



**Walworth County
Land Conservation Committee Meeting
Monday, June 16, 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 Pg. 1
3. Approval of the Agenda
4. Approval of Minutes from April 21, 2014 LCC Meeting Pg. 2-3
5. Public Comment
6. Discussion/Possible Action – SE Area Land & Water Conservation Association (LWCA) Meeting, June 4th update – Lou Olson
7. Discussion/Possible Action – SE Area LWCA Appointments/ Staff and LCC Representative – Lou Olson
8. 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 Stopples, Robert Reese, Barbara Jean Schinke Trust/Dorothy M. Papenfus) – Brian Smetana
9. 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 Pg. 4-5
10. Discussion/Possible Action – Nonmetallic Mining Reclamation Ordinance – Chapter 26, Article VI – Review of Determination per Statute §68.11 – Fay Amerson Pg. 6-7
11. Discussion/Possible Action – Review status of the B.R. Amon and Sons Gravel Pits – Fay Amerson
12. Next meeting date: Monday, July 14, 2014, 2:00 p.m.
13. Adjournment

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

Posted: June 11, 2014

Walworth County Land Conservation Committee
MINUTES
April 21, 2014 – 2:00 p.m.

County Board Room 114 – Government Center
Elkhorn, Wisconsin

The meeting was called to order by LURM Director Michael Cotter at 2:00 p.m.

Roll call - Committee members present included: Supervisors, Kilkenny, Russell, Staples. USDA/FSA Representative Leedle and Citizen Member Badame. A quorum was declared.

County staff present – David Bretl, County Administrator; Michael Cotter, Director of Land Use & Resource Management (LURM); Louise Olson, Deputy Director, LURM; and Wendy Boettcher, Recording Secretary.

Others present – Greg Igl, NRCS/ Area Representative, David Gundlach, NRCS Acting DC, Merilee Holst.

Approval of the agenda was moved and seconded by Kilkenny and Russell, with no withdrawals, and carried 5 – 0.

Approval of the February 17, 2014 Land Conservation Committee meeting minutes were moved and seconded by Kilkenny and Russell, with no withdrawals, and carried 5 – 0.

Public comment: None.

Chairperson Nominations/Elections – **Supervisor Kilkenny nominated Supervisor Nancy Russell, seconded by Badame; there were no other nominations. Nominations were closed. Motion carried 5-0**

Supervisor Kilkenny moved to close nominations and asked for unanimous consent for the election of Supervisor Nancy Russell as Chair. Seconded by Supervisor Staples. Motion carried 5-0

Vice-Chairperson Nominations/Elections – **Supervisor Kilkenny nominated Charlene Staples as Vice-chair, seconded by Badame. There were no other nominations. Nominations were closed. Motion carried 5-0.**

Supervisor Kilkenny moved to close nominations and appoint Charlene Staples as Vice-Chair by unanimous consent. Seconded by Badame. Motion carried. 5-0.

Role and Responsibilities of the Land Conservation Committee - Louise Olson briefly reviewed the LCC's programs and statutory requirements and offered to talk with anyone who had questions. The roles and responsibilities booklet have been distributed and briefly reviewed at the meeting.

Walworth County Lake Districts, 2014 – Louise Olson said she had started contacting people who were incumbents or showed interest; all incumbent citizen members expressed interest in the various lake districts. First choice to sit on a lake district goes to interested LCC members

followed by county board members and then interested citizens. Chair Kilkenny said he would be interested in Lake Comus for another term. Mr. Bretl will be sending a letter with the list of interested individuals and notifying county board members of their right to request appointments to the various Lake District positions. Selections would then go to the County Board as appointments.

Discussion/Possible Action – 2014 USDA Farm Bill Highlights – Louise Olson (enclosure) Olson introduced USDA/ NRCS Representative Greg Igl to address the recent Farm Bill Highlights with more to come.

NRCS District Conservationist Greg Igl commented on the 2014 Farm Bill, the NRCS WI Report 2013, and announced staff changes. Greg Igl is now an Area Resource Conservationist responsible for 18 counties. David Gundlach, a District Conservationist in Rock County, will take on Greg Igl's responsibilities in Walworth County. Also a new soil conservationist will be hired for the Elkhorn USDA office.

Discussion/Possible Action - 2013 summary of Wisconsin conservation from the USDA Natural Resources Conservation Service (enclosure)

Some highlights this year, in addition to program reports:

- Winter Bale Grazing in Waupaca, Wisconsin – page 4
- Landscape Initiatives – Great Lakes and Phosphorus Reduction in the Fox River, Green Bay, page 10-11
- Top 40 Conservation Practices - Page 18-19

Discussion/Possible Action - "WLWCA Opposes Changes to Existing Regulations of High Capacity Well Permits until the Completion Of DNR Initiated Groundwater Studies." – Lou Olson (enclosure). No action was taken.

Chairperson Russell did not have any announcements but did ask the LURM conservation staff attend a future meeting in order to give the Committee a rundown of the responsibilities of the LURM conservation staff.

The next regular meeting of the Land Conservation Committee was confirmed for Monday, May 19, 2014, 2:00 p.m.

Adjournment. On motion and second by Supervisor Kilkenny and Citizen Member Badame, Chairperson Russell adjourned the meeting at approximately 2:38 p.m.

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

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



May 17, 2014

RECEIVED

FM 10206

NANCY RUSSELL
County Chairman
1720 FAIRVIEW DR
LAKE GENEVA, WI 53147

MAY 22 2014

Sender's Direct Line: 608-266-2136

WALWORTH COUNTY BOARD

Dear Chairperson:

The Department would like to inform you of the proposed state purchase of 17.04 acres of land for the STREAM BANK PROTECTION FEE PROGRAM in the Town of EAST TROY. The site is shown on the attached map. The land will be managed for conservation and public recreational use. This property is being acquired from a willing seller at appraised value.

We are notifying you of this purchase so that you know of Department activities in the project. For all transactions we notify the Town Chairman, the County Chairman, the State Representative, and the State Senator for the area.

The state biennial budget bill includes a provision requiring a Department notice to your Board and alerting you that your Board may adopt a resolution. While the board is not obligated to hold a meeting or adopt a resolution, if you decide to do so, the Department contact is:

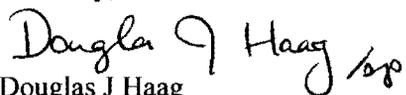
JAMES JACKLEY, 414-263-8616
2300 N ML KING
MILWAUKEE, WI 53212
james.jackley@wisconsin.gov

If you decide to adopt a resolution for or against this purchase of land for conservation purposes, it must be adopted within 30 days of receipt of this letter. While nonbinding, the Department will consider the resolution. The deadline for sending a resolution to me is June 19, 2014.

If you would like more information, or have questions or concerns about the purchase, please contact me at the above address or at 608-266-2136 by June 20, 2014.

Thank you for this consideration.

Sincerely,


Douglas J Haag
Deputy Facilities and Lands Bureau Director

Attach.

Walworth County Nonmetallic Mining Reclamation Ordinance

Review of Permit Decision.**Amendment to Chapter 26, Article VI Nonmetallic Mining Reclamation**

Purpose of Ordinance Amendment : Clarify the procedures for the review of a permit decision or determinations made by the Walworth County Land Use and Resource Management executing their authority to regulation reclamation of nonmetallic mining activities within Walworth County.

Section 26- 301. Review of Permit Decision.

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

A person who meets the requirements of Section 227.42 (1) of the Wisconsin State Statues and whose rights, duties or privileges are adversely affected the Walworth County's decision to issue, modify or deny a nonmetallic mining reclamation permit, subject to this Article, has the right to challenge the decision using the following procedures.

1. **Initial Review of Determination.** The Appellant or the person aggrieved by the approval, modification or denial of a Nonmetallic Mining Reclamation Permit shall submit a written request for review within 30 days of notice of the permit determination to the Director of Walworth County Land Use and Resource Management Department and the Wisconsin Department of Natural Resources, pursuant to NR 135.53.

The Director of the Walworth County Land Use and Resource Management Department will notify the Walworth County Land Conservation Committee of the request and their responsibilities for hearing an administrative appeal of the initial review of determination if requested by the Appellant. The Walworth County Land Conservation Committee will determine if the Committee will hear an appeal of the initial decision or designate an impartial person to conduct the hearing and report back to the Land Conservation Committee .

The request shall state the ground or grounds upon which the person aggrieved contends the permit decision should be modified or reversed. The person aggrieved may file written evidence or argument in support of their position.

Decision on Review of Initial Determination. After receipt of the Wisconsin Department of Natural Resources review of the permit decision, the Director or the Director's Designee of the Walworth County Land Use and Resource Management Department may affirm, reverse or modify the determination within 15 working days of receipt of the

- request for review. The time review may be extended by agreement with the person aggrieved. A copy of the Review shall be mailed or delivered to the person requesting the review and shall state the reason for the decision . The decision shall advise the person aggrieved of the right to appeal the decision, the time with which the appeal shall be taken and the office or the person with whom the notice of appeal shall be filed.
2. Administrative Appeal of Initial Determination.
The Appellant may appeal an Initial Determination within 30 days of notice of such decision. The written notice of appeal must be filed with the Clerk of Walworth County.
 3. Within 15 days of the receipt of notice, the Walworth County Land Conservation Committee or the Committee's Designee, shall conduct an administrative hearing, consistent with Section 68.11 of the Wisconsin Administrative Code, Municipal Administrative Procedure.
 4. Final Determination . Within 20 days of completion of the Administrative Appeal of the Initial Determination, and the filing of any briefs, the Walworth County Land Conservation Division shall review record of the hearing and mail or deliver to the Appellant its written determination and reasons therefor. The determination following the hearing is a final decision.
 5. Judicial Review. The Appellant may seek judicial review within 30 days of receipt of the County's final decision. The Walworth County Circuit Court may affirm or reverse the final determination or remand to the decision maker further proceedings consistent with the court's decision.