

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

**REGULAR MEETING MINUTES
September 14th, 2016 9:00 AM
COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:02 AM.

Committee members and DLM staff introduced themselves. Committee members present: George Brandt, Beth Killian, Jeff Bawek, Curt Skoyen, and Kathy Zeglin. Jon Schultz arrived at 9:09 AM. Aaron Kidd was absent. Wade Britzius resigned from the County Board due to change of residence so is no longer serving on this Committee.

Staff/Advisors present: Kevin Lien, Virg Gamroth, and Jake Budish. Corporation Counsel Rian Radtke was present for only part of the meeting.

Others present: Scott Swett, Renea Johnson, Ronald and Mary Sterry, Jeff Olson, Tom Forrer, Charlotte Everson, Attorney Ryan Steffes, Attorney Aaron Graf via teleconference.

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

Adoption of Agenda - Killian made a motion to approve the amended agenda, Zeglin seconded. Brandt informed the Committee that Attorney Aaron Graf will be calling in to talk with the Committee at 10:00 AM so at that time the Committee will stop what they are doing and move to agenda item #9. Motion to approve the revised agenda carried with no opposition.

Adoption of Minutes

Zeglin made a motion to approve the August 10th, 2016 regular meeting minutes, Skoyen seconded. Killian noted that she had emailed some minor corrections of the minutes to Gamroth. Brandt, Bawek and Zeglin each had a couple of corrections which were noted by Gamroth. Motion to approve the amended meeting minutes carried with no opposition.

NRCS (Natural Resource Conservation Service) Update – As Swatek was not present at the meeting, no update was given.

Public Hearing - Land Use Change/Rezone - Residential – 20 (R-20) to Commercial (C)

Allen E. Swett and Kelly (Tankovich) Swett–Landowner/Petitioner, Osseo, WI - Town of

Sumner Chairman Brandt opened the public hearing at 9:11 AM. Killian read the public hearing notice aloud. Lien referred Committee members to the overhead aerial photo of the property which is located in the Town of Sumner and is approximately 1.64 acres. Lien said the current zoning on this property is Residential-20 and the proposal is to change the zoning to commercial for the purpose of erecting mini-storage structures on the property to rent out. Lien explained the Land Use Plan has the property mapped as staying in Residential-20 zoning. The property is directly adjacent to the City of Osseo. Lien noted that this hearing has been publicized in the newspaper for two weeks prior to the meeting. Lien has received a couple of calls for information. Lien has a letter of support from the Town of Sumner. At this time Scott Swett introduced himself and explained that Allan Swett is his father who could not be here. To Swett's knowledge, he said he was under the impression that they had submitted everything they needed to submit and he was here for support if there was any needed and to tell Allan Swett the outcome. Upon Brandt asking Swett if he wanted to describe the project

a little further, Swett said he had a brief look at it and it looks like the buyer wishes to build mini-storage units and there are three of them that fit quite well on the property. Swett mentioned they went over it with the Town of Sumner board and it looks like a good addition to what we need in Osseo as there are absolutely no storage units available whatsoever right now. Brandt noted that Swett was the only person who registered to speak (Registered to testify in favor) and he has. Brandt called for any other testimony from the public.

Gary Perrault – Registered to appear and testify for information only. Perrault stated he has one question for Swett. Perrault asked if Allan Swett is selling the property or is he building the units. Scott Swett responded that Allan Swett is selling the property. Perrault commented he just needed to know what is going on.

Brandt called for any other testimony from the public. Lien read a letter aloud from the Town of Sumner which stated at their last board meeting they had a request from Allan Swett to rezone a parcel of his property from residential to commercial. The Board made a motion to approve the rezone for the purpose of constructing storage sheds on the property. Brandt called for any other public testimony. There being none, Brandt closed the public hearing at 9:17 AM. Skoyen made a motion to approve the rezone, Schultz seconded. Bawek asked what the property directly behind this is zoned. Lien responded it is Transitional Ag so it is meant to transition to some other use and if we look at the Land Use layer it is R-20 (Residential-20). Lien stated pretty much everything south of the City of Osseo is zoned R-20. Bawek questioned how a commercial development would be looked upon? Lien replied that because it is so close to the City it is surprising that the property wasn't zoned "transitionally" because it is a vacant lot but that is how the town wished it to be. Lien questioned Curt Skoyen who is on the town board if that board had talked about it at all during their town meeting. Skoyen responded no but it is probably a good fit there as it is something where you wouldn't need a basement because it is low there. Skoyen stated there isn't a problem on that site but if one goes back behind it, there is more of a wet issue behind it as things are a little lower there. On this particular site though, Skoyen said there isn't a problem. Upon Bawek asking what the church property nearby was zoned as, Brandt responded institutional. Bawek thought this (mini-storage) would be somewhat of a fit next to it. Bawek inquired about the JH Larson Revocable Living Trust property in front of it that abuts State Highway 53, and how the property being considered would be accessed, as that seems to be a different owner. Swett explained the driveway for both properties is a double wide, shared driveway that is between the church property and the lot they still own. Lien commented he didn't think the State was going to give additional driveway permits of which Swett was in agreement with. When Bawek asked if the property owned the driveway, Swett responded the property owns half the driveway – he thought it was 50 feet. Perrault commented he thought it was 50 feet for the church but to get onto the Swett property probably 22 feet. Swett replied that when it was divided it was equal. Perrault responded it was supposed to be equal but the pin is actually two thirds on our property and one third over – which Perrault said he didn't have a problem with if Swett didn't. Swett didn't think there was going to be any large trucks or anything like that going in there. It looks pretty tight as far as for small residential storage, there are no big doors, no high overheads or anything like that. Bawek inquired as to the regulation on a driveway entrance for commercial properties and if that comes to bear on this. Lien responded it isn't any different unless the Wis. Dept. of Transportation would have different regulations. Because that is a State road they have jurisdiction. Lien knew they probably wouldn't allow additional driveways off the State Highway and because it is serviced with a shared driveway they would have to maintain that. Bawek clarified that it wasn't something the Committee needed to worry about and that they only needed to worry about the rezone. Lien agreed. Zeglin inquired that the sale of the property is obviously contingent on this being rezoned to commercial. S. Swett responded to this particular individual, yes. Upon Zeglin asking if the Committee had the ability to put conditions on, Lien replied not on a rezone, no. Zeglin stated she was a little nervous about rezoning something to commercial and then having it be sold, although Zeglin said she was sure they will be building storage units. Lien elaborated on a business in Osseo that was a furniture store and the buyers said they would continue the furniture store. Once it was sold, the sellers no longer had control, and it was turned into a different business. Motion to approve the rezoned passed with no opposition. Brandt noted that the rezone is on the Monday night meeting agenda for final approval by the County Board.

**Public Hearing - Land Use Change/Rezone – Exclusive Agriculture 2 (EA2) to Commercial (C),
Roger A. Swett Revocable Living Trust, Landowner, Renea M. Johnson Trustee
POA for Roger A. Swett, Petitioner, Osseo, WI – Town of Sumner**

Chairman Brandt opened the public hearing at 9:24 AM. Killian read the public hearing notice aloud. Lien stated the property being discussed is located in the Town of Sumner, just east and south of State Highway 10 and Hogstad Road. Lien referred the Committee to the overhead aerial photo. The current zoning on the property is Exclusive Ag 2 and the request is to go to Commercial with part of the property. Lien said there are some businesses out in the vicinity of this area even though immediately adjacent is all predominantly Exclusive Ag 2 zoned property. Lien noted this public hearing was published for two consecutive weeks prior in the newspaper and letters were sent to all adjoining property owners and he received no correspondence for or against this proposal. Lien stated he does have a letter from the Town of Sumner in support. Renea Johnson introduced herself as a representative of the trust and said Roger Swett is her father. Johnson said they have had the house listed for some time and now someone would like to buy it and rezone it from Ag to commercial for a shop. Brandt clarified that they are not rezoning the entire property. Johnson responded just a section on the south side of State Highway 10. Brandt verified that it was approximately 200 X 600 feet.

Jeff Olson – Registered as the owner of the trucking company interested in purchasing the property and that he was available for questions only.

Mary Sterry – Registered in opposition but not testify. Sterry said her husband would be testifying.

Ronald D. Sterry – Registered to testify in opposition. Sterry stated he and his wife own the property directly south of the parcel being considered for rezoning. Our property has been our home for the past 27 years. We are here today to express our opposition to this rezone request before you today for a number of reasons. First of all, we are concerned about the noise level created by a diesel repair shop being located in such close proximity to our home. We have enjoyed the peace and quiet of living in the country and have no desire to hear pneumatic air guns and hammers on a constant basis. At their present location, J& L operates with their bay doors open except for winter weather. This includes Sundays as well when they do repair work at that time. One can only assume that this will be the case at the proposed site. Our present home is a small two story house. As we are getting older and anticipating retirement we have been considering removing the old house and replacing it with a one story ranch style home to eliminate the stairs which are a problem for many people as they get older. Due to the small size of our current yard and the surrounding topography, the only logical place to build is north of our present driveway which would put it in closer proximity to the property being considered for rezoning. Secondly, because the proposed repair shops and parking lot are located so close to our property line we have serious concerns about water runoff onto our property. At its closest point the upper shed is only 4 feet from the property line. Plans are to double the length of that building and because it is built at an angle to and not perpendicular to the property line, it gets closer to the property line with the addition and will be within 36 inches of the property line. We feel that is extremely close when you consider water and snow runoff from just the roof. With the planned parking we also have concerns about contaminated runoff. If you've ever walked through a semi parking lot you quickly realize that semi's in need of repair leak oil and other fluids, with contaminants being runoff into our pasture. It would be prohibitively expensive for us to construct a 417 foot berm along the property line to protect our pasture from oil and other contaminants. Our third concern is that the entry to the repair shop is off of Hogstad Road, a road that is subject to weight bans in the spring. Many of the semi-trailers entering will probably be full of cargo exceeding the ban limit. Our question is will the weight ban be enforced or will we and the rest of the residents of our township see tax increases to cover the additional costs for repairs and maintenance of that road. Lastly, there is the question of decreased property values when adjacent land is rezoned to commercial use. Dr. Jonathan Wiley, an associate professor at the J. Mack Robinson College of Business has completed a recent study on the value of land that is adjacent to land that is zoned commercial. His report in April, 2015 on Page 19 of his essay states that properties within a half mile of land that is rezoned to commercial on average decreases in value 5%. Upon completion of the shop expansion our property will be directly adjacent to it and the shop will be within 36

inches of the line. We believe there is an alternative to rezoning the property in question. Within less than ¼ mile of this property, the Swett family owns considerable land, just north of Highway 10 and west of County Road R. Selling the Olson's a portion of that parcel for a repair shop would alleviate any concerns about; 1) road ban limits in the springtime, 2) runoff issues, 3) variance issues, 4) would not decrease any property values. In closing, we only ask that you put yourselves in our shoes. Would you want this rezoning next to your home where you hope to live in retirement and enjoy the peace and quiet of the country?

At this point Brandt requested a copy of the report that Mr. Sterry referenced in his testimony. Brandt called for any other testimony. Jeff Olson stated he has Cedar Corporation addressing the storm water runoff, etc. Olson said he is building to State codes which are pretty extensive as far as all the contaminants, etc. Olson added that his reason for buying/doing what he is doing is that he is getting up in age and in probably the next two years he will probably be working Monday thru Friday but he is looking at retirement and he just needs a place to keep working because he will need some income afterwards. He just wanted to downsize completely and this just happened to be a perfect location and everything with some existing buildings, so Olson thought it would be perfect to do and just get down to a Monday thru Friday deal and not work 24 hours a day. Olson added that he has a State engineer/architect from Cedar Corporation, out of Menomonie. They are doing all the plans for the State, etc.

Lien read a letter from the Town of Sumner which stated the town board has ok'd the Roger Swett property on Hogstad Road to be rezoned as proposed by Jeff & Pat Olson at the June 16th, 2016 board meeting. Brandt again called for any other testimony. Olson stated, in regard to the weight bans, etc., he is already totally aware of that. In regard to loaded tractors and trailers when the weight bans come in, that isn't happening and he already knows it. With the weight bans that they have posted, one can bring an empty tractor in by itself or an empty tractor trailer and still be underneath the weight ban but as far as being loaded or anything loaded coming in there, Olson already knows that and it just won't happen because he knows what that fine is and he doesn't want it. Brandt closed the public hearing at 9:37 AM. For the sake of discussion, Killian made a motion to approve the rezone, Zeglin seconded. Brandt asked Skoyen (a town board member) if Mr. Sterry appeared at the Town of Sumner meeting. Sterry mentioned he wasn't aware that it was on the agenda but he was aware of the re-surveying. Jeff Olson commented when Cedar Corp. went out to do the surveying that is when the fence line/property line, which has been there for years, was surveyed and Olson's found out exactly, at that point in time, how close the actual property line is to the buildings. Otherwise, Olson said the fence line is over there 20-25 feet from the buildings. Once they actually surveyed it is when they found out the actual property line is that close to the buildings. Olson said if you physically go out there and look at it, you'll see the fence line is quite a ways away. Zeglin asked if this was the item that is on the Board of Adjustment agenda next week. Gamroth responded yes, it is the same property. The part of the Comprehensive Zoning Ordinance showing the commercial setbacks was displayed on the overhead screen for all to review. Lien stated 100 feet is the road frontage. Lien said there is no density because one is not allowed residential on a commercial lot unless with a special permit. The setback is 10 feet from a property line and 40 feet from a residential district. Lien explained there isn't a residential district around it because it is zoned Exclusive Ag 2 but it does apply to the other rezone that we heard today because that was in R-20 zoning. Brandt clarified that the setback is 10 feet from the property line and there is a request to the Board of Adjustment to adjust that/create a variance on the south side line only. Schultz asked how 40 feet from a residential district is defined. Brandt and Lien confirmed it would have Residential-20, Residential-8 or Rural Residential zoning. Schultz clarified that the Sterry property is zoned Exclusive Ag 2. Lien stated all the zoning around this property appears to be Exclusive Ag 2 so it would just be the 10 feet in this case. Lien added that because Hogstad Road is a town road 63 feet from the centerline is the setback and on the other side where the State Road is the setback would be 110 feet from the centerline. Brandt clarified that is the shed that is pre-existing. Bawek asked for the exact location of the Sterry home. Lien pointed it out on the overhead aerial photo. Upon Zeglin's inquiry, Mr. Sterry pointed out the location where he planned to build his home. Sterry said it is north of their current house, midway between the driveway and the property line. Bawek asked where the fence line was and inquired if after 20 years doesn't the fence

become the property line and that is a whole different issue. Lien clarified the “red” line is the parcel as it is mapped. One can see there is an existing fence south of the line. Lien thought everything has probably shifted a little to the north. Sterry stated that when they purchased the property there was a “T” post and they told us that the property line was somewhere on the other side of that “T” post. Sterry said at that time there was nothing there except pine trees. When Sterry went to put cattle in there, he said he wanted to make sure that he did not extend beyond that line, although he didn’t know exactly where it was. Because there was an existing fence for the cow yard (there used to be a barn on this property before Sterry bought it), Sterry said he put his fence in line with that existing cow yard fence. Sterry stated he did not intend it to be the fence line because he knew the property line was somewhere to the north of that. Brandt noted that Budish just drew a line, using the online measuring tool, and from the house to the shed is approximately 324 feet and half of that would make it approximately 160 feet. Schultz stated at some point we should have a discussion on setbacks and the trend of people building homes as far away from the property line with auxiliary buildings and sheds as close to the neighbor’s line as possible and that always creates problems. Brandt clarified that Schultz was speaking as town board chair now. Schultz added those are choices that people make and it always creates a challenge. Brandt explained that once the Committee allows for a rezone, we can’t hold anyone to anything as there are no conditions that can be placed. Brandt stated he is aware of the proposed property line and aware of the concerns that have been raised. Zeglin commented part of her hesitation with the last rezone and this one as well is that the property is being sold, contingent upon the rezone. Normally we have the owner come forward saying they are going to do this, etc. and they have a certified survey map and plans that the Committee can look at, so a sale contingent upon the rezone is always a little trickier. Brandt noted that Cedar Corp. had been doing some work and the Committee does have a fairly rough, hand drawn map and a more detailed map. Lien stated the first step is obviously the rezone and then a variance has been applied for. Lien asked what “Plan B” was if the variance isn’t granted because the commercial building that Olson’s want to erect/add on to is going to require the variance. Lien asked what will happen if the variance isn’t granted/denied. Olson responded he is pretty sure that financially it is out of his realm or not out of his realm but probably over his cap. He would have to redo the building design and everything to see where they would end up. Bawek said he was wondering out loud if the town support would have been different if Sterry would have been at the town meeting and raised these concerns. That was the big question in Bawek’s mind as to if the support would have been there for them to do this under those circumstances. Bawek said it was hard for him to make a good decision with that on his mind. Schultz questioned how far the current home on the Roger Swett property was from the new lot. Olson guessed (as he hasn’t measured it off) maybe 75 or 100 feet. From the commercial zone line, Olson thought it would probably be closer but from the building it would probably be around 75 feet. Upon Zeglin inquiring as to if Olson was buying the entire property, Olson responded yes as there is a little over nine acres there and he is buying the whole thing and that he plans on living in the house. As far as junk laying around, Olson said no and he is leaving as many trees as he possibly can leave there. The parking lot area is actually going to be according to the site plan. Olson said he wants the parking up back behind the sheds and not out in front. All the trucks, etc. are going to be up on the hill and they will have storm water runoff. Olson added they are working on that but he hasn’t gotten a nailed down plan from them yet but he knows one is required. Olson stated the property is going to stay as natural as it can. As far as his trailers, etc. that he does have that will be on site, they are going to be back so far off the road and hopefully behind the trees and everything, on a parking lot area, that one won’t be able to see it. In addressing one of the questions that was brought up, Killian stated Olson mentioned he was only going to be operating Monday-Friday. Olson clarified it would be Monday through Friday, perhaps a little bit on Saturday as there might be the occasional emergency. As far as being outside and hammering his air guns at 1:30-2:00 in the morning, no. Killian questioned if Olson would basically be operating from 6:00 AM-6:00PM. Olson responded he isn’t going to be out there late at night. Killian mentioned the other question brought up was having the doors open during the summer versus having them closed during the winter. Killian asked if there was a possibility to keep the building self-contained. Olson replied they are working on putting central air in the building for him so if he can afford it (he saw some pricing on it and that looks like one of the cheaper options). Killian commented that would contain the noise. Killian added that would be a concern for her if she were the neighbor. Renea Johnson stated she

doesn't live in Osseo anymore but when her Dad first built this house and bought this land, that was all rural farm land and since that has happened it seems like the economic sprawl has kind of migrated down that road. Johnson said she didn't know what the plans are for the area as she is not from there so she isn't aware of the building but what we're seeing is a beautiful Dove Center, an implement dealership coming halfway down from Osseo to where her Dad lived (about 2 miles outside of town). Johnson added it is a thoroughfare for a couple of main highways. Johnson didn't know what the plans are for Osseo, coming down this way, but she can see if this doesn't happen something else probably will happen because of the way the sprawl is migrating on that road. Here we have an example in that we know what is going there and he is being compliant and he is working on trying to keep it as secluded and natural and not just wiping it all out. The next person who zones it commercial may not have the same thought. Johnson said she appreciates serenity and peacefulness as well and she thinks he is trying to comply with that as much as possible. Schultz commented it seems to him (Schultz) that a lot of the plans are contingent upon remodeling what seems to be a really small shed. To Schultz, the location of it seems very arbitrary, especially with the 3 foot distance from the lot line. Brandt clarified Schultz was talking about the location of the shed. Schultz said yes and that it was very problematic as to why this small shed is such an anchor to all these plans. Schultz commented this shed could be torn down and a new shed built. Olson stated that if the variance doesn't go through in regard to the setback, etc. the building will have to be taken down or cut off or the wall moved or something. Brandt noted that Olson's are aware of that. Upon Schultz's inquiry, Olson clarified that there would be an addition to the shed going to the west. Schultz commented there is the potential that a new shed could be built further from the setback. Killian inquired as to the possibility of simply moving the shed farther away from that. Olson responded they are working on that as there are some State fire codes, that even if the variance is granted, there is going to be a fire wall involved and they are trying to figure out what design that would have to be. There are several different designs and some of those designs are expensive so it wouldn't be feasible to even think about putting a fire wall up. Olson would just move the shed over and just cut it down the side or do something. Olson didn't have an exact answer on that but they are addressing that situation because of different things. It depends on this meeting, the variance meeting and then the State has different codes and it might be such a thing that if the fire wall is too expensive, Olson might as well move the building and then that gets expensive. Olson just thought he had a decent property and with the property line near he was buying the two existing buildings with just some light modifications and we're good to go. Olson stated it is turning into a nightmare. Along the lines that Schultz brought up as to location of the building, Bawek asked if Olson had considered the "yellow" square that is up on the map, over by Highway 10 as it looks like there is room in there, it is closer to the main highway. Olson clarified that Bawek was referring to building it over on the west side of the property and then stated there is a 20 foot bank and when you're that high up, it's too close to the "R" junction and the State won't even give you a permit to run a driveway off. Bawek clarified that Olson was referring to an access off Highway 10 and Bawek was just referring to the location of the building and using the existing driveway to the proposed site. Olson questioned if Bawek meant farther back in the woods. Bawek said he was just wondering if Olson had considered that. Olson said no as that would wreck a lot of woods and it is nice back there because there are deer and wildlife so he did not consider moving it that far back in there. Olson added that it gets farther away from the sewer, electric, etc. Killian commented she is having a tough time here because she feels moving forward would be a good idea, it makes sense, but yet she is feeling for the neighbors –putting herself in that position- and how Killian would feel. Going with what Zeglin had said before and she is fairly new to the Committee, Killian thought it would be easier if Mr. Olson already owned the land so then we would know that what he is saying is going to be happening. Killian wasn't saying that Olson isn't going to do what he says but instead of the contingency of buying the land if this goes through and then there is the concern of the variance and whether that will go through so there are a lot of things/possibilities and these things might have to be changed. Killian thought maybe it would be a good idea to work some of these things out and come back next month. Brandt commented there seems to have been a lot of engineering work done already and it is clear that Mr. Olson is aware of the issues that exist with the property line, runoff and he has looked at his options related to where to locate so it is clear that this isn't the first time these issues have come up. Zeglin commented that unfortunately we have no crystal ball to see what the Board of Adjustment might come up with and we can't

base our decision on that possible outcome. Brandt stated the concerns that were raised by Mr. Sterry, to some extent, Mr. Olson has answered them. Brandt commented that obviously if a man is doing business, he can't not make noise when dealing with trucks, but the issues related to weight limits, hours of operation, the runoff, and the property/lot line issue obviously which is an issue that is beyond us at this point, so there have been issues raised, there has been responses, the town is aware of these, the County is aware of these and it is up to us to make a decision as to whether this is an appropriate rezone for the location. Brandt noted there are other factors involved besides Mr. Sterry. Bawek asked Sterry if he was notified by the township of their meeting. Sterry responded he was not. Zeglin commented, as far as Mr. Sterry, when he purchased the property and said that the cow yard fence was where he built the fence, that cow yard fence was probably considered the property line at some point in time, before we did the remonumentation in the County. Sterry replied that if one looks at where that post was, they told Sterry it was beyond that post somewhere almost in line with the cow yard fence so Sterry said he knew it went beyond that. How far it went, Sterry said he wasn't sure because there were no markers. Zeglin asked if Sterry knew when that post was placed there. Sterry replied they purchased the property in 1989. Zeglin said the County is experiencing many of these property line problems with our remonumentation. Existing, older property lines have been there for 100 years. Zeglin relayed her own personal story with property line issues. Zeglin stated that Mr. Olson does seem to be a reasonable man and Zeglin is hopeful that if we approve this that he will keep communications open with the Sterry's as far as noise levels, privacy, etc. going forward. Skoyen clarified that he wasn't speaking as a member of the town board but as a member of this Committee. Skoyen asked if a condition could be placed. Lien reiterated this is not a Conditional Use Permit hearing so they could not, it is either supported or denied or they could table it. Zeglin commented if there is a concern here it can be tabled and sent back to the town board for re-consideration and Mr. Sterry could appear at the town board level and it could be brought back next month. Schultz asked Sterry if the letter he received from the County was the first he had heard of this project.

Sterry responded he knew the project was going on, he didn't know the details. Bawek made a motion that the rezone request be tabled, Schultz seconded. Brandt took a roll call as to whether the Committee would support tabling the rezone at this time; Zeglin – yes, Skoyen – yes, Schultz – yes, Bawek – yes, Killian – yes, Brandt – yes. Brandt announced the request for the rezone has been tabled. It is assumed that it will be discussed again by the township and brought back next month.

Discuss and Approve Hearing Date for D95 North & South Mine Sites Appeals – Lapsing Permit/ “Activity”

Brandt acknowledged Attorney Ryan Steffes who was present and appearing on behalf of Spartan Sands. At this time Attorney Aaron Graf was brought into the meeting discussion via speakerphone. Graf explained that the public records request that was pending has been completed and the records will be turned over very shortly. Graf wanted to everyone to check their calendars in order to schedule a hearing date for this appeal. After some discussion in accommodating all schedules, it was decided that the appeal hearing would take place on Wednesday, December 14th, 2016 and if needed Thursday, December 15th, 2016. Upon Zeglin mentioning that December 14th, 2016 would be the E & LU Committee normal meeting date, Brandt suggested changing the regular meeting date for that month and the Committee could be decide that in November. Attorney Ryan Steffes acknowledged those dates would work for him and his clients.

At this time, Brandt made mention of a meeting that was held the previous evening regarding the expansion of the Scenic Mississippi Regional Transit System which is currently and has been operating successfully since 2012 in the Viroqua, Prairie Du Chien, LaCrosse area and there is a map here related to the possible expansion to the Fort McCoy/Tomah area and to the Holmen/Trempealeau/Galesville and Arcadia area. Brandt stated Kirstie Heidenreich had suggested that Trempealeau County would be more involved with this after Mississippi River Regional Planning Commission and these other entities ask for public input.

Discuss Parks, Tourism & Economic Development update

Lien stated he had met with a sub-committee of the Parks, Tourism and Economic Development (PTED) and created a job description and a flow chart because Corporation Counsel had some concerns as far as having the current situation continue and that situation is where a department head, like Lien, is reporting to two separate committees. Lien provided the Committee with the flow chart and explained that the “Super” (just a name Lien used for the chart) Committee consists of the E & LU Committee and the Parks, Tourism and Economic Development Committee. These two Committees would meet together, on an “as needed” basis to make sure that the two Committees and staff are on the same path. The PTED Coordinator would be supervised on a day-to-day basis by Lien but would report to the PTED Committee. There would be two part time LTE (Limited Term Employment) summer staff that would be employed underneath that position as well. Lien, as well as the rest of the DLM staff, would continue to report to the E & LU Committee. Lien stated this chart alleviated Corporation Counsel’s and the sub-committees’ concerns, yet allowed for a “wing” of the DLM to be created that could be easily separated off in the future. Lien said the PTED Coordinator would be housed in the DLM office however there would be a separate budget where the parks would be budgeted separately. Lien thought a draft of this was also presented to the present PTED Committee and it was ok. Because they had expressed concerns in another meeting, Lien asked Zeglin and Skoyen if this organizational chart explained it better for them as to how it would work. Zeglin stated that it does but she is still personally opposed to the Coordinator being under any department. Zeglin personally thinks that he or she should stand alone, but ultimately the decision is not hers. Lien commented this chart would allow for that as an option in the future. Lien said the subcommittee had great discussions about unknown work load and the job description ended up being five pages long. Lien said there is the potential for a lot of work depending upon how economic development and tourism would take off in the County, but for sure there is the park workload and there is a lot of “in-house” work as far as promoting existing local businesses, website creation, creating brochures and mapping, so there is a lot of basic work that needs to be done before anything would develop or move forward as far as economic development and tourism. Lien reiterated it is possible in the future that this position could be separated out easily and that is why the chart was structured in this manner. It may end up to be a couple of persons in the department instead of just summer LTE’s. Lien thought the initial concern was to not create a “stand alone” department that didn’t have some kind of direct supervision. Schultz agreed with Lien and elaborated that the person would be moving into a totally random position that the County has yet to provide any guidance for. Schultz said the DLM has taken on managing the parks for the season and Schultz thought that has given us a good insight and we’ve come to understand how other county’s/municipality’s operate economic development/tourism, so this person will actually be relying quite a bit on DLM staff in terms of zoning, planning, mapping, etc. Schultz stated this is our best path moving forward at this point. Lien commented there is a good chance that this may not be supported by Exec. /Finance and full County Board as it has a pretty large budget attached. Brandt elaborated on the August minutes of the PTED Committee where the guest speaker, Steve Peterson, Economic Development Coordinator for Monroe County had said, “Trempealeau County offers a great quality of life, has some of the most treasured outdoors in the State and is close to everything. Turn it into a business destination and not just a rural setting for workers to live, and work someplace else”. Brandt said he sees the potential in the County for business development and not just a rural setting with a bedroom community. Brandt continued that along with that, they finalized their mission statement which Brandt thought speaks more to what it is that people in Trempealeau County are looking at which is the mission of this Committee/position to promote a healthy, social environment where residents and visitors can live, work and play. We will accomplish this by fostering the continued growth of our strong and diverse economy as well as diversifying the economy. Brandt stated we need to keep all of that in mind and not just get focused on these details. The details serve the larger purpose. Lien stated he was bringing this forward to this Committee for discussion only as he isn’t sure exactly where it is going to go, but he definitely wants input from the Committee. More discussion took place. Zeglin stated she thought an economic development (mental) person and a tourism director would be highly beneficial to this County as we have a lot of untapped potential that the right person can go out there and essentially advertise the County and bring more people in. Zeglin said Schultz also brought up the fact that he thought this was a good fit with the mapping potential and expertise that Land

Management already has. Zeglin didn't think that, if this was a "stand alone" Committee that expertise would be denied as everyone in the County building is always very helpful toward each other in the Department and that potential for collaboration is going to be there. Lastly, Zeglin stated she would be more supportive of this particular layout if it was only designed to be transitional. There is potential that is might be only temporary. Zeglin was told it was only temporary until "we get all our ducks in a row" and the person is hired and we get everybody staffed and things running and then they are on their own. Zeglin personally didn't like it being in the Department forever or an indeterminate amount of time. It was said this is transitional and as far as seeing results it is one of those elusive things – it is probably going to take three years at least before you get things rolling and you see someone coming in. Zeglin thinks it is a good idea especially when thought of as "in transition". In referencing the PTED minutes again, Brandt mentioned that Peterson suggested that whoever gets hired as the coordinator should, within the first 100 days, meet with each city, village and town, find out their assets, work with the PTED Committee on what their wish list is for the County and assess the County loan fund, work with Wisconsin Ag Tourism and a number of regional, national and international groups. Brandt suggested that we also focus on internal tourism and internal economic development that is to say what resources we can bring to people in Trempealeau County to expand their businesses. Schultz made a motion to approve the Department of Land Management organizational flow chart as presented to accommodate the creation of the PTED Coordinator position. (There was some inaudible discussion). Schultz then redacted his motion. Schultz then made the motion to approve the Department of Land Management organization flow chart accommodating the creation of the PTED Coordinator and associated park positions on a transitional basis, Bawek seconded. Motion to approve passed with no opposition.

Vehicle Trade-In and Purchase

Lien stated DLM budgets every mile on the vehicles back to the programs that we administer for the benefit of vehicle replacement. Lien explained the DLM has one MOU (Memorandum of Understanding) with Human Services so if they use our vehicles they reimburse us back at the same rate so that we don't have to levy vehicle replacement. Lien said right now we are on schedule to replace two vehicles. Lien went over the trade-in information with the Committee. Lien reiterated the money is in the budget and not levied and is already approved so Lien said he will come back to the Committee when he has the final numbers.

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
New City Cattle Co. LLC	Contract	\$12,936.00	\$12,936.00	Nutrient Management	Burnside
New City Cattle Co. LLC	Pay Request	\$12,936.00		Certify Nutrient Management	

Targeted Runoff Management (TRM)

Name	Type	Amount	New CSA Total	Reason for change	Town
WI DNR/Mark Rasmussen	Contract	\$31,192.39	\$31,192.39	Streambank & Rip Rap	Hale
WI DNR/Mark Rasmussen	Pay Request	\$31,192.39		Certify Streambank & Rip Rap	

Killian made a motion to approve the contract and pay requests as presented, Zeglin seconded. Motion to approve the LWRM and TRM payments as presented passed with no opposition.

Surveying Update and Payment Approval

Brandt referred the Committee to a report from County Surveyor Joe Nelsen. Lien informed the Committee that Nelsen has been working on monument maintenance in the towns of Gale, Ettrick, Dodge, Trempealeau,

Unity and Albion. Brandt commented that since Nelsen has been doing maintenance for approximately a year now, perhaps it would be good for Nelsen to appear before the Committee either in October or November to have him describe what he “thought” maintenance costs would be and what they actually have been. Skoyen made a motion to approve the Surveyor report and payment request as presented, Schultz seconded. Motion to approve passed with no opposition.

The next regular meeting date was confirmed as Wednesday, October 12th, 2016 at 9:00 AM. Brandt reminded the Committee that the public hearing for the D95 hearing for appeal of activity was set for Wednesday, December 14th, 2016 and, if needed, Thursday, December 15th, 2016.

At approximately 10:50 AM, Killian made a motion to adjourn, Zeglin seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Beth Killian, Secretary