

WINNEBAGO COUNTY LAND CONSERVATION COMMITTEE (LCC)

Meeting Minutes of April 6, 2017

LWCD Conference Room, James P. Coughlin Center

Convene: The meeting was called to order by Vice Chairman Snider at 9:04 a.m.

Present: **LCC Members:** Bruce Bohn, Larry Kriescher, Guy Hegg, Tom Snider and Roger Zentner

LWCD Staff: Tom Davies, Chad Casper and Andrew Maracini, LWCD

Others Present: Mike Klich, All Saints Church

Absent: Chuck Farrey, excused & Nancy Barker

Confirm Meeting/Agenda has been Properly Public Noticed in Accordance with County Policy:

Vice Chairman Snider confirmed with Tom Davies that the meeting had been properly public noticed.

Approve March 2, 2017 LCC Meeting Minutes:

A Bohn/Kriescher motion to approve the March 2, 2017, LCC meeting minutes passed 3-0-2 (Hegg & Snider abstained).

Public Comment on Agenda Items:

Vice Chairman Snider informed Mr. Klich he would be allowed to speak when the LCC addressed agenda item E. regarding the All Saints Church. Mr. Klich agreed and made no comments.

Announcements:

- Tom D. announced that the LWCD would be conducting the annual “Tree Planting School” on Monday, April 10, 2017 at 5:00 p.m. for constituents that were planting trees this spring. Tom also mentioned that the “Annual Tree Sale” would be held the afternoon of April 20, 2017.
- Tom D. reminded the LCC of the citation sent to Paul Knier for allowing his livestock waste storage facility to overflow. Mr. Knier’s court date is set for April 11, 2017 at 9:00 p. m.
- Tom D. distributed an article from NRCS featuring a Winnebago County producer and Merrie Schamberger, NRCS.
- Tom D. provided the LCC with the March 2017 DATCP Report for their review.

Chairman’s Report:

Vice Chairman Snider provided comment at the request of Chairman Farrey on his behalf.

Chairman Farrey wanted to know why the LWCD was considering reducing cost sharing on some BMPs if we have adequate funding.

Business Items:

As a curtesy to Mr. Klich, Vice Chairman Snider asked for a motion to move agenda item E. to the first item of business on the agenda. A Kriescher/Hegg motion to move agenda E. to the first item of business on the agenda passed 5-0.

Approve or Disapprove the Eligibility of the All Saints Lutheran Church (ASLC) in the Town of Algoma to Apply for Cost Sharing for a Well Abandonment Funded by the Winnebago County Water Quality Improvement Program (WQIP)

Tom D. informed the LCC that the decision to be made under this agenda item was to determine only if the ASLC was eligible to apply for cost sharing from the WQIP Well Abandonment Program. Tom D. provided the background information regarding the request of ASLC to receive

cost sharing for a well abandonment via the WQIP. The ASLC had connected to the Algoma Water Utility (AWU) and was going to abandon their existing well. They had been informed by letter from the AWU that getting cost sharing through the WCWQIP Well Abandonment Program might be an option. When Mr. Klich contacted the Land and Water Conservation Department to inquire about the cost share program, Tom D. informed him of the program's eligibility criteria "The well must be privately owned, it cannot be a municipal or commercial property well". Tom D. explained that the LWCD has always interpreted the criteria to mean a privately owned well servicing a single or two family residence. A church would be considered a public building similar to a commercial property therefore the ASLC is considered to be ineligible. Following Tom D.'s decision, Mr. Klich asked if he could appeal and Tom D. informed him it could be brought to the LCC for review. The background information summary ended at this time.

During the LCC review Mr. Klich referenced the letter from the AWU and commented on his request. The LCC asked Mr. Klich questions and discussed the criteria and how it related to a church. Tom D. also shared the guidance provide by John Bodnar, Corp Council which was that the essence of the criteria is that the funding is meant for wells that are privately owned by individuals and families. Following a lengthy discussion, a Hegg motion to deem the ASLC eligible to apply for cost sharing failed due to lack of a second. The ASLC remained ineligible for well abandonment cost sharing. The LCC asked Tom D. to include the terms "single or two family home" in the ownership criteria. Tom D. agreed it would be a good idea and would add the language.

Review and Approve or Disapprove Proposed Cost Sharing Changes on Well Abandonments Funded by the Winnebago County Water Quality Improvement Program

Tom D. reviewed the current Well Abandonment Cost Share Program and the reasons for the proposed changes to the cost share rates. Tom D. explained that due to a high demand for the funds, it would be beneficial to provide assistance to a larger group of people at a reduced rate for lower resource concern wells than to remain at full funding and reduce the number of people and even eliminate residence from receiving any funding. The LCC understood the reasoning behind the proposed changes but asked to have the criteria for what determines a "high" and a "low" resource concern well to be defined in the program document. Tom D. agreed to provide the criteria in the program for review at the next meeting. A Hegg/Bohn motion to table the agenda item passed 4-1 (Snider opposed).

Review and Approve or Disapprove Proposed Cost Sharing Changes on Wetland Scrapes Funded by the Winnebago County Water Quality Improvement Program

Tom D. explained the importance of funding upland projects based on sediment and phosphorus reduction and the return on investment for the pollutant load reduction achieved. Tom D. reviewed the proposed change from 70% to 50% cost sharing for wetland scrapes due to the lower return on investment as compared to other upland practices. Tom D. shared that DATCP had eliminated funding for wetland scrapes so this funding would still be extremely beneficial to our constituents. Following a brief discussion, a Bohn/Zentner motion to approve the new 50% cost share rate for wetland scrapes passed 5-0.

Review and Approve the 2018 Joint DATCP/DNR Nonpoint Source Grant Application

Tom D. reviewed the application and explained that it is an annual grant request that provides cost share dollars for landowner projects and funds to offset the cost of LWCD staff, which reduces the LWCD budget. Following a brief review and discussion a Kriescher/Hegg motion to approve the grant application for submittal to DATCP passed 5-0.

Report on the Lower Fox River Watershed (LFRW) TMDL Implementation Project

Tom D. informed the LCC that a letter would be going out within the next few weeks reminding the landowners in the LFRW that LWCD staff would be contacting them to review their facilities and cropland for compliance with the Ag Performance Standards. The letter would also be asking them to be receptive to learning about what the TMDL program offered. Tom D. explained that cropland was being inventoried via aerial photos and by utilizing the EVAAL modeling data to focus on the main loading areas to make the farm inventory process more efficient.

Report on the Winnebago Waterway Program (WWP)

Chad Casper reported on the current happenings with the WWP. Chad informed the LCC that a draft “Tri-County Agreement” is done and is being reviewed by the three county leaders. Chad also invited the LCC to the WWP Kick-off celebration event scheduled for April 27, 2017 at 6:00 p.m. to 8:00 p.m. at “The Waters” in Oshkosh. Chad also provided information about the three “Lake Management Planning Meetings” for the public to attend and give recommendations. Winnebago County’s meeting is scheduled for Thursday, May 18, 2017 at Woodeye’s in Winneconne. Chad also stated that things are progressing nicely under the direction of the new coordinator Korin Doering, FWWA. The LCC thanked Chad for his fine report.

Review and Approve Winnebago County Water Quality Improvement Program Cost Share Agreements (CSA) to Provide Funding for Eligible Projects

There were no CSAs so the LCC took no action.

Report on Phase One of the Winnebago County MS4 Evaluation Conducted by the WDNR

Andy Maracini distributed a summary sheet outlining what the MS4 consists of and how it changed with the census. Andy also reviewed the evaluation process and how the WDNR has expanded what the County needs to consider as the MS4. Tom D. explained that he sees the evaluation process as positive thing by bringing all the departments involved together into one MS4 implementation team. Andy went on to explain that the second phase will be an in-field / onsite review with WDNR staff followed by a final list of compliance requirements that will need to be addressed. The LCC thanked Andy for all his hard work on the MS4 Permit.

Review and Approve or Disapprove the LWCD Applying for a WDNR Urban Nonpoint Source and Storm Water (UNPS&SW) Program Planning Grant

Tom D. explained that the modeling for the MS4 needed to be redone to include the new county road sections added since the 2010 census and to add the reduction numbers for phosphorus along with sediment. Tom also stated that the new TMDL requirements must also be included in the remodeling calculations and to offset some of the engineering costs associated with the modeling the LWCD would like to pursue a Storm Water Planning Grant from WDNR. Should the grant be awarded, it would reduce the modeling cost by about 50%. The balance of modeling costs will be expensed to the Highway Department. Following the discussion, a Hegg/Kriescher motion to allow the LWCD to apply for the grant passed 5-0.

Review the LWCD Project List

The LCC reviewed the list and discussed the new additions.

A Bohn/Zentner motion to adjourn the meeting at 10:52 a.m. passed 5-0.

Tom Davies, Recorder