Rossa had mentioned it earlier and Lien hasn't addressed it and that has to do with the township planning process. Every 3-5 years the townships are required to update their land use plans. Arcadia has completed theirs and then it comes to this Committee, we approve it, it becomes part of the comprehensive plan so maybe we were a little upset, for instance, when the Town of Hale zoned its entire township R-8 which made it possible for people to build houses (with the exception of Farmland Preservation contracts) on prime farm land but that is what the people in the Town of Hale wanted so that is what they got. Brandt reiterated that this Committee is committed to working with the townships. Rossa voiced that that is what her town was kind of worried about is that their plan was being circumvented by this plan. Brandt commented that Farmland Preservation is going away and whatever power that gave the County is going to go with it. Brandt acknowledged Kevin Werlien. Werlein stated his questions have been answered. Brandt acknowledged Steven Haines. Haines stated at the E & LU Committee meeting last month, Sally Miller and Pat Malone presented a map of soil types. Haines asked if that was pertaining to the Committee saying that because of certain soil types, i.e. river bottom land/ prime farm agriculture land that there is going to be some control over that or questioned what that was all about. Brandt responded, that in the past, what we've done with planning or have said, "do whatever we can to preserve prime agricultural land". The Soil Survey was done in Trempealeau County in the 70's and was digitized here a number of years ago and thus we are able to create maps. That soil map could be a tool/source of information in determining land use, but again land use planning is the responsibility of the township. We are responsible for overseeing it, helping to fund it but it is up to the township to decide what they want to do with that information. It was a discussion that Malone has started and has been before this Committee in the past as to how to use soil types as a way to determine development. In the past, prior to the change in the septic system requirements, COMM 83, soil type ability to put in a viable septic system, was what the State used to limit where houses went. So soil types have been used in the past that way and this County/Committee has pretty much leaned on the township for deciding what they want to do with their towns. We have the information if people want to use it. Haines stated he assumed there will be public comment on this topic.

RCPP (Regional Conservation Partnership Program) Proposal Discussion

Lien mentioned this proposal is in regard to the multi-state watershed. DLM was supposed to find out last Friday, November 14th, whether or not the grant was accepted, however it was postponed so we won't have any information until January 2015.

**LWRM and TRM Requests and Payment Approval
Land & Water Resource Management (LWRM)**

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>New CSA Total</u>	<u>Reason for Change</u>
Randall Herman	Contract	\$17,066.04	\$ 17,066.04	Streambank Riprap

Randall Herman	Pay Request	\$17,066.04			Certify Streambank Riprap
Willis Breska	Contract	\$ 525.00	\$ 525.00		Critical Area
Willis Breska	Pay Request	\$ 525.00			Certify Critical Area
Nutrient Management					
Daniel Gallagher	Contract	\$ 5,320.00	\$ 5,320.00		Nutrient Management
Daniel Gallagher	Pay Request	\$ 5,320.00			Certify Nutrient Management
Bob Hart	Contract	\$ 6,316.80	\$ 6,316.80		Nutrient Management
Bob Hart	Pay Request	\$ 6,316.80			Certify Nutrient Management
Thomas Marsolek	Contract	\$11,088.00	\$ 11,088.00		Nutrient Management
Thomas Marsolek	Pay Request	\$11,088.00			Certify Nutrient Management
H& R Severson Farms Inc.	Contract	\$ 9,016.00	\$ 9,016.00		Nutrient Management
H& R Severson Farms Inc.	Pay Request	\$ 9,016.00			Certify Nutrient Management
Brad Sirianni	Contract	\$ 2,380.00	\$ 2,380.00		Nutrient Management
Brad Sirianni	Pay Request	\$ 2,380.00			Certify Nutrient Management
Jeffrey Wegner	Contract	\$ 5,499.20	\$ 5,499.20		Nutrient Management
Jeffrey Wegner	Pay Request	\$ 5,499.20			Certify Nutrient Management

Targeted Runoff Management (TRM)

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>New CSA Total</u>	<u>Reason for Change</u>
Ed Trim	Contract	\$149,940.00	\$149,940.00	Manure Storage & Waste Transfer
Ed Trim	Pay Request	\$149,940.00		Certify Manure Storage & Waste Transfer

Lien referred the Committee to the back of their agenda where the report was printed. It was noted to add the townships to the report. Britzius made a motion to approve the payment as presented, Nelson seconded. Motion to approve carried with no opposition.

Surveying Update and Payment Approval

Lien presented the survey report and payment to the Committee. Lien noted that Nelsen has the remonumentation in Arcadia pretty much done. Nelson made a motion to approve the report and payment as presented, Skoyen seconded, motion carried with no opposition.

Confirm Next Regular Meeting Date – The next meeting date was set for December 10th, 2014.

At 1:25 PM, Nelson made a motion to adjourn the meeting, Skoyen seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary