

**MINUTES OF THE
LAND & WATER CONSERVATION COMMITTEE MEETING
October 15, 2008**

Members Present: Chairman Tom Rudolph, Wilbur Petroskey, Matt Matteson, Jack Martinson, Rod Kuczarski, and Gary Baier

Members Absent: None

Others Present: Nancy Hollands (County Conservationist), Jean Hansen (Conservation Specialist), Jennifer Holman (AIS Coordinator), Barb Payne (Secretary), Mike Fugle (Corporation Counsel), Bob Williams (OCLRA), Jeanette Williams, Peter Lloyd, John Potters (Oneida County Coordinator), Rose Hammonds, Patti Pazera, Brian Gehrig, Andrew Smith, (County Board Chairman), Dave O'Melia (County Board Supervisor), Ruth Sproul, (News of the North), and Kim Goerg, (RC&D Coordinator)

Call to Order

Chairman Rudolph called the meeting to order at 9:00 a.m. in Committee Room #1 on the second floor at the Oneida County Courthouse. He noted that the meeting of the Land and Water Conservation Committee has been properly noticed in accordance with the Wisconsin Open Meeting Law and meets the Americans with Disabilities Act.

Approve Agenda/Approve Minutes

Motion by Petroskey, second by Baier to approve the current agenda and the minutes from the September 9th meeting with the order of agenda items at the discretion of the Chairman. Discussion by Martinson concerning an announcement made at last month's meeting. (Rudolph – aye), (Petroskey – aye), (Matteson – aye), (Kuczarski – aye), (Baier – aye), and (Martinson – nay). Motion carried, five ayes and one nay.

Set date for next meeting

Chairman, Rudolph noted the next meeting dates will be Wednesday, November 19th at 9:00 a.m. and Wednesday, December 17th at 9:00 a.m.

Public Comments

Bob Williams, President of (OCLRA) spoke in support of the Dry Hydrant Ordinance with the revision to include Construction Companies. Williams feels an ordinance is necessary and recognizes the huge task at hand for everyone involved. Williams reported he worked in the construction business in the past and those companies are out to make a profit anyway they can. Williams stated the Oneida County cost share information provided by Conservation Specialist, Jean Hansen was recently added to the Oneida County Lakes & Rivers Association's website. Kim Goerg, RC&D Coordinator spoke in favor of the dry hydrant ordinance to protect our waters.

Dry Hydrant Ordinance – Brian Gehrig

Brian Gehrig, President of the Oneida County Fire Chiefs & Emergency Services Organization, stated he was present to answer any questions the Committee may have on procedures. He reported he has been working with Holman to come up with workable solutions for the fire departments. Some of the concerns the fire departments may have is the transportation by construction companies. This is one of the concerns the fire chiefs have as it was not addressed in the original ordinance. Gehrig commented that after attending the meeting that was held on Tuesday of this week it is evident the fire chiefs still have some concerns. The local fire chiefs are questioning how long AIS can live in the tanks and the procedural requirements of the ordinance. The fire departments firmly believe education is number one.

Matt Matteson asked Brian Gehrig his opinion about the towns being fined for violations to this ordinance. Gehrig commented he found it interesting the County would go to the extent of actually fining the towns. Gehrig stated he felt an ordinance was unnecessary all along because the fire departments would enact policies to regulate the spread of AIS.

Gary Baier stated he agrees with adopting a policy and sharing the policy statewide. Baier stated the fire chief for the Town of Nokomis agrees that it is good time to adopt a policy. Not only on what to look for but how to take care of it if you do find any type of vegetation especially milfoil in the pumps or in hoses. It can come from anywhere not just dry hydrants. It can come from the creek or the stream. Baier stated his town board is against an ordinance but they agree there needs to be a policy. They are concerned the town's taxpayers would receive a fine for \$500 to \$1000. Imposing fines that end up being paid by the taxpayers is unacceptable. Baier stated not only fire departments are pumping water, but also the state has been pumping water on the road construction project on highway 51. The state tankers are pumping

water out of the Bearskin Creek and they are transporting and pumping it onto road surfaces where it has the potential to spread AIS to other bodies of water such as the Tomahawk River for one example.

Holman explained the AIS Transportation Ordinance deals with the transporting of any plant or animal species externally, not in an enclosed tank, such as on a tanker truck. Holman explained it would be very difficult for the Sheriff's Department to be able to issue a citation to anyone under the Transportation Ordinance because they would have to visually see you transporting aquatic plants or animals attached to your vehicle, watercraft, trailer, etc. Holman explained under the Dry Hydrant Ordinance it deals with the aquatic plants or animals that maybe concealed inside the tanks of the fire or construction trucks.

Martinson asked Mike Fugle, Corporation Counsel, if in the event of a forest fire and the fire truck goes and pumps water out of a lake, is that fire department subject to violation? Fugle answered, at that point the fire department is involved in fire suppression and is exempt from this ordinance. Fugle further stated the fire departments are further exempt while they are involved in trainings. They will be able to pump water and spray it on permeable surfaces, as long as the water is not being sprayed into some other water body. Fugle stated it will be the policy of Corporation Counsel to use a great deal of discretion in the enforcement of this ordinance. Martinson questioned if all the Oneida County fire chiefs had been contacted with this information.

Gehrig's told Martinson that an informational meeting was held in May which Holman and most of the local fire chiefs attended. This meeting consisted of questions and answers. At this meeting Holman had gone over what concerns the County had regarding this issue. Gehrig stated the local fire departments did not meet again until September, due to the schedules of the firefighters during the summer. Gehrig stated it wasn't until September 3rd or 4th the local departments actually saw the first proposed ordinance in writing. After reviewing the proposed ordinance, the fire chiefs' concerns were expressed to Gehrig, Holman, several county supervisors, and other representatives. Gehrig reported the public meeting the Land & Water Conservation Committee and Holman held last night at the Law Enforcement Center was the first presentation held for the fire chiefs, their departments, and interested public. Gehrig stated Holman has been answering questions, explaining, and adjusting the ordinance where needed. Gehrig expressed there would be a need for additional training for the fire departments in the disinfecting procedure required by the ordinance.

Rudolph stated the Committee anticipated fire departments may express their need for more training in dealing with compliance of this ordinance. Rudolph commented he felt Holman would be available to help those fire departments who feel more training will be needed. Rudolph commented this additional training would be part of the implementation of this ordinance. Holman agreed with Rudolph and said she would be available to work with each fire department. Holman stated throughout the past five months she has made several attempts to contact the towns for the information she needed in drafting this ordinance. Eight towns responded to Holman's requests. Holman stated no one expressed any concern with a possible ordinance until September when the Media became involved. That is when she received letters from some of the fire departments in opposition to an ordinance.

Holman again stated that it would be almost impossible to regulate a policy because of the other agencies involved. It would be extremely hard to regulate the enforcement of other agencies such as independent contractors to make sure they are following procedures. Holman stated that a first offense could cause very severe damage to a lake and that is why Corporation Counsel didn't feel a warning would be suitable.

Motion by Baier, second by Martinson proposing to change the dry hydrant ordinance into a dry hydrant policy. Matteson requested discussion from the Committee. Holman stated it would cost approximately \$1800 per year for each fire department. Holman also stated there are grant dollars out there to aid the fire departments if needed. Holman stated if we don't take care of this problem now, we could face the possibility of spending hundreds of thousands of dollars each year as Dane County is doing just to cut through beds of EWM to clear channels for boaters to get through. Holman stated that property values for homes on infested lakes could decrease by as much as 30%. Jim Gehrke, representing the Crescent Lake Association, provided a report to Holman on a study they had from the state of Connecticut.

Chairman Rudolph called for a roll call vote on the motion made by Baier, second by Martinson proposing to change the dry hydrant ordinance into a dry hydrant policy. (Rudolph – No) (Petroskey – No) (Matteson – No) (Kuczarski – No) (Baier – Yes) and (Martinson – Yes); the motion failed with four voting no and two voting yes.

Motion by Matteson, second by Petroskey to bring this proposed ordinance back to the County Board at their meeting next week. Another roll call vote was taken. The results were (Rudolph – Yes) (Petroskey – Yes) (Matteson – Yes) (Kuczarski – Yes) (Baier – No) and (Martinson – No); the motion was carried with four voting yes and two voting no.

Update on October 14 meeting on dry hydrants

Rudolph reported that approximately fifty people attended the meeting at the Law Enforcement Center last night. The meeting was very orderly and overall it was a good meeting. Discussion followed by Committee. Baier asked that in the future it would be helpful if dates for meetings would be set by the entire Committee so everyone has adequate time to attend. Rudolph stated the notification was adequate and it was approved by Rudolph. They wanted the meeting to be held before the County Board Meeting. Rudolph noted a quorum was previously established before the meeting was held.

Wildlife Damage Program/Deer Processing Program

Hollands reported that the deer donation program will be continuing again this year. It officially started September 13th with the opening of the deer bow season and goes through December 31st. We have signed agreements with two meat processors. The meat processors are the Lake Tomahawk Meat Market in Lake Tomahawk and TJ's Butcher Block in Minocqua. Hollands reported she recently heard from Bill Maloney with the Masonic Lodge and provided him with the information on the deer donation program. The Masonic Lodge holds an informational meeting once a year for deer hunters. Hollands reported she had one new contact this year. Bessey's Meat Market called her earlier this week and asked for the information as they may be interested in participating in the deer processing program. Hollands stated it would be beneficial to have a meat processor in Rhinelander too. The program will be run the same as last year. The allowable amount we can pay the processor is \$50 per deer processed. The meat is ground into two pound hamburger packages and distributed to the food pantries. The DNR will hold a Wildlife Damage Program training session on Friday, October 17th at the DNR office in Rhinelander. The training is about the DNR database so each County can enter their own information for the Wildlife Damage Program.

County Cost Share Program

Hansen reported she has received three cost estimates for the Pat Broukal project on Upper Post Lake. Hansen provided the cost estimates to the Committee. Discussion was held on the three cost estimates. The lowest cost estimate was \$20,877.77 submitted by Dave Thomas Landscapes. With the 50/50 cost share the landowner's responsibility would be \$10,444 and the DATCP grant would be \$10,444. Hansen reported as soon as the Committee approves the lowest cost estimate, the contractor will try to get the shoreline rockwork done yet this fall. This project will be using the vegetated Geo-Grids which are the lifts. The plantings will be done in the spring. Discussion followed by the Committee. Motion by Matteson, second Petroskey to accept the lowest bid for the Pat Broukal Project on Upper Post Lake submitted by Dave Thomas Landscapes. Motion carried, all ayes.

Hansen reported the Janssen's project on Minocqua Lake was the project that went to the Board of Adjustment because of some zoning issues. Hansen was called to testify at the Board of Adjustment meeting. Hansen reported the rock work and plantings along the shoreline have been completed. Hansen and Stacy Dehne, DATCP Engineer, did an onsite inspection on October 9th. Hansen reported they found several areas of concern. The DNR permit allowed rock riprap to a specific height up to the boat house. The owner called and asked Hansen if they could put rock above the boat house? Hansen stated that would not be included in our plan. Hansen handed out pictures of the Janssen project for the Committee to review. Another concern is where the rock riprap was removed in the middle of the project. The rock riprap was replaced with rock slabs that are being used as stairs down to access the lake. Hansen stated the rock slabs were installed without her knowledge or consent. Hansen is concerned by the placement of the rock slabs and what if any reinforcement is under them. What happened to the original rock riprap that was initially used? Another area of concern is their receipts; or paid invoices that they submitted are not detailed enough to verify the types of plantings and the amount used. They planted additional plantings in the cost share area where work was being done. Some of those plants were not native and were not on the list that Hansen had provided.

Some of the plants used are not hardy for this area and there are several varieties that were not identified. The Janssen's invoices do balance with the cost share amount we allowed. Hansen stated she thinks that we need some verification to see if they are not exceeding more than what our cost share contract allows. Hansen stated she has a letter ready to be mailed to the Janssen's and their contractor for verification on these concerns. Hansen wants the Committee to be aware of what is happening with this project. If there are costs that were not approved, Hansen would like to see the amount of reimbursement adjusted accordingly. Hansen stated she will know more when she receives the verification back from the Janssen's and their contractor. The Committee directed Hansen to report back to them on the Janssen project when she has more information.

Update on Staffing Request for Calendar Year 2009

Hollands reported on September 30th the LRES Committee denied our request to change the Typist II 63% position to 100% for 2009. They also turned down our request to make the Conservation Specialist a 100% full-time position in the Land & Water Conservation Department. The Planning & Zoning Department approved using the extra 28% for the Conservation Specialist. With the Planning & Zoning Department using the Conservation Specialist 28%, it will give Hansen 100% employment. Hollands reported the LRES Committee also turned down the hiring of two LTE Watercraft Inspectors for 2009. The two LTE Watercraft Inspectors positions would raise the tax levy by \$6,000 for each position. Discussion followed by the Committee. Hollands stated if there are any funds left over in the AIS Budget they could possibly be carried over for 2009 and used for hiring LTE Watercraft Inspectors.

Amended AIS Budget for 2009

Hollands reported because the Aquatic Invasive Species LTE Watercraft Inspectors were not approved for 2009, there would be a 0% increase in the AIS Budget for 2009. Therefore all three of our budgets were at a 0% increase for 2009.

AIS Transportation Ordinance/Dry Hydrants/Signs

Hollands reported Kyle McLaughlin from the DNR is requesting documentation that 2008 DNR grant funds are available for signage. Hollands stated the hourly wage approved by the LRES Committee for the LTE's was \$9 per hour. We originally approved \$12 per hour in our grant. This reduction resulted in approximately \$4,000 remaining in the 2008 grant funds. This money could be used for the signage if needed. Hollands stated she would send the required documentation to the DNR for the signage.

Update/Action on AIS grants/budget/Activities/Strategic Plan

Hollands reported Holman completed the final draft of the 2007 grant. Hollands reported she and Payne have been working on completing the financial part of the grant. The 2008 grant will have to have the scope changed, but will be completed by the end of the year. Holman reported a draft Strategic Plan must be submitted to DNR, along with the final report. We used a 20 year plan. The DNR wants to use our plan as a template for the entire State. Committee discussion followed.

Discuss Merging Land & Water Conservation with Planning & Zoning

Baier and Martinson stated they feel it is a good idea to merge the Land & Water Conservation Department into the Planning & Zoning Department. Hollands reminded the Committee that according to state statutes, there has to be a Land & Water Conservation Committee to receive any DATCP funding from the State. Hollands stated another point to consider is that Land & Water Conservation staff hours will not be covered by DATCP grants if staff worked in Planning & Zoning. Committee discussion followed on the possibilities. John Potters, County Coordinator, stated he will be following up on this issue.

Lake Districts/Agency Reports (FSA, NRCS, LWCD, UWEX, DNR, LWCB, WLWCA, & RC&D)

Mid Lake District – Petroskey reported they were doing some weed harvesting in Mid Lake.

Thunder Lake District – Baier had nothing new to report.

Bear Lake District – Martinson had nothing new to report.

Horsehead Lake District – Rudolph reported the annual meeting was held in August. The lake study is continuing. The weed harvesting in Horsehead Lake will be down due to a slower growth.

FSA – Kuczarski reported there could be some disaster declarations possibly in the four county regions due to the drought conditions of the past several seasons. At tomorrow's meeting they will be reviewing individual grower's situations and the affect the drought had on their production and possibly take some action. This is the third year in a row some growers have experienced drought conditions.

NRCS – Kim Goerg reported that October 1st is the beginning of the new fiscal year for NRCS. They are on a continual resolution until March 6th of 2009. This means that NRCS will be operating at the 2008 budget level into 2009. There are hiring freezes in place right now. The Farm Bill Language is still being developed. As for the immediate sign-ups nothing is on the horizon right now. There were increases in expenditures for Conservation Programs.

LWCD – Hollands reported we have been busy this past month working on everything from AIS, to Speaking and Poster Contest, and the Deer Donation Program. We have been involved in a wide variety of work this past month. Hollands extended an invitation to everyone to attend the Speaking and Poster Contest which will be held on Thursday, October 23rd at 7:00 p.m. at the James Williams Middle School. The following Thursday on October 30th will be the area Speaking and Poster Contest at the Wausau School Forest. The winning speaker(s) and the winning poster(s) will be going on to the area contest in Wausau. Hollands explained that at the North Central area contest they have the poster and speaking contest run offs in the morning, followed by lunch, an awards program, and a business meeting.

UWEX – No one present.

DNR – No one present.

LWCB – Rudolph reported the LWCB had their meeting last week. They approved another new round of Land & Water Resource Management plans for the counties. In the new cycle, it will still be a five year plan per state statutes. The counties are basically working on ten year plans. These plans will be reviewed after five years and updated and is basically a longer range plan. Hopefully the State Statutes will be changed eventually or the administrative rules to incorporate that change. The Land & Water Committees can lighten up their work load by not having to review, revise, and update these plans every five years and get them approved. This change will be to our benefit in the next cycle. Our plan is due for presentation in 2011 or 2012.

WLWCA – Rudolph reported the State Association which is WLWCA is having their annual conference in Appleton on December 10th through December 12th. The LWCB meeting will be held on December 9th and the morning of December 10th. On December 10th there will be a forum on the KARST issue that the Land & Water Board is putting together. That is going to be a very interesting program. That problem is getting a great deal of attention recently with the combination of the ground water that is occurring in these KARST areas with the manure run off.

RC&D – Kim Goerg, RC&D Coordinator, reported as a federal employee he works in two worlds. The Federal calendar year which ended September 30th. And for the RC&D Council, he works in the real world of twelve months ending on December 31st. During the federal year RC&D completed seven projects. The Council received over \$800,000 in project funding in contracts and grants they have utilized during that fiscal year of twelve months. They just recently completed the final draft of their long range plan which goes for five years which starts 2009 – 2014. It's going to be coming up at the next council meeting which is October 29th and is being held in Oconto County. They will then review the draft of their long range plan one last time. They will be drafting their 2009 plan of work which is coordinated with this area plan. In their 2009 draft they have approximately ten – twelve projects listed that are approved already.

Monthly Budget Review

Motion by Baier, second by Matteson, to approve the monthly budget summary for September of 2008 for the Land & Water Conservation Department, Wildlife Damage Program, and AIS Program. Motion carried, all ayes.

Travel Authorization

Motion by Petroskey, second by Matteson to approve attendance at the following meetings. Motion carried, all ayes.

- October 29 Lumberjack RC&D Meeting Gillett, Oconto County
- November 8 State Poster & Speaking Contest Stevens Point, Wisconsin
- December 10 – 12 WLWCA Annual Conference Appleton, Wisconsin

Approval of invoices, purchase orders, and line item transfers

Motion by Baier, second by Petroskey to approve the invoices as presented. Motion carried, all ayes. A list of the approved bills is attached to the minutes.

Items for the next meeting agenda

Items to be determined at a later date.

Adjourn

The meeting adjourned at 11:45 a.m. Motion by Baier, second by Petroskey. Motion carried, all ayes.

Thomas Rudolph
Chairman

Nancy Hollands
County Conservationist