

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

**REGULAR MEETING MINUTES**  
**October 12<sup>th</sup>, 2016 9:00 AM**  
**COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:03 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 9:27 AM. Aaron Kidd was absent. As of this time, a new Committee member has not been appointed to fill Wade Britzius' position.

Staff/Advisors present: Kevin Lien, Virg Gamroth, and Kirstie Heidenreich. DLM staff members, Becky Arneson, Mark Carlson, Carla Doelle, Ann Hempel, Chelbi Stromblad and Kyle Johnson were present for part of the meeting as was County Surveyor Joe Nelsen. Johnson introduced himself to the Committee as the new GIS technician in the Land Records division of the DLM. Others present: Rian Swatek, NRCS District Conservationist, DeWayne Snobl-USDA-APHIS Wildlife Services Gary Boland, Tom Forrer, Town of Burnside Chairman Fred Boe.

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 agenda, Skoyen seconded. Motion to approve the agenda carried with no opposition.

**Adoption of Minutes**

Killian made a motion to approve the September 14th, 2016 regular meeting minutes, Bawek seconded. Gamroth noted that Killian had emailed her some minor corrections to the minutes. Zeglin stated that two newspapers had reported the incorrect dates for the D95 Appeal hearing scheduled in December. Zeglin said she had verified that the meeting minutes do state the hearing is scheduled to start on December 14<sup>th</sup> and if needed, on December 15<sup>th</sup>, 2016. Gamroth said she would call the newspapers and give them the correct information. Motion to approve the meeting minutes carried with no opposition.

**NRCS (Natural Resource Conservation Service) Update** – Swatek stated it has been a couple of months since he has been here and there have been a lot of changes. There have been some personnel changes in his office; Kelly Seipel who was their soil conservationist has moved on with the agency as her husband took a job in the U. P. of Michigan as a Forester. Allene Howard has been re-assigned to their area office staff to work strictly on compliance issues related to highly erodible land stuff and wetland compliance and that will cover six or seven counties so she will be doing that work load. She will be in the office here until January and then a decision will be made as to whether she will need to re-locate to Altoona. Essentially, it is Swatek and Angela Fischer, the technician servicing both Trempealeau and Jackson counties. Swatek advised that landowners call ahead for services as opposed to just stopping by. NRCS ended their fiscal year on September 30<sup>th</sup> and started the new one on October 1<sup>st</sup>. In order to update the Committee on the different programs and where they are at after this last year, Swatek stated CRP (Conservation Reserve Program) was a big success in Trempealeau County. They had 154 contracts that were signed for 2,945 acres that were enrolled in CRP in Trempealeau County alone. The reason NRCS is still not enrolling acres is because they hit the national acreage cap for CRP of approximately 24 million acres. NRCS probably still has approximately 100 applicants in backlog that hope to get into the CRP program. The EQIP (Environmental Quality Incentive Program) program is NRCS's main cost-sharing program. NRCS contracted with 17 individuals for \$252,000 and those are good projects. Some

have been installed already this year, some are ongoing right now but due to Mother Nature a lot of stuff just hasn't gotten installed. Swatek said there was damage on some practices/waterways that were installed but hadn't "greened up" enough and got blown out, so they are in repair mode on some things. NRCS did a check on some of their streambank work that was installed and that held up very well. They do have a lot of new applicants (58) that have signed up for FY-17 already and that they will be working with. A lot of streambank stuff did come in this year. Swatek believed a lot of people are not aware of the some of the damage that they have because of the crops that are out there yet. They had a sign-up cutoff date of September 2<sup>nd</sup> this year. Those applicants they are working with up until December will get ranked and then funded first. Anyone that comes in now will have a second cut-off date of March 4<sup>th</sup>. They are still accepting applications on that. The funds are for the local work group area which is Buffalo, Jackson and Trempealeau County. Cover crops are going in right now. They do have some crossings that are going in but wet weather has really slowed things down. Some discussion took place on the cooperative work efforts between the DLM and NRCS. Swatek commended Tess Johnson who has been a huge help on permitting because NRCS can no longer help producers with their permitting process especially on streambank or any kind of waterway stuff. Brandt asked if they were prohibited from doing that. Swatek stated NRCS can only say, "Here is what you need". NRCS can still provide them with documentation; a copy of their design, etc. but they are no longer supposed to actually sit down with them, fill out the permit, etc. Swatek said it is up to the landowner to get any type of local, county, state, federal permits that they may need. Swatek added we can assist by telling them, "Here is what you're going to need", but actually sitting down and filling it out is up to the individual, themselves, to take care of. Bawek commented that in the Trempealeau County Land and Water Resource Management (LWRM) Plan, Page 35, it speaks to NRCS administers the annual EQIP Program and NRCS refuses to provide information to the County as to which landowners have been approved for funds. Bawek stated he thought we had a Memorandum of Understanding. Swatek responded that we do. Swatek continued that NRCS cannot give out landowner names due to the Privacy Act. Swatek can give out numbers of contracts and the dollar amounts but not specific individual landowners. Bawek verified that the statement in the LWRM Plan was a true statement. Lien said it is but for the most part we try to cooperate with each other as best we can. Brandt suggested to Swatek that he bring along County Forester, Dan Dehmer to the next meeting.

### **Wildlife Damage & Claims Program – DeWayne Snobl**

Brandt introduced DeWayne Snobl. Upon Brandt's inquiry, Snobl said he has been working with Trempealeau County for 20 years. For the benefit of new Committee member, Killian, Snobl gave an overview of the Wildlife Damage & Claims Program and the County's role in the program.

#### **1) 2015 WS WDACP Summary Report**

Snobl went through the annual summary report with the Committee. (A copy of that report is attached and made a part of these minutes. A link to the report is also available on the Trempealeau County/Department of Land Management website). Snobl mentioned there are elk in central Wisconsin and they are working with that situation. As far as assessment of damage, in 2015 they appraised 35 different agricultural crops in the State which was just over 37,000 acres of crops for a total appraised loss of just under \$725,000. In regard to deer donation, 39 of the 52 counties that USDA-APHIS works with have set up deer donation programs. There are 75 processors and there was a total of 953 donated deer in those 39 counties. There were approximately 39,000 lbs. of venison donated. Snobl noted there are now two deer processors in Trempealeau County; Strum Locker and Bushy's Meat Market.

#### **2) Set the 2016 WDACP Crop Prices**

Snobl said during the year he monitors crop prices, corn and soybeans, from the previous October through September and he uses 10 different sources. Snobl suggested the following crop prices for damage claims.

Corn	-	\$3.16/bu.
Soybeans	-	\$8.80/bu.
Alfalfa	-	\$81.54/ton
Alfalfa-mix-		\$38.56/ton

Zeglin made a motion to approve the recommended WDACP crop prices, Skoyen seconded. Motion to approve passed with no opposition.

### **3) Set the 2016 90% Harvest Cut-Off Date**

Snobl explained the program requires that once 90% of the corn crop is off, Snobl stops appraising crop damage, therefore the Committee has to set a 90% harvest cut-off date. Snobl suspected that everyone that is claim eligible will be appraised by the end of the month. To clarify, Snobl mentioned it is too late to be claim eligible anymore. Skoyen made a motion to set the 90% Harvest Cut-Off Date at December 1<sup>st</sup>, 2016 with the intent that if needed, it could be changed at the November meeting, Bawek seconded. Motion to approve passed with no opposition.

### **4) 2017 Trempealeau County WDACP Budget Proposal including deer donation (review/approval)**

Snobl presented the Committee with a Trempealeau County WDACP 2017 budget proposal. Snobl noted it is up about 4.8% as they had a couple of extra enrollees this year and also health care costs (salaries and benefits) went up a little bit. Snobl went through the budget with the Committee. Killian made a motion to approve the recommended budget, Zeglin seconded. Upon Bawek asking what the average cost was for processing a deer, Snobl responded that in this area it is/or the State pays \$55. In the CWD area, it is \$65.00 as they get \$10 extra because they have to hold the deer. On average, about 40 lbs. of meat is harvested per deer. Motion to approve the budget passed with no opposition.

### **5) Other Wildlife questions**

Brandt asked how one determines the voracity of a siting of an animal/cougar. Snobl stated basically when someone gets something on camera or they call DNR Wildlife Services and say, “they saw it”, if they can find a track or something, even if they didn’t have a camera, Snobl will come out and verify the track. If they have it on camera then Snobl tries to get out to the camera location and “ground proof” the camera by looking at the trees in the background, etc. If they can also collect blood and hair, then they will do genetics on it to determine what species it is. A northern subspecies is coming out of the Black Hills, but if they have a southern subspecies it is more likely one that has been released from captivity. Snobl explained they are moving through the area in search of a mate/female.

**Public Hearing – Conditional Use Permit - Cell Tower - Gary J. Boland, Independence, WI – Landowner, Diamond Towers IV, LLC, 820 Morris Turnpike, Suite 104, Short Hills, NJ 07078 and Wisconsin RSA #6 Limited Partnership d/b/a Verizon Wireless, 1515 Woodfield Road, Suite 1400, Schaumburg, IL 60173, Operator/Petitioner. Contact Individual for both entities is Eric Lennington, Ton 80 Realty Services, Inc. P.O. Box 578790, Chicago, and IL 60657-Town of Burnside**

Brandt opened the public hearing at 10:02 AM. Killian read the public hearing notice aloud. Carlson stated in the Comprehensive Zoning Ordinance Table of Uses, for communication towers greater than 70 feet in height a Conditional Use Permit is required in order to allow it. The property currently zoned Transitional Ag is where a conditional use permit is allowed/required. Carlson said in the application and materials provided by the applicant they address everything that is in our Ordinance. In regard to concerns of the search area they have provided everything that is in our Ordinance. According to Carlson, they have documentation that says they cannot co-locate with another tower because the search area would not allow that. They have documentation in their application in regards to a possible tower collapse in that if it were to collapse it would do so on the Boland property only and it would not fall on someone else’s property. Carlson did receive a few calls in regard to this matter but it was mostly questions. Carlson said one person was concerned about it humming. Carlson told the person he didn’t think that a cell tower hums but that Lennington could talk more about the structure itself. In the past Carlson didn’t see where the previous towers had any conditions put on them except for bonding requirements. Carlson mentioned that there is a list in the Ordinance as to what the County can and cannot approve and one of them is that we can’t require environmental testing nor can we deny it based on aesthetics. There is a list of items provided whereby the County cannot deny it for those reasons. In reviewing their application, Carlson thought the applicant had everything in order. Carlson referred to Lennington to talk about the actual construction of the tower. Lennington addressed the first question which was the relationship between Diamond and Verizon. Lennington explained the search area for the site comes from Verizon Wireless. They

have a need in their existing network for improved coverage and increased capacity, etc. that they find as reasons to build the site. Lennington said Boland didn't come to us and say, "Let's put a tower up", Verizon has a need in their network so their customers can benefit from the increased service in the area. There was a trend that was around 15 years ago which is now back that providers of the service aren't owning their towers anymore. It is a straight capital play where they have more money/capital to invest in sites as opposed to the towers themselves as towers tend to get expensive so they engage the tower companies to develop the site for them and own and operate it. In this case, they engaged Diamond Communications. Diamond developed the site, came up with design, obviously had it approved by Verizon and that is how you get to where we are at. Diamond is going to own the tower, Verizon is going to operate there - it is a custom co-location. Lennington said in July 2013 the State passed the tower siting law that is the basis for your mobile service zoning ordinance. Lennington was telling Carlson before we got started that the County has done a real nice job because they have mirrored what the State ordinance says. Lennington said Carlson is right when he says it really isn't a local matter anymore as they (the State) has pretty well tied your hands as to what you can/can't do in regards to these applications, so on one hand it is good for us but on the other hand he didn't know. They have submitted an application that meets the Ordinance list of requirements. Lennington thought that when you look at these things you have to look at why they are putting it where they are putting it. They have a search area that gets designed by the frequency engineers at Verizon who say, "Hey we need it here" and Lennington then goes out and starts to look. One of the first things that happens when you get to where this area is that you will notice the gigantic drop in elevation. Boland's property has the ridge and that is kind of where they want to be. They don't want to build it in a hole, they want to build it where they can cover. Lennington added it is always their practice to identify the closest existing structure/tower to see if it is something that could be used by Verizon (we always have them take a look at that). In this case, almost two miles to the northeast, there is a US Cellular tower. Lennington had the engineers look at that. There was a period of time where they thought that might even be something that could work for them but it turns out it won't as it is too close to another site which would create inter-network interference and so that site gets ruled out and we're now back to Boland's ridge top and so that is where we are at. Obviously, in that immediate area, where they need to be there are no existing structures so a tower has to be built. The design of it is based on how the site will fit into their existing network. They need it 250 feet. Lennington looked at different tower types. They are going to install a self-support tower that doesn't have any guy wires - so it will be freestanding. It will all fit within a fenced compound. At the tower's base, Verizon will set up a little platform and put some cabinets on it and then they will have their antennae's at 250 feet. Lennington said in the event of an extremely rare situation where the tower would structurally fail, it is designed to have weak points where it will kink in on itself and collapse within what they call a fall radius. The tower has been designed to fall entirely on Boland's property which is nice for people living nearby. Lennington stated these towers don't fail as they are over engineered. If one were to fail, Lennington thought everyone had bigger problems than the tower falling. Lennington pointed out the specific location of the tower on the overhead aerial photo. Brandt called for anyone wishing to testify. Carlson read a letter from the Town of Burnside which stated the Town of Burnside Board of Supervisors does not oppose the new mobile service facility at the Gary Boland property at N36252 East End Road in Independence. Carlson stated he had no other letters or correspondence for or against the proposal. Brandt closed the public hearing at 10:14 AM. Bawek made a motion to approve the cell tower on the Gary J. Boland, Independence, WI - Landowner, Diamond Towers IV, LLC, 820 Morris Turnpike, Suite 104, Short Hills, NJ 07078 and Wisconsin RSA #6 Limited Partnership d/b/a Verizon Wireless, 1515 Woodfield Road, Suite 1400, Schaumburg, IL 60173, Operator/Petitioner. Contact Individual for both entities is Eric Lennington, Ton 80 Realty Services, Inc. P.O. Box 578790, Chicago, and IL 60657-Town of Burnside. Killian seconded the motion. In looking at the contour map, Brandt mentioned there are points further north that are the same elevation but further away from the development/houses at the end of whatever road that is but he also sees that it would be harder to get to because of the driveway. Brandt asked if accessing the existing road was in their consideration for locating it there. Lennington responded there is that and additionally the area was identified as the best spot to locate a site, they have it on the very edge. As one continues to go more and more away from that it causes the site to perform less efficiently than if it was located where we have it. One weighs all of those different things and access was certainly a consideration especially when they were there designing it, but they looked at putting it down towards

Birch and that didn't work as well as the selected spot. It really does get "zeroed in" based on how it will perform. The main consideration is to attempt to maximize efficiencies when you can because it eliminates the need down the road for perhaps a future site. Bawek asked Lien if, when we went through the tower ordinance, was there something about 200 feet being the maximum. Lien responded that wasn't a maximum that is when the FAA (Federal Aviation Administration) requirements come in for lighting. As Lennington had stated, Lien said when the Public Service Commission came out with their recommendations, we had to modify our Ordinance to meet the Public Service Commission's recommendations. Lien thought the FAA requirements of 200 feet still apply for all the lighting. Bawek clarified that the zoning as Transitional Agriculture fits the requirement for a tower. Bawek asked about the requirement that new towers have to be custom designed to have others co-locate on it. Bawek understood that this site had three other possibilities for co-location. Lennington stated it would be three minimum as a tower that size is going to be pretty beefy so it will probably hold more. Lennington explained that what you're going to run into with future users is, as you locate the equipment on the tower, you're at 250 feet, 235, 220, etc., it will still hold equipment but will that work for whoever is looking to use it. Bawek asked if this is actually going to save other towers from being built in the area. Lennington responded that is Diamond's business and that is why they are doing it – to benefit their relationship with Verizon, but they are in it to get as many tenants as they can. Bawek asked what other sites they have considered. Bawek's reasoning for the question was that the site being considered is close to a housing development. Bawek asked if there were any dairy farms close to this location. Lennington replied that the search area that they wanted him to hit as "the spot" is right over the city. As Lennington had stated previously the majority of that area gets eliminated because you drop in elevation some. When they got into the specifics of where to locate within that ring the engineer told Lennington to hit Boland's ridge line. Lennington added there were other properties considered and he looked at the property's north and east of Boland's. Lennington said it is never a good idea to start these projects with only one person in mind as one never knows how that is going to go so they generally look at three different candidates. Lennington acknowledged that he knew what Bawek was saying about the proximity to the neighboring residences and the fact is that as these networks are maturing the places where the sites go are like fill in sites and they are generally going across this market into residential type areas because that is where the needs are. Bawek stated you are building a 250 foot tower with 150 foot collapse zone and he asked, "What if" and questioned how close the nearest house was". Carlson responded he believed it is roughly about 400 feet from the Klimek property. Boland stated that Tom Klimek came over and talked to Boland about five days ago and according to Boland, he told Boland that he had no issues with the tower going up there and that he would probably get better reception. To answer Bawek's questions, Lennington added that Boland was the closest dairy farmer. Schultz asked if the Committee had permitted a tower this close to a city boundary before. Carlson didn't think so. Upon Schultz asking if the City was notified, Carlson responded they were sent a letter. Town of Burnside Chairman Fred Boe stated that two city council meetings ago, Boe had shared the package with Mayor Baecker so that he could share it with the City Council and asked him for feedback. Boe said he didn't receive any feedback but Boe did give him an opportunity to place it as an agenda item at their next meeting. Boe added that he expected someone to be here especially since Laverne Michalak's (city attorney) property is right there. Boe said he views that as an area of upper end residential growth and he thought that in the consideration that the City should part of it. Carlson stated Michalak had come into the office. Carlson wasn't sure if it was on behalf of the City or himself but he did request some information. Carlson said that Michalak never contacted Carlson back to say how he felt about it. Lennington stated that he actually had talked to Michalak before he ever talked to Boland. Because Michalak is the attorney for the City, Lennington wanted to get their rules as he was doing the same with the County. As a consideration, Lennington stated there has never been a study anywhere that shows that the tower is going to negatively impact property values and the National Association of Realtors has concluded that buyers are looking for reliable service when considering the purchase of a house and the absence of service is a big negative so one might actually look at it in the opposite. Brandt expressed appreciation that the Town of Burnside/Chairman Boe was pro-active in contacting the City. Brandt stated we are trying to be more pro-active in terms of governmental communication. Killian inquired if someone is closer or underneath a tower if they will be able to get that good signal. Lennington responded that it will help with the neighboring site and if you are directly under it you might not get all the benefits as if you're 100 feet away or whatever but it does

umbrella out. Killian said she was thinking about the people in the development or in Klimek's situation is he going to be too close where it really isn't going to benefit him? Lennington said he is not the radio frequency engineer by any means but his understanding is that once you are more than a couple hundred feet away you will incur the benefits. Brandt stated his understanding is there are some things we can require such as co-location sites on the tower, that you are responsible for maintaining roads, and if emergency equipment needs to get up there you are responsible to make sure they can do that. Zeglin stated that from the aerial photo it looks like there is only one home now on these three bordering lots. Lennington replied that is how he remembers it. Zeglin asked where road access to the site was coming from, it is a town road or city street. Lennington responded that Birch is a city street and the road Boland uses to get up there. Boland added that he has used it forever and he thought Markham (former owner) used it when he was going up to his house there on the hillside. Upon Brandt asking if they will be improving the field road, Lennington said they would need to, yes. Boland stated when the City put the water tank in on the hillside there are two acres left from that. Boland pointed out the area on the overhead aerial map. Boland explained that the City has a 150,000 gallon water tank that they put in back in 1972 and that road from Birch Street up is Boland's own private road and he has a lease with the City for them to use it for 99 years and now that the tower group has come in to put a tower up there, they have agreed to build and maintain that road (doing everything that you had requested) in order for them to get to and from their facility without Boland having to put in money, so Boland is very happy with that. Lien mentioned that bonding is still required. Lennington said it is in there and he will agree to it. Bawek clarified that is for removal of the tower if it comes to that. Bawek said it states a 12 foot minimum for a road and asked if that was correct and if that is for emergency vehicles. Lien said 12 feet is the minimum standard and it cannot exceed 20% slope. Bawek asked if the road met all that. Lennington stated it is a proposed 12 foot gravel drive. Lennington was unaware of what the slope would be. Brandt stated we have a motion and a second to approve the CUP. Carlson and Lennington assures us that it meets all the requirements of our Ordinance and the States requirements. The township does not oppose it and the neighbors have not contacted anyone. Motion to approve the Conditional Use Permit passed with no opposition.

**Action to Remove from the Table - 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**

Brandt stated we have some information on the Roger Swett property which was a rezone request which was tabled at last months' meeting. Skoyen made a motion to remove the rezone request from the table, Schultz seconded, motion carried with no opposition. Lien stated he was not in attendance at the Board of Adjustment meeting that was held in regard to a variance from the property line on this same property which the rezone request is for. Carlson attended that meeting and had informed Lien that the variance request was denied by the Board of Adjustment, therefore the applicants have chosen not to come back here so Lien said we can just officially deny the rezone request. Discussion took place about how to proceed. Brandt stated we already have a motion on the table to approve (*Excerpt from the 9-14-16 meeting minutes - "For the sake of discussion, Killian made a motion to approve the rezone, Zeglin seconded".*) Brandt stated we have information from staff that the parties are no longer interested in having the property rezoned. Brandt called for a roll call vote on the approval; Zeglin –no, Skoyen- no, Schultz – no, Bawek – no, Killian- no, Brandt – no. Brandt announced the motion to approve the rezone has been denied.

**UDC (Uniform Dwelling Code) Ordinance Revision**

Lien stated that Larry Gilles, the (Uniform Dwelling Code) UDC Inspector, who was unable to be here today, has been working on some issues of concern to him in the UDC Ordinance. The issues are related to accessory structures for 1 and 2 family dwellings. When those structures get over a certain size, height wall size, they are required to have engineered plans; a good example being a non-agricultural pole shed. Lien said it puts a great burden on the landowner as well as the UDC inspector to comply with this because of State requirements. Lien said this proposed revision addresses that directly. Lien said they would still have to comply with all the other requirements in the Ordinance. Lien explained that back when the State mandated UDC into effect as of

January 1, 2005, Trempealeau County said we don't want this to only apply to one and two family dwellings, we want it to apply to accessory buildings. Predominantly the mind set was a large agriculture concern that when you build that accessory garage you pull electrical service off of the house and if it is not grounded properly stray voltage can have a definite adverse effect on the dairy industry. According to Lien, that was the focus or mindset of requiring that outside of the State standards. It wasn't until recently, with the extra high buildings people are constructing that are non-ag, non-commercial and non-industrial use that it put a pretty big burden on landowners to comply. Lien said this amendment steps that down a bit, one still has to meet snow and wind loads but it wouldn't require an engineer's stamp of approval. Lien added that Corporation Council has reviewed this and had no problem with it. Brandt noted there were other minor updates such as Committee name changes, etc. According to Lien, Corporation Council has advised him that because this is not a "zoning" Ordinance it does not require a public hearing. Lien noted that letters were sent out to all cities and villages and towns and Lien is on the agenda for October 18<sup>th</sup> Towns Association meeting to talk about this update and gather any concerns. Gamroth has sent a copy of this UDC Ordinance revision to all town, cities and villages so they will have it ahead of time. Bawek mentioned that in "Penalties" it talks about forfeitures which cannot be less than \$25.00 and more than \$1,000. Bawek asked at who had the discretion on that. Lien said it depends on the severity. There is a fee schedule for citations and typically that fee can be assessed per day. Lien explained it is very seldom the Department goes that route as we try to work with landowners to get compliant as it is quicker and less costly. Lien stated the DLM makes the call and it depends on the violation. Usually they are given a warning or two to get into compliance before a citation is sent. Through the UDC code if Gilles needs to do a re-inspection we have the authority to charge a fee for that. Discussion took place about how someone knows that the County requires permits, how someone is cited or a fee assessed. Upon Skoyen's inquiry as to whether this Ordinance revision is retro-active, Lien responded it is not. Bawek made a motion that we make a revision to the Uniform Dwelling Code Ordinance, Zeglin seconded, motion carried with no opposition. Brandt stated this UDC revision is adopted by this Committee and will be sent to the County Board.

#### **Discussion and Action on the 2016 Land & Water Resource Management Plan Update**

Lien stated the Land & Water Resource Management (LWRM) Plan has been modified by an Advisory Committee. Letters were sent out to all past members and some new members were added including someone from the industrial sand industry. Lien stated that Carla Doelle has the new title of County Conservationist so she was pretty much the lead on this. Lien went through the changes of the LWRM plan with the Committee. Lien mentioned that December 6<sup>th</sup>, 2016 is the scheduled date to present this plan to the Land and Water Resource Management Board in Madison. Lien has a potential schedule conflict but if he can get that cleared he will be attending otherwise Doelle will be going to Madison. The LWRM plan is our action plan for the Department over a ten year period. Something new included in the plan is an "annual activity plan" which details more specifically your exact goals and accomplishments. Lien welcomed Carla Doelle to the meeting. Doelle stated there are not a lot of significant changes, just some updates to things, making sure that all the requirements in the DATCP (Department of Ag, Trade & Consumer Protection) checklist have been met. Doelle noted the changes in the handout are in yellow and anything being removed has the strike through it. Basically it is just updating the plan for the next ten years. Doelle and the Advisory Committee went through the plan line by line looking at any changes. The LWRM plan also went to DNR and DATCP for review. According to Doelle, both have come back with a few comments which are incorporated into the plan that we currently have. Doelle said probably one of the biggest changes that you will see is that the impaired waters/number of miles have changed significantly and that is all monitored through DNR based on their testing. On the first page of Appendix B it shows a chart of the water body, how many miles it is and the reason for listing it. There are two proposed TMDL (total maximum daily limit) areas in the County and that would be the north fork of the Beaver Creek and Timber Creek (joins into Jackson County). They are only proposed but it was advised by DNR to list them. Doelle didn't know exactly when they are approved. In regard to the action plan, Doelle explained that in the old plan we had to do a five year work plan. No longer is that required because DATCP has required all counties to now do an annual work plan so it is done on an annual basis. It is mentioned in the LWRM plan that we will do the annual work plan because that affects our

staffing grant dollars. It will not be an Appendix, there is just a reference that it will be done, but it will be submitted with this. Brandt stated that in reference to DNR and DATCP and the statutory requirements related to water, the 1997 State Biennial Budget, Wisconsin Act 27, required DATCP and DNR to develop or modify existing programs and administrative rules related to nonpoint source and soil and water resource management – the whole point pollution versus nonpoint pollution suddenly became the rallying cry for many interests and what was required of the nearest departments as well as the local conservation departments was pretty well set out and unfortunately what has happened over the years is that there have been tiny steps forward and a lot of resistance to actually implementing what is actually required by DNR and DATCP. The development of performance standards and the descriptive conservation process, criteria for the determination of whether cost-sharing is available, it seems that development of county land and water resource management plans are about the only thing that has actually gotten done. We do have the four prohibitions which are part of the Standards. Doelle referred the Committee to the last Appendix H in the LWRM plan as all of the prohibitions are listed under the NR151 inventory. Brandt read aloud the prohibitions; no overflow of manure storage facilities, no unconfined manure pile in WQMA's (Water Quality Management Areas), no direct runoff from feedlots, barnyards, no direct runoff from feedlots, barnyards, or stored manure to waters of the state, no unlimited access to waters of the state which prevent the maintenance of adequate sod cover. Discussion took place on the high phosphorus levels in the County. Doelle explained some of her findings. Lien talked about some testing that Jake Budish had done to narrow down where high points might be thus enabling the Department to perhaps look at some of the tributaries. Bawek said he thought the County has moved to a lot more crop farming than cattle farming and as he read through the LWRM plan, he felt that, as a livestock producer, he is being picked on. Bawek stated phosphorus, being not readily available, gets put on in a considerable amount in a lot of cropping applications and that has runoff just as much as any manure would to a stream. Bawek said he feels that the emphasis can be put on both crop farming and livestock producers where this plan is mainly picking on livestock producers. From what Bawek read, the County would require every livestock producer to have a 590 plan or to be managed somehow by the Department and crop farmers are not going to fall under the same criteria and he didn't think that was quite fair. Doelle disagreed and referred the Committee to Page 22 of the LWRM plan; "Sources of nonpoint source pollution within Trempealeau County", #3 talks about phosphorus. It was included to add in "cropland runoff and streambank erosion" as two of the three main contributors of phosphorus, so Doelle didn't want Bawek to think that we're only picking on livestock producers because we are not. Doelle referred the Committee to Page 18 of the plan; Land Use. Doelle mentioned the trend in the County based off of the National Agricultural Statistics Service and that there has been an increase in row crops and a decrease in hay. More discussion took place on these points. (A videotape is available from TCCTV to get the complete discussion). Doelle asked the Committee for their input on one of the items on the checklist which was to give the soil erosion conditions in the County. Doelle explained that DATCP would like an estimate of the soil erosion in the County. Doelle wasn't sure where to find real, accurate numbers as to what is really going on. She reached out to UW-Extension, Discovery Farms and she was not able to pull together anything that would say, "This is what it is". Steven Okonek contacted Dr. Francisco Arriaga from the UW-Madison Department of Soil Science and asked him if they had numbers for soil erosion rates for Trempealeau County. Doelle referred the Committee to Page 22 where she inserted Dr. Arriaga's exact letter into this document. According to Doelle, the Advisory Committee said, "Carla, are you sure you want that in there" and she replied to them, "This is the answer I got when I asked the question. When I've asked multiple agencies and people this question, this is the answer I got". Doelle said it went to DNR for review. DNR didn't say anything about this. DATCP put a question mark and asked, "Are you sure you want that in there". Doelle thought to herself, "Do I want that in there- you asked the question, you want to know – this is the answer I've got". Doelle is presenting it to the Committee to see what their feelings are. Lien commented he thought this is something staff has known for a long time, that these standards (to T) aren't adequate but these are the standards that we are supposed to be using. Bawek commented he thought most farmers feel the same way about it – we know that but how do you make a living farming so that is the fine line that you have to struggle with. What do I do on my farm to maintain the soil and yet make a living? Doelle agreed and added it comes down to simply things like incorporating manure but no-tilling so now you have a soil disturbance but no-till is no soil

disturbance. Well, that could put your conservation plan out of compliance. Bawek stated no-till is still soil disturbance especially when you are going straight up and down hill (inaudible text). Doelle commented there are all those other pieces of the puzzle that apply. Brandt read aloud from the report, "I want people, especially farmers to be aware that "T" is a false sense of security. Other than actual field measurements there is no good method to accurately estimate soil erosion rates". Brandt commented it was a requirement on the checklist. Doelle agreed. Brandt asked if it was suggested that by not giving them a number that they might not approve the plan. Doelle said she asked that question and if she takes this out does her checklist no longer meet compliance? But now she has a controversial piece of information in this plan. Doelle believed that Lisa Trumble from DATCP told her that Dr. Arriaga is on the Land and Water Board. Brandt added which is the Board to which we will be presenting this plan. Discussion took place on some of the erosion in the area. In regard to Doelle's question as to whether to leave the paragraph in or not, Zeglin thought she should. Killian agreed and said it should stay in there. Brandt commented there is no answer to the question and the soil expert in the State says there is no good way to measure it then this would be the answer to the question. Doelle's opinion was that if she didn't believe in putting it in there, she wouldn't have taken the time to type it and when she asked the question this is the answer she got. Brandt gave a little history on "T" and 2 "T". Additional discussion took place on the issue of soil loss. Bawek referred the Committee to page 18 and read aloud, "Although alluvial deposits contain groundwater, the sandstone aquifer is the most common source of well water". Bawek asked what the sandstone aquifer was. Doelle replied she could not answer that for Bawek because Pat Malone from UW-Extension contributed that portion. Brandt commented the alluvial soils she was alluding to are probably on the Trempealeau prairie or the river bottom. More discussion took place on this. Bawek referred the Committee to Page 23 and read aloud "The chart summarizes practices only installed since the Land and Water Plan was first created". Bawek asked if the plan was first created in 1999. Doelle said that was correct. Brandt added that we have had individual landowner conservation plans prior but the countywide plan has been around since 1999. Bawek referred the Committee to Page 24 and stated it talks about "encouraging or requiring county land users". Bawek asked if we are taking steps by adopting this to "require" or "encourage". Brandt stated we are not allowed to "require" in certain cases but we are allowed to "require" if we feel it is necessary in other cases. Lien commented it depends on the situation. Lien added we "encourage" always but in an enforcement case then it is a requirement. Bawek's opinion and thoughts on this whole document is that it seems a way of starting that we are going to shove something down our farmer's throats that they may not want to swallow. Brandt replied that this local unit of government is now allowed, in some cases related to agricultural standards or soil loss standards to require anything unless we pay for it or unless there is some cost sharing. That was brought out early in the plan related to who it is that is eligible for cost-sharing. There are standards and if someone isn't meeting those standards we can't require them to do anything unless we share the cost with them and that is one of the reasons that we have Land and Water Resource Management Grants. In thinking about a "river" of manure that was flowing a few years ago down by Dodge, we are able to require them to stop doing that so we do have some enforcement. Doelle stated this plan has basically been in place since 1999 so most of this is not new. We are making changes and updates so when you see "encourage or require" the things that you're looking at, these have already been going on for the last fifteen years. We are not changing the way we operate, we are going to continue on like we have been. We still have the same set of performance standards that we have had all along since 2002. That hasn't changed. More discussion took place. Bawek commented he was reading this from the farmers/producers point of view and there is no verification or justification and yet it has worked on this farm or that farm for forty years – whose problem is this? Do I continue to make a living or do I have someone tell me that I can't do this to make a living. That is what Bawek struggles with and when one puts it on a piece of paper and then pretty soon it becomes a mandatory thing, to Bawek that is troublesome. Historically, or back in 1997 when DATCP and DNR as a government were mandated to create these performance standards, Brandt said what that released was this concern that you have and then the farmer organizations became major lobbying entities which slowed down that process of mandatory performance standards but also slowed down the enforcement of those standards to the point where we cannot enforce the standards unless we pay you to do that and so the people who are looking out for the concerns that you have, have been on the job for 15 plus years or ever since this

process began. It is a legitimate concern and they have been successful in keeping agriculture center to the economy in Wisconsin they're able to say you can't kill agriculture by requiring pollution controls or over governmental oversight. One might also point out that in this report it states that DATCP and DNR have lost interest in enforcing water quality regulations. Brandt summarized saying he hears Bawek concerns, other people have felt the same way and politicians and lobbyists have taken action to make sure that you can continue to do what you're doing to make a living. Heidenreich gave a note of encouragement by saying that every year our Department participates in a 590 class with farmers at the tech. school. We co-sponsor it with Brad Sirianni from the tech school and Doelle and Heidenreich kind of have to encourage some farmers to get in the door to get their 590 plans done. One reason that we do that is because it is so much more affordable. According to Heidenreich a lot of the feelings that they have at the beginning of class is "Why do I have to do this, I have never done this and I want to continue what I've always done and why is there is new requirement". By the end of the class after we've actually used SnapPlus to create a management plan, Heidenreich said almost 100% of the class ends up figuring out that they've saved thousands of dollars a year in fertilizer applications alone because they are applying too much to the land once they have their soils tests and figure out what they actually need for nutrients. When you see a lot of farmers figuring that out it is encouraging to see that a lot of these rules aren't in place just because we want them to get harder but because there are a lot of benefits that come from it too. More discussion on that topic took place. Doelle commented that in her 24 years of working in the Department she has seen the worst of the worst and some of the best but we have yet to shut anyone down. We work with everyone on a case by case basis because every farm/scenario is different. We try to help people achieve the compliance standard requirements by trying to help them find cost-sharing or work with them. It is not a "one size fits all" approach, it does not work this way. Even if it does look good on paper that doesn't mean it is going to work for you. It is all individual and Doelle said she believes that the plan that we've had for the last fifteen years has been very good and that by adding in a few very positive things for what is going on, things that we're doing and other agency's that we're working with, partnering with, monitoring, Doelle feels that we're moving in the right direction towards continuing to help landowners to continue to better our County. Bawek read from Page 43, "In 2002, Trempealeau County adopted and implemented a policy that all County landowners seeking technical or financial assistance through the DLM must agree to having DLM staff conduct an on farm evaluation to determine current compliance, etc.. And then finally it gets to the point that a notice of compliance is filed in the Register of Deeds Office and attached to ones' deed. Doelle said that was correct and that is that checklist that is attached to the back of Appendix H. Bawek asked who would want to come to the DLM and seek any kind of financial or technical assistance. Doelle asked why not? Bawek replied it is one more form of control over the person that owns a piece of property. Brandt said that NR151 is a State program that we administer. Doelle agreed and added through the Memorandum of Understanding through DNR. Brandt continued that in October 2002, the staff went out to do a "windshield" survey to report on this and pretty much mapped all the land that was in compliance in terms of runoff issues which is to say anything that had 100% sod cover was supposedly in compliance and the rule is; Once in compliance always in compliance and I were to decide I wanted to plow up my twelve acres of open land, I would have had to have gone to them. Unfortunately, that is the law but also, unfortunately we don't enough staff to enforce it 100% of the time. Doelle explained the tool that she uses when somebody wants cost sharing money. Doelle stated she tells them she is going to walk their farm and look at where you are with things. Are you in compliance or not? Doelle goes through the series of questions that you see on all the pages here. We talk about all this together. The landowner has the right at the end of the document to say that you disagree with Doelle and that you don't think that what Doelle has found is accurate and you can bring that to the Committee and challenge it. Lien commented that Doelle goes through all this and suggests different things to the landowner out of compliance and we have to provide cost-sharing, technical assistance, etc. to bring that into compliance. That is the Ag side of our Department and this Committee. Lien stated the zoning side of the Department and this Committee doesn't do that. There are a list of things like the number of junk cars, where buildings can be placed, use of property, etc. and no one gets cost sharing or second chances. They have to comply with County zoning unlike the Ag side. Lien continued that in the County we had a Feedlot Ordinance in the County that was a citizen advisory developed ordinance that worked with landowners on compliance and

once you obtained compliance you had a “ring” of protection around you that basically kept other people from encroaching, without getting a conditional use permit saying you’re an active farm. That all went by the wayside when we had to adopt the Livestock Siting in 2002, so it still is the most lax land use in the County as far as what you are required to do. We aren’t forcing you to do anything, we are assisting you to better your operation and whoever is downstream from you. Bawek said he agreed with that. He put in two barnyards of his own and a third one in on my own and it was a 10 year contract. At the end of 10 years this could be removed from my deed. Bawek said he went to the Register of Deeds in the 10<sup>th</sup> year and they will no longer do that anymore so it stayed on the deed, so Bawek wanted to know who broke the original contract. Lien responded that Bawek is talking about a watershed contract and that was a different set of rules versus Ag Livestock Siting. Ag Livestock Siting said once you are in compliance you have to maintain compliance for perpetuity on that site. The State changed all those things. Doelle said October 1<sup>st</sup>, 2002 became the compliance date. If you were in compliance on that date, once in compliance, always in compliance. Bawek clarified that the barnyard was put in in 1997. Doelle explained that in October 1<sup>st</sup>, 2002 Bawek was in compliance – congratulations to Bawek he is doing a great job. Now, guess what, it stays on your deed. Lien reiterated that wasn’t us or the County that is a State requirement. Bawek stated he was just giving the group his point of view and what he went through and what he sees coming down the road. You sign something or sign up for something and “surprise” it could be different. Bawek just wants everybody here to realize what we are agreeing to here. More discussion took place. Bawek referred the Committee to Page 33; E) Nonmetallic Mining. Bawek referenced the first line “Adopted by the Trempealeau County Board of Supervisors on December 16, 1996, Trempealeau County has separated non-metallic mining into two separate types. Bawek asked if that was correct. Lien replied it wasn’t adopted that date but that was the first mining Ordinance. Doelle agreed to make those lines read more accurately as directed by the Committee. Bawek questioned whether the reference to the Wisconsin Fund Grant Program should be in there as at this time that program is no longer being funded and someone might think the program is still in existence and question why they can’t get funding. Lien suggested that this is a 10 year plan and if the State should start funding it again then it wouldn’t be in the plan. Lien suggested to Doelle that she add “if funding is available” or “contingent upon funding availability”. Bawek referred the Committee to Page 15; Physical Characteristics and Geography- County Setting and questioned that we have now have four rivers instead of three. Bawek suggested a little Trempealeau County map right next to that with each river on it. Some discussion took place. Doelle said it was recommended by DNR to include the Buffalo River in the plan. On Page 5, Bawek inquired about the sentence “That has inspired Townships to revise their comprehensive plans to reflect the changes they are facing”. Discussion took place. . Brandt also suggested that it isn’t only nonmetallic mining that is forcing townships to revise their plans but also livestock agriculture and housing. Zeglin suggested that line read something like, “Industrial sand mining, increased housing demands, large scale animal agriculture (chickens and dairy) and the loss of agricultural lands have also inspired townships to revise their comprehensive plans”. Brandt and Zeglin thanked Bawek for his concerns and thoroughness. In regard to phosphorus in the County, Zeglin said they personally have been soil testing for about 40 years (not every year) but it has always been off the chart for phosphorus so it is occurring naturally everywhere. Heidenreich stated that in the last meeting that Doelle and her had with DNR, the question was brought up as to whether DNR would ever consider changing the limits that Trempealeau County has been given as we are in a totally different game than counties that don’t even have this as part of the equation. According to Heidenreich, DNR had said it was something they would maybe consider in the future but it sounded like they wouldn’t really work on it unless there was some kind of petitioning done from the County. Momentum would have to be created on our end or by a big citizen push. Heidenreich suggested giving the Committee a little update on what she and Doelle have been hearing in their meetings with the city’s on that issue. Killian made a motion to forward the Land and Water Resource Plan on to a public hearing in November, Zeglin seconded. Motion to approve passed with no opposition. Doelle noted the changes to the plan will be updated and put on the website. At this time the Committee took a five minute break.

## **Parks, Tourism & Economic Development Update**

Schultz stated the budget hearing was held in terms of moving forward with the plan that we talked about.

Brandt asked what the response was as they made it sound like the Exec. /Finance Committee was not going to entertain this “wish list”. Schultz and Lien corrected Brandt saying this wasn’t a “wish list” this was a full County Board resolution to create a Department and staff position to administer county parks. DLM was put “interimly” in charge. Lien said he tried to make it clear at budget time that there isn’t a “plan B” if they don’t approve the Parks, Tourism and Economic Development Coordinator position. If they don’t fund that position then the budget needs to be re-visited because it was contingent upon someone being in charge of that. This Committee was also supportive of having someone else in charge of that. Lien explained how his budget meeting went with the Exec. /Finance Committee. Some discussion took place on that meeting. Lien stated we have a proposed renovation out on bids for the Kloss shelter. Bids are due on October 25<sup>th</sup>. The Exec. /Finance Committee approved carrying over the CAPX2020 money until the end of 2017.

## **Vehicle Trade-In and Purchase**

Lien stated the County Purchasing Policy allows Departments to get written bids from new or used car dealerships in the County and obtain trade-in values. The only two “new” car dealerships in the County are Arcadia Motors and Osseo-Ford/Nels Gunderson. Lien received those bids. Lien reviewed the bids with the Committee. Lien noted no levy dollars are being used as we get money from the programs we administer so the money is in our budget it is just a matter of having the Committee approve the expenditures. Skoyen made a motion to approve the purchase of the two vehicles, Schultz seconded. Motion to approve passed with no opposition.

## **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)**

<b>Name</b>	<b>Type</b>	<b>Amount</b>	<b>New CSA Total</b>	<b>Reason for change</b>	<b>Town</b>
Mark Palmer	Contract	\$8,570.80	\$8,570.80	Streambank & Shoreland Protection	Ettrick
	Pay Request	\$8,570.80		Certify Streambank & Shoreland Protection	

### **Targeted Runoff Management (TRM)**

<b>Name</b>	<b>Type</b>	<b>Amount</b>	<b>New CSA Total</b>	<b>Reason for change</b>	<b>Town</b>
Jason Manka	Contract	\$ 5,365.92	\$ 5,365.92	Streambank & Rip Rap	Hale
Jason Manka	Pay Request	\$ 5,365.92		Certify Streambank & Riprap	
Dan Gray	Contract	\$26,021.77	\$26,021.77	Streambank & Rip Rap	Hale
Dan Gray	Pay Request	\$26,021.77		Certify Streambank & Rip Rap	
Francis Kehrmeyer	Contract	\$11,439.16	\$11,439.16	Streambank & Rip Rap	Hale
Francis Kehrmeyer	Pay Request	\$11,439.16		Certify Streambank & Rip Rap	

### **County Cost Share Grants**

<b>Name</b>	<b>Type</b>	<b>Amount</b>	<b>New CSA Total</b>	<b>Reason for change</b>	<b>Town</b>
Tim Byom	Contract	\$6,226.91	\$6,226.91	Lined Waterway	Gale
Tim Byom	Pay Request	\$6,226.91		Certify Lined Waterway	

Lien told the Committee to expect a lot of these to be coming before them because DLM did not receive the County cost-sharing money until July and it is pretty tough to do a lot of these practices when crops are on the field. Killian made a motion to make the payouts as presented, Zeglin seconded. Motion to approve passed

with no opposition.

### **Surveying Update and Payment Approval**

Upon Brandt's inquiry, Nelsen stated this is actually the second full year of the monument maintenance program. As far as the budget is concerned it has been probably two and a quarter years. Nelsen said he did bring a couple of pictures along which shows things he and his crew are running into. The first photo is of an opening in the middle of a town road that Nelsen has cut into the blacktop to find the monument that was there before they re-blacktopped the road. What happened was they came in and ground the road, re-blacktopped it and didn't contact Nelsen so the monument that was there which was a two and half foot long, 7/8 inch diameter rebar with an aluminum cap was destroyed. Nelson explained they can patch the hole, which they have done with new blacktop, packed it in and then they put a survey nail with a Trempealeau County Surveyor washer under it to identify what it is. He then updates the tie sheet through an addendum process to document that the monument now is represented by this survey nail. Nelsen shared three more photos with the Committee and explained the work that accompanied the maintenance of each individual monument. Brandt asked Nelsen when he was going to be done so that the Committee knows how much this is going to cost every year in the future. Nelsen referred the Committee to a map he created. Nelsen explained that he went back and took a look back at where we are percentage wise with the monument maintenance in each congressional township. They are following the same schedule that they used when doing the actual remonumentation. In other words, they started with the oldest monuments first (south end of County) and then they went up to the north end mimicking what they did in remonumentation. Nelsen noted the map indicates the percent of completion. Completion means the monument has been maintained, replaced if necessary and the field work has been done but not all the office work has been done. Anything less than 100% do have some corners that need to be set. For a majority of those they have to bring out their GPS equipment because the monument has been destroyed as well reference ties. Albion and Unity townships are both 100% done. Nelsen went through and discussed the map with the Committee. Nelsen explained that once they get the maintenance done they are giving each corner a rating based on a 1, 5, 10, 20 year or never time frame. Brandt recapped that the remonumentation started in 1998 and the County had been spending \$225,000/year for that remonumentation. Last year and the year before it was about \$80,000 which included maintenance plus Nelsen being in the County office one day a week, so if you took the one day a week it would be around \$55,000. Brandt stated this is an example of a governmental body who managed to keep its' commitment to re-monument the County going for 20 years and now we need to keep the maintenance going as well. Nelsen presented an Independent Contractor Agreement for Surveying Services for 2017 to the Committee. Brandt clarified that the money is already in the budget. Schultz made a motion to approve the Independent Contractor Agreement for 2017, Skoyen seconded. Motion to approve passed with no opposition. Zeglin asked whether Nelsen notifies the towns as to where in the roadway the monuments are placed when he does place them. Nelsen said he typically does not but the communications that he has had in the past with town boards is, "if you are going to be working on a town road, please let us know" and we will if necessary, mark the corners so they don't get destroyed but if there is no choice where they need to be destroyed, it basically gives Nelsen a little lead time to make sure the reference ties are still there. Zeglin suggested Nelsen send a reminder letter to each town board to let them know of any monuments in the road way.

The next regular meeting date was confirmed as Wednesday, November 9th, 2016 at 9:00 AM in the County Board Room. A special meeting of the E & LU Committee was set for October 25<sup>th</sup>, 2016 at 9:00 AM in the County Board Room to continue the discussion on the Health Impact Study Committee recommendations.

Brandt reminded the Committee that the public hearing for the D95 hearing for appeal of activity was set for Wednesday, December 14<sup>th</sup>, 2016 and, if needed, Thursday, December 15<sup>th</sup>, 2016.

At approximately 12:45 PM, Skoyen made a motion to adjourn, Brandt seconded, motion carried with no opposition.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Beth Killian, Secretary