ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
July 9th, 2015 9:00 AM
COUNTY BOARD ROOM

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

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

Staff/Advisors present: Kevin Lien, Jake Budish and Virg Gamroth. DLM staff members Larry Gilles, Meghan Wessel, Keith VerKuilen and Mark Kunz – NRCS (Natural Resource Conservation Service) and Corporation Counsel Rian Radtke were in attendance for part of the meeting.

Others present: Luan Woychik, DeLaine Patzner, Daniel V. Sobotta, Beth Killian, Julie Dick, Ellie Klonecki, Tom Forrer, Robert Kupietz

A**doption of Agenda -** Nelson made a motion to approve the amended agenda as presented, Britzius seconded. Motion to approve the agenda as printed carried with no opposition.

Adoption of Minutes

A. May 13th, 2015 Regular Meeting Minutes
B. June 10th, 2015 Regular Meeting Minutes

Bawek made a motion to approve both sets of meeting minutes as presented, Britzius seconded the motion, motion carried with no opposition.

Brandt noted that the Wisconsin Counties magazine had an interesting cover and lead article or actually the entire magazine was filled with pieces done by County staff and County elected officials relating to zoning. Personally Brandt feels that it was an unfortunate choice of words on the cover to describe it as "unraveling the mysteries of zoning" which gives one the impression that it is difficult, complicated and mysterious when it is something we've been doing in this County since 1972 and people have been doing around Wisconsin and the Nation for a long time. Brandt read aloud one paragraph from the overview section, "In its simplest terms, zoning is a set of regulations used to minimize land use conflicts and to promote quality development that supports a community's values. It is one of the best assurances for maintaining property value and protecting public health, providing the regulations are well-reasoned, balanced and consistently applied". Brandt announced that the theme today is for elected officials and members of the Committee, after a year or more of sitting on this Committee, Brandt wanted the Committee to think about how they see zoning and how they see land use planning or how do you understand it now that you have been working with it for over a year or more. For the staff and presenters, Brandt asked how does what you do relate to zoning and land use planning. Brandt re-read aloud the statement, "Regulating to minimize land use conflicts and to promote quality development that supports a community's values". Brandt saw that there were a lot of different elements.

Jon Schultz arrived to the meeting at 9:12 AM.

NRCS (Natural Resource Conservation Service) Update

Kunz stated he is retiring from his current position on August 3rd, 2015. He has been with the US Department of Agriculture for 32 ½ years. Kunz gave a little bit of his work history. Upon Brandt asking if Kunz had a successor; Kunz replied not yet and offered that he thought they might be combining some offices with other County's in order to improve efficiency. Kunz stated his office has a lot going on. They are approving EQIP contracts slowly; as they get more money they can approve more contracts so they are continually getting cost share money to more people. Kunz said he is working on projects with Keith VerKuilen and Carla Doelle together. They all work together to try and make these practices viable. Sometimes the cost share rates help a lot but when a customer has to come up with $10-$30,000 out of their own pocket, if we can work together it ensures that practice is easier to implement on the landowners part. Kunz stated they are working on the CSP (Conservation Stewardship Program) program and also FSA (Farm Service Agency) is taking sign-ups on the CRP (Conservation Reserve Program) program. They are offering certain contracts that are expiring on September 30th a one year extension because they don't know if they will be offering a general sign-up in time before those contracts expire. NRCS is working with the continuous CRP practices that are expiring by September 30th. They are trying to give those folks an opportunity to re-enroll. They are doing a lot of cover checks. We lost one of our Foresters and there is a lot going on in the forestry arena, so they are trying to keep up with the people that want to do forest management practices. Kunz stated they lost a technician out of their office, so he is down one staff person. Lien stated he had talked with Kunz about the possibility of perhaps having DLM staff do some of the CRP spot checks, but in Lien talking with staff they didn't think DLM staff would have enough time right now. Kunz stated Doelle had submitted a letter which stated we don't have the time to work on this right now but we want you to know that we are interested and would like consideration in the future if another opportunity comes up. Kunz stated he understood completely as the offer was made because NRCS doesn't have enough time/staff to do them. Brandt asked Kunz for his thoughts on the success, etc. of the CRP program. Kunz stated the CRP program was intended to take fragile, highly erodible land (it later brought in water quality issues) actively farmed crop land out of production and establish it into a wildlife friendly non-erosive type cover and leave it in for a certain number (perhaps 10 years minimum) of years. Kunz thought it has done well. It gives the farmer an opportunity to take those fields that he probably doesn't want to farm because they are shallow to rock or droughty or wet and put them into a program that provides multiple benefits, water quality erosion control wildlife habitat and still receive an income on them (because they are still paying taxes on them). A farmer's bottom line is income but they are stewards of the land. Given an opportunity, they will take a field like that and quit trying to raise a crop on it and put it in the CRP program and let it rest. It has been good.

Human Services Demographics Report –Human Services Director Deb Suchla

Brandt introduced Deb Suchla. Brandt stated that Suchla did a presentation to the County Board and a lot of what Brandt understood that Suchla had said pertained to planning for the future and how it is that we make all of the decisions at the County level based on information that we have in front of us. The more information that we have the better informed one is and the better decisions that can be made. With that line of thinking we thought we would like to hear the presentation again. Lien noted that this information/demographics came up quite a bit at the Joint meetings with the city's and towns. Why we are having these annexations, etc. and the struggles that the County is having to deal with. Suchla stated she put this presentation together about a year and a half ago as she likes numbers and she likes to think about what the County looks like in terms of numbers. She put this together for County Board in March 2014 and she has found a lot of additional information since then. Suchla went through her presentation. (A paper copy of the Power Point presentation is on file in the DLM office) The general points of her presentation included the general population, education, economics and health educators in Trempealeau

County. Suchla stated our population in 2013, as far as all the County's in the State, (if we were average we would be at 36) is at 43, so we are a little bit lower than average. 16% of our population is over age 65 as of 2010. We tend to think of our County as an older county but it actually isn't as we are 37th in the State so that is pretty average. 6% of our population is Hispanic and if you take that as a percentage of population, in the 2010 census, we were the 8th highest county in the State. Between the 2000 and 2010 population census, across the whole nation, Trempealeau County had the 5th fastest growing Hispanic population of all county's in the nation. 24% of our population is under age 18 and that is actually a little bit high for the State, as we are the 18th highest in the State. For kids under age 5, we are actually the 8th highest in the State, so again we think of ourselves as an older County but we actually have a lot of young people in our County. In regard to State of Wisconsin births, Suchla's visual chart started in 1980 and goes to 2014. In referencing the chart, Suchla said it has been pretty flat but kind of dropped down a little bit and then went up slightly and now it has kind of flattened out. Trempealeau County's has kind of dipped down like the rest of the State but then it is growing. Even though the rest of the State has flattened out, Trempealeau County continues to grow upwards. In 2013, almost 21% of the births in Trempealeau County were to Hispanic mothers which was up 13% from 2010 and that almost 21% is the highest percentage of any county in the State of Wisconsin. 80% of non-Hispanic moms go to the doctor in their first trimester when they are pregnant. Only 52% of Hispanic moms go to the doctor in their first trimester so we are starting to see more kids from Hispanic homes in our Birth to Three programs and in our Children's Waiver program which are services for kids that have some special needs. 36.4% of births were to unmarried moms, but the average in the State of Wisconsin is the exact same so we actually aren't very high. 19.7% of the births were to Mom's without a high school diploma and that is actually one of the highest in the State (7th highest in the State). Suchla explained that part of it is that in the Hispanic population a lot of the Mom's giving birth have come here, were educated in other countries and not in the United States and probably didn't get their high school diploma. We also have a pretty sizeable Amish population that has kids where the Mom's don't graduate. As far as education, 86.3% of our population over 25 has a high school diploma and that is 61st lowest in the State. Again, it goes back to the fact that we have an Amish population that doesn't graduate, a Hispanic population that didn't graduate high school in the States and we also have an older population. Suchla noted that if her Dad were alive he would be 82 and he did not graduate high school Suchla thought there were a lot of men who went to farm as they needed to get to work and support their family. 17.1% of our population over 25 has a Bachelor's degree and that is a little bit lower than average in the State but for residents in Trempealeau County with an Associates degree we are actually a little bit higher than the State so we have more technical kinds of jobs in our County. In regard to economics, a little over 10% of the population lives in poverty. We are one of the lowest in the State. That has changed a lot because we were 32nd a few years ago. 16.1% of kids under age 18 live in poverty so we are 43rd highest in the State again which is sort of average or a little bit below average in a good way. Two years ago we were 6th highest. 6% of our kids in this County live in extreme poverty. That means less than 50% of poverty and we're 48th highest in the State, so again we are a little bit lower than average. In posing the question as to why have those numbers changed significantly, Suchla stated we haven't been able to find numbers to tell us why. Suchla suspected it has a lot to do with our economy as it has really been growing, particularly in the last half dozen years. Suchla thought it also has a lot to do with the Hispanic population as they have assimilated and learned the language and maybe at lower paying jobs and then we did an outreach for energy assistance a little over a year ago in Arcadia and had a number of Hispanic family's stop by and Mom and Dad are both working at Ashley and making a pretty middle income type of wage for the family so Suchla thought that had a lot to do with those families. They are new entrants into the work force as they again assimilate into our culture and the language. Our unemployment rate is extremely low in Trempealeau County. It is at 5% as of March. We are among the 25th best in the State. Suchla noted that when she did this report a year and a half ago, we were actually 4th best in the State and it fluctuates. If one looks at the graph presented, Suchla explained the brown line is Trempealeau County, the dark blue is the State of Wisconsin and the

light blue is the U.S., so if one looks at 1990 where this starts, when there were fluctuations in the economy, Trempealeau County had much higher unemployment than the rest of the State or the nation. When things got bad, Trempealeau County got hit much worse than anybody else. As one looks through the late '90s, early 2000s, it starts to flatten out. We still tend to get hit a little bit harder but not to the extreme degree. In fact, if one looks in the early 2000s when the economy is good actually Trempealeau County has even lower unemployment then the State or the nation. Since 2010, Trempealeau County continues to run below the nation and the state for unemployment, so our folks are working. Suchla stated we have very low unemployment. We have a lot of industry in our County. Our County works hard and that is why things are going well in our County. Suchla thought, from a human services prospective, that if we were back to the early 90's and one saw those kinds of waves (referring to the chart) a lot of family's that are living right on the edge would be doing much worse. We have a lot of family's that are living pretty close to the edge economically but are able to hang on because we have such a strong economy in Trempealeau County. The median household income in Trempealeau County is $48,000. We are 42nd in the State. We are a little bit low in the State. Our average annual income for nonfarm industry, as of 2010, was about 23% below the State. Suchla knows a lot of the time we like to blame furniture manufacturing but we are only 4% lower than the State as of 2010 when the study was done. Food manufacturing and educational services run below. Suchla stated we work hard but we have a little bit lower wage than the rest of the State. Suchla showed a slide about farming and noted a lot of the information shown was from the UW-Extension. In 2014, we had 1,436 farms. That has dropped since the study that was done in 2007 by 16%. Almost all of the farms in Trempealeau County (a vast majority) are owned by families, individuals and family partnerships. Farmers own and manage almost 70% of the land in our County. Almost 60% of the principal owners have a primary occupation outside of the farm. Suchla couldn't say if that means, i.e. the husband farms and the wife has a job outside as she wasn't sure. Suchla found that to be pretty interesting. They are just not only working on the farm; the income is not coming primarily from the farm. The average age of the farmer is 53 years old as of 2010. Suchla didn't think that came as a surprise to this Committee. On farm milk production produced over 2000 jobs in Trempealeau County. It is the second highest employer in our County. It is the highest agricultural commodity. Suchla asked the Committee to keep any eye on the fact of $78.2 million dollars of commodity sales in 2012 because she has a number of other facts that are going to pop up where one will see very similar numbers. Suchla stated we rank 25th highest in the State of other county's as far as the amount of milk production and 87th highest in the nation out of approximately 3,100 county's. Our next highest commodity is egg and poultry. We rank Number one in the State for broiler production. We are at 77.4 million in commodity sales which is very close to the dairy sales. Grain production is our third highest commodity at 76, so we have three very strong agricultural commodities in our County. As for housing, Suchla explained we have 12,657 housing units in Trempealeau County and that ranks 53rd highest in the State, so we are among the lowest in the State.
When one thinks about our population we are about 47th so our housing is a little bit lower than our population. If one looks at the number of people per house, we rank a little bit higher than the State and that makes sense. We have the population here, we have fewer homes so there is obviously more people in those homes. Almost 30% of the individuals over 65 live alone. That is a little bit lower than the State average. 31% are male, the rest are female averaged for that population. In 2013, our median home value was $135,200. That is the 25th lowest in the State. Again, that has a lot to do with our wages being low, so we can't afford higher homes. Suchla showed an indicator of homes sales. Suchla explained the dark line on the top tells you what the median price was for home sales for each quarter from 2009 through the third quarter of 2014. One can see that it hangs right around that $120.000 mark. The blue lines below tell you how many homes were sold each of those quarters so we maxed out in 2012, a little over 300 homes sold in a quarter but that has flattened out a little bit to be around 150 per quarter. Suchla displayed a chart showing another reason why our homes values are a little bit lower. Suchla explained the brown bar is Trempealeau County, the blue bars are the U.S. on average and it is a percentage of your homes. In Trempealeau County the bar way on the left are homes that were built in

1939 or earlier. The next bar to the right shows the 40s, 50s, 60s, etc., so one can see the rest of the U.S. has a much larger percentage of our housing stock in older homes built 1939 or earlier. That is partially an indicator of why our home values are low as well. We have older homes. If one looks, i.e in the 40s we evened out, 50s, 60s, 70s, particularly 80s we fell behind, in 2000s we kind of caught up but then so far in looking at those little tiny bars we are still a little bit behind – so again – this is a percentage of our housing stock and its older housing stock. That is also going to affect you as a County Board member because it is going to affect your ability to raise taxes. When you have older housing stock, your home equity that you base your taxes/mill rate on is going to be lower as well. Suchla stated she is on the school board in LaCrosse as well and we continue to deal with that as in part of LaCrosse County there is a bunch of older housing stock there. There is a big difference between owner/occupied and rental units in Trempealeau County. 25% of the occupied housing units in Trempealeau County are rental and about 2/3rds are owner/occupied. Median rental payments are a little over $600 per month and we have 38.1% of renters spend 30% or more of their income on rent as where 36.7% of owner/occupied homes have no mortgage. A lot of those are individuals who have paid it off and are living in those homes. That is 10% lower than the State average. 66% of owner/occupied units have 2 or 3 vehicles, so if you own your own home you are 2/3rds likely to have 2 or 3 vehicles, but if you rent you are equally likely to have 0 or 1 vehicle. The indicator is that if you are renting you are probably not doing as well financially as you are if you own your own home. There is a pretty clear dividing line in Trempealeau County. Trempealeau County also has some serious health indicators worse than the rest of the State. Obesity is a big one for kids and adults. Diabetes is a concern and we have behavioral health as a concern both for substance abuse and mental health. If one looks at obesity for kids in the WIC (Women, Infant & Children) program. Suchla noted this is just kids that are eligible in the WIC program and we have among the highest/worst in the State. As far as general income or general population for low income, preschool obesity rate, Trempealeau County is a little bit worse. When one looks at the obesity rate for adults in Trempealeau County we are worse. If one looks at the adult diabetes compared to the State of Wisconsin we are doing a little bit worse. In 2011, a study was done in the female obesity prevalent in Trempealeau County was 37.8% which means 37.8% of females in Trempealeau County are considered obese and that is up since they did the study in 2001. Male obesity prevalence is at 40.5% which means 40.5% of males in Trempealeau County are considered obese and that is up 10% since 2001. For male obesity, we rank among the 14% lowest in the nation which would actually be among the worst in the nation. We are really struggling with male obesity in Trempealeau County. In behavioral health we have several areas we are looking at; suicide, mental health and we are also looking at substance abuse. Wisconsin has a higher suicide rate than other states in the Midwest. Trempealeau County has a higher rate than other counties around us. Suchla displayed a chart which showed the number of suicides in the County from 2005 to 2012. There is really no pattern to it, it was as high as 8 and as low as 3, but we certainly do have a suicide problem in our county. Suchla displayed a chart with showed 2008 to 2010 where we are a little bit darker than other county's but we are not the worst. We rank 16th highest in the State for alcohol related traffic accidents as of 2010. The good news is that in 2005 there were 72 alcohol related traffic accidents in Trempealeau County and that dropped to 38 as of 2012, so there are efforts to mitigate it. If one looks at alcohol related accidents in Trempealeau County, the light green bar on the top is the number of individuals that were injured per year. On the darker green bar on the bottom is the number of individuals that were killed in alcohol related accidents in Trempealeau County. In 2012 (the last numbers on the display) there were 19 injuries and 0 fatalities so that was good news. The fatalities seem to be coming down as do the injuries. It "ticked" up a little bit but Suchla doesn't have access to 2013 and 2014 numbers yet so she can't say if that is an anomaly or if that is going to become a trend. We are 30th highest in the State for the number of alcoholics and that is pretty average. If one thinks of Trempealeau County almost every bend in the road has a bar however, when one actually looks at this map, we aren't really that bad for the number of alcohol outlets as related to population. Heavy drinking for females in Trempealeau County as of 2012 was in the 3% worst of all County's in the nation at 11.7%. So 11.7% of females in Trempealeau County as of 2012

are heavy drinkers. That is an increase from 2005 and that amount of increase was among the worst in the nation. Heavy drinking for males was the worst 4% of all county's in the nation at 16.9%. So almost 17% of males in Trempealeau County as of 2012 consider themselves to be heavy drinkers. The increase however had slowed down so we didn't have a big increase but the number itself is among the worst. Of 3,143 county's in the nation we are in the worst 3 and 4% of heavy drinking. We have a serious problem in our County. It's worse when one looks at binge drinking. The prevalence of binge drinking in Trempealeau County exceeds the State average significantly or by 8%. 12% binge drinking for females was among the worst 1% of all county's in the nation at over 24% as of 2012 in Trempealeau County which is pretty significant. Out of 3,143 county's we ranked 3,108. Male binge drinking is equally bad. We are among the worst 1% of all county's in the nation with over 40% of males in Trempealeau County participating in binge drinking. Again we ranked 3,139. When one thinks about it, in Trempealeau County we work hard. We have very low unemployment our folks are working but when they play, they play hard. One probably wonders where all this binge drinking is going on? Think about Arcadia Days, Independence Days, Ettrick Fun Days or any festival that is going on. If one goes to any of those there is high degree of binge drinking going on and extremely drunk individuals. In Trempealeau County it is part of our culture and we are not shocked to see this and how drunk people are, but it is really affecting the health of our County. If one looks at the maps of male and female binge drinking and compares it to Trempealeau County compared to the rest of the State and the States around us one can see how bad we are doing. As far as alcohol related deaths as of 2010 we are among the lowest in the State. One can see that we don't die from alcohol even though we drink so much. The reason being is that we are higher as far as number of people that go to the hospital for alcohol problems and a lot of those are paid for by the County. We also have a terribly fast growing drug problem and you've heard that from the Sherriff and the District Attorney and it affects all the departments in the County as far as these drug problems going on for opiates including heroin and meth. It affects this County at a lot of levels. Our arrest activities are going up which means we have a lot of law enforcement connected with that and not doing other things. Our jail numbers are going up. If there isn't room in our jail we have to pay to send them somewhere. The District Attorney has more referrals. We also have more crime in general, stealing, etc. because of these habits and so the court is seeing more activity and our recovery court is seeing a lot more meth and heroin. The majority of child protection or kids in "out of home" care are because parents are addicted to some substance. For behavioral health services, we are getting calls all the time from individuals and family members asking for help and there is only a limited amount of treatment dollars. Suchla showed a chart of opiate referrals to the District Attorney's office from 2009 and what we are projecting for 2015. The opiate referrals are slowing down a little bit. It has grown and we haven't figured out how to deal with that growth and thankfully it is slowing down so hopefully we can catch up and figure out how to get ahead of that. Unfortunately meth is right behind it. Suchla explained the chart before the Committee and stated if one looks at the graph it is growing so exponentially that we don't have any ability to get ahead of that. We have a number of kids who are treated poorly at home or being taken out of the home because of meth problems. We have employees who are failing on the job because of meth problems. The expense to the County in all areas is growing astronomically. When one starts looking at 2016/2017 budgets, if we don't get ahead of this it is really going to pinch our budget as a County. In spite of all of this, the life expectancy in Trempealeau County for females is almost 82 years. We are among the best in the nation. Male expectancy in Trempealeau County is 77.5 years and we are among the best in the nation. Suchla thought one of the reasons that this is so contrary is these individuals who are getting older worked harder and their culture was different as these individuals were growing up and as they were in their young adult hood, so Suchla thought their life expectancy is good. Suchla thought we are going to see these numbers going down because of the obesity, drug abuse and alcohol abuse. As far as the smoking in our County, we actually are pretty average compared to all the counties in the nation. We also rank among the best counties in recommended physical activity. Suchla thought that goes back to, that in Trempealeau County, we work hard. A lot of our jobs are very physically demanding and

Suchla thought that has a lot to do with it and that has also helped with the longevity. Suchla concluded her presentation by saying Trempealeau County continues to be a good place to work and play and live and pray. Schultz stated the town and city had a recent grant application from the EPA (Environmental Protection Agency) they filled out for Grounds Field funding and in it stated that the Arcadia area had suffered drastic job losses since 2008 and to Schultz that seemed false. Suchla responded she is surprised by that and she didn't know what all goes into that but clearly we have two major industries; Gold N' Plump and Ashley Furniture and she didn't think either one of them have downsized. She thought they may have had some "ups and downs" but collectively she thought they have been generally upwards. Suchla added that it doesn't match up with the numbers that she has but again things can change pretty rapidly. Suchla commented that one of the biggest employers – Ashley Furniture – has continued an upward trend and it hasn't really dipped at all. Brandt asked Suchla how she connected land use/planning to her job. Suchla responded that land is used by the individuals and that is who her Department cares for. This report will tell you about what is going on in Trempealeau County in general and what changes we are seeing and again a lot of us think of Trempealeau County as an older county and it is not. We think of Trempealeau County as a county without much diversity and it is not as we have a lot of diversity and it is growing very fast. Of course, the pockets of diversity are not even throughout the county. Arcadia and Independence are seeing 50% of classrooms in their schools being Hispanic but one doesn't see that perhaps in another school district, i.e. Osseo, so we aren't changing at the same rate. We talked about people's ability to care for themselves and make a living and that is going to affect how we use the land. Brandt stated a number that jumped out at him was that 69% of the land is owned and managed in the County by farmers. Brandt added that should and does come into our consideration when we are looking at land use because those are the people we are talking about when we ask how do you want your community to look. Suchla added she thought the information about the housing stock affects the County pretty closely, because if our housing stock continues to be old and it isn't replaced, again it really flattens out the Counties ability to see new revenues. From a practical sense, Brandt stated this Committee has the opportunity to consider rezone requests for multiple family dwellings and Brandt wasn't sure where that fit into our Comprehensive Plan other than to say that we're hoping to concentrate those closer to the existing urban areas and to have development expand out in a ring like fashion. Brandt added that is something that we look at in terms of housing. Zeglin asked what the definition was for binge drinking. Suchla stated it is the number of drinks that are consumed in a short period of time but she didn't have that exact information with her. Suchla added it is how much you drink per incident and not how often you drink all the time. Heavy drinking is continued drinking frequently and binge drinking is the number of drinks at a time. Bawek asked Suchla, in regard to heroin and meth, why and why now? Suchla responded there are a few things; 1) we are located between LaCrosse and Eau Claire and right on the highway and so it is really nice to sell up and down. We are seeing more in LaCrosse than in Eau Claire, as far as individuals in recovery, they appear more in the southern part of the County. Around 2010, a lot of the painkillers that people got and continued to get prescriptions for surgeries, etc. resulted in people legally abusing opiates because they were getting prescriptions, so the medical community got together and they really cracked down on how much they gave out in regard to opiate related prescriptions. When one can't get an opiate easily they start to look at heroin and it is a heck of a lot cheaper than trying to buy any kind of oxycontin on the street right now. Meth gives you a similar type of high and it is relatively inexpensive. Instead of setting up big meth labs, people can make meth pretty easily themselves now, so the convenience of it and the low cost is part of why it is really starting to come to our County. Upon Bawek commenting that it is basically a "spillover" effect from the bigger city's, Suchla responded partially and it is also about the fact that one can get heroin and meth pretty cheap in our County. More discussion took place on the drug issues. Lien stated this Committee frequently hears that we need more jobs in the County. To Lien, Suchla's presentation doesn't appear to reflect that we need more jobs but that maybe we could use higher paying jobs. Suchla responded the wages are the issue, it isn't the employment rate. Suchla noted one also has to look at the individuals that are not healthy enough to work because of perhaps obesity or substance

abuse; we're going to have more individuals who are not participating in the labor force who are going to be a draw on our County. In looking back at jobs we need to figure out how to include them and make sure they are part of the working individuals in our County. That is going to be a big problem. It isn't going to be about wages or employment; it is going to be about peoples' ability to work. Upon Schultz asking about statistics on seasonal or part time employment, Suchla responded that information is on the web or UW-Extension may have that information. Britzius sees the link between behavioral health, physical health and land use decisions as we hear all the time how decisions we make here can result in health detriments and we see a lot of conflict coming into this room. In regard to the $48,000 median income, Zeglin asked if that was two working in a family. Suchla responded the median income is household income and includes all sources of income including retirement and social security and divides it by the population. Malone commented we have one of the highest female labor force participation rates. Zeglin asked what is considered poverty level. Suchla responded she didn't have the full information but it varies based on how many people are in the home and for two people she thought it was around $14,000. Malone added that it changes every year. Brandt stated we are considered policy makers in some circles and thanked Suchla for bringing this information to the Committee.

At this point, Brandt stated Corporation Counsel Rian Radtke is needed at 10:30 AM up in the Courts, so with the consensus of the Committee moved on to agenda item # 9.

Property Value Guarantees

Brandt reminded that, at the meeting two months ago, Bawek spoke eloquently about what might be the core issues related to CUP's, zoning ordinances, and frac sand permitting especially regarding the neighbors and quality of life and how we define that and that there is also a financial aspect to that. The Committee has asked Radtke for assistance in the past to come up with some guidance/information. Radtke began by saying this is an issue that has been presented to this Committee as early as four years ago. Property value guarantees as a condition on a CUP to ensure the neighbors value to their property. We have seen a variety of different proposed property value guarantees over the years. Radtke's opinion to this Committee has been that the Committee should leave these issues to the party's to work out themselves, to mutually reach an agreement and if they can't then that is a concern and the Committee could potentially deny a permit or that the proposed site is perhaps not a good site based on that information. Obviously that would be a case by case analysis which all permits are. That has been Radtke's recommendation in the past and it is based on a variety of things. There have been issues with the proposed property value guarantees that Radtke has reviewed in the past. It is Radtke's opinion that they will not work the way they are intended to and they would cause extra work for staff here to administer and oversee. There is a lot of potential for disputes that would arise. A property value guarantee that would essentially require an applicant to purchase all the surrounding property in order to get a permit is potentially far reaching, so for those several reasons Radtke has asked that it should be something that the parties work out themselves. If there is still an issue then this Committee should deal with it on a case by case basis. Two meetings ago, Radtke stated this issue came up again and Radtke had offered to see what is out there with other county's and try to enlist some other resources to try to see if there is something out there that the County could look at as a potential condition to address this issue. Radtke contacted Pat Malone in UW-Extension to see if she had any resources. Radtke received a response from Pat Malone which contained a response from Attorney Phillip Freeburg which raises some of the issues some of which were similar to Radtke's concerns. Moments ago, Malone had given Radtke a memo (which was just handed out to the Committee) that summarizes again what some of the concerns raised for this type of provision. There are concerns with the legality and county authority to do these types of agreements and how they are administered, etc. To be brief, Radtke has reviewed this and he could spend more time researching it, but he still doesn't see a way to do these. Radtke has not been presented with a Property Value Guarantee that seems to do what it is supposed to do. In theory it seems fairly simple, but when the details come in it is actually kind of difficult. Radtke stated there are

roughly three types of agreements that he has seen come forward. Radtke addressed the issues of these different agreements. One agreement talks about certain groups of people or owners of land that would have the right to a guarantee. Radtke is concerned that it doesn't specify how that group of people are defined, is it a distance, etc. This Committee will have to make a decision as to who that group is. This agreement talks about having to determine the fair market value of the property and that the two parties, the owner and the mine operator, would sit down and agree on an appraiser and if they can't agree then they go to a bank or credit union and use theirs. Radtke questioned whether banks and credit unions have appraisers that they can recommend. It is Radtke's understanding that some of these institutions have contracts specifying that the appraiser only does work for them. Also some of their customers or potential customers could be affected by this. This agreement asks that , after the appraisal is done, assuming that the sand mine doesn't exist, it is setting a pre-mine value/appraisal and then the owner would have to list it with a real estate broker and that the owner could not accept any sale for less than the fair market value than the appraisal has. If they do get an offer for something less than the fair market value then the mine operator would be given two business days to either accept that amount or if it is less than fair market value the mine operator would pay the difference less the realtor's commission, within 30 days of the sale. However if the property isn't sold within 180 days of the date of this contract then the mine operator would immediately purchase the property at the fair market value. Radtke's concern there is that this could potentially require the mine operator to purchase all the properties around if there is no sale for whatever reason. Essentially, in effect, if the Committee would require that, the operator could get their permit but would need to potentially buy all the neighbors properties as well. There is a concern for Radtke that this may be a little far reaching. With a property value guarantee what potential purchaser would ever offer more than a small sum because they know that the difference is going to be subsidized and paid for by the mining operation, if they are willing to agree with that. If they don't buy the property, then the mining company is going to have to buy the property and perhaps they can then get it at a discount from them. Radtke didn't know if this would actually result in people actually buying this property from a property owner just because of the fact that this property value guarantee (which is a public document) exists. Radtke is concerned about the far reaching part of requiring the mine to purchase the property as he didn't know where the line was on that. The last issue on the agreement was that it said if the owner wants to sell to a third party, which is not considered an "arms length" transaction such as a sale or a gift to a relative, then this property value guarantee wouldn't apply. According to Radtke, terms like "arm's length" is just setting the stage for dispute because what does that mean. The County will possibly have to make that decision. Upon Brandt commenting the Committee would be coming to Radtke for that information, Radtke responded that is potentially another problem as he would be giving legal advice to third parties as to how this agreement is going to work. Radtke again stated it might not be the best position for the County, Lien or Radtke to be in and potentially making these decisions. Brandt stated what we have done in the past is say, "Work it out, when you've worked it out, come back and we will give you your permit". Brandt asked Radtke how what we have been doing looked in the scheme of things. Radtke thought that was the safest approach from the County's perspective and from getting involved in litigation. Radtke thought it was the least amount of administrative work and headache for staff and the Committee and it potentially could allow the party's to reach a mutual agreement to their own liking that is not imposed by the County. Radtke was leaving out any of the arguments that were made by Freeburg and his summary. Radtke stated he would come back after his court appearance and go through some other documents including the one presented at the last CUP public hearing. At this time Radtke left the meeting.

Well Head Protection Ordinance and Other Municipalities Ordinances - UW-Ext. Community Resource Development Resource Professor Pat Malone

Brandt stated last month, Arcadia Mayor Kimmel came before the Committee with a proposal for a Well Head Protection Ordinance related specifically to Arcadia. On staff advice, the Committee expanded the concept to include the County. Brandt turned the meeting over to Pat Malone. Lien had Malone look at

the Arcadia Ordinance and her reaction was why should the County just do it for one community when you have eleven incorporated community's who may or may not have their own ordinances. Malone stated she went through the data that is available and those that actually have an Ordinance in place. Malone reported we actually have 13 water systems because in addition to the incorporated community's, we also have the Dodge Sanitary District and the Lincoln Sanitary District. Of those 13, ten of them have Well Head Protection plans which are just plans saying we're going to do "X, Y, and Z". Malone wasn't sure how well they followed their plans. There are actually five municipal Well Head Protection Ordinances in the following community's; Arcadia, Ettrick, Galesville, Independence and Trempealeau. Trempealeau's is probably the newest one. Malone spoke with Travis Cook from the Village of Trempealeau and the way they made arrangements for the nonincorporated area that would be included in the Well Head Protection area is they entered into negotiations with the Town. Brandt asked if the Well Head Protection Ordinance basically is a way of determining land use within a certain area of a well head or in the watershed itself. Malone responded in the well head area, an area that they literally define as the protection area which is about a quarter of a mile and is defined in the Ordinance. Malone noted the Ordinances are fairly consistent in that regard but they model DNR recommendations both in terms of how they draw the protection area and the list of activities that are either prohibited or need to be controlled within the area. Malone stated protecting the well head areas is significant and it is important. Malone just got one reference back from the DNR and they linked her to the Eau Claire County Ordinance which actually deals with Well Head protection. Malone thought that because your towns follow County land use rules, it makes sense to not just do it for one and she questioned why didn't Arcadia do the same approach as Trempealeau which was to go to the towns' surrounding them. Malone thought it does make sense that if this County is serious about this that they do undertake that activity for the whole County on behalf of the towns. Malone suggested it might be part of the Comprehensive planning re-write. Brandt commented that Lien had asked if we were thinking about groundwater, not just what is around the well head, but are we thinking about an Ordinance which tries to limit the kind of land use that may affect ground water throughout the towns and County. Malone responded that is part of the point of land use planning. We talk about it being for the health, safety and general welfare of the public so yes; Malone said you should consider the health and safety of the groundwater resource. As a planning agency and someone who talks, thinks and makes policy about land use, the groundwater should be a consideration because it is what is happening on the surface of the land ultimately that impacts groundwater quality. Groundwater quality has sort of its' natural attributes, but many of the contaminants (nitrates, phosphorus, volatile organic compounds, arsenic) that we worry about the most are impacted by what we are doing on the surface of the land and if we don't plan appropriately it could potentially impact groundwater quality. If one looks at best practices for a whole array of land uses, they are designed thinking about that groundwater quality as well as surface water quality. Malone stated surface water quality and ground water quality are linked. Lien stated some of these recharge areas may go far beyond where their Ordinance even regulates. Malone commented that was a question she wanted to ask DNR as DNR specifically in their discussion talked about a five year recharge area. Some discussion took place on this. Schultz thought some of the confusion with Arcadia's Ordinance is because the title is "Well Head Ordinance" and then it goes on about groundwater supply. It seemed to Schultz that the intent of the Ordinance is to protect the well heads from surface contamination of various industrial and commercial activities. Malone agreed and added that one of the largest potential sources of contamination is if the well is not constructed properly or there is some damage or whatever so that anything that is happening right around the well head could get into it. Schultz felt the City was confused on the language of the proposed Ordinance and we sent it back to the City and told them they need to decide what it is they're trying to do. Malone asked if the County's position was that if the municipality wants to protect their well head then should they be negotiating directly with the township or should they be negotiating with the County as a whole. Is the County's responsibility for the well head area or is it for the groundwater resource. Brandt stated Malone made a distinction; if the issue is minimizing the possibility of contamination of the well itself,

municipality or incorporated municipality or township conversation. If the issue is the quality of the groundwater as a whole the County should consider or may consider being involved in the conversation. Brandt thought Malone was saying maybe it is not time to just get another planning committee together and do an entire ordinance re-write but rather communicate with the incorporated municipalities and the townships and say you might want to start talking about this as it has become an issue in a couple of places. Malone stated that would be her recommendation. Malone does want to sit down and talk more with the DNR folks who are in charge of this because they act as consultants to the municipalities and try and get at whether they are targeting the well head area or are they thinking about the whole resource. They have this very interesting report called the Source Water Assessment Program and it is where the DNR went through and looked at what kind of contamination municipal wells were most susceptible to and defined whether or not they had plans, etc., i.e. the Pigeon Falls is susceptible to contamination by volatile organic compounds, synthetic organic compounds and nitrate. If one looks at the Ettrick system it is susceptible to contaminations by nitrate and Timonium mercury so some of the things you might want to consider might be different depending on where you are. Malone elaborated on some on the Town of Trempealeau's issues. Discussion took place by the Committee. Brandt inferred that Malone's advice is to alert the city's that Arcadia is in the process of developing a Well Head Ordinance and that they each might want to do that in conversation with their townships and that the County Committee is considering the possibility of looking at larger groundwater protection issues. Lien agreed that it was a good step and that it should be a countywide issue and that is what he commented when the Ordinance was presented to us. One of the most difficult industry's to regulate is the agricultural industry. We have nitrate levels, cropping requirements and most, if not all farms, have those plans. But as far as if they are implemented, followed and enforced, there isn't enough staff time for people to do those things and that could be why some areas have high nitrate and phosphorus levels in groundwater. Those things have gone unregulated for too long. Lien wasn't sure how many municipalities realize they have those ordinances or when they were last updated or reviewed. Lien hoped that if municipalities have made agreements or provisions with their neighboring towns that they have submitted that information to the County otherwise we may be missing a key link. Lien thought some of the terms in the document need to be clarified so everyone understands what is expected and it can be enforced properly. Britzius asked how much difference there is between the existing County regulations to protect the water resource and these Well Head Protection plans. Lien responded the only one he has read is the proposed Arcadia Ordinance and some of those items are a little more restrictive. Malone commented she thought Trempealeau's list was perhaps more comprehensive. They do specifically reference, in terms of a permitted use, agricultural activities conducted in accordance with the 590, so they are considering agricultural uses. Brandt commented that if one has a 590 plan you don't spread manure within 100 feet of a well, so it is already there. Lien stated if these cities have adopted these Ordinances and the cities are annexing some of these industrial sand mines, then their Well Head Protection Ordinance would apply to those areas and could be regulated. Lien explained we understand some of the heavy metals and other things that exist in our soils right now but they are sort of suspended there and when we have these large excavating activities where it frees some of this stuff up, it becomes soluble and we can find "hits" in wells and Lien thought that was the premise behind Arcadia trying to do something pro-active. Lien asked Mayor Kimmel about the use of polyaccrylamides and Lien guessed that they didn't think about that or discuss it when they drafted the Ordinance. Lien thought those issues should be addressed in a Well Head Protection Ordinance. Malone stated the DNR draft does list mining in that protection area (it is a general reference to mining not specific kinds of mining), but you clearly wouldn't want large industrial activities occurring within the well head protection zone. Malone said the DNR and Extension have a lot of resources on how to put these Well Head Protection Ordinances together. Malone certainly got the impression from her communication with the DNR folks that they would be willing to work and talk with us and there are a couple of first steps. The first is for Malone to continue her discussion with DNR and try to get the picture that they have in their head between the well head protection and the general groundwater

resource protection function. The other most definitely is getting in touch with these communities (the ones who have ordinances and the ones who do not) and asking them what the status is; do you know you have one, do you know what it says, have you talked with the town that you are literally in partnership with when talking about protecting your well head and do some basic education i.e. one of the first things that has to be done is an inventory as you have to know what is out there that could impact the well head. In terms of a comprehensive plan, Brandt stated Lien had made an excellent point, that if there is something in a Well Head Ordinance that limits land use that isn't reflected in the townships comprehensive plan then it needs to be addressed. Malone agreed. Zeglin stated since we will be reviewing all of the township comprehensive land use plans, something that should probably be the next step is the Department goes out to talk to everyone in the towns about this. Zeglin thought, as Malone mentioned, a lot of people don't realize that these are even out there including the various council members. It is very timely, as far as Zeglin was concerned, because of the various issues that we deal with in issuing CUP's or the various things that are coming before the Committee. Zeglin thought this was an issue that needs to be looked at now. Zeglin suggested starting a Committee, having Malone do more information gathering and stated it was very important to the County because if we don't have good drinking water we don't have good health, good economics for our farming base and the industrial base. Zeglin stated we are dead without good water, literally. In the strategic planning and the responses that have been received back, the comments do relate to the importance of DLM's role and the Public Health Departments role in providing to save drinking water. Malone stated our drinking water is ground water. We are not Waukesha and we are not pulling water in from the Mississippi or Lake Michigan. We are pulling water from a variety of aquifers depending on if you are on municipal water or private water. They have spoken and we want it to be safe and we want to protect it. Brandt stated Lien and Malone have been taking notes so we assume there will be updates in the future. Brandt asked Malone to talk about the water testing. Malone stated one of the very important parts of protecting ground water is knowing what the quality of it is. Malone explained that to date, they have distributed about 48 kits. We haven't gotten a lot of results back yet. They have given out 40 here in the Courthouse and about 8 or 9 over at the Town of Arcadia site. Coming up this month they are doing a very large collection push. They have sent out letters to owners within a half mile of an operating mine to particularly encourage them and we will be having collection hours where people can literally come to us and pick up their bottles. They can then drop them off and the bottles will be taken directly to the lab. Malone said we have enough money for around 200 tests and they will continue to encourage participation. Malone explained they will take all this data and it will be mapped and shared back with us. More Committee discussion took place on the different testing and specifically testing in the Trempealeau area. Malone stated preliminary data will be available in approximately the middle of September. Malone requested that if there is money left over at the end of this year, she would like to put it in a nonlapsing fund so that we can continue to spend it on getting well tests until it is gone. Malone added that people are pleased with the cost share notion as it makes the cost of these tests very reasonable. Upon Britzius suggesting the continuation of the program indefinitely, Malone stated the focus of the testing can be changed every year and water quality does change over time. Malone explained previous testing programs that had been done. Brandt noted there is a wonderful map in the DLM which shows where well permits have been issued. At this time the Committee took a short break.

Property Value Guarantees (continuation)

Brandt called the meeting back to order. Corporation Counsel Rian Radtke had returned to the meeting and he continued his analysis of property value guarantees. Radtke had asked other attorney's in the State and other Corporation Counsel's to let him know if they have any sort of conditions that they have attached to a CUP to protect property values and guarantees. Radtke did not get anything back other than a windmill property value agreement between parties. That is worded somewhat similarly. They try to deal with some of the issues that Radtke had mention earlier but at the same time it sort of created more issues which are all up to interpretation by people and are not a fixed answer. Radtke referred to a

Kewaunee County document regarding a wind mill and noted it is quite complicated. There are things about the document, i.e. the phrase "reasonably objects" which could cause controversy. Radtke went through some of the issues of that document noting things that would need to be "nailed down" if we are going to administer this. To Brandt it seemed esoteric and what Brandt was hearing Radtke say was his main concern has to do with staff time, being able to define things, basically creating a whole new area of responsibility and process that staff will have to be involved in and that is too much of a burden and therefore not something the Committee want's to take into consideration. On the other hand, Brandt stated we've taken on considerable amount of responsibility (i.e. from the State) that we didn't plan for, that staff hasn't planned for. The public also has a time period and everyone involved in this may have the time, over a period of time, come to understand what the process and come to accept that this is part of doing business and therefore the pieces will fall into place that are required to make it as easy or efficient as possible. Brandt said it has been a concern for so many people in the County. The people in this County, by in large, are not wealthy and what they own is where their wealth is and so you understand that they are concerned that wealth or the value of what they have be maintained is what it is that is mounting this concern along with the anxieties of being near an industrial sand operation. Brandt was wondering where the cutoff line is on this. It may be too much of a burden for staff, attorneys, the court system, etc. but is it something that is worth that effort because it is so important to so many people. Radtke asked the Committee not to interpret any of his comments here as to discount anybody's concerns about property values. Radtke thought that is a legitimate concern and our Ordinance speaks about affects on property values. That is something within the realm of this Committee to look at and so Radtke doesn't mean to discount that by any means. What Radtke is saying, as his advice to this Committee, is that be aware that it is not as simple as just saying, "Will you guarantee their property or make that a condition". It is more complicated than that and Radtke hasn't seen a good system that #1) Doesn't cost too much of a burden on the County to administer and that actually does what it is supposed to do and doesn't just cause more problems and more points of dispute. That is why Radtke's recommendation has been to let the parties work this out. If they don't work it out and there is still a problem, then it is within this Committee's scope of authority to take that into consideration as to whether to grant or deny a permit and that is a tough decision. While Radtke was looking at these agreements he thought the Committee could require a condition that the parties enter into an agreement but questioned how that was any different than if they had an agreement at the time of the hearing whether to grant or deny the permit, it is very much the same. If the Committee just leaves the condition as an agreement must be reached on their own, we are still going to be in a position where we are potentially going to have to find out whether or not that agreement is in place, etc. Brandt commented especially if it is a condition of a permit as that would be a reason for pulling a permit. Radtke agreed and said we would have to watch/keep an eye on that. A condition where an applicant does something for other people or his permit will be revoked is different than an agreement where two parties sit down, shake hands and say, "yes, we both agree and we will both sign this document as agreement", so there is a difference between imposing something on someone. As Radtke was telling Bawek during a break, what you are really doing is telling people how they can or can't sell their property and the County is being intertwined with telling people how they can or can't sell their property and in the process how to do that and then taking on the burdens of how to do that in a fair way and how to administer that. Radtke thought, in concept, some of these agreements where there is a make-up in value, if you can pinpoint how much of an effect a particular operation has on a property value and having some sort of guarantee to cover the difference of that then that makes sense and our Ordinance would support that, but how do you make it work? All of those details are what Radtke thought makes it difficult. Discussion took place on the ability of the Committee to vote "no" on a permit based on the property value guarantee issue. In the discussion Bawek commented that he gets confused when these companies's come to the towns and make a lot of promises, specifically property value guarantees and then come to the County with nothing in hand. Bawek gets confused, at that point, if anything else that they have told us is true or will it hold to be true. When they are face to face with the people that they

are going to be neighbors with and are basically stretching the truth that is the part that Bawek struggles with is how they make all these promises and not fulfill them and where does that leave us or our citizens. On this point, Radtke mentioned that if you leave it to say that the parties are going to reach an agreement and then put the County in a position where we are reviewing an agreement to make sure that it covers everything, that puts Radtke as legal counsel for the County in a bad spot where he is potentially going to be giving legal advice to the parties (applicant and landowner) as to if they have a good agreement and if it will hold up in court, is it going to do what you intend it to do. Radtke thought what Bawek was talking about is someone asserting orally that they have an agreement of some type and what reliance does this Committee or a town give to that or how much do we rely on a town's recommendation based on that. Radtke thought it was kind of tough to have to be in a position that one has to look at that and make a judgment call. Radtke thought all one can do is trust that the parties, if one party says they have an agreement, then it might be good practice to ask the other side if they do have an agreement as opposed to just listening to one party. In those situations, Radtke recommended that the parties higher their own legal counsel and work out an agreement that is agreeable to them. If it turns out later not to be the case or that there were problems, Radtke didn't know how to address that. The parties need to make an agreement that will hold up. As an attorney for the County, Radtke can't be giving legal advice to a party other than the County. For the County to get involved in that, to assess that or to look through them and make judgment calls on that, Radtke thought that was risky. Zeglin stated she thought that perhaps Radtke was overthinking this. Zeglin thought there has to be something out there that we can come up with. Zeglin stated property values is a huge concern of hers and always has been because, quite honestly, property's next to sand mines will not sell, period, unless they are bought by the sand mine so we have people out there that are essentially imprisoned for the rest of their lives because they cannot sell. If they find it intolerable to live next to a mine, tough, we're not protecting them. For County government and our Committee, the mission is to protect. We're not doing that. We have to essentially set the people free. Zeglin stated they're imprisoned. Zeglin cannot tolerate that and there has be to some workable way of doing this, if not, we have to find a "work around". Zeglin asked what the setback is for wind turbines. Lien responded the setback is 1 mile from a residence unless they have an agreement with the landowner. If we're not going to do a property agreement, Zeglin suggested talking about a distance, i.e. one can't have a sand mine within a half mile of any residence unless you work something out with that resident. Schultz commented he saw more value in Radtke's interpretation as maybe not taking that step and gave the example that if four homeowners own parcels that total $1 million dollars in value, how do we weigh four or five peoples' concerns versus one person's concerns. Is one person's ability to make many millions of dollars worth more than a handful of people's ability to preserve some net worth of any value? We don't make the decision based on where the most money is, necessarily; our job is to protect those citizens. Schultz re-iterated that he didn't know if the Committee wanted to take that step. More discussion took place. Radtke stated if we imposed a condition relating to property values, he thought we might be the first County that does it and we may be in some uncharted territory there, but if that is the road the Committee wants to go, Radtke asked if we could bring in an appraiser to talk about what it is that they can and can't do as a lot of these agreements talk about an appraiser being brought in and being able to delineate what specific cause or variables affect dollar values. The Committee would want some assurances as to what an appraiser can or cannot do. Lien agreed with Radtke. Lien questioned if we make it a condition that the parties have an agreement, it is or should be the responsibility of the parties to work out that agreement, and if they both agree they have an agreement and then they don't honor that agreement, Lien asked if that was valid enough that Budish or Lien don't issue that permit because they haven't fulfilled their conditions because we made it a condition that they have an agreement. Lien asked if that was something Radtke would defend. Radtke responded if it is imposed as a preliminary condition and it isn't in place at the time then the condition isn't granted. If at any time during the duration of the permit, if for whatever reason that agreement is withdrawn or breached some way and either party lets the County know that, then that would be grounds to revoke a permit as well. When it

comes to that enforcement level of revoking a permit for a violation of condition, we may very well get intertwined as to did they breach it or not. Lien asked what would be the best way to protect the County from that. Radtke questioned if Lien was talking about a condition or at the time of the public hearing. Lien clarified that if at the time of the public hearing we make it a condition that they have an agreement. Radtke responded that a potential problem would be, if just required at the time of the hearing, is that someone could breach that and renege that contract and they already have their permit (if it wasn't a condition). If it was a condition then it is something that the County will continue to keep an eye on and as long as it is in place, then the conditions are met. If it is not in place then the conditions aren't met. More discussion took place. Brandt stated he thought the Committee got the gist of Radtke's concerns and stated we've had the opportunity to express the general, larger picture. Brandt asked how we make it clear that everyone needs to be kept in mind and cared for, etc. and that is what this Committee does or is attempting to do. Bawek questioned how the Committee handles the mitigation for noise. Bawek stated that is basically the same concept. They have to meet the level of noise in our Ordinance and questioned how this would be any different than that. Lien responded that isn't mitigated; there is a defined number and a defined distance. We don't have any of those things defined for this current subject and Lien didn't know if one could get an assessor to do it. Lien made reference to the University of Iowa study which has property value rings. Lien thought the tougher question was who does it apply to and added that applies to any kind of land use. Sometimes there is science to apply but with this issue there isn't much science out there. Lien thought greater discussion should be given to what is an appropriate distance. The discussion continued. Bawek thought business would want this because it makes it easier for a Committee member to deny a permit, under those circumstances, whereas if this industry would take care of those issues before they come to the meeting, the issue would not be there. They would have a fair shake at business as a viable option for them, whereas when there are all these concerns, they come here and they have lost before they've started, so property value is at the core of this mess. Bawek understood everyone's points and stated between all of them we should be able to come up with something. Nelson thought property values have to be decided before a mine moves in - it has to be in place- a value of what the parcel is worth. At this point, Brandt suggested moving on and noted that if nothing else, we've seen how complicated it is. It was decided this agenda item would be put on the next Special E & LU Committee meeting agenda.

Zeglin stated it has been brought to her attention that two of the Committee members would have to be leaving early and suggested that if there was anything on the agenda that needed to be voted on that we do so now.

DLM Staff Presentations on Individual Job Projects

UDC Building Inspector Larry Gilles introduced himself and stated he has been on staff since February. Gilles stated he doesn't really control zoning much but is affected by zoning. The permits that come in he has to make sure, along with Mark Carlson, that the building meets the setbacks, etc. Gilles stated we have 14 new houses started this year so far and one duplex. Brandt clarified that Gilles also inspects additions, detached garages, etc. Gilles said it seems like there are a lot of detached garages and most of the construction seems to be happening in the northern three townships. Upon Britzius inquiring about commercial inspection, Gilles responded he does 1 and 2 family dwellings and commercial inspection and permitting is done by the State. Gilles has been following up on active permits and cleaning up some old files issued prior to General Engineering coming on board.

Planning and Conservation Specialist Meghan Wessel introduced herself. Wessel stated she has a lot to do with land use and zoning and some Farmland Preservation. Wessel has updated the website for the Farmland Preservation Program (FLP) and gave the Committee an overview of that. Wessel passed around two maps. One map showed owners that are interested in forming an Agricultural Enterprise Area for the Working Lands Initiative. Wessel reviewed the Working Lands Initiative parameters.

Wessel stated once we update our Farmland Preservation Plan map then we can form an Agricultural Enterprise Area. Brandt noted that on the agenda each month is the "Update to Trempealeau County Farmland Preservation Plan-Opportunity for public comment" and Brandt thought this may be the first time that he has heard that we can't go forward with any Working Lands Initiative contracts until this plan is updated. Wessel responded that DATCP sort of makes it confusing because you have to have a Farmland Preservation Plan and then from that plan you need to have an Agricultural Enterprise Area (AEA) and within that AEA you have to have a contract. Wessel showed another diagram which displayed the status reviews and where the current contracts are. Wessel explained that previous contracts were required to have nutrient management plans and to have status reviews every few years, so Wessel would be focusing on the ones on the diagram in order to get them up to par and make sure they are following the conservation standards. Wessel stated we have about 18,000 acres in FLP and about 50 landowners that are participating and some of the landowners have multiple contracts so the number of contracts is higher. Discussion took place on the zoning, the ability to sign new contracts, etc. Upon Skoyen's inquiry, Wessel clarified that the last FLP contract will expire in 2032. Zeglin asked what is the minimum acreage required in an AEA. Wessel responded previously it was 35 acres, going forward there is no minimum. The more acreage, the stronger ones application is to form an AEA.
Wessel further explained that concept and clarified that there is no minimum number of applicants that are required. Some Committee discussion took place. Upon Lien's inquiry, Wessel responded there is a greater tax incentive ($7.00 per acre) if they are just tied to zoning. If you are tied to zoning and also have an AEA then the tax incentive is $10.00. In our area with an AEA, the tax incentive would be $5.00 per acre. Wessel showed an example of what will be presented to the towns for the comprehensive planning or identifying businesses, environmental significance zoning, etc. Wessel displayed a new land use map for the Town of Sumner and the Farmland Preservation Plan map and explained some of their specific attributes.

Skoyen and Bawek left the meeting at 12:25 PM. Before Bawek left he gave his answer to Brandt's question of what zoning means. Bawek stated it is the left hand knowing what the right hand is up to. It is planning for the future for industry, residents and our environment. Protection for the residents and business with structured growth including a personal touch through discussion.

VerKuilen provided a map, which he started in 2013, of where the different conservation projects (grassed waterway, stream banks, etc.) are, that have gone in thus far for tracking purposes. VerKuilen noted a cluster of projects in the Elk Creek area and Newcomb Valley area. Overall, VerKuilen is pleased with the projects he has done thus far. VerKuilen gave a Power Point presentation on some of the projects he has been working on the past couple of years and explained how he begins working with the landowners. VerKuilen noted that the Carlson unit that the County purchased a couple of years ago has saved a ton of time as the unit is very efficient and has been great to use. Brandt asked if any of these projects have used the County cost-share money. Lien stated that hasn't been spent yet. VerKuilen stated he can help people in filling out permits and he has good rapport with David Hahn, his contact in Eau Claire. VerKuilen is more than willing to help out anyone who walks through the door. Schultz asked how the follow through was or how often do people get scared off by cost, etc. VerKuilen responded it is hard to say but one seems to get a feeling when they walk in the door as to whether they are serious or not.

Budish displayed his updated, industrial sand, online map. Budish stated there are a couple of mining sites that are being reclaimed but the problem is that it is slow. Some of the contractors don't move as fast as others and some companies are a lot larger and can do a full scale attack and get it taken care of. Budish stated the Suchla site is slowly getting reclaimed. The Soppa site is being back-filled in with clean fill. The Guza site is being put back to what it was by each person who did whatever they did. Budish stated that one takes up a lot of his time. He is dealing with either Superior Silica, Cameron Rail

Spur or Brandt Valley depending on where it falls legally. Budish has been going out there at least once a week and monitoring. Zeglin asked how the streambed was doing out there. Budish responded there isn't much of a streambed out there right now. Budish knows there were some issues out there through other Departments and that there are a lot of eyes open on this particular site. Lien stated after DNR found some things on the site, he worked with Health Department staff. VerKuilen then got involved because there is no cost-sharing for it, but Mr. Guza applied for DNR permits to be able to restore the stream back. We are requiring him to remove all the debris that was in the stream, do some armoring of the banks with riprap to reduce any future erosion. There is no cost-share provided at all so this is all on his dime but VerKuilen did provide some help with filling out the applications. Lien saw that the permits are in the process through DNR. Budish has been dealing with an ongoing reclamation down by Trempealeau. It is actually one of the old sand and gravel pits. We are waiting for a little bit more vegetation and stabilization along the one side of the slope. Budish stated Hawk Eye Forestry Products purchased the property but the site still had a CUP reclamation plan. Since Croell sold the property, they are still tied to it legally so they had to go back in there. Budish has a bunch of photos dating back to December 2012 up to the present time. Budish hoped that site would be shaping up real soon. Hawk Eye is going to use it as a log storage area. In the reclamation plan that was approved, it was never said to till it in, it was to be a grass basin. Budish stated they are working on a 3 to 1 slope with a vegetation cover and stabilization. They left a big buffer along the property line. Budish is busy doing annual mine site inspections. Certain sites require more frequent inspections. Budish has the majority of the County done and he should be wrapping those up pretty soon.

Update to Trempealeau County Farmland Preservation Plan-Opportunity for public comment
No one from the public was forthcoming with any comments.

LWRM (Land & Water Resource Management) and TRM (Target Runoff Management) Requests and Payment Approval – No payments were presented this month.

Surveying Update and Payment Approval – No surveying update was presented this month**.**

Confirm Next Special Meeting Date and Regular Meeting Date
The next regular Committee meeting date was set for August 12th, 2015 at 9:00 AM. The next Special meeting date was set for Wednesday, July 22nd, 2015 at 6:00 PM.

At 1:02 PM, Nelson made a motion to adjourn the meeting, Zeglin seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary