

**ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management**

**REGULAR MEETING MINUTES
July 13th, 2016 9:00 AM
COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:06 AM.

Roll Call of Committee members took place. Committee members present: George Brandt, Beth Killian, Jeff Bawek, Wade Britzius, Aaron Kidd, Jon Schultz, Curt Skoyen, Kathy Zeglin.

Staff/Advisors present: Kevin Lien, Becky Arneson and Jake Budish. DLM Staff members Carla Doelle, Tess Johnson, Corporation Counsel Rian Radtke and Human Resources Director Elsa Kulig were present for only part of the meeting.

Others present: Attorney Aaron Graf, Attorney Paul Millis, Attorney John Behling

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

Adoption of Agenda - Zeglin made a motion to approve the amended agenda, Britzius seconded. Motion to approve amended agenda carried with no opposition.

Adoption of Minutes

Killian made a motion to approve the June 8th, 2016 meeting minutes, Zeglin seconded. (Note- Killian had discussed some minor changes with Gamroth prior to the meeting). Motion to approve the amended meeting minutes carried with no opposition.

NRCS (Natural Resource Conservation Service) Update – No report was given.

Public Hearing – Conditional Use Permit – Livestock Facility Siting Permit – Neal Burken, Landowner/Petitioner, Galesville, WI - Town of Caledonia

Chairman Brandt called the public hearing to order at 9:08 AM. Brandt acknowledged Neal Burken who was present. Killian read the public hearing notice aloud. Doelle explained that the Burken's approached her for an application to expand their existing livestock facility. They were permitted for over 300 animal units but due to a 20% increase in their animal unit numbers they were required to seek a Livestock Siting Permit. Doelle stated they have a great facility with a free stall and existing manure pit that was designed by Tiery Engineering and they are proposing to add a second free stall barn. They are buying a local herd of cows and then they will be tying their new free stall barn into their existing manure pit with a design provided by Tiery Engineering. Doelle pointed out where the new free stall barn will be located which will be to the east of the existing one. Burken stated it is 85 feet between the two barns. The new facility being proposed will be the exact same size as the existing facility. Doelle clarified that the permit is for 982 animal units. Brandt called for any public testimony twice. Doelle read a letter from the Town of Caledonia dated June 17th, 2016 which stated they have no conflict with Neal Burken's proposed plan to add a free stall barn and exceed 500 livestock units. Brandt called for any other public testimony. There being none, Brandt closed the public hearing at 9:12 AM. Bawek made a motion to approve the Conditional Use Permit (CUP), Skoyen seconded. Brandt thought it was good that Doelle had attached the Livestock Siting Ordinance to the permit as he thought it was worthwhile noting that the Committee put a considerable amount of effort in the Livestock Facilities Performance Standards as well as updating them after the State limited some of our ability to regulate. Brandt read aloud from the

Standards, “the intent and purpose of the Ordinance is to establish a procedure for permitting of livestock facilities, protect livestock facilities from residential encroachment, protect human and animal health, protect human welfare, protect the natural environment, protect property values, regulate location, development and expansion of livestock facilities, protect agriculture’s ability to grow and change and reduce conflicts between municipalities, rural nonfarm dwellings and livestock facilities as well as to be in compliance with all the DNR and DATCP regulations. Brandt said this Committee and the County have historically been doing what we can to encourage agriculture in the County in whatever way we can and that was the reason for creating the Livestock Facilities Performance Standards. Upon Zeglin saying she assumed there was a nutrient management plan, Doelle responded that was correct. Zeglin stated his parcel is only 34 acres. Doelle stated he has agreements for over 1700 acres to spread on. Burken clarified that he has milking cows and young stock. Britzius stated he was confused about the numbers; 300 livestock units. Britzius asked if his permit will allow up to 982. Doelle confirmed that. Britzius asked if there was a certain number that Burken is aiming towards. Burken responded not at the moment. Burken said they are milking about 320 cows and there will be about another 100 at another facility and once all of the young stock are brought into it, through internal growth, they might hit that number and that is why Burken came in for the permit at this time. Some discussion took place about a low spot in the cow yard. In regard to hauling on town roads, Bawek asked if Burken would need to use the town’s roads a lot to haul out his manure. Burken responded he would need to use them a fair amount. Mainly what they have to do is cross them. Bawek questioned if the town has talked to Burken about weight restrictions for the haulers. Burken said nobody addressed it. Bawek thought it was something for Burken to think about for his own good as it may, someday, have to be addressed. In Burken’s case, Lien said most of his (Burken’s) land is just across the road so he is crossing as opposed to going down the road. Motion to approve the CUP passed with no opposition. Doelle clarified that the CUP application is complete.

At 9:23 AM, Zeglin made a motion and Killian seconded 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.** Motion passed with no opposition. At 10:14AM, Schultz made the motion, Britzius seconded to **RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION.**

Consider Spartan Sands request to postpone the 7/20/16 “Activity” hearing regarding D 95 North & South Mine Site Appeals

Brandt called on Attorney Aaron Graf to lead the Committee through discussion. Graf stated the first request is to postpone the hearing scheduled for next week. Graf said there is also a list of procedural issues which Graf encouraged the Committee to address, if possible, today, regardless of whether we postpone the hearing so that they are taken care of and out of the way and so we are not back here again talking about these issues. Graf explained that the postponement request is based, almost exclusively, on the fact that they haven’t received yet a response to the open records request from the County and they would like those records before proceeding with the hearing on activity. Brandt asked if the applicant’s attorneys had a date related to that or how long they would need. Attorney Behling explained the discussion they had with Corporation Counsel Radtke. According to Behling, the IT (Information Technology) Director had been on an extended leave of absence. Behling said they had requested a number of documents. Behling explained their discussions and their thoughts were, to make it easier and more efficient for the Committee, that once the documents are received and they have had an opportunity to review them, they would ask that, then perhaps, the Committee would convene at their next regularly scheduled meeting and schedule it at that time. Brandt asked if Behling was thinking that would be at next month’s meeting. Behling responded that it was hard for them to say because they don’t know when they will get the documents. Behling thought it might be premature to schedule it now until they have the documents in hand, so certainly it could be next month that they would come back and ask for a formal hearing date. Brandt asked if Radtke had any input on that, in terms of timing. Radtke said he really didn’t have a solid timeframe in which he could tell everyone when the documents will be ready. Radtke has two boxes of documents from Land Management. He has gone through one of them and he has one more to go through and

just yesterday he was able to get the e-mail records that were requested and there are literally thousands and thousands of them that will need to be gone through. In the meantime, Radtke has other things going on, so it is really hard to say and he really couldn't give the Committee a solid timeframe, but he wanted everyone to know he is working as diligently as he can on them. Brandt commented it looks like this is something that the applicant's attorneys really need for the hearing. Behling responded it would be greatly appreciated. Behling wanted the Committee to know that there is a County issued Cease and Desist order on the property and we will fully comply with your order and so we don't think the County is harmed at all by waiting. So, they would kindly ask to have that postponement and once they get the documents and they have the opportunity to review them, they will then communicate with Radtke and Graf and certainly get back in front of the Committee for a schedule, if that works for the Committee. Brandt understood that they need this information to make their case or to build their presentation and how they felt if they didn't have that information. Schultz made a motion to postpone next week's hearing to a date to be set later, Bawek seconded the motion. Motion carried with no opposition with Kidd abstaining from the vote.

**Discuss procedural issues related to the "Activity" hearing regarding
D95 North & South Mine Sites Appeals**

Graf announced that he would go through the procedural issues one by one with the Committee. Graf said the first issue was the open records request and he felt that had been addressed. Graf informed the Committee that Spartan Sands has proposed issuing 11 subpoenas. Graf went through those subpoena's for the record; James Devlin – DNR, Dave Lyga-Trempealeau County Highway Commissioner, Calvin Anderson-Forester, Kent Amundson- High Cliff Consulting, Rod Saxe (Behling explained that Rod Saxe is part of the trucking entity and also worked on the excavation on the site), Steve Flatten – Landowner, Katrina Jacobs – High Cliff Consulting, Luke Kramer – High Cliff Consulting, Emery Palmer – High Cliff Consulting, Kevin Lien - Department of Land Management (DLM) Director and Jake Budish - DLM Zoning and Environmental Specialist. Graf stated those are the 11 subpoena's and as the Committee may or may not recall, when the final procedures were adopted, the Committee indicated that subpoenas were contemplated but that if they would like to request the Committee issue some, they certainly could. We asked that they submit those seven days before the regularly scheduled meeting, before the July 20th meeting, so they complied with that and this is their request to issue the subpoena's. For clarification, Brandt asked if the Committee issued the subpoenas. Graf responded the Chair is the one that signs them. Brandt asked Behling to explain why the subpoenas are necessary? Behling responded they have a number of reasons for making that request and they believe their testimony will be helpful to the Committee in making a decision, but sometimes it is best to answer things by example. Behling asked the Committee to know that from the perspective of the DNR, the DNR requires a subpoena to appear in this nature, so therefore, it is an injunction and consultation with their general counsel that they have drafted the subpoena. When the time is appropriate Behling would like Brandt to sign it and then it would be their duty as the petitioner to have those served on the respective DNR employees and officers. Brandt stated there are two DNR employees, one being a Forester and DNR employee, Mr. Devlin. Behling explained the Forester is a private sector contractor who they had hired to do the logging on the property as one of their activities. The DNR employee is an employee with the Baldwin office. Britzius asked about Brandt's question in regard to the other people? Behling said they feel, in order to prepare, to present their case to the Committee, they just want to guarantee that those people who they believe their testimony is a part of their procedural process, that those people would be here that day, so that if someone didn't want to appear and testify, they wouldn't have the ability to say no because they would be commanded by the Chair. Behling said that for them (Millis & Behling) it is part of putting in their case and it is also a procedural safe guard because we only get one day to appear in front of you. We only have seven hours so we want to make sure that we have the right people here to testify. Britzius clarified that Behling was guaranteeing their appearance. Behling said "exactly". Zeglin commented that since the Committee has agreed to postpone the procedure, she assumed they would not need those subpoena's to be acted on at this point in time. Behling said she was "right on the money". Zeglin continued saying that after you get the open records information, Zeglin assumed they may anticipate adding more people to their subpoena list. Behling responded she was correct on both counts. Zeglin asked what

Behling would like the Committee to do with these today? Were they just presenting the names? Behling replied they have two thoughts and it was the Chairman's call because the Committee has a packed agenda. Behling said if the Committee wants to delay the procedural discussion until they come back and ask for a formal hearing date, they can do that, but if you do want to walk through the process today, it is the Committee's call. Behling added it does make sense for them (both Graf, Behling and Millis) to hear from the Chair that you would be willing to sign those subpoena's so it is the Committee's call. Behling expressed that for their purposes they are very appreciative of the adjournment and if there are other matters the Committee would rather get to today, we don't have to get into the subpoena's or the other procedural matters. Brandt asked Graf if there were other procedural issues that have been raised. Upon Graf stating there were, Brandt asked Graf to go through them and then the Committee would deal with it all. Graft stated they have asked for "direction" on their appeal rights if they are unhappy with the E & LU Committee's decision. As counsel for the E & LU Committee, and advising the Committee on their own procedures, it wouldn't be our place to say what their appellate rights are so we directed them to the Zoning Ordinance, Chapter 7 and 13 and Chapter 68 of the Wisconsin Statutes, etc. and encourage them to make their own evaluation of those sources. Brandt said one of the things we hear alot from Radtke and Graf is their right to do that, for anybody in terms of appeals through Board of Adjustment, etc. Graf said the next issue was presentation of evidence. Spartan Sands was seeking additional clarification on what evidence would be permitted at the hearing and what would not. Graf asked the Committee to recall that when the hearing procedures were adopted and read aloud from them, "The ELUC will only receive and consider evidence of activity at the sites as that term is defined in the Zoning Ordinance, and the evidence to be submitted should be appropriately tailored. Activity is defined as (and it is a direct quote from that Section of the procedures) or it is defined in the Ordinance. The permit holder and the DLM should refrain from offering information which does not constitute evidence of activity as defined above. This may include items such as the intent of the permit holder, actions taken on site, the investment of the permit holder at other sites prior to termination by the Zoning Administrator regarding activity at other sites and the like. The ELUC reserves the right to limit any such testimony and/or evidence and can weigh only the evidence that it is tasked with considering". Graf stated that was the scope of the hearing. Their letter seemed to indicate they wanted additional direction and Graf wasn't sure what additional direction they would like. Brandt thought he knew what direction the attorneys were going to go with this but he gave them an opportunity to make their case here in terms of what related to the previously agreed procedures that you feel needs to be changed. In regard to the issue that Graf had previously discussed, Behling said this is the first time your Ordinance has been through this process and what is challenging for us to know is what their appeal rights are because that, in their minds, controls the tempo of how much time they need to put in their case. If this is their only opportunity in Trempealeau County to put in a case, and in this matter, the appeal matter would be directly with the courts, then they believe that they need more time to put in all of the documents they believe are required to build and perfect their record. If this matter is appealed to the Board of Adjustment, and the Board of Adjustment has a full evidentiary hearing, then it makes the seven hours that they have been given more easy to work with. According to Behling, for them it was just a clarification. They want the Committee to feel satisfied with the efficiency and they also want to be satisfied that they have a full and fair opportunity for a hearing. For them, if they know what the appeal rights of the County are, since this is in the Ordinance that has never been utilized before, that allows them to curtail their testimony, exhibits and witnesses within that tight seven hour time frame. Behling said, for them it isn't a question of can they manage the hearing but they don't know what their appeal rights are because this Ordinance has never been tested in the County. Brandt responded that your premise seems to be that the Ordinance, related to the appeal of our Director's decision, has never been tested in the County. Behling said that through your Ordinance revisions that was correct. Brandt added, and through this de novo hearing. Behling added and what the definition of activity is. Brandt asked how it is that we, as a Committee, would give you any guidance in terms of the appeal. Brandt added we could read the same things you're reading and make a decision related to that together. Brandt wasn't sure why Behling was asking the Committee for guidance on that. Behling said it was a communication that went to both Graf (the Committee counsel) and to the County as well. Behling thought the County gives a fair amount of this Committee deference, but since this is new, the communication was also sent to the County. From their

perspective, Behling stated if the Committee says this is the path or the County comes back and says this is the appeal right, they don't care who tells us that, they just want a confirmation on their interpretation of your Ordinances, because it is not completely clear whether we read State Statute, the Ordinance or the rules governing this Committee or the Board of Adjustment exactly what their appeal rights are. Brandt understood also that depending on whatever answer we come to or however you or us perceive that appeal right, that will change what it is you do in terms of preparing your case/arguments. Brandt said it also sounds like you're preparing for an appeal, potentially, at the same time you're preparing your arguments. Brandt went back to his original statement that he didn't think we have a sense of what it is the next step is. Graf commented that he would generally say that they will have an appeal right through the Board of Adjustment. If they don't have an appeal right through the Board of Adjustment, that is why Chapter 68 exists. Graf explained that Chapter 68 is essentially a procedure where if a County or municipality doesn't have an internal administrative review process, it provides one. Graf said it is a complicated process (he didn't have the Statute in front of him) but typically it requires a re-hearing by the same body or it could be by the County Board or Board of Adjustment as to the decision of the ELUC. If they are not happy with that then they get an independent hearing officer. They would have a hearing that needs to meet certain procedures as far as subpoena's, witnesses, etc. and then if they aren't happy with that then it proceeds up to the Circuit Court and the Court of Appeals. Brandt commented that now he understood the question because apparently it is the decision of the E & LU Committee as to what sort of appeal it goes to. Graf said no and that the Ordinance says what it says. If the Ordinance says they can appeal a decision of the ELUC on whether activity occurred to the Board of Adjustment, then that is probably the process they should follow. If there is no internal administrative review provided then they can opt to follow Chapter 68 or at least that is Graf's understanding. Brandt asked what our Ordinance says. Lien thought it was up to them and pick a path. Millis disagreed and said it is your Ordinance you need to give us some direction. We can't sit here and play "hide the ball". We have a substantial interest in all of this because of the investment involved. Well, government doesn't work that way, government is supposed to help the people and give them direction, not play "hide the ball". Zeglin commented we are not playing "hide the ball". Brandt commented his argument has merit and it is our responsibility to do that and we will do what we can to guide you on that. Graf said this is the first time the Committee is hearing this so please give them more than three minutes to consider the issue and look at the Ordinance. Brandt asked Budish to pull up the Ordinance. Graf clarified that the hearing is provided for under Chapter 13 and they and/or us needs to look at the Ordinance and if the Ordinance doesn't say, "here's how you appeal a decision on activity by the ELUC", then theoretically there is no appeal right provided for by the Ordinance, then there alternative would be Chapter 68. The Committee reviewed the Ordinance which was shown on the overhead screen. Brandt stated that in this Chapter (13) there appears to be no step that is clear as to what happens if the decision of the ELUC is not agreed with. Brandt called for Committee comments. Bawek stated this isn't related to the appeal process, but he heard twice already about the seven hours to make their case and asked if they are going to use that as a basis for their appeal and since our wording in here is "The ELUC contemplates that one day" and further on it says "Should be sufficient for the permit holder to present evidence" is that something you're going to make issue with. Behling said we're hopeful you will agree with us so at this point we presume anything. Bawek asked if they were going to use that as a basis for appeal that we won't give you enough time, because you mentioned it twice. As an operator that has invested millions in your County, Behling stated we need to know what the appeal rights are. All they are looking for is clarification on the issue so that we know if seven hours is enough time to put our case in. Behling reiterated that is all they are looking for. Depending on what the answer is, that answers the question as to whether seven hours is enough. Graf stated, just so the record is clear, the adopted procedures did provide for this group to meet a second day if needed, so it is not an absolute seven hours. Some discussion took place with Britzius clarifying some things. Graf suggested that if it is unclear under the Zoning Ordinance whether appeal is provided or not, the parties could agree that Chapter 68 can be followed. Chapter 10 could be reviewed first, but if there is nothing there and the parties could agree that Chapter 68 would be followed then that is what it would be. Upon Britzius asking for a brief overview of Chapter 68, Graf responded typically it essentially requires two hearings. The first one is a very informal decision review and it can be made by the same body or the Board of Appeals, the full County Board, etc. Graf said the County

(probably full County Board) determines that and if they aren't happy with that, then it goes to an independent hearing officer who then gives them that hearing that they've really been striving for all along which is the subpoena of the witnesses and cross examination of witnesses and it is really much more of a formal process and if they're not happy with that then they go to the Circuit Court under Chapter 68. Brandt asked if the attorneys were willing to agree that Chapter 68 would apply in this case since there is nothing specifically related to appealing a decision of the Committee which is the appeal of the decision of the Zoning Administrator. Behling responded if there is an openness by the Committee and the County, we very much appreciate that and we would like that opportunity to take it up with Corporation Counsel and with Graf's office, so if we can explore that with them, Behling stated from their perspective that is all they are looking for. Upon Brandt asking if the Committee was ok with that, Zeglin responded that she would prefer that we, ourselves, take a closer look at Chapters 10 and 13 (not today) as Zeglin wasn't sure they needed to have an answer today on this. Zeglin added our language, unfortunately, seems a bit ambiguous but she is not comfortable with making a decision on this direction today without looking further into our Ordinance language. Brandt said an option would be for the legal representatives involved here to discuss what aspects of Chapter 68 could apply, what form the potential appeal process would take. Apparently there is an option of a re-hearing here or one before the County Board and who it is that would decide it, would it be the County Board or this Committee, etc. and then move forward with that. The other option is because there is apparently no immediate time constraint, so at next month's meeting we could look closely at Chapter 10 and Chapter 13 related to this and try to bring out more clearly what it is the intent of satisfying the rights of the individuals involved is and giving them the most access to appeals. Brandt stated he thought we just had an agreement that they would be willing to talk through what the process of Chapter 68 appeal would look like. Zeglin has raised the issue of the Committee spending a little more time with our Ordinance. Britzius suggested the Committee go along with Zeglin's idea that we meet internally and explore with our staff and Corp. Counsel and see what our response is. Schultz, Killian and Bawek voiced agreement. Skoyen said that was fine. Brandt stated at the next month's meeting we will pull out Chapter 10 and Chapter 13 and try to come to that understanding of what an appeal process looks like and we can get that answer to you (the attorney's) after that next meeting. Brandt continued on saying the next item after the appeal issue was presentation of evidence. Brandt asked if there was some part of the agreement that they have an issue with or do you want to clarify or change. Behling responded that based on the action that the Committee just took (they are very appreciate of) points 4 and 5 essentially getting cleaned up. Behling said when we know what our appeal rights are then we'll know how to present our evidence and how much time we think that would take in the format in which we do it as well as the proposed policies. Based on what you decide next month, or based on the discussions, that will flush out a fair amount of points #4 and #5. Upon Brandt asking if there was a #5, Graf said there is, in relation to the adopted procedures for the hearing, but it doesn't sound like we need to address that today. Graf suggested addressing the subpoena issue. Graf added there is nothing to sign today because the subpoena's they proposed were for July 20th which is obviously no longer valid, so we can either ignore the issue completely for now or we can give them some guidance on whether it is something we would be willing to do if or when the hearing is re-scheduled. For clarification, Brandt asked if this is a subpoena that requires someone to be present or is this a subpoena that allows you to pose them prior to the hearing. Graf said it is a subpoena that requires them to appear. If they fail to appear, Spartan Sands could seek relief from the Circuit Court. Brandt asked the Committee how they would feel if the Chair (Brandt) forced all those people to show up. Zeglin stated we had agreed previously to their ability to subpoena people and she didn't understand why we are going over this again. Graf replied that we had asked them to come forward with a list of names that we would agree to. Britzius commented that he knew of people who are forced to do things which are people who are much less agreeable, in general and if they are happy to be there they are more agreeable to make agreements. Britzius didn't like the idea of forcing people to come forward and have to give information. It can prejudice them in fact. Schultz said it serves a process, obviously they're not going to be served a subpoena without being pre-warned by the attorney's. Schultz didn't think it was something anyone likes but it serves the process. Some discussion took place on pre-notification of those people being subpoenaed. Brandt asked if that was the end of

procedural issues to discuss. Behling said for the time being he thought so. At 11:04 AM the Committee took a short break.

At 11:12 AM, Brandt reconvened the meeting. Brandt announced that Agenda item#12 will be put on hold and the Committee would now address Agenda Item #13

Expenditure Approval – ESRI License for Land Records

Ann Hempel stated when we upgraded our licenses last week, we lost one license so now we have to pay for another license because Hempel now has four people working on GIS (Geographic Information Systems). The fee is \$8,910.00 and then after that is \$1,200 maintenance fee which is per year. Hempel said she will use her retaining fees to pay for it. Hempel explained it is a concurrent use license for Nick Gamroth, Kyle Johnson, Chelbi Stromblad and herself to all be working on the same geodatabase at the same time. Brandt clarified that Hempel stated she would be using her retaining fees and that this part of the expenditure request procedure that the County has. Some discussion took place on the procedures. Hempel stated she was told because she is not asking for any money and because she already has it, she only has to come here. Brandt explained that ESRI is the mapping software company that the County uses and we need the license to keep using their software. Killian made a motion to approve the ESRI software license expenditure, Schultz seconded. Zeglin clarified that the Committee was voting on the \$8,910 and asked about the \$1,200 figure. Hempel responded that would go in the budget for next year so the Committee doesn't need to address that today. Hempel clarified this license was capped at four users. Motion to approve the expenditure passed with no opposition.

Revise Conservation and Planning Specialist Job Description and Approval

Brandt acknowledged Human Resources Director Elsa Kulig who was present. Lien stated if one recalls when we filled the vacant position of Planning and Conservation Specialist, it had been previously a Farmland Preservation Specialist. When we discussed it with the Committee, we had high hopes of trying to retain someone that had planning skills and background. Lien stated we were fortunate enough to hire an individual that has an extensive education and background in planning so Lien has revised the job description. It still reads Conservation and Planning Specialist. Lien referred the Committee to the job description in front of them stating it references more of the duties as they are administered today. Lien added that as the Committee is aware the Comprehensive Plan is being revised and we are meeting with all 15 towns and 11 cities and villages. Lien thought they were 90% done with that process. Lien said this individual has attended just about every one of those meetings. She has an extensive knowledge of planning and that is where the job description needed to be revised. Lien stated the job description is being updated to meet the needs more of the function of the position. With that, the education requirements have also changed. Lien stated that all of the Farmland Preservation duties are still enrolled in this position but there is a much higher focus on education and planning requirements versus Farmland Preservation requirements that had previously been in the position description. Lien went over the job description with the Committee. Lien added this job description revision pertains more to how the job is functioning today. If we would lose this position in the future, this is really what we would seek, especially now during the planning/revision process. Brandt clarified that Lien is asking the Committee to revise and approve the Conservation Planning Specialist job description. Lien explained that the Committee would approve the restructuring of the job and then Lien would submit a Reclassification Request Form. Kulig stated the Reclassification Request Form is something that needs to be passed by the Personnel/Bargaining Committee and that is something that is done in open session because we are talking "position based" on a reclass and not "person based". Kulig explained the reclassification request form and those duties as Lien described has to be talked about in open session. With our policies we have, Kulig said there is a Committee that would approve any reclass. Kulig said it is kind of nice to have presented it to the standing committee first and then bring the recommendation to Personnel/Bargaining. Kulig thought that is why Lien is here today, to bring the standing Committee up to speed to say how they feel on that and then take it to Personnel/Bargaining for final approval. Brandt clarified that the Committee was talking about two things here; one is changing the job description, the other is the reclass. Kulig explained the reclass would change the position to a different job

grade in regard to pay. To clarify, Brandt stated we approve the change in the job description. Personnel/Bargaining approves the reclass, potentially based on our recommendation and other data. Discussion took place on procedures. Britzius made a motion to approve the new job description for the Conservation and Planning Specialist, Schultz seconded. Skoyen asked how much this job description changed. Lien responded basically it put a higher emphasis on the planning requirements in the job and then the other primary duties which were Farmland Preservation duties became more secondary duties but are still part of the job. Kulig added that the education and experience requirements changed as well; from an associate's degree to a bachelor's degree. Motion to approve the revised job description passed with no opposition. Brandt inquired as to what has been determined as to where they are on the pay scale/grid. Lien said because we have adopted the Wipfli study and there is a process Kulig uses to evaluate positions, Lien had looked at where the past planner had been in 2009 which is the last time we had a planner. Lien looked at the education requirements and the rate of pay, knowledge and experience and the current position (when it was a Farmland Preservation Specialist) that had the emphasis on Farmland Preservation with back up planning duties and required an associate's degree and it fell under a Grade 12. Lien's recommendation was Grade 9 because that fit more into the category where a past planner had been. This morning, Lien received an e-mail from Kulig which said the position computed out to a Grade 10, which the lower the number, the higher the grade. Kulig elaborated more on how the pay is determined and how she arrived at Grade 10. Upon Lien asking if the Committee could make a decision after the Closed Session discussion, Kulig emphasized that we are basing the pay on the position and not on the person so the decision should be made now otherwise it seems out of order. Brandt clarified that the decision is, does the position description that we just approved require a change in compensation from Grade 12 to Grade 10 or 9. Brandt suspected it would be possible for the Committee to agree that it should be either a Grade 10 or 9 and leave it to Personnel/Bargaining based on what it is that Lien and Kulig present. Lien is basing his grade on the former planning specialist, Kulig is basing her decision on the ten elements of the Wipfli study. Zeglin asked Kulig to give the Committee a brief overview of what the ten elements are. Kulig explained that the positions in the County vary widely. You have individuals who work at the Highway Department where they are out in the elements (cold, hot, dealing with snow removal, etc.) but then you also have people here who work in an office and the environment is a little more friendly, but the job duties are different so that is why there are the ten factors; education, experience or job knowledge requirement, responsibility section (supervisory factor), administrative factor (budgeting responsibilities), public and customer relations factor, government relations factor (working with other outside government agencies), safety of others, complexity and impact, and working condition factors (environmental and physical demands). Kidd asked Lien if he needed the top end of that pay scale on the Grade 9 classification to get the right person. In working with Kulig, Lien said no one, historically, starts out at the top, the goal is somewhere between minimum and mid-point. Lien was looking at what the mid points of the two categories were and where it fits closest to the midpoint, so it is closer to the midpoint in a Grade 9 and slightly under in a Grade 10 so that is where Lien made his decision. More discussion took place. Discussion took place on the pay difference and the point of the Wipfli study. Kidd asked if the Committee sticks with the evaluation that Kulig did would that pose any problem for Lien. Lien responded that for someone to be hired at where Lien thinks the market is, they would have to go above midpoint which would require Personnel/Bargaining approval before you could agree to the wage. Schultz made a motion that we advocate to Personnel/Bargaining, as a Committee, for our Department and/or Lien to be able to hire people at a competent level and pursue classifying this as a Grade 9, Kidd seconded the motion. Motion to approve passed with no opposition.

At 11:43 AM, Schultz made a motion to **CONVENE INTO CLOSED SESSION per Wis. Stats. 19.85(1) (c) to consider performance evaluation data of DLM staff**, Britzius seconded the motion. Motion carried with no opposition. Brandt asked everyone to leave the room except for Lien and Kulig.

At 12:58 PM, Britzius made a motion to **RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**, Schultz seconded the motion. Motion carried with no opposition.

Brandt announced we are dealing with the Planning & Conservation Specialist position and we have already approved the change in the position description. We discussed going to a Grade 9 pay grade. Britzius made the motion that effective upon approval of Personnel/Bargaining the pay would be \$22.65, Zeglin seconded the motion. Motion to approve passed with no opposition. The Committee then addressed the County Conservationist position. Brandt stated the Committee has been asked to approve the amendment of the job title and description. Killian made the motion to amend the job title and description, Bawek seconded. Motion to approve passed with no opposition. Brandt stated the Committee has also received a suggestion for an administrative adjustment in salary. Zeglin made a motion to increase the salary to \$25.00/hour, Schultz seconded the motion. Motion to approve the administrative adjustment in salary to \$25.00/hour for the County Conservationist position passed with no opposition. Brandt announced that the next position to be discussed was the Uniform Dwelling Code Building Inspector. There are also some zoning responsibilities to that. Brandt stated there was a recommendation for an administrative adjustment to that. Britzius made a motion that the Committee change that salary to \$24.10, Skoyen seconded. Motion to approve passed with no opposition. The position of Fiscal Coordinator was also considered. Schultz made a motion that the recommended salary for the Fiscal Coordinator be adjusted to \$19.38/hour, Killian seconded. The Committee thought that is where the wage was at right now. Lien clarified that currently it is \$18.47. Motion to approve passed with no opposition. Brandt stated there has been some discussion in regard to adjusting the DLM Director's salary as well. Zeglin made a motion to make an administrative adjustment of pay to \$39.84, Bawek seconded. Motion to approve passed with no opposition. Brandt added that all of these adjustments will be recommended to the Personnel/Bargaining Committee.

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

Lien presented the following payments for approval and noted these are non-levied amounts.

Land & Water Resource Management (LWRM)

Name	Type	Amount	New CSA Total	Reason for change	Town
Steve Dittman	Contract	\$2,240.00	\$2,240.00	Nutrient Management	Ettrick
Steve Dittman	Pay Request	\$2,240.00		Certify Nutrient Management	
Jeff Back	Contract	\$7,140.00	\$7,140.00	Nutrient Management	Ch. Rock
Jeff Back	Pay Request	\$7,140.00		Certify Nutrient Management	
Dan & Judy Byom	Contract	\$3,557.96	\$3,557.96	Nutrient Management	Gale
Dan & Judy Byom	Pay Request	\$3,557.96		Certify Nutrient Management	
Dennis Shepherd	Contract	\$5,880.00	\$5,880.00	Nutrient Management	Pigeon
Dennis Shepherd	Pay Request	\$5,880.00		Certify Nutrient Management	
Larry Sonsalla	Contract	\$9,634.53	\$9,634.53	Streambank Protection	Arcadia
Larry Sonsalla	Pay Request	\$9,634.53		Certify Streambank Protection	
Mary C. Anderson	Contract	\$7,797.85	\$7,797.85	Streambank & Shoreline Protection	Pigeon
Mary C. Anderson	Pay Request	\$7,797.85		Certify Streambank & Shoreline Protection	

Skoyen made a motion to approve the contracts and pay requests as presented, Britzius seconded. Motion to approve passed with no opposition.

Targeted Runoff Management (TRM)

Name	Type	Amount	New CSA Total	Reason for change	Town
Eugene Rotering	Contract	\$14,122.40	\$14,122.40	Critical Area Stabilization & Underground Outlet	Burnside
Eugene Rotering	Pay Request	\$14,122.40		Certify Critical Area Stabilization & Underground Outlet	

Killian made a motion to approve the contract and pay request as presented, Bawek seconded. Motion to approve passed with no opposition.

Surveying Update and Payment Approval

Brandt referred the Committee to a report from County Surveyor Joe Nelsen. Nelsen has been maintaining monuments in the towns of Chimney Rock, Caledonia, Unity and part of Trempealeau. Some of the monuments were plowed up and some needed a little more work but most of them seem to be in good shape.

Bawek made a motion to approve the surveyor report and payment as presented, Skoyen seconded. Motion to approve passed with no opposition.

The next regular meeting date was confirmed as Wednesday, August 10th, 2016 at 9:00 AM. Brandt noted that the special meeting has been postponed indefinitely at this time related to the hearing on the D95 mine site appeal.

At approximately 1:15 PM, Skoyen made a motion to adjourn the meeting, Kidd seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Beth Killian, Secretary