

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

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

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

Brandt verified that the Open Meeting Law requirements had been complied with through notifications and posting. Brandt mentioned that at approximately 10:30 AM the Committee would need to engage in a conference telephone call in regard to the Closed Session -Agenda Item #8 so the room would be cleared. The meeting would then reconvene after that Closed session.

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

Staff/Advisors present: Kevin Lien, Virg Gamroth and Jake Budish. Mark Kunz - NRCS, Corporation Counsel Rian Radtke, Pat Malone - UW-Extension, and Human Services Director Jami Kabus were present for part of the meeting.

Others present: County Board District 12 Supervisor - Tim Zeglin, The Kraemer Company representatives – Roger Osegard and Mark Sander, Town of Gale Chairman Roland Thompson, Keith Truax, Tom Forrer, and Jim Sadowski.

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

Adoption of Minutes –Nelson made a motion to approve the minutes, Zeglin seconded the motion. Zeglin and Bawek had some minor corrections to the minutes. Motion to approve the amended minutes passed with no opposition.

NRCS (Natural Resource Conservation Service) Update

Brandt welcomed Mark Kunz from NRCS to the meeting. Kunz stated they received their copy of the signed Memorandum of Understanding (MOU) between USDA (United States Department of Agriculture) and the Trempealeau County LCC now known as the Department of Land Management. Kunz took the opportunity to meet with Lien before the meeting as they needed to discuss what having that MOU means now and what are the things that we perhaps want to look to each other for that maybe we weren't before. Kunz felt there were all kinds of opportunities but thought it would depend on what kind of work load DLM is interested in taking on over and above what they already have. According to Kunz, Julie Dokkestul at the FSA (Farm Service Agency) Office was hoping that they could have LCD review of, and a signature on the CRP (Conservation Reserve Program) contracts. Kunz explained they are presently working on EQIP (Environmental Quality Incentives Program) applications as there were 83 submitted this fall. Final rankings will be done this month and they should be letting people know if they were accepted in early January. Kunz will be working with DLM staff on some of those and perhaps combining cost share dollars. Kunz felt it was exciting to give the landowner every opportunity to try to make those projects work as the taxpayers receive a benefit from a lot of these and some of them are highly visible and are out there for the public to see. Kunz explained that stream bank projects are one of the things that their office works on and are highly visible projects. Kunz hears great

comments on them as the change in the habitat or stream is very visible. Kunz thought the taxpayers like to see that kind of constructive example of their money going to these types of projects and impacting the water quality and the stream bank erosion and all those other ancillary things. Kunz added they are working on about seventeen applications for the CSP (Conservation Stewardship Program) program and trying to finalize those. There will be another general sign-up opening at some point in January. Brandt commented that he thought Kunz understood that this Committee is in the process of developing priorities as a Department and as a County related to Land Conservation and whatever conversation we have with NRCS will be to “hash out” whatever differences there are in terms of the priorities of USDA (federal government, state) and the County and we hope to augment whatever cost sharing program there is as well. Kunz responded there is a lot of flexibility at the local level. According to Kunz, he and Lien have had an open communication type process between the two of them since Kunz came here eight years ago.

Public Hearing – Land Use Change/Rezone – Rural Residential (RR) to Exclusive Agriculture 2 (EA2) Ronald and Carol Howard, Landowner, Galesville, WI, Landowner, The Kramer Company, Plain, WI, Petitioner for expansion of an existing quarry. Chairman Brandt opened the public hearing at 9:15 AM. Nelson read the public hearing notice aloud. Brandt explained the public hearing process for the public present. Budish explained that the applicants want to expand the existing Irvine Quarry in the Town of Gale. Currently it is a limestone quarry. The current zoning on the existing quarry is Exclusive Ag 2 (EA2) which allows for mining. The applicant wants to expand into the next forty acres of the Howard property which is currently zoned Rural Residential (RR). In order to expand the quarry, the land has to be rezoned into an acceptable zoning district and the Exclusive Ag Zoning would make it coincide with the present quarry. Budish added that this is the first step in amending their Conditional Use/Reclamation permit because in order to expand that plan/permit the zoning has to be correct. Lien stated the proposal is a 40 acre piece and Budish has handed out a topographic map so one can see how the land lies. Where they are currently mining now is a peak or ridge top. Lien pointed out that the Howard property is just a continuation of that ridge. Lien read aloud the definitions for the current zoning – Rural Residential and the proposed zoning – Exclusive Ag 2. Brandt clarified that in EA2 zoning, nonmetallic mining is a CUP, but it is not allowed in Rural Residential zoning. Roger Osegard, Area Superintendent for The Kramer Company, spoke on behalf of the Kramer Company. Osegard stated the quarry has been there for a long time and they have had a lease with the Howards for approximately 5 years and never went forward getting the zoning changed, etc. Osegard explained they have to go after the material, where it is located and that is the natural lay of the hill and that is where the limestone is. The limestone quarry has been there for a long time but it has quite busy with the Highway 53 project, etc. According to Osegard they shipped quite a bit of material out last year and it went away a little faster than what they thought it was going to and so they are in here now to get the zoning changed and then they will be back in for a Conditional Use Permit (CUP) application on that same property at a later date. This is the first step in the process. Mark Sander of The Kramer Company also introduced himself. Brandt called twice for any other public testimony. Lien read a letter from the Town of Gale dated October 16th, 2014 which stated a motion was made and seconded at our meeting on October 14th, 2014 to approve a zoning change from Residential to Exclusive Ag. for land owned by Ron and Carol Howard for the Kraemer Company. Brandt asked Roland Thompson, Town of Gale Chair to talk about the towns’ relationship with the company. Thompson stated they have been in the township as long as he can remember and we have never had any problem with Kramer Company. They use their roads and most of the stuff goes out but doesn’t leave the County. Brandt commented that the two have had some formal and informal agreements related to materials that you use in your town construction and town roads (there are some inaudible comments). Basically, Thompson had no complaints. Brandt closed the public hearing at 9:25 AM. Nelson made a motion to approve the rezone, Bawek seconded the motion. Lien knew there had been issues on the County Road DD side and asked if that is being worked out with the Highway

Department. Osegard responded there were spots that have deteriorated over the year with all the hauling that was going on out of that site. The majority of the products actually went out that end of the quarry and it did some damage to the road. We've agreed, with the County, to pay for those patches that they are going to put on the road itself. The County was going to do it but it got cold quick and they shut down their asphalt plant before they were able to get it done, so it will be done this spring. Lien asked if there was any talk about a road use agreement. Osegard stated there has been but it is kind of tentative at this point because what they were looking for was individual sand mine operations that took a big volume of rock out of there. They weren't looking at specifically saying that the quarry should be responsible for the road, but if there is a job that takes 300 tons out, then that job should be responsible for it. Brandt commented that was interesting that a third party is being involved in a road use agreement. It is your rock, your trucks, but it is a third party that is responsible for the road use agreement. Osegard responded it is their rock but it isn't necessarily their trucks. Osegard explained they sell the material at the forty and typically what has been happening has been that Wilbur Trucking has been getting a lot of this stuff so they will give a delivered price to whoever it is they are selling it to. They are giving a price to them so once it leaves the quarry Kramer's doesn't have control over it after that. Brandt added it will be interesting to watch to see how these road use agreements develop when multiple parties are involved. Britzius commented he was real familiar with those roads back there and questioned if Kramer's was mostly hauling out of Crystal Valley Road? Osegard replied the stuff that is going towards Galesville will go out the Crystal Valley side and the stuff that is going back towards Ettrick usually will go out the County Road DD side. Britzius knew that Crystal Valley was one of the steepest roads around there and narrow too, and asked if they would be doing a lot of hauling out of there sometimes. Osegard stated the majority of the hauling that was going to be done out of there was done in the last few years when they did the Highway 53 projects – that takes the majority of the rock. The bigger things that are happening are going towards the Blair/Whitehall or Taylor areas. That is where they see the majority of large jobs that are going to State highways going out of the Crystal Valley side. Britzius asked about the bigger jobs Osegard had mentioned to the north. Osegard responded the one that is currently between Blair and Whitehall has gotten material out of that quarry. They have also gotten material out of the Arcadia quarry, they also got some out of the Twesme quarry so they split up their tonnage between several different quarries. More discussion took place about how sand mines use the quarry materials. Britzius asked if Osegard had any sense of how fast Kramer's would be moving into that forty acres. Osegard explained that the way the quarry sets and the way that they are running out of rock on the opposite end (if one saw on the map they have been working to the southeast primarily), but they need to open that up on the northwest because there is a very small area for stockpiling in that area right now, so they are really limited to how much they can put up at a time. They have been working that area that they own to the northwest (before getting to the Howard property) the last several years trying to make enough room to put stockpiles up. Right now they can't get a whole lot done without working both ends of the quarry, so they work on one end and then they work on the other end, together, to try and get the tonnage that they need for the crusher. Some discussion took place about Ag lime. Britzius stated he was aware of the Whistle Pass and Twesme quarry and asked for clarification that they have been repurposed for sand mining. Osegard responded, "Yes" and the Whistle Pass quarry is an active sand mine. Osegard explained they have the permit on it but they haven't actually started mining the sand yet. Britzius asked if Osegard foresaw that happening on this site. Osegard responded he really doesn't because of its' location and because they need to have limestone quarries in this area to handle the business that is in this area as there are not a lot of limestone quarries in this area of the town plus there isn't room to do both. At any of their quarries it is really hard to do, and as they found out at Whistle Pass when they went in there after the sand, it took all of their room and they didn't have room to do the limestone besides. Osegard reiterated that there are very few quarries down in that area to handle all of the local, town, county and state work that happens in that area. If they were going to do sand, that would be a whole separate issue. Brandt recapped that there is a motion and a second to approve the rezone, they have described their intent and apparently Kramer's

have had a lease with the Howard's for some time already. Upon Brandt asking if there has been any communications with the Howard's other than the permit application, Lien responded he had not. Bawek inquired about the zoning of the neighboring properties, around the Howard's, being that this is Rural Residential, as to if there was plan for housing on the Howard property and what about the neighboring properties. Lien referred the Committee to the overhead aerial map and pointed out that the land is very wooded, rural and steep. Geske commented there was no other way to get to the Howard property other than the way Kramer's are coming up to it really. Lien explained that Rural Residential zoning allows for four houses per forty but the caveat that people always overlook is the required road frontage. Every new lot that is created requires 100 feet of road frontage so to put four lots in on a forty one basically needs 400 feet of road frontage. If one looks at this area there really isn't any road that goes in there, so to develop it, a developer would have to bring in a town road. In Lien's opinion, the probability of that land being developed is pretty slim. Lien briefly explaining density transfers. Lien stated the majority of the Town of Gale and Ettrick all kind of looked at the Rural Residential zoning because back in the 90's and up to 2010 while doing the Land Use planning developing land was kind of what a lot of people looked at as a retirement goal. People wanted to be able to sell off some lots/develop it. Today if one went through those Land Use Plans, Lien didn't believe they would be the same, however, in this area, when those land use plans were being developed the majority of towns were Rural Residential zoning. Lien thought in this area it would be very difficult to develop and even the land around it because there is very little public infrastructure. Thompson noted there isn't even a town road to the buildings that are there, it is a private drive. Bawek asked if Howard's would be losing some density transfer ability on some of the property. Lien wasn't sure how many acres they have their total but in looking at the aerial photo he didn't think it would affect them a whole lot. Lien noted that they are not giving ownership, they are just changing the zoning on it. Bawek commented that he was just concerned about any future buyer and if there would be a conflict that the County could run into, but Bawek didn't think there appeared to be one. Schultz noted that the Howard's home is probably the closest one to this potential site. Osegard commented they can't see the current mine and as Kramer's mine the property, Howard's won't be able to see the mining on their property. Geske commented that the property is very steep. Bawek asked if there were any comments at the town meeting from any of the neighbors. Osegard responded "no". Brandt recapped that there was a motion and a second on the table to approve the rezone. Motion carried with no opposition. Brandt stated this rezone needs to go to the County Board and will be on the agenda for Monday.

Brandt noted that 10:30 AM is the time for the call in to the attorney, so the Committee will just continue with the agenda skipping over agenda items 8 and 9 until the time of 10:30 arrives.

Discuss and Possibly Reset 2014 Wildlife Damage & Claims Program 90% Harvest Cut-Off Date

Brandt stated the Ag Extension Agent Steve Okonek talked to him and Lien this morning. Lien noted that he talked to DeWayne Snobl with the USDA Wildlife Damage & Claims Program. Brandt stated that Okonek had said that, as of November 30th (ten days ago), for the western region of Wisconsin, 74% of the corn has been harvested in this part of the state. Brandt commented that considering the weather we have it is unlikely that 90% will be off in five days so according to Brandt, Okonek suggested setting a date of December 31st. Lien agreed with Brandt. Lien reported that Snobl had said the same thing that because of the weather we have had with the additional snow and then the warm weather which made things greasy that a lot of people were unable to get off a large percentage. Geske asked if anyone had checked into when the final date was for insurance because to Geske that would be the common sense time to cut this off also. Lien wasn't sure how an insurance claim coincides with a deer damage claim. According to Lien, Snobl had stated to him that even if the 90% cut-off wasn't met by December 31st then new claims would start for 2015 where people could apply, because it is a new year. Gamroth commented that when she had talked to Snobl she understood that December 31st was a natural cutoff date anyway for DNR. Brandt noted this is the first time that we have ever had a harvest

this late and that this is just unusual. Nelson made a motion to move the 90% Harvest Cut-off Date from December 15th, 2014 to December 31st, 2014, Bawek seconded the motion, and motion to approve carried with no opposition.

Resolution related to 2014 DLM Budget excess for County Well Testing Program

Brandt stated Radtke has a draft for Committee review. Brandt noted that there was discussion at the last meeting. Brandt explained there was also discussion at the Ag/Extension Committee meeting and he is hoping that Exec. /Finance Committee will take this up and noted that Board of Health has this on their agenda. Radtke suggested the Committee take a few minutes to read the draft resolution before them. Discussion took place on the number of tests mentioned in the resolution and some possible language for clarification. Brandt stated what we're trying to do is coordinate with Ag Extension and what it is they're trying to do with the water testing which is to develop data related to wells within a certain distance of an active mine. Brandt explained that UW Extension Community Resource Development Agent Pat Malone has a program that she is already and will proceed with, whether with funding or not) with the University of Stevens Point. District County Board Supervisor Tim Zeglin commented he thought that when this came up before the full County Board, the most strenuous objection to this idea came from representatives who were not located in the central part of the County and who were concerned about prioritizing. Zeglin didn't have a real concrete suggestion but he thought the Committee may have to define "central part of the County" as it is mentioned several times in the resolution. Zeglin thought the resolution may also have to say something about prioritizing or bringing in other parts of the County or extending the testing to other parts of the County perhaps at a later date and mention the central part of the County as a priority but don't exclude the rest of the County. T. Zeglin represents the central part of this County so he is very interested in this but he doesn't want to see the resolution get "shot down" in front of the full Board because it fails to mention the other parts of the County. Brandt commented that was recapping the discussion we had last month and at the County Board meeting in November. Radtke stated he prepared the resolution based off of his notes and minutes that Gamroth provided to him and in meeting with Pat Malone. Radtke added he can provide some clarification if the Committee would like. The Committee went through the changes that they wanted made to the resolution. Geske questioned why it mattered if the resolution says the central or any part of the County and questioned why it just couldn't say "the County". Malone stated the conversation that took place centered around the fact that this is the area where the most active mines are and the other part of it that goes along with that is that this is where Malone has the least amount of data. Malone has been testing wells for 25 years or more and she has some test data from the central part of the County but not nearly the amount that she has from the southern end of the County. Malone asked the Committee to keep in mind that anybody can test through the Extension office at any time. Brandt asked Malone to talk about the agreement, specifically, that she has with UW-Stevens Point. Malone stated we have, specific to this program, the environmental task force lab and the Wisconsin Groundwater Center work with county agents to do water testing programs. Malone has contracted with them to do one this summer in Trempealeau County. They have a limited amount of capacity (right around 100) to do sort of what we call "batch" testing, that is testing a number of wells at once. When Malone was looking around and doing the needs assessment, etc., this was where we were getting lots and lots of concerns/questions combining that with the lack of data. Lien and Malone thought it made sense to do it in this very central part of the County. The way the program works is that the agent, the local educator, does promotion to let people know that the testing is available. They have a day set where people come and pick up a bottle and receive instruction in how to take their samples. They go home, they are told when to take their samples because we are also testing for bacteria. There is a date that they bring their samples back and it is literally within a 12 hour period that they have to bring all those samples back. The samples all get hauled off to the lab at one time and then they run the tests. Previously when Malone had done large, large testing, she wasn't doing bacteria samples so the samples could be frozen and then could test them out over time. Geske commented that all the samples that were

taken down on his end (southern) of the county were done on the flats (Trempealeau-Caledonia prairie) for nitrates and not in the hills and that is what Geske is going by. Geske thought Malone had a lot of samples but they're not anywhere near where or what Malone is targeting which is the sand mines and what happens around sand mines. Malone responded the majority of them. Malone explained that when they do the screen it is for nitrates but when they did this test, they were the same tests. Malone and Geske agreed it is a completely different area and concern. Geske stated all those samples are not relevant to what goes on in an area like this. Malone responded "yes" and they are drawing from different places in the aquifer so the situation is completely different. Britzius commented, in regard to the resolution, that when we are asking to do something (water testing and spend some money) we should start out with positive language as to what we are seeking or what we are trying to achieve in the very beginning. Britzius noted this one starts out with the language, "that recently a concern has been raised" and it never specifically states something about the County's responsibility to maintain the rural health and welfare through quality water. Britzius wanted to see some language about that in the first "whereas". Malone commented Britzius was right that a resolution usually starts out with a positive and Britzius suggestion makes a lot of sense. Malone suggested the following language "whereas it is the responsibility of the County to ensure health and safety, whereas groundwater is the source of drinking water in the County and whereas the people of the County have expressed that they value this resource". Bawek questioned Malone about individuals taking water samples and questioned if she wasn't opening herself up for a large variable of results. Malone responded, "No" and that it is not that difficult to take water samples. One just has to be careful not to touch the inside of the bottle and because we are taking a bacteria test one has to keep the end of the pipe up but that is part of the instructions. Malone stated water quality will vary, there will be minor variations. Some of the parameters vary fairly significantly like nitrates. One can trace seasonal variations. It also goes to how one teaches them to do it. One shouldn't take the first water that runs out of the faucet as you're getting water from the tank. One wants to make sure that they are getting fresh groundwater so you have to make sure that they run the water long enough for the tank to pull in groundwater. Bawek stated the reason for the question is because you have the possibility of that large variability. Malone responded there is the possibility, but Malone doesn't have the staff or time to go and take the individual samples; not if we do the batch testing. Geske commented that if there is a glaring problem, we are going to go back and check it. Malone stated that is her standard recommendation (particularly for bacteria because with that you are more likely to have a false positive) to go back and test it again and when she tells someone to follow the directions they should be sure to do that. Bawek was just bringing up the point that we spend our money as wisely as we can. Malone agreed and that is why we do spend time teaching people how to do it. Brandt stated one of the concerns that was raised during the general discussion that took place last month at the County Board meeting was, is this cost-share available to everybody in the County. It sounded to Brandt, during the course of the discussion, that it is an important element of this cost share program although the focus will be on within a half mile of an active mine if there are other people who are concerned about their water they also will be eligible for the cost share. Malone mentioned that was her recollection as well and a lot of it has to do with the promotion one undertakes. Malone's programming priority is the central part of the County. It is with those individuals within a half mile. We need that base line data. Those people will probably get a personal letter of invitation. The rest of the promotion will probably be ads and news releases talking about the availability. If Malone were lucky enough to get five hundred people calling her, she would need to have a way to prioritize them. Malone stated her priority is that central area and those people within a half mile as that goes back to the report that the Health Department put out and the recommendations as we do need that base line data. K. Zeglin commented the only active mines that are coming to her mind are in the central part of the County and asked Lien if that was correct. Lien responded that depends on how one defines central. Zeglin suggested striking "central part" from the resolution, you would still get most applicants from the central part of the County because it's specified within a half mile of an active mine. Zeglin thought that would solve a geographic problem. Schultz commented on "WHEREAS, the well-water program has

limited data in the central area of the County” that perhaps it could say “certain areas of the county”. Schultz questioned if we know that we have complete water data in, i.e. Dodge or do we have a generalized idea that we are missing data in the central part of the County? Schultz commented that all the concern is on location. If we are comfortable with the understanding that Malone will be sending out letters to areas where she feels data is insufficient can we still strike the “central part” in the resolution so that this is open to anyone within the County within a half mile of an active mine which is still predominantly in the central part of the County. Malone stated it goes back to how one defines “central”. Schultz questioned if the Committee wants to tackle that. Britzius thought the resolution might be more amenable to more people if the words “central part” were removed. Lien stated unless Radtke has a specific reason why it needs to be in the resolution, Lien thought some of this stuff was more of an administrative call on Malone’s part where testing countywide is of importance, but if she needs additional data in the central part she could administratively focus on getting samples from there. Lien wasn’t sure that needed to be in the resolution. Malone suggested taking that language out if that would make the resolution easier to sell. Brandt agreed and added that was a concern that was raised at the County Board. Malone reminded the Committee that this is all voluntary and we have no authority to make any private well owner test their water. Malone added it is their personal responsibility and you’re undertaking a political responsibility to guarantee safety, health and welfare by offering the cost- share. Brandt noted that Malone did say it is in the homeowner’s best interest to have their water tested each year. Malone agreed. Bawek asked if Malone, in her public notification, was going to be breaking down the costs of the two tests so that the individual knows which one they want to take. Brandt explained that before Malone came to the meeting, the issue was raised as to what we’re communicating. Brandt asked for clarification if there are two types of tests, and they can choose the cheaper or more expensive one or the homeowner’s package versus the metals package. Malone explained cost wise they are within \$5.00 of each other and each package gives completely different data. Malone stated if she could get 50% of every private well owner in this county to do a homeowners test/package, she would be happy. Generally, they do offer them that choice, but for data purposes or understanding what is going on in the aquifer, Malone would like both tests, but if they can only afford one, their best bet is in the homeowners package. Upon Bawek stating the homeowner should have the right to designate what test they want. Malone responded within those two packages, they either can pick the homeowners package or the metals package. Bawek asked what those costs were. Malone responded those costs go up and down but it’s approximately \$47.00 and \$49.00. Brandt clarified that the two tests together run about \$100.00 and when you get the metals package, you don’t also get the homeowners package. Zeglin voiced that paragraph four needs to be changed considerably because \$100 is not the correct amount for the homeowners package. Malone stated the resolution says, “and the heavy metals package. Brandt reiterated that the two packages together come to \$100.00. Radtke questioned whether Malone desired to have a dollar figure in the resolution. Upon Malone saying she didn’t think so, Radtke suggested just removing the \$100 and indicate the two types of tests that the homeowner or well owner could get. Upon Schultz commenting that any notification that Malone sends out can include prices, Malone responded then they will know how much money they have to bring. Malone added that it is an administrative issue. Brandt recapped that what we are really here to talk about is the “therefore” and everything else is just sort of setting the rationale for transferring \$15,000 from the General Fund for cost sharing and administration relating to well water testing and we’re hoping to get the support of four Committees and obviously the County Board. In the language that the Committee is hashing out now, they are addressing the concerns about the people sort of outside the mining area and the availability that they have to the cost share as well. As Malone has indicated, anybody who walks in will be eligible. Brandt stated there is no motion on the floor, but Radtke has taken some notes related to Britzius’s suggestion of a more positive opening and eliminating the actual costs of the tests. In response to that, Radtke understood where Britzius was coming from, but one of Radtke’s concerns was the way it was worded, “it is the County’s responsibility to make sure there is clean water”, it is important to the County but it is not the County’s responsibility that if a well goes

bad, it is not the County's financial responsibility. Radtke read aloud some language which Lien had worked up and Radtke thought was good – to replace the first two “WHEREAS”, “Whereas groundwater has been recognized as a health, safety and welfare concern for the citizens of Trempealeau County and whereas water quality can be tested and tracked as a public service through the UW-Extension Department” and then goes on to “well water has limited data, etc.”. Instead of the first two, that would kind of shape it more like this is a concern, it is important and it will be tracked. Britzius and Zeglin suggested changing the two words “has been” to “is” as it is a basic fact and not something in the past. Radtke reread the wording that is to replace the first two “Whereas”, “Whereas groundwater is recognized as a health, safety and welfare concern for the citizens of Trempealeau County; whereas water quality can be tested and tracked as a public service through UW-Extension Department”. Radtke continued that the next one would be, “well water program has limited data in the County” and Radtke took out “central area”. Radtke will take out the dollar amount and in describing the two types of tests, he will put, “and/or the heavy metals package”. Brandt voiced that there are two members of the Executive/Finance Committee present and suggested that if they have any concerns to raise them now so that the Committee can address them before the resolution gets before the Exec. /Finance Committee. Dick Miller stated he didn't have any concerns. Tim Zeglin stated his concern was with the word “central” and he thought the Committee had already addressed that. Zeglin added there are 17 District Supervisors and possibly the districts of three or four of them are being impacted by the existing sand mines and the other 13 or 14 don't have such a stake and what this does it takes well testing and make it much more available to many more people and makes it much more likely that people will volunteer and have their wells tested. Going from an initial cost of \$100 to a cost-shared price of \$30 moves well testing from, not only a great idea plus many more people are likely to see a benefit at that price. Miller commented that he didn't know if there was a lot of merit in saying that the Land Management Department is turning back some money because this is coming from the General Fund anyway and that is what is stated here. Malone and Brandt agreed and stated they wanted to de-link those ideas. Miller added it would still be nice to see that go back into the General Fund. Bawek questioned the “whereas the County desires to set aside \$15,000 to be used for cost-sharing and administrative costs for the well water testing program for wells within a half mile of an active mine in the central part of the County” and stated we want it for everybody. Brandt responded that we are going to take “central” out of there. Radtke stated the language that he has modified here from the discussion would read “\$15,000 to be used for cost sharing, administrative costs for the well testing program for wells in the County”. Britzius clarified that the priority for water and sand mines is being removed. Malone responded that would be an administrative question (Lien and Malone will talk about it). Britzius added that it will be kept real general but the intent is and really did come from the wishes of learning about water within a half mile of a sand mine. Geske commented it is important to get it through and wording can change that. Geske hoped this Committee realizes that there are a number of other Committees that this has to go through and that we need a strong front on this Committee to push it through so that it doesn't lose momentum going through the other Committees. Geske encouraged this to go through. Brandt stated there have been some changes to the language and we have heard them. Zeglin made a motion to approve the resolution, with the amended language, authorizing the transfer of funds from the General Fund for the purpose of a well water testing program, Schultz seconded. Motion carried with no opposition. Brandt stated this amended resolution will now go to the Ag & Extension Committee, the Exec. /Finance Committee and then to the Board of Health and hopefully it will have some signatures on it for the January County Board meeting.

Brandt noted that the Land Information Council is meeting in the Courthouse today so the State Cartographer is in the building as well as the Grant Administrator from the Wisconsin Department of Administration. They will talk about funding for continuing the Land Records Program as well as how Register of Deeds is funded. Malone stated she is going to do a “show and tell” of the well records viewer. Britzius questioned what happened with the local conservation program that the Committee

talked about last month. Brandt responded that this Committee had agreed to bring a resolution to the County Board asking that \$47,000 come out of the General Fund and go back into the conservation cost-sharing program and that will go to Exec./Finance and then onto County Board in January. Some discussion took place about the action on this issue at the last Committee meeting. Brandt stated staff has recommended to him that #11 and #12 on the agenda be eliminated today and basically schedule a separate meeting. At this time the Committee decided to take a short break before the 10:30AM Closed Session conference all.

Chairman Brandt called the meeting to order. At 10:30 AM Britzius made a motion to CONVENE TO CLOSED SESSION per Wis. Stats. 19.85(1) (g) to confer with legal counsel for the County concerning strategy to be adopted with respect to litigation in which the County is or is likely to become involved, Zeglin seconded, motion carried with no opposition.

At 12:00 Noon, Britzius made a motion to RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

At this time the Committee agreed that a Special meeting of the E & LU Committee with Corporation Counsel present would take place on January 6th, 2015 meeting at 6:00 PM to discuss the following agenda items:

11. 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.
12. Discussion of Farmland Preservation plan goals relating to provisions for industrial sand mining

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

Lien stated that he and Peter Fletcher, Mississippi River Regional Planning Commission would be meeting this coming week to talk about the Farmland Preservation Plan and the 2015 Comprehensive Land Use plan update for the towns.

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>	<u>Town</u>
Gene Hogden	Contract	\$ 6,370.00	\$ 6,370.00		Ettrick
Gene Hogden	Pay Request	\$ 6,370.00		Certify Stream bank Riprap	
LeRoy Sobotta	Contract	\$ 868.00	\$ 868.00	Waterway Repair	Burnside
LeRoy Sobotta	Pay Request	\$ 868.00		Certify Waterway Repair	

Targeted Runoff Management (TRM)

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>New CSA Total</u>	<u>Reason for Change</u>	<u>Town</u>
Joseph Giemza	Contract	\$20,947.50	\$ 20,947.50	Riprap	Arcadia
	Pay Request	\$20,947.50		Certify Riprap	
Brian Grulkowski	Contract	\$11,748.24	\$ 11,748.24	Riprap	Arcadia
	Pay Request	\$11,748.24		Certify Riprap	

Lien referred the Committee to the back of their agenda where the report was printed. Nelson made a motion to approve the payments as presented, Geske seconded. Motion to approve carried with no opposition.

Approve Surveyor Contract Agreement

Brandt referred the Committee to the Independent Surveyor Contract Agreement. Lien stated this agreement is signed annually with Nelsen because he is not considered a County employee. Britzius made a motion to approve the contract as presented, Zeglin seconded, motion carried with no opposition.

Surveying Update and Payment Approval

County Surveyor Joe Nelsen was summoned to the meeting. Brandt stated there are two final reports and project summaries; T20N, R10W and T20N, R9W over in Arcadia. Nelsen stated he was done with the remonumentation. At this time, Geske left the meeting. Nelsen continued saying these are standard final report and project summaries which basically summarize the basic tasks that are completed as part of the township process and itemizes what Nelsen has done and the completion portion. Nelsen stated, as usual, the tie sheets will be completed this winter and that concludes that last two projects for Trempealeau County. Nelsen will be putting a letter in the mail to all surveyors, realtors, attorney's and title companies just letting them know that the Subdivision Ordinance requiring Certified Survey Maps (CSM's) for all parcels splits involving 20 acres or less will take effect January 1st, 2015 in the remaining part of Arcadia. It is already in effect in all other parts of Trempealeau County. Lien commented that there is a payment amount but in addition to approving the completion of this project, now the Subdivision Ordinance would apply countywide so anytime someone subdivides a parcel of 20 acres or less they would be required to do a CSM. Brandt commented that he was present when the remonumentation was started in 1997. Brandt added there had already been a "pilot" program started in the Town of Lincoln. Nelsen explained that he started where the development pressure was the greatest and at that time it was out of Lacrosse and out of Eau Claire so Nelsen started in the north and the south at the same time and once Nelsen completed that tier of townships north and south then he started in the north and just did the remonumentation in a "checkerboard" fashion so to speak and kept moving south. Upon Britzius inquiry, Lien explained that if someone is creating a parcel that is 20 acres or less, a CSM is required. One can still create a parcel larger than 20 acres with a metes and bounds description providing what is left behind is still over twenty acres as well. Nelsen made a motion to approve the payment of the surveyor's bill and reports as presented and also the final report and project summaries for the two townships making CSM's required for land divisions 20 acres or less, Bawek seconded the motion, motion to approved carried with no opposition. Brandt asked Nelsen to talk about what was happening in the Land Information Council meeting. Nelsen stated the Council met today and typically Brandt and Lien attend that meeting. Nelsen explained the basic discussion was about upcoming land records information projects. Ann Hempel talked about the new orthophotography that we are getting in as well as the LIDAR. Hempel mentioned that the LIDAR has not been delivered yet. It initially was supposed to be delivered by the end of the year. Hempel indicated that she was monitoring that and is still pursuing that delivery at the end of the year. Nelsen stated the photos should be updated also within the next couple of weeks and once Hempel gets that information, it will become new layer structures on the GIS part of our website. Nelsen added discussion was also held on the GCS (software for tax records which the Real Property Lister and Register of Deeds uses and the same program that DLM will be using to convert their data base over to a more usable format) upgrade for permitting, tracking and web portal tracking. Nelsen stated the Land Records plan for 2015 will need to be updated as that is a mandatory update required by the State. The Land Information Board is still working on getting some of those updated plan instructions done, so the requirements are to update the plan but the format that they want to put it in isn't quite done yet so we will probably be chasing them for their own requirement. Peter Herried is the Wisconsin Land Information Board Grant Administrator and he was at the meeting today. He is traveling all over the state meeting with each of the councils to basically answer questions and informing them of an item called Act 20 which is legislature adopted that pertains to statewide parcel mapping. In Nelsen's opinion, Herried loves coming to Trempealeau County mainly because we have some pretty good parcel maps. The State is looking at providing some increased funding or increasing the base budget for certain grants for the counties. As Nelsen understood it, money will be

made available, if the money is available. If the money doesn't get changed around or line items changed, we could possibly get some money for the land information arena. Nelsen thought Hempel could probably speak to this much better than he. State Cartographer, Howard Veragin was at the meeting talking about parcel mapping and that statewide parcel mapping is becoming quite a goal for the state to achieve and it has to do with a whole myriad of things for the DNR, DOR, etc. These departments are beginning to understand how important it is to have accurate parcel mapping which is something we've realized for decades now. The State is beginning to realize how nice it is when they look at county's with complete websites with parcel maps and they are looking at bridging all these county's in some form of a state parcel map. Nelsen thought that in the next year they will figure out what kind of achievement they are looking at to resolve this and it will be quite an interesting thing. Nelsen stated it is interesting to look at Buffalo and Trempealeau County together. Our progress or results here versus the results over there. That issue was talked about at the meeting and Nelsen thought that has something to do with their need to increase the base budgets grant. The State is looking at increasing funds from approximately \$2 million to \$7 million for 2015 and that goes back to what Nelsen said a little earlier about that we'll get the money if they can get the money. Brandt stated Hempel had indicated that the money comes from funds that currently goes to Register of Deeds in terms of deed registration fees, etc. In other words they are just taking from one Department to give to another. Nelsen responded those monies are generated at the local level through recording fees and a certain portion is retained in the County and a certain portion goes to the State. The money that goes to the state is used for the base budget grants as well as additional grants based on project needs in certain counties. Everything Nelsen heard from the representatives from the State this morning was that they are going to be focused on counties that are doing parcel mapping. Nelsen assumed they have a need for a statewide parcel map so they want us to find money to fill that need. Nelsen suggested if anyone had more questions or needed more specifics it would be good to talk to Hempel. Brandt asked if we get any special recognition for being so farsighted or pro-active/supportive of parcel mapping and remonumentation. Nelsen replied that he got a lot of questions and added that the State Cartographer's office seemed to be interested in how we were so successful in getting the County remonumentation done in such a short time. We were just talking about how long this took, but according to Nelsen from what the State is hearing from other County's, the State is asking us how we got this done in such a short time. They are looking at county's that have full time county survey staff with 4-6 people that started in 1985 and are 50% complete. They are seeing our situation here in Trempealeau County in contrast to other counties as they have 72 counties to look at. Nelsen stated the State Cartographer had dozens of questions as to how we were this successful in such a short time. In Nelsen's mind it was having a plan of action, knowing the goals and objectives, accountability and the big one – funding. Nelsen added that he has had a lot of support not only from other surveyors but County staff. When we were looking at a funding cut some years back, Nelsen remembers the County staff (Lien and Nick Gamroth) were the first ones at the podium at the County Board meeting talking about it. Brandt commented because they understood the importance of it for everything that we do. Nelsen suspected he would be getting a call from the State office wanting more details. Bawek asked if we would be chasing any of that grant money. Nelsen replied that would be a question for Hempel but thought she would try to get every dollar we could. Nelsen added the interesting thing about focusing grants on parcel mapping is virtually every other layer of our GIS, in one way or another, ties back to parcel mapping so as long as we can tie money needs back to parcel mapping, Nelsen thought there was a better chance of getting grant funding. Brandt mentioned that Hempel has been loathed to ask for help in terms of staffing. Brandt added that Hempel is managing very well but that office used to have three full time staff and now there is one person. Brandt thought that was something that the Committee may need to look into if there is grant funding available. Schultz expressed that he thought a lot of people will appreciate the remonumentation being done. Schultz stated the issue has been raised as to that there is a new monument and it seems generally 10-20 feet north of where the barbed wire is and questioned if that is somewhat accurate? Nelsen responded in some instances. Nelsen clarified that Schultz was

talking about the County monuments. Nelsen thought one would probably notice that the most in the upper terrain areas. When Nelsen looks at corners, occupations or fence lines are part of what he looks at. Nelsen finds himself, a lot of the time, walking that fence for sometimes a quarter of a mile to see the validity of the fence. Nelsen stated a lot of these fences are running through a cultivated area and are very straight there but when you get to the edge of the woods and get into the hills, it goes tree to tree. Schultz agreed. Nelsen continued that in essence, from a remonumentation perspective, occupation can have a lot to do with remonumentation and corner search areas but a section line is straight, from corner to corner, and a fence line that hits the edge of a woods and then takes the easiest route through the woods, a lot of time, doesn't have much to say about the location of the section line. It may have something to say about an occupational ownership issue or an adverse possession issue but as far as the section line itself, the dilemma a surveyor has, if he looks at a fence line, is part of a section line is what part of the fence line. What two points are going to become the section line when you look at 1000 feet of it and it has 15 angle points in it? In order for a fence to become part of remonumentation and the location of a corner, you have to have some sort of connection back to the section line itself. In other words, was the fence a result of an accurate survey? When one sees some of these fences in Arcadia that go from tree to tree up these hills, it is pretty clear it is not the result of a survey, it is the result of an agreement. Nelsen has seen in the Arcadia area where if one looks hard enough with a metal locator, you'll find three/four east/west fence lines going different directions or a situation where an area has been logged and what may have been on the line at one time, by now because of the logging skidder is being pulled all directions. Nelsen stated he takes a lot of consideration with fence lines but he can't just randomly accept them because it is an issue between where is the section line and where is the property right line and they are not always the same. Nelsen agreed with Brandt that his role now is maintainer of the corners. Nelsen agreed and stated he doesn't want his predecessor, in 50 years, coming to the Committee for more money for remonumentation.

Farmland Preservation Specialist Position

Brandt acknowledged Human Resources Director, Jami Kabus who was present at the meeting. Kabus stated there was a resignation from someone on staff in the DLM and DLM is looking to recruit and rehire for that position. Kabus explained the position isn't exactly the same as the original position so there is an updated job description, which better reflects the needs of the Dept. Kabus added that the pay grade hasn't changed. It is a position in which there is money in the budget so there is no additional dollar amount that needs to be requested. It will basically be a typical replacement process. Lien clarified that we will still be advertising for the UDC Inspector position also. Kabus agreed and added that it would be nice to have that position filled before construction gets busy in the spring, but with the number of certifications that are required in that particular job, it is going to be a challenge to fill that position. Discussion took place about the new position and needs of the Department. Lien noted that because of DATCP funding, he may rename this to Planning and Conservation Specialist. Lien added that the primary goal of this position will be to continue dealing with Farmland Preservation Program needs plus administer the Working Lands Initiative/Ag Enterprise areas plus adding in planning needs, all Ag related program needs, plus a preference to someone who has Ag Practitioner certification. Discussion continued on pay grade, ability to draw qualified applicants, etc. Kabus and Lien just wanted to let the Committee know they are recruiting and no Committee action was necessary.

Equipment Purchase – Lien requested permission to purchase a new copier in order to have the ability to scan in color. The money is in the budget and it would replace another copier that doesn't have the scanning ability. Britzius made a motion to approve the purchase of a Lanier copy machine, Nelson seconded, motion carried with no opposition.

Some discussion took place on whether DLM has procedures/policies for dealing with difficult clients.

Confirm Next Regular Meeting Date – Due to DLM staff training conflicts, the next meeting date was set for Thursday, January 15th, 2015 at 9:00 AM. Brandt reminded Committee members of the special E & LU Committee meeting on January 6th, 2015 at 6:00 PM.

At 12:50 PM, Chairman Brandt, with the consensus of the Committee, adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary