

# 1 GRANT COUNTY CONSERVATION, SANITATION, & ZONING COMMITTEE MEETING

August 5, 2021

9:00 a.m.

Room #264, County Board Room, Administration Building and Via Zoom Meeting  
Lancaster, Wisconsin

The Grant County Conservation, Sanitation & Zoning Committee meeting was called to order on August 5, 2021 at 9:00 a.m. by Mark Stead, the Conservation, Sanitation, and Zoning Committee Chairman in Room #264, County Board Room of the Administration Building and via Zoom meeting.

Board members present in the County Board room: Mark Stead, Mike Lieurance, Porter Wagner, Pat Schroeder, Lester Jantzen, Gary Northouse. Mark Hoehne, Absent. Others present in the County Board room; Lynda Schweikert, Annette Lolwing, Robert Keeney, Shane Drinkwater, John Rutkowski, Dalton Becker, and Johanna Rolfes: via Zoom: Matt Honer, Ben Schroeder, Jody Cushman, Mike Adams, Joe Schmelz, and Emily Schildgen.

## **Certification of Open Meeting Law**

Annette Lolwing sent the agenda to Karla Schwantes and Tonya White to post in the Courthouse, in the Administration Building, and on our website. An agenda was also posted in front of the Ag Service Center Building, and was sent to Bob Middendorf, WGLR. Media notices were sent to Karla Schwantes, Tonya White, Herald Independent, Platteville Journal, Muscoda Progressive, Boscobel Dial, Fennimore Times, and Bob Middendorf.

## **Approval of Agenda**

Motion by Gary Northouse, seconded by Mike Lieurance to approve the Agenda. Motion carried.

## **Approval of the July 1, 2021 Minutes**

Motion by Pat Schroeder, seconded by Porter Wagner to approve the July 1, 2021 minutes. Motion carried.

## **Review & Accept the Bills**

Motion by Mike Lieurance, seconded by Gary Northouse to accept the July bills. Motion carried.

## **Public Hearing for Rezones**

Chairman Stead opened the Public Hearing.

#21-11 Douglas and Jody Cushman, Clifton Twp., are requesting to change the zoning classification on PIN: 0012-00283-0010 of +/- 1.94 ac. from FP to A2 to allow for the use of a nonfarm residence.

In Favor: Clifton Twp. approved on June 18, 2021. Jody Cushman.

In Opposition: None

In Interest: None

Committee Discussion: None.

Mark Stead closed the Public Hearing

Motion by Porter Wagner that the items are concurrent with all the conditions on the Farmland Preservation Worksheet and to recommend approval of the rezone to the full County Board, seconded by Gary Northouse. Motion carried. See Attachment A Worksheet.

Chairman Stead opened the Public Hearing

#CUP 21-010, Ryan Schneider, South Lancaster Twp., is requesting a Conditional Use Permit on PIN:056-00188-0000, 056-00194-0000, 056-00419-0000, 056-00419-0010, 056-00422-0000, and 056-00422-0010

of +/- 70.0 acres to allow for the continued use of nonmetallic mining under Chapter 315 Subsection 3.05 E (3) of the Grant County Comprehensive Zoning Ordinance.

In Favor: South Lancaster Twp. approved on April 21, 2021. Ben Schroeder.

In Opposition: None

In Interest: The public notice was for 70.0 acres in South Lancaster Twp., Ben Schroeder reported that the mining site is actually 50.0 acres. Ben Schroeder stated that this is a 5-year conditional use permit. After reviewing the reclamation plan it follows parcel lines and not the actual ¼, ¼ sections lines. The reclamation plan was updated to correct all the parcels and correct boundaries. Matt Honer did report that the reclamation plan is current and up-to-date.

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Pat Schroeder to recommend approval of the Conditional Use Permit, seconded by Mike Lieurance. Motion carried.

Chairman Stead opened the Public Hearing

#CUP 21-011, Rutkowski Brothers Land LLC, Ellenboro Twp., is requesting a Conditional Use Permit on PIN:014-00608-0000, 014-00619-0000, and 014-00583-0000 of +/- 40.0 acres to allow for the continued use of nonmetallic mining under Chapter 315 Subsection 3.14 (2) (a) of the Grant County Comprehensive Zoning Ordinance.

In Favor: Ellenboro Twp. approved on July 7, 2021. John Rutkowski.

In Opposition: None

In Interest: It was noted on the Finding of Facts Sheet that the nonmetallic mining site was in South Lancaster Twp. it is located in Ellenboro Township. The Conditional Use is limited to a 5-year permit. There were conditions in place for the mining site. They are the same as the existing Conditional Use Permit. Which are: 1. Rutkowski Brothers will maintain erosion control on their property, and sediment will remain on their own land. 2. Rutkowski Brothers will provide gravel for their easement, and the Town of Ellenboro is responsible for grading of the easement. 3. The expense for dust control on the easement will be split 1/6<sup>th</sup> responsibility of the Town of Ellenboro, and 5/6<sup>th</sup> the responsibility of Allied Stone. John explained that they will be using water for dust control instead of the chloride.

Committee Discussion: None

Mark Stead closed the Public Hearing

Motion by Lester Jantzen, to recommend approval of the Conditional Use Permit, seconded by Porter Wagner. Pat Schroeder Abstained. Motion carried.

### **Zoning/Sanitation Report**

Lynda reported on the comparisons of the Zoning and Sanitation report from last year to this year. Things are starting to balance out compared to last year. Construction projects are slowing down. The failing citations were issued at the end of August 31<sup>st</sup> of 2020. We are now at 41% in compliance, 6 were cancelled due to extenuating circumstances, the remaining names on the list still need to come into compliance. Lynda and Brad will be meeting with Corporation Counsel at the end of the month to discuss another round of citations and moving forward with a lawsuit to get them into compliance. This will be the same for the sanitary maintenance citations. There will be a new set of sheets with the failing systems and failing to report the 3-year maintenance for 2021. There are 2 court dates for failing systems, they are August 9, 2021 for Beach, and September 14, 2021 for Steiger, Campbell, and Orth. There are 82 failure to complete maintenance citations that were sent out on January 28<sup>th</sup>. There were 49 that have come into compliance, no court dates set, and 33 issues still remaining.

There are no Zoning court dates scheduled.

There is no Board of Adjustment scheduled at this time.

Motion by Gary Northouse, seconded by Porter Wagner to accept the Zoning/Sanitation Report. Motion carried.

**Discussion and Possible Action Regarding Copy Machine Lease**

Lynda received a new bid from Access. Gordon Flesch did not submit a new bid. Access/Sharp's previous lease agreement estimate was \$123.07, and \$122.81 for Gordon Flesch. The monthly lease was \$98.08 for Access/Sharp, and Gordon Flesch was \$81.59. Access/Sharp has now come in with a monthly lease of \$78.00 and the copy fees would stay the same. The new monthly average based off of our previous usage will be \$103.39 for Access. Gary Northouse made a motion to approve the bid from Access, seconded by Mike Lieurance. Motion carried.

**Discussion Regarding Transferring Money to Cost Share Account**

Lynda reported that in the 2021 budget in account #562030 there was \$20,000 set aside in the anticipation that the groundwater study would be coming out earlier this year. If any additional study showed that some areas didn't test well enough, Lynda wanted some additional funding set aside to possibly take the next step to fine tuning the ground water study. The researchers were hoping to have the ground water results out by September, but we have not heard any updates. The county cost share requests have increased this year. There is an increase in landowners that signed up for rye cover crop cost sharing leaving us with -\$2,494.42 and an additional 4 well decommissioning cost share requests waiting for county cost sharing approval. Pat Schroeder made a motion to transfer the full \$20,000 from the ground water study account to the county cost sharing account, seconded by Gary Northouse. Motion carried.

**County Cost Sharing:** Beginning Balance \$3,506.41. Ending Balance \$17,505.58.

Lynda presented a well decommissioning extension request for Randy Reynolds, Waterloo Twp., \$720.00 to September 2, 2021. Motion by Pat Schroeder, seconded by Porter Wagner to approve the extension request. Motion carried.

Lynda presented a waste facility closure extension request for Kevin & Chealsey Zart, Mt. Ida Twp., \$2,857.00 to September 2, 2021. Motion by Gary Northouse, seconded by Mike Lieurance to approve the extension request. Motion carried.

Lynda presented a final approval request for county cost sharing on a well decommissioning for Laura Ley, Fenimore Twp., \$613.75. Motion by Porter Wagner, seconded by Lester Jantzen to approve payment. Roll Call: 6 Yes, 0 No, 1 Absent. Motion carried.

Mike Adams reported that Andrew and Kaleen Fosselman asked about planting a hybrid rye that costs \$50.00 per bushel. Motion by Lester Jantzen, seconded by Pat Schroeder to only pay the average cost of what the regular bushel of rye seed comes in at. Motion carried.

Lynda presented tentative approval for 11 county cost sharing requests for 1<sup>st</sup> year rye cover crop for Bryan Tippett, Hazel Green Twp., \$411.36; Terry & Helen Adams, Watterstown Twp., \$393.00; Scott & Carolyn Runde, Hazel Green Twp., \$900.00; Trent Pritchett, Bloomington Twp., \$234.72; Steve & Julie Mulrooney, Mt. Ida Twp., \$264.00; 2<sup>nd</sup> year rye cover crop for Mark & Emily Mumm, Bloomington Twp., \$204.00; Lonnie & Rochelle Holthaus, Mt. Hope Twp., \$1,000.00; Matt Berning, Jamestown Twp., \$1,000.00; Andrew & Kaleena Fosselman, Mt. Hope Twp., \$600.00; Tim & Patricia Adams, South Lancaster Twp., \$300.00; 3<sup>rd</sup> year rye cover crop for Darren & Tammie Katzung, Beetown Twp., \$1,000.00. Motion by Pat Schroeder, seconded by Gary Northouse to approve all 11 rye cover crop requests. Motion carried.

## **SWRM Cost Sharing:**

**2020 DATCP Cost Sharing:** Beginning Balance \$17,539.05/Ending Balance \$17,539.05  
None to Report.

**2021 DATCP Cost Sharing:** Beginning Balance \$49,863.00/Ending Balance \$49,863.00  
None to Report

**2021 MDV Cost Sharing:** Beginning Balance \$27,250.93/Ending Balance \$27,225.71.  
Lynda presented a final approval request for MDV cost sharing on 2 grade stabilization structures for Lange Century Plus Farm LLC, Paris Twp., \$6,850.22. Motion by Pat Schroeder, seconded by Mike Lieurance to approve payment. Roll Call: 6 Yes, 0 No, 1 Absent. Motion carried.

## **Storage Permit Approval**

Lynda presented a storage permit approval request for Quinn Kirschbaum, Cassville Twp. He is decommissioning an 80X8X8 concrete under hog barn facility. Deconstruction plan was developed by Erik Heagle on July 6<sup>th</sup>. Lynda tentatively approval the storage permit on July 6, 2021 and is asking for concurrence from the committee. Motion by Pat Schroeder, seconded by Lester Jantzen to concur with Lynda's permit approval. Motion carried.

## **Fee Schedule Review**

Lynda passed out a proposed 2022 budget for the Conservation, Sanitation, and Zoning Department. This budget has been submitted to the finance with a 7% increase in the budget. Finance asked the departments to review their fee schedule to see if any changes could be made. Lynda had a fee schedule comparison drawn up which included: Crawford, Richland, Iowa, Lafayette, and Grant counties. After further review with the Sanitation and Zoning Technicians they came up with a few fee adjustment recommendations. Lynda provided a copy of the budget with the potential fee increases which would bring this budget to a 4% increase. Motion by Gary Northouse, seconded by Mike Lieurance to approve the increased fee change recommendation. Motion carried.  
Motion by Pat Schroeder, seconded by Gary Northouse that we go from \$1.00 per thousand to \$2.00 per thousand at \$300,000 and above on a general zoning permit effective January 1, 2022. Motion carried.

## **Preliminary Budget Approval**

Motion by Pat Schroeder, seconded by Lester Jantzen to approve the preliminary budget with the increased fees. Motion carried.

## **CSZD Administrator Report**

Lynda reported that she had 5 meetings scheduled in July.

- Precision Ag Field Day & Webinar – Cancelled due to low registration.
- July 13, 2021 – POWTS Update
- July 14, 2021 – USDA Local Work Group Meeting
- July 15 & 16, 2021 – Virtual County Con Meeting – Summer Meeting
- July 28, 2021 – Pollinator Webinar

Lynda reported that she sent out a camper letter to all the townships. Currently campers are technically not allowed on properties to be used as a residence. A residence has to be 24 feet wide and a minimum of 800 square feet. Campers and RV's do not meet those requirements. There are several townships that have allowed this, and others have been turned into us. Usage of a camper examples are people want to live in their camper while their house is being built, then the camper will be removed. Another usage is people who live out of state want to come back and stay in the camper while they enjoy their property. Is this something that the townships want to allow? Do we want it in Ag and/or Conservation, Forestry, Recreation zoning only? There are counties that allow a temporary permit. They have to apply for a

temporary permit every year to set up their camper and to make sure that they have their sanitary taken care of and to take down the camper during the winter. There are also individuals in Grant County that live in a camper all year long. There are counties that do issue a yearly permit along with a fee with the restrictions that the camper/RV must be drivable, must be registered, and must have sanitation in place. If a camper permit fee were to be charged: who is going to monitor it for enforcement? Would the township collect the fees? Do the townships want the county to enforce it? The camper issues are in zoned townships only.

### **Continuous Improvement Update**

Lynda reported she has been working with Corp Council on how to enforce the sanitary violations that ignore the citations.

### **NRCS Report** – Joe Schmelz

Joe reported that they are working on getting the CSP certifications done for 2021.

Joe reported that CRP is a big workload right now. It has been opened up for emergency haying and grazing so they had 60 days to date from the Drought-2 status. NRCS has completed around 200 emergency haying and grazing requests. They also have a quite a few CRP contracts completed.

Joe reported that Josh Bushee's last day being a Soil Conservationist in Grant County will be August 13<sup>th</sup>. He will be going to Richland Center to be our Area Program Specialist. The new Soil Conservationist will be starting August 30<sup>th</sup>. There are still 2 vacancies in the Lancaster NRCS office; 1 is for a technician and 1 is for a soil conservationist and are still waiting for them to be posted on the USA job site.

### **FSA Report**

Emily reported that they still do have the continuous highly erodible land initiative sign up for CRP, the deadline is Friday, July 6<sup>th</sup>. FSA may still be able to run new acreage for CRP next week, assuming that NRCS can get the Conservation Plan done. The big thing with the emergency haying is that people sometimes forget that it needs to be requested, paperwork that needs to be signed, and NRCS has to do a Conservation Plan of Operations modification that needs to be approved by the FSA County Committee or herself before they can start the managed haying/grazing process. Landowners need to make sure that the haying and grazing requests with FSA get approved prior to cutting of the hay. FSA has been contacting the producers by telephone to let them know that their haying/grazing plans have been approved. They will also get a letter mailed to them, which takes more time. Haying must be done by August 31<sup>st</sup> and the bales must be removed within 15 days of baling it.

FSA is still finishing up with some crop reporting. If any crop reports are causing changes with the ARC/PLC contracts with the change of shares the producer will be contacted for such revisions. The revisions are due by the middle of September.

The Federal governments fiscal year ends September 30<sup>th</sup>. Lots of end of year clean-up is being done at this time.

Can producers charge for the bales that are removed from the CRP acres? There is nothing in the provisions that say that they can not charge. What is the penalty to cutting hay prior to getting approval from the FSA office? It is considered a violation and is usually a per acre reduction of payment. The first day that a producer could cut the CRP acres for hay was August 2<sup>nd</sup>. Spot mow and spot spray can be done during the nesting season to control noxious weeds and woody vegetation with approval of county committee to get approved.

Motion by Lester Jantzen, seconded by Gary Northouse to adjourn to Thursday, September 2, 2021 at 9:00 a.m. The meeting is scheduled for Room#264, County Board Room for Committee Members, and the Public participation will be by Zoom only. Motion carried.

Respectfully Submitted by Annette Lolwing for Lester Jantzen

\* Per conversation w/ Jody on 7/21/21, the home will be located 75' from the stream + 100'-200' from center of rd.  
Review of Standards for Rezoning Land out of Farmland Preservation

Date: 7/22/21 Landowner: Douglas + Jody Cushman Home most likely would be on prime farmland soil

The Grant County Board may not rezone land out of a farmland preservation zoning district unless the Grant County Zoning and Sanitation Committee finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

proposed  Yes or No Explain:  current land-use = woods.  
Home on transition/boundary of prime farmland/non prime farmland soil  
 Prime farmland soil is in river bottom - disclosed shoreland requirements

Yes or No or N/A

Explain: Per township participation form on 6/18/21

3. The rezoning is substantially consistent with the Grant County farmland preservation plan policy.

5.1: Non-farm development will be directed to non-agricultural soils or less productive agricultural soils, consistent with the needs of the development.  Yes No

5.2 Non-farm development will be directed to areas where it will cause minimum disruption of established farm operations or damage to environmentally sensitive areas.  Yes No

5.3 Non-farm development will be encouraged to locate so as to leave a maximum amount of farmland in farmable size parcels.  Yes No

5.4 Non-farm residential development will be directed to existing platted subdivisions and sanitary districts. Yes No  N/A - no subdivisions + sanitary districts present

5.5 Agriculturally-related development, while not discouraged in rural areas, will still comply with other policies set forth in this section, consistent with being located where it will be a maximum benefit to agriculture. Yes No  N/A - no ag related development being proposed.

6 The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

- 6.4 Located in a Farmland preservation zoning district
- 6.5 Covered by a Farmland Preservation Agreement
- 6.6 Covered by an agricultural conservation easement
- 6.7 Otherwise legally protected from nonagricultural development

Yes or No

Explain: see response for standard #1

7 The CSZC recommends/does not recommend approval to the Grant County Board of Supervisors (Circle one)