



**Walworth County
Land Conservation Committee Meeting
Monday, July 14, 2014 at 2:00 p.m.**

**Walworth County Government Center
County Board Room 114
Elkhorn, WI 53121**

Land Use and Resource
Management Department

***Nancy Russell – Chair Charlene Staples - Vice Chair Daniel Kilkenny - Supervisor
William Leedle – USDA/FSA Representative Rosemary Badame – Citizen Member***

(Posted in Compliance with Sec. 19.84 Wis. Stats.)

It is possible that a quorum of the County Board or a committee of the County Board could be in attendance.

AGENDA

1. Call to order
2. Roll call
3. Approval of the Agenda Pg. 1
4. Approval of Minutes from June 16, 2014 LCC Meeting Pg. 2-3
5. Public Comment
6. Discussion/Possible Action – Correspondence from Supervisor Charlene Staples regarding concerns about the planned expansion of Enbridge Energy’s Line 61 – Charlene Staples Pg. 4
7. Discussion/Possible Action – 2013 - 2014 LWRM Landowner Contracts- DATCP Funding For Implementation Of Conservation Practices With State Cost Sharing Monies - Louise Olson Pg. 5
8. Discussion/Possible Action – Nonmetallic Mining Reclamation Ordinance – Chapter 26, Article VI – Review of Determination per Statute §68.11 – Fay Amerson Pg. 6-8
9. Next meeting date: Monday, August 18, 2014, 2:00 p.m.
10. Adjournment

**Submitted by: Michael P. Cotter, Director, Land Use and Resource Management Department,
Louise Olson, Deputy Director, Land Conservation Committee Designee**

Posted: July 9, 2014

Walworth County Land Conservation Committee

MINUTES

June 16, 2014 – 2:00 p.m.

County Board Room 114 – Government Center
Elkhorn, Wisconsin

*** * DRAFT * ***

The meeting was called to order at approximately 2:15 p.m. by Chairperson Russell.

Roll call – In attendance were Chairperson Nancy Russell, Vice Chairperson Charlene Staples, Supervisor Daniel Kilkenny, and Citizen Member Rosemary Badame. USDA Representative William Leedle was absent. A quorum was declared.

Others present – David Bretl, County Administrator; Michael Cotter, Deputy Corporation Counsel/LURM Director; Louise Olson, Deputy LURM Director; Fay Amerson, Urban Conservation Specialist; Maegan Sankey, Conservation Tech/Code Enforcer; Brian Smetana, Sr. Rural Technician, citizen Merilee Holst, Tim Brellenthin and Kathy Ingersoll.

Approval of the agenda was moved and seconded by Badame and Staples, with no withdrawals, and carried 4 – 0.

Approval of the April 21, 2014 Land Conservation Committee meeting minutes were moved and seconded by Staples and Badame, with no withdrawals, and carried 4 – 0.

Public comment: None.

Discussion / Possible Action – SE Area Land & Water Conservation Association (LWCA) Meeting, June 4th update – Lou Olson. Review by Lou Olson regarding the meeting held on June 4, 2014 and their process of appointments and future meetings. Olson and Badame attended LWCA Meeting. LWCA Handbook received at the meeting was distributed. Olson indicates there will be notification of future Tours. Chair Russell states the tours are very interesting and comprehensive.

Discussion/Possible Action – SE Area LWCA Appointments/ Staff and LCC Representative – Lou Olson Discussion by the Committee regarding the local representative on the SE LWCA Committee. Rosemary Badame has been the Walworth County Representative in the past. Chair Russell inquires of County Board Committee Members their interest to serve on this Committee. Rosemary Badame indicates willingness to serve. Appointing Rosemary Badame as the LWCA representative was moved and seconded by Staples and Kilkenny, and carried 4 – 0.

Discussion/Possible Action – Farmland Preservation Non Compliance Recipients (Keizer Brothers/Albert Keizer, Henry D. Keizer, David W/Carol Unger-Keizer, Beth Keizer, David Keizer & Jack Keizer, Jacob Keizer Trust, Jacob Keizer Life Estate, Jack E. Keizer, Jeanne A. Loback, William C. Johnson Trust, Eugene J./Donna M. Frodl, Gilbert/Mary Mawhinney, Rick J./Mary L. Bergendal, Alvin Susina, Marilyn L. Susina Trust, Kenneth Stopple, Robert Reese, Barbara Jean Schinke Trust/Dorothy M. Papenfus) – Brian Smetana. Discussion by Brian Smetana regarding property owners of A1 land being voluntarily

removed from Farmland Preservation tax credit program. Lou Olson indicates the Certificate of Non-compliance is signed by the property owners and then countersigned by the Department and mailed to the Department of Ag/Department of Revenue regarding the claiming of the farmland tax credit. Acceptance of the voluntary removal certificate and submission by the Land Conservation Committee was moved and seconded by Kilkenny and Badame, and carried 4-0.

Discussion/Possible Action – Correspondence from the State of Wisconsin Department of Natural Resources regarding the proposed state purchase of 17.04 acres of land for the Stream Bank Protection Fee Program in the Town of East Troy - Michael Cotter. Motion was made and seconded to put the matter on file by Kilkenny and Badame, and carried 4-0.

Discussion/Possible Action – Nonmetallic Mining Reclamation Ordinance – Chapter 26, Article VI – Review of Determination per Statute §68.11 – Fay Amerson. Discussion of ordinance amendments concerning the review of a determination. Discussion by Fay Amerson regarding amendments to the non-metallic mining ordinance to provide for a review of a determination by the LCC Committee. Statements by Kilkenny regarding further clarification regarding the role of the LCC and their options under the review of a determination. Discussion by Bretl and Cotter regarding the purpose of the amendment and purpose of the review. Chair Russell recommends Bretl and Cotter to review. Motion was made and seconded to hold this matter until the next meeting by Kilkenny and Badame, and carried 4 – 0.

Discussion/Possible Action – Review status of the B.R. Amon and Sons Gravel Pits – Fay Amerson. Review by Fay Amerson of the status of the numerous Amon sites in the county and new owners/operators of the sites in receivership. Statements by Cotter regarding the Potter Road pit and shingle operation.

Chairperson Russell did not have any announcements.

The next regular meeting of the land conservation committee was confirmed for Monday, July 14, 2014, 2:00 p.m.

Adjournment. On motion and second by Kilkenny and Badame, Chairperson Russell adjourned the meeting at approximately 2:54 p.m.

Respectfully submitted by Sheril Oldenburg, LURM Assistant.
These minutes are subject to approval by the committee.



June 26, 2014

Walworth County Board of Supervisors
100 W. Walworth St.
Elkhorn WI 53121

Board of Supervisors

RE: Concerns about planned expansion of Enbridge Energy's Line 61

Fellow County Board Supervisors:

The Wisconsin D.N.R. has approved an air permit that gives Enbridge Energies the ability to triple the capacity in their tar sands pipeline which travels through the western portion, and my District, of Walworth County. This pipeline, known as Pipeline 61, would transport tar sand oil, which has the consistency of peanut butter and would be mixed with many chemicals, including benzene. Pipeline 61 currently transports 560,000 barrels a day of tar sands oil with a projected increase to 1.2 million barrels a day by 2016.

Enbridge has a dismal safety record. According to Wisconsin State Journal, a 2012 rupture in an Adams County Enbridge pipeline spilled about 50,000 gallons of tar sand oil and contaminated 17,000 tons of soil. Another 2010 malfunction in an Enbridge line in Kalamazoo, Michigan dumped over one million gallons of crude oil, contaminating over 35 miles of the Kalamazoo River. Four years later and at a cost of over one billion dollars, the cleanup from this spill continues.

I have great concerns regarding the negative impact a spill or rupture would have on our aquifers, wild life and soil quality, along with the harmful effect it would have on tourism and agriculture.

Both Jefferson and Dane Counties have passed resolutions urging Wisconsin to reject the air permit and undertake a full environmental assessment along with public hearings, due to the enormous environmental and economic damage a spill would cause.

I request that this letter be referred to the Land Conservation committee or appropriate committee for discussion and possible action. If Enbridge does not address our safety concerns, I believe the board should go on record opposing Enbridge's increased use of this pipeline and require Enbridge to schedule a hearing with the Walworth County Board of Supervisors, followed by a public hearing.

Sincerely,

Charlene Staples
Supervisor Charlene Staples, District 5
Walworth County Board of Supervisors

ORDINANCE NO. ** – **/2014

(Nonmetallic Mining Reclamation)

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That section 26-310 of the Walworth County Code of Ordinances is hereby amended**
2 **to read as follows (additions are underlined; deletions are shown in strike-through text):**
3

4 **“Section 26- 301. Review of Nonmetallic Mining Reclamation Permit Decision.**

5 Any permitting decision or action made by the county under this article may be reviewed as set forth
6 in this section. Notwithstanding, Wis. Stats. § 68.001. 68.03(8) and (9), and 68.10(1) (b), any
7 person who meets the requirements of Wis. Stats. § 227.42(10), may request ~~a contested case~~
8 ~~hearing~~ a hearing under Wis. Stats. §68.11, on the county’s decision to issue, deny or modify a
9 nonmetallic mining reclamation permit using the following procedures

- 10
- 11 1. **Request for hearing on a permit decision.** The appellant or the person aggrieved by the
12 approval, modification or denial of a Nonmetallic Mining Reclamation Permit shall submit a
13 written request for an administrative hearing within 30 days of notice of the permit
14 determination to the Director of Walworth County Land Use and Resource Management
15 Department and the Wisconsin Department of Natural Resources, pursuant to NR 135.53.
16
- 17 (a) The request shall state the ground or grounds upon which the person aggrieved contends the
18 permit decision should be modified or reversed. The person aggrieved shall file written
19 evidence or argument in support of their position.
20
- 21 (b) The request shall include a hearing fee.
22
- 23 2. **Administrative Hearing on a Nonmetallic Mining Reclamation Permit Decision**
24
- 25 (a) If such a hearing is requested, the Director of the Walworth County Land Use and Resource
26 Management Department will notify the Walworth County Land Conservation Committee of
27 the request and their responsibilities for conducting an administrative hearing of permit
28 determination, if requested by the Appellant. The Walworth County Land Conservation
29 Committee will determine if the Committee will hear the appeal of the permit decision or
30 designate an impartial person to conduct the hearing and make the final permit
31 determination.
32
- 33 (b) Time of Hearing. The hearing shall be conducted within 15 days of the receipt of the request
34 for a hearing from the appellant. The time of the hearing may be extended by agreement with
35 appellant and the Director of the Walworth County Land Use and Resource Management
36 Department.
37

1 (c) Conduct and Record of the Hearing. The hearing shall be conducted pursuant to 68.11(2) of
2 the Wis. Stat. The person or board conducting the hearing shall record the hearing consistent
3 with 68.11(3)
4

5 **3. Final Determination of a Nonmetallic Mining Reclamation Permit Decision.**

6 Within 20 days of completion of the hearing and the filing of any briefs, the decision maker
7 shall review the record of the hearing and mail or deliver to the appellant a written
8 determination and reasons therefor. This determination is a final nonmetallic mining
9 reclamation permit decision.
10

11 **4. Judicial Review of a Final Determination of a Nonmetallic Mining Reclamation Permit**
12 **Decision.**

13 The Appellant may seek judicial review within 30 days of receipt of the final
14 determination of a permit decision. The Walworth County Circuit Court may affirm or
15 reverse the final determination of a permit decision or remand to the decision maker further
16 proceedings consistent with the court's decision.
17

18 **PART II:** That this ordinance shall become effective upon passage and publication.
19

20 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this ** day of
21 month/year.
22

23
24 _____
25 Nancy Russell
26 County Board Chair

Kimberly S. Bushey
Attest: County Clerk

27
28
29 County Board Meeting Date:

30 Action Required: Majority Vote _____ Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl Date
County Administrator/Corporation Counsel

Nicole Andersen Date
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.

