

**SEPTEMBER SESSION
KEWAUNEE ADMINISTRATION CENTER
SEPTEMBER 23, 2014**

The meeting of the Kewaunee County Board of Supervisors was called to order by the Kewaunee County Chairman, Ron Heuer, on September 23, 2014 at 6:00 PM.

The Pledge of Allegiance was recited, followed by prayer.

Roll Call: Supervisors Benes, Cravillion, Garfinkel, Haske, Heidmann, Heuer, Jahnke, Kirchman, Luft, Mastalir, Paape, Pagel, Paider, Reckelberg, Romdenne, Shillin, Sinkula, Tebon, Wagner and Weidner (20) were present.

Supervisors Weidner moved and Paider seconded to approve the County Board agenda. Motion carried.

APPOINTMENT

Pursuant to Wisconsin Statutes 59.18(2)b, I hereby make the following appointment subject to County Board approval, to the position of Kewaunee County Emergency Management Director:

Effective: September 11, 2014
Tracy Nollenberg
E4818County Road 0
Kewaunee, WI 54216

APPOINTMENT

Pursuant to Wis. Stats. 59.54 (8), I hereby make the following appointments to the "Local Emergency Planning Committee."

Classification	Term (9/12/2014 - 9/12/16)
Elected Local Official (group 1)	Kaye Shillin Ken Tebon Jeff Vollenweider
Law (group 2)	Matt Joski John Massart
Emergency Management (group 2)	Tracy Nollenberg
Fire (group 2)	Greg Hlinak
Transportation (group 2)	Todd Every
Environmental (group 2)	David Allen
Community Groups (group 4)	Jack Novak - Rotary Club Joy Krieger - Chamber
Print Media (group 3)	J. T. Pelt
Facility Operators (group 5)	Green Bay Water Utility - Tom Landwehr Luxemburg Water Utility - Rick Simonar Algoma Utility - Peter Haack Agropur Inc - Ted Winkelman Kewaunee Power Station - Ted Maloney Kewaunee Water Utility - Charles Petersen
Public Health (group 2)	Cindy Kinnard

Supervisors Benes moved and Reckelberg seconded for approval of the above appointments. Motion carried.

ANNUAL REPORTS

Kewaunee County Family Court Commissioner – William Wolske

REPORT

Kewaunee County Violence Intervention Project – Laura Giddley

Committee Reports:

- Highway/Solid Waste Committee - Supervisor Kirchman
- Personnel, Advisory & Legislative Committee – Supervisor Heuer (corrected minutes regarding the vote)
- Health, Vets and Child Support Committee – Supervisor Shillin
- University Extension & Zoning Committee - Supervisor Romdenne
- Land & Water Conservation Committee – Supervisor Pagel
- Law Enforcement & Emergency Management Committee – Supervisor Weidner
- Finance & Public Property Committee - Supervisor Luft
- Human Services Committee – Supervisor Sinkula
- Promotion & Recreation Committee – Supervisor Heidmann
- Bay-Lake Regional Planning – Supervisor Wagner
- Revolving Loan Fund Committee – No Meeting

Citizens Input:

Supervisor Haske made a motion for a unanimous consent from the County Board to extend Citizens Input for ten minutes, seconded by Garfinkel. Motion carried.

The following citizen's spoke regarding the Public Health and Groundwater Protection Ordinance:

Randy Ebert, Judy Treml, Dick Swanson, Joseph Musial, John L. Reinke, Chuck Kinnard, Dennis Kinnard, Jodi Parins, Lynda Cochart, Bill Iwen, Joel Kitchens and Dean Debroux.

First Reading of Ordinance:

None

Consideration of Bills for September:

Supervisors Heidmann moved and Cravillion seconded for approval of the bills. Motion carried.

Board recessed at 7:17 p.m. until 7:37 p.m.

Consideration of Resolutions:

RESOLUTION NO. 15-9-14

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH KEWAUNEE COUNTY COURTHOUSE EMPLOYEES, LOCAL 2959, AFSCME, AFL-CIO

TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

WHEREAS, negotiations have been conducted between the Personnel, Advisory, and Legislative Committee of the Kewaunee County Board and the Bargaining Committee of Local 2959, AFSCME, AFL-CIO, on behalf of the courthouse employees of Kewaunee County; and

WHEREAS, the successor agreement reached between the above-mentioned parties is attached hereto and incorporated herein by reference as if fully set forth herein; and

WHEREAS, the membership of the Local 2959 has ratified the proposal for a successor agreement with Kewaunee County.

NOW, THEREFORE, BE IT RESOLVED, that the Kewaunee County Board of Supervisors, duly assembled this 23rd day of September 2014, hereby approves and ratifies the 2014 Collective Bargaining Agreement between Kewaunee County and Local 2959.

Respectfully Submitted,

Personnel, Advisory & Legislative Committee

HEIDMANN, HEUER, KIRCHMAN, LUFT, PAGEL, ROMDENNE, SHILLIN, SINKULA, WEIDNER

**COLLECTIVE BARGAINING AGREEMENT
COURTHOUSE EMPLOYEES**

THIS AGREEMENT made and entered into at Kewaunee, Wisconsin, by and between the Kewaunee County Board of Supervisors, hereinafter referred to as the "County", and the Kewaunee County Courthouse Employees, Local 2959 of the Wisconsin Council of County and Municipal Employees #40, AFSCME, AFL-CIO, hereinafter referred to as the "Union".

- 1. Recognition.** County recognizes the Union as the exclusive bargaining agent of all employees of Kewaunee County employed in the Courthouse and associated departments, excluding elected officials, supervisory, managerial, confidential, and deputized law enforcement employees, professional employees in the Department of Human Services and Public Health, and Highway Department employees, other than secretarial-clerical employees, in regard to base wage.
- 2. Term.** This agreement is effective retroactive to January 1, 2014 and remains in effect to and including December 31, 2014.
- 3. Wages.** Total base wages paid to employees shall remain unchanged for calendar year 2014. County will adhere to the pay schedule attached hereto for calendar year 2014.
- 4. Complete Agreement.** This document contains all the terms of agreement between the parties hereto:

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, by their duly authorized representatives this ____ day of September 2014.

Kewaunee County

Kewaunee County Courthouse
Employees Local 2959, Wisconsin
Council of County and Municipal
Employees #40 AFSCME, AFL-CIO

Ron Heuer, Chairman

President

Edward J. Dorner, Administrator

Secretary

District Representative

Class Grade 7	Class Grade 6	Class Grade 5
Accounting Specialist	Assistant EM Director	Account Clerk II
Child Support Specialist	Account Clerk III	Clerk of Court Assistant
		Emergency Management Assistant
Custodian/Maintenance	Child Support Worker	Legal Secretary
Payroll Technician	Deputy Clerk of Courts	Medical Records Assistant
Economic Support Specialist	Deputy County Treasurer	Register in Probate Secretary
	Deputy Register in Probate	Register of Deeds Secretary
	Deputy Register of Deeds	
	Human Services	
	Administrative Assistant	Sheriff's Assistant
	Judicial Administrative Assistant	
	LIO Administrative Assistant	
	Program Specialist	
	UW Extension Program Assistant	
	Veteran's Services	
	Administrative Assistant	
	Zoning Administrative Assistant	
	Deputy County Clerk	
Class Grade 4	Class Grade 3	Class Grade 2
Account Clerk I	Human Services Clerk	Custodian
Aging Unit Secretary		
Clerk of Court Secretary		
District Attorney Secretary		
Health and HS Secretary		
Hwy/Promotions & Recreation Secretary		
Human Services Secretary		
Land & Water Conservation Secretary		
Public Health Secretary		
WIC Aide		

	7	6	5	4	3	2
Step 5	21.02	19.60	18.29	17.11	16.03	14.99
Step 4	20.13	18.78	17.57	16.49	15.50	14.57
Step 3	19.20	18.00	16.89	15.87	14.94	13.99
Step 2	18.33	17.19	16.18	15.26	14.39	13.48
Start	17.41	16.41	15.49	14.67	13.88	12.93

Supervisors Heidmann moved and Romdenne seconded for adoption. Roll call vote: 19 ayes, 1 naye (Wagner). Motion carried.

RESOLUTION NO. 16-9-14

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH KEWAUNEE COUNTY PROFESSIONAL EMPLOYEES, LOCAL 2959A, AFSCME, AFL-CIO

TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

WHEREAS, negotiations have been conducted between the Personnel, Advisory, and Legislative Committee of the Kewaunee County Board and the Bargaining Committee of Local 2959A, AFSCME, AFL-CIO, on behalf of the professional employees of Kewaunee County; and

WHEREAS, the successor agreement reached between the above-mentioned parties is attached hereto and incorporated herein by reference as if fully set forth herein; and

WHEREAS, the membership of the Local 2959A has ratified the proposal for a successor agreement with Kewaunee County.

NOW, THEREFORE, BE IT RESOLVED, that the Kewaunee County Board of Supervisors, duly assembled this 23rd day of September 2014, hereby approves and ratifies the 2014 Collective Bargaining Agreement between Kewaunee County and Local 2959A.

Respectfully Submitted,
 Personnel, Advisory & Legislative Committee
 HEIDMANN, HEUER, KIRCHMAN, LUFT, PAGEL, ROMDENNE, SHILLIN, SINKULA, WEIDNER

**COLLECTIVE BARGAINING AGREEMENT
 PROFESSIONAL EMPLOYEES**

THIS AGREEMENT made and entered into by and between Kewaunee County, Wisconsin, hereinafter referred to as "County", and the Kewaunee County Professionals, Local 2959A, of the American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter referred to as the "Union".

5. **Recognition.** County recognizes Union as the exclusive bargaining representative of all regular full-time and regular part-time professional employees of Kewaunee County, excluding supervisory, managerial and confidential employees. Union is the exclusive bargaining representative of all such employees for the purposes of collective bargaining with the above named Municipal Employer, or its lawfully authorized representatives, on questions of base wage.
6. **Term.** This agreement is effective retroactive to January 1, 2014 and remains in effect to and including December 31, 2014.
7. **Wages.** Total base wages paid to employees shall remain unchanged for calendar year 2014. County will adhere to the pay schedule attached hereto for calendar year 2014.
8. **Complete Agreement.** This document contains all the terms of agreement between the parties hereto:

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, by their duly authorized representatives this ____ day of September 2014.

Kewaunee County

Kewaunee County Professional
Employees Local 2959A, Wisconsin
Council of County and Municipal
Employees #40 AFSCME, AFL-CIO

Ron Heuer, Chairman

President

Edward J. Dorner, Administrator

Secretary

District Representative

HS 3	28.89
HS 2	26.02
After 60 months	
After 48 months	23.89
After 36 months	22.92
After 24 months	22.26
After 12 months	21.40
HS 1 - Start	20.59

Public Health Nurses	
After 36 months	27.53
After 24 months	26.69
After 12 months	25.86
Start	24.78

Registered Nurses	
After 36 months	26.23
After 24 months	25.31
After 12 months	24.65
Start	23.73

Supervisors Mastalir moved and Paape seconded for adoption. Roll call vote: 19 ayes, 1 naye (Wagner). Motion carried.

RESOLUTION NO. 17-9-14

**APPROVING THE REVOLVING LOAN FUND APPLICATION OF:
D Lux Flooring, LLC**

TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:

WHEREAS, Kewaunee County created a revolving loan fund to encourage economic development in Kewaunee County; and

WHEREAS, D Lux Flooring, LLC, has developed a business plan to operate a flooring business in the Village of Luxemburg; and

WHEREAS, D Lux Flooring, LLC, has made application to the Revolving Loan Fund Committee for working capital to purchase inventory; and

WHEREAS, the Revolving Loan Fund Committee has considered the loan application and recommends approving a loan to D Lux Flooring, LLC, under the following general terms:

Principal: \$50,000.00
Interest: 4%
Repayment term: 7 years
Repayment schedule: Interest payments only the first year. Second and subsequent years principal and interest.
Security/Collateral: The loan is secured with second position on inventory and equipment. 100% personal guarantees from Frank and Lindy Dorn.

NOW, THEREFORE, BE IT RESOLVED, that the Kewaunee County Board of Supervisors, duly assembled this 23rd day of September 2014, that the Board hereby authorizes and approves the Loan Application of D Lux Flooring, LLC; and

BE IT FURTHER RESOLVED, the Revolving Loan Fund Administrator shall provide D Lux Flooring, LLC, with notice the loan was approved and negotiate the final terms of the loan in a manner not inconsistent with the general parameters outlined above and the policies and procedures of the Kewaunee County Revolving Loan Fund Manual.

Respectfully Submitted,
Revolving Loan Fund
CRAVILLION, HEUER, WEIDNER

FISCAL IMPACT STATEMENT: \$50,000.00 loan to D Lux Flooring, LLC of Luxemburg.
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Supervisors Tebon moved and Pagel seconded for adoption. Roll call vote: 20 ayes, 0 nays. Motion carried.

Consideration of Ordinances:

ORDINANCE NO. 173-9-14

KEWAUNEE COUNTY PUBLIC HEALTH AND GROUNDWATER PROTECTION ORDINANCE

THE KEWAUNEE COUNTY BOARD OF SUPERVISORS DO HEREBY ORDAIN AS FOLLOWS:

This ordinance is adopted under the authority granted by §§59.02, 59.03, 59.70 and 92.11 of the Wisconsin Statutes.

The Kewaunee County Board of Supervisors, duly assembled this 23rd day of September 2014, hereby adopt the Kewaunee County Public Health and Groundwater Protection Ordinance, as fully set forth in the attachment hereto.

Effective Date: This ordinance shall take effect upon passage and publication.

Respectfully Submitted,
Land and Water Conservation Committee
GARFINKEL, LUFT, PAGEL, PAIDER

**KEWAUNEE COUNTY
PUBLIC HEALTH AND GROUNDWATER PROTECTION
ORDINANCE
ORDINANCE # 173-9-14**

Section 1: Introduction.

- (1) Title. This ordinance shall be referred to as the Public Health and Groundwater Protection Ordinance.
- (2) Authority. This ordinance is adopted under authority granted by ss. 59.02, 59.03, 59.70 and 92.11, Wis. Stats.
- (3) Purpose and Intent. The purpose of this ordinance is to promote the health and general welfare of the public by protecting, and preventing the contamination of, groundwater quality in Kewaunee County by regulating local land use and management based upon vulnerable geographic considerations such as areas of shallow soil depth to carbonate bedrock, otherwise referred to as shallow Karst landscapes.

It is not the intent of this ordinance to supersede or replace the Wisconsin agricultural nonpoint pollution control performance standards and/or prohibitions found in NR 151, Wis. Adm. Code. The intent of this ordinance is to protect the public's health and welfare by preventing the contamination of the County's groundwater through local regulation of land use and management practices as they pertain to the land application of wastes on shallow Karst landscapes.

- (4) Declaration of Policy and Findings.

The Kewaunee County Board of Supervisors recognizes the importance of adopting a precautionary approach to protecting groundwater quality, and that proper land use and management contribute to the protection of groundwater quality; public health and welfare; and the property tax base of the County. The goal of this ordinance is to promote the protection of public health, safety and general welfare of the citizens of Kewaunee County through proper land use and management on geographically vulnerable areas, such as landscapes containing areas with twenty (20) feet or less of soil depth to carbonate bedrock.

As of May 2014, testing of 556 different private rural wells in Kewaunee County, coordinated by the Land and Water Conservation Department and the University of Wisconsin-Stevens Point Environmental Analysis Lab, has shown that 29.7% of the wells sampled throughout the County, were not safe for human consumption due to presence of coliform bacteria and/or nitrates above the human health standard of 10 parts per million. Furthermore, in the specific townships where the largest areas of shallow soil depth to carbonate bedrock occur in the County, the following percentages have been found as far as the amount of wells sampled that were not safe for human consumption due to presence of coliform bacteria and/or nitrates above the human health standard of 10 parts per million: Red River (42.4%), Lincoln (41.7%) and Luxemburg (30.6%).

Currently, NR 214, Wis. Adm. Code, regulates land application of liquid industrial wastewater, byproducts and sludge; NR 204, Wis. Adm. Code, regulates land application of municipal biosolids; NR 113, Wis. Adm. Code, regulates land application of septic tank and holding tank waste; and NR 151 and NR 243, Wis. Adm. Code, through USDA NRCS Nutrient Management Standard 590, regulate land application of animal waste. According to the November 2013 Wisconsin Nutrient Management Update, 79% (second within the state) of Kewaunee County's cropland was included in certified nutrient management plans on file with the Land and Water Conservation Department. Clearly, the County's high local percentages of wells testing positive for bacteria, and having nitrate levels above the health standard for safe human consumption, supports the conclusion that current regulations covering land application of wastes, in general, are inadequate for protecting human health in the County's shallow soil depth to carbonate bedrock landscapes.

The Kewaunee County Board of Supervisors makes the following findings of fact based on the best available science and monitoring:

- (a) *Based upon current records on file with the County, at a minimum, 554,990,508 gallons of liquid manure, not including additional other wastes, including septage, biosolids and industrial wastewater are applied to rural lands each year in the County.*
- (b) *Land applications of the above mentioned wastes significantly impact groundwater quality by:*
- (i) *Increasing the level of nitrate, particularly in geographically vulnerable areas. Refer to attached references:*
 - (ii) *Increasing the risk of pathogens and other contaminants, particularly in geographically vulnerable areas. Refer to attached references:*
- (c) *Testing of private drinking water wells indicate increased nitrate levels in Kewaunee County as follows. Refer to attached references:*
- (d) *Private drinking water wells have been compromised by other contaminants including hormones and pathogens. Refer to attached references:*
- (e) *Nitrates and other contaminants present environmental and public health risks. Scientific research shows that elevated concentrations of nitrate in groundwater, the most prevalent contaminant in Kewaunee County's groundwater, presents the risk of excessive consumption of nitrate in drinking water that has been associated with the risk of methemoglobinemia, or "blue baby syndrome", in humans. Refer to attached references:*
- (f) *Based on available data and past implementation experience in Kewaunee County, current generally accepted nonpoint source pollution abatement best management practices do not adequately protect the County's groundwater resources from contamination with excessive nutrients, microbial pathogens, and pharmaceuticals present in waste applied to the land. For example, according to 2013 data submitted to DATCP, nearly 80 percent of the county's cropland is covered by nutrient management plans. In addition, current performance standards in NR 151 do not effectively address applications of non-farm wastes on cropland. See NR 151.07(2), Wis. Adm. Code, which excludes the application of industrial waste and byproducts, municipal sludge regulated, and septage from nutrient management performance standard.*
- (g) *In addition to the findings in (f) above, research validates the limited benefits of currently accepted conservation practices in protecting public health and drinking water. Refer to attached references:*
- (h) *More specifically, the performance standards, prohibitions, conservation practices and technical standards developed under s. 281.16(3), Wis. Stats., are unable to adequately address relevant public health concerns due to multiple factors including the failure to adequately address vulnerable landscapes. Refer to attached references:*
- (i) *The following geographically vulnerable landscape features create unacceptably high levels of risk for groundwater contamination from waste applications:*
- (i) Landscapes containing areas with less than 5 feet (60 inches) of soil depth to carbonate bedrock pose an extreme vulnerability to contamination. (Erb, K. and R. Stieglitz; *Final Report of the Northeast Wisconsin Karst Task Force, February 9, 2007*)
 - (ii) There is a high probability of groundwater contamination when waste is applied to frozen, snow-covered or saturated ground in landscapes containing areas with less than 5 feet (60 inches) of soil depth to carbonate bedrock. (Erb, K. and R. Stieglitz; *Final Report of the Northeast Wisconsin Karst Task Force, February 9, 2007*)
 - (iii) There is a high probability of groundwater contamination when waste is applied to drainage features that contribute runoff water to landscapes containing areas with less than 5 feet (60 inches) of soil depth to carbonate bedrock. (Erb, K. and R. Stieglitz; *Final Report of the Northeast Wisconsin Karst Task Force, February 9, 2007*)
- (j) *Adequate land use and management controls offer the potential to more effectively manage the environmental and public health risks associated with the application of wastes on landscapes containing areas with less than 5 feet (60 inches) of soil depth to carbonate bedrock.*

(5) Applicability. This ordinance applies to all townships within Kewaunee County that adopt this ordinance by local referendum.

(6) Construction. This ordinance is to be interpreted liberally to affect the purposes of the ordinance. This ordinance does not abrogate, annul, impair, interfere with, limit, or repeal any existing ordinance or any other power granted by the Wisconsin Statutes.

(7) Severability. The provisions of this ordinance are severable. If any provision or its application to any person or circumstance is determined to be invalid, that invalidity will not affect any other provision or application that can be given effect without the invalid provision or application.

Section 2: Definitions.

In this ordinance:

"Direct conduits to groundwater", as per NR 151.002(11m), Wis. Adm. Code, means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, nonmetallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

"Frozen ground", as per NR 243.03(24), Wis. Adm. Code means soil that is frozen anywhere between the first ½ inch and 8 inches of soil as measured from the ground surface.

"Industrial wastewater" means wastewater from food, dairy, and other industrial facilities.

"Landscapes likely having areas twenty (20) feet or less in soil depth to carbonate bedrock" means those areas depicted on the "Depth to Bedrock Map - Figure D", developed by the United States Geology Survey and Wisconsin Department of Natural Resources, and previously approved by the Land and Water Conservation Committee, County Board, and the Wisconsin Department of Agriculture, Trade and Consumer Protection as part of the County's current *Land & Water Resource Management Plan – January 2010 through December 2019*, hereby incorporated by reference. See "Depth to Bedrock Map – Figure D" attached to this ordinance.

“LWCC” means the Kewaunee County Land and Water Conservation Committee.

“LWCD” means the Kewaunee County Land and Water Conservation Department.

“NRCS” means Natural Resources Conservation Service.

“Person” means an individual, corporation, partnership, cooperative association, limited liability company, trust, or other legal organization or entity.

“Saturated soils”, as per NR 243.03(57), Wis. Adm. Code, means soils where all pore spaces are occupied by water and where any additional inputs of water or liquid wastes cannot infiltrate into the soil.

“Septage”, as per NR 113.03(55), Wis. Adm. Code, means the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

“Sewage sludge”, “sludge” or “biosolids”, as per NR 204.03(55), Wis. Adm. Code, means the solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes scum or solids removed during primary, secondary or advanced wastewater treatment processes and material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. *(Note: All three terms defined here are interchangeable, and recognized by the LWCD, as they are all in common use.)*

“Sinkhole” means a point where surface water runoff disappears underground due to the fractured nature of the underlying bedrock.

“Snow-covered ground”, as per NR 243.03(60), Wis. Adm. Code, means areas of a field covered with any amount of snow.

“Swallet” means a place where water disappears underground in a limestone region.

“USDA” means United States Department of Agriculture.

“Waste” means septage, sewage sludge, sludge, biosolids, industrial wastewater, animal wastes, or any combination of these materials.

Section 3: Regulation of Local Soil and Water Resource Management Practices Pursuant to s. 92.11, Wis. Stats.

(1) Application of this ordinance in any town is subject to approval by a majority of all votes cast in the town in a referendum conducted in accordance with sec. 92.11(4), Wis. Stats., using the following question:

“Shall the town approve the application of Kewaunee County Ordinance # _____ to the town in order to prevent groundwater pollution, protect human health, prevent the spread of disease, and promote the general welfare of the citizens of Kewaunee County by regulating local land use and management practices in the town, specifically through controlling the application of wastes on shallow carbonate bedrock areas as well as direct conduits to groundwater?”

(2) Land Use and Management Restrictions

(a) Wastes shall not be mechanically applied to land, or allowed to directly drain to, landscapes likely having areas twenty (20) feet or less in soil depth to carbonate bedrock during the time period of January 1st through April 15th, unless an exemption is issued, in writing, by the Land and Water Conservation Committee. On or about March 10th, the Land and Water Conservation Committee will meet, and may take action to amend the April 15th date mentioned above.

(b) Wastes shall not be mechanically applied to landscapes likely having areas of twenty (20) feet or less in soil depth to carbonate bedrock when the soil is frozen, snow-covered or saturated; when snow is actively melting such that water is flowing off the field; or precipitation capable of producing runoff is forecast within twenty-four (24) hours of application.

(c) Wastes shall not be mechanically applied to direct conduits to groundwater, or allowed to directly drain to direct conduits to groundwater.

(d) Temporarily stockpiling or stacking of wastes on landscapes likely having areas twenty (20) feet or less in soil depth to carbonate bedrock shall not occur during the time period of January 1st through April 15th, unless an exemption is issued, in writing, by the Land and Water Conservation Committee. Exempted stockpiling or stacking locations shall comply with the criteria for animal waste found in Table 10 of the USDA Natural Resources Conservation Service Technical Standard 313, hereby incorporated by reference. See “USDA NRCS Standard 313, Table 10” attached to this ordinance.

Section 4: Land and Water Conservation Committee Powers.

(1) The Land and Water Conservation Committee is authorized to hear and decide appeals where it is alleged there is an error in any decision, determination, or order issued by the County Conservationist, except that this authority does not include the authority to hear appeals from a citation or any decision, determination, or order that may be appealed to the circuit court or that is otherwise subject to judicial review. Appeals under this ordinance will be conducted in accordance with Wis. Stat. Ch. 68.

(2) The Land and Water Conservation Committee, upon written request by a landowner, may grant exemption to land use and management restrictions in Section 3 upon the submission of a spreading or stacking plan to adequately minimize the public health risks.

(3) Specific sites may be reviewed by the Land and Water Conservation Committee, upon written request by a landowner, and if contrary depth to bedrock mapping evidence is provided using technology currently found acceptable by the Wisconsin Geological and Natural History Survey, the Committee may, after consulting with the Land and Water Conservation Department, amend the mapping designation.

(4) The Land and Water Conservation Committee may consult with the county public health department and other appropriate resources to obtain accurate public health data and expertise necessary to the administration of the ordinance.

I, Jamie Annoye, County Clerk in and for Kewaunee County, Wisconsin do hereby certify that the following is a true and correct copy of the minutes of the meeting of the Kewaunee County Board of Supervisors held in regular Board Chambers at the Administration Center in Kewaunee on September 23, 2014.

Jamie Annoye, Kewaunee County Clerk

