

Kewaunee County Land and Water Conservation Regularly Scheduled Committee Meeting

Kewaunee County Fairgrounds Office May 12, 2015 9:00 AM

AMENDED

2014-2016 Kewaunee County Land and Water Conservation Committee (LWCC) Members:

John Pagel – Chair (County Board member)
Ron Paider – Vice Chair (County Board member)
Lee Luft – Secretary (County Board member)
Bob Garfinkel – Committee Member (County Board Member)
Davina Bonness – County Conservationist
Clark Reimer (USDA Farm Service Agency Representative)
Aerica Bjurstrom – UW Extension Agricultural Agent

Kewaunee County Land and Water Conservation (LWCD) Staff:

Davina Bonness – County Conservationist
Paul Fredrich – Conservation Technician
Travis Engels – Conservation Specialist
Theresa Albrecht – Program Specialist
Theresa Marcusen – LWCD Secretary
Sarah Hovis – LWCD Conservation Intern

Cooperating Agency Members from the United States Department of Agriculture (USDA):

Joe Johnson -USDA Natural Resources Conservation Service District Conservationist
Aerica Bjurstrom - UW Extension Agricultural Agent
Brian Maedke – USDA Animal and Plant Health Inspection Service (APHIS) *Attends as appropriate.*

1) Call to Order: Meeting called to order at 9:00 AM by Chairman John Pagel

2) Roll Call: Committee Members present: John Pagel, Ron Paider, Lee Luft, Bob Garfinkel; LWCD and Cooperating Agency Staff present: Davina Bonness. Kewaunee County Board Chairman, Ron Heuer was also present and County Administrator, Scott Feldt. Joe Johnson USDA/NRCS were present.

UW Extension Office, Aerica Bjurstrom was absent and Clark Riemer was also absent

3) Approval/Repair of Agenda: Motion to accept the May 12th agenda as presented was made by Bob Garfinkel and seconded by Ron Paider. Committee vote was unanimous in favor of the motion.

4) Correspondence: There was no correspondence regarding the regularly scheduled meeting of the Land and Water Conservation Committee.

5) Public Comments regarding the regularly scheduled Land and Water Conservation Meeting: There were 4 public comments.

Joe Musial: DNR disciplined several employees. DNR fish survey – trout down from Agro-Pur discharge. Pond for chloride...but they route chloride discharge and they might impact West Kewaunee, ignoring 2-4 miles downstream from the discharge of the chlorides from the company.

Nancy Utesch: Wants to know where the LCC and Department are heading to operate more towards the way that Door County operates with enforcement and fines and (2) would like the LCC to follow up on sending landowners letters like Door County did with the recent court hearings who rent with respect to what their responsibilities and liabilities are in renting that land to farmers – would appreciate this item to be on the agenda and discussed

Jodi Parins: Read in last month's meeting minutes that the Chairman stated if the weather was like this year that the LCC would be able to vote on an earlier spreading than the ordinance implies of April 15th. Wants to go on record and remind the Chairman it is not so much about the soil being ready, but about the groundwater recharge and it's about the water. Its about protecting water quality and not profits. Would like the record to show that this year between the time of April 1st

and April 28 – keenly aware of the spreading activities in our area. One hauler for El-Na farms was hauling during that period of time IF ... we could have spread during that time ... but we didn't. This is the second time that the chairman made comments regarding the promotion of farming over the protection of groundwater. I would strongly encourage that if the chairman can't separate the his business interest from the stated mission of this committee that he resign as that chairman as the LCC

Dick Swanson: Driving towards Green Bay on Hwy 29 – Buresh Farms right moving tons of dirt – are they building a new pit?

6) Department Reports:

a) **Animal Waste Storage Permits:** No new animal waste storage permits were issued in February

b) **Farmland Preservation/Standards and Prohibitions Walkovers:**

1. Travis started with the waterways that were already out of compliance (15 walkovers in April), re-walked with landowners and entered them into 2 year compliance schedules, including designs/surveys. One full farm walkover was completed last week, and there were several house-keeping items that need to be fixed, but no violations. The next batch of letters will be going out in the mail soon; Davina will be walking over the dairy farms with animals with Travis to teach him.
2. Prohibition, complaint driven walkover at Mr. & Mrs. Utesch– please see DNR handouts and statement received by Mrs. Utesch.

Bob Garfinkel – asked “You were denied water samples to be taken?” Mrs. Utesch said “yes – that she requested it 3 times”. Mrs. Utesch states that it is a huge violation that water samples were not taken when the complaint that was given said “discharge to waters of the state”. This needs to change. Walkovers need to be expedited when complaints come in. Water samples should have been done and wants the LCC to make that change to the LWCD and DNR. Mr. Utesch stated he gave DNR/LWCD 100% permission to walk over the whole farm, all of their acres. Mrs. Utesch wants to go on record to say she wants her pictures of her farm on John Pagel’s facebook and presentations to be removed.

Chairman Pagel stated when he gave the presentation he never tied any farm to any name. They were aerial photos and it was showing different farms and different sites and identifying that Kewaunee County has a water quality problem and it's not just one person's farm and it's not just small farms or big farms ... that he was identifying it as everybody's problem and all size farms and did not use names or identifications.

3. **Cost Share Agreements:** Ms. Bonness reported that 2015 Seg/Bond funding has been finalized and the Department can start signing up cost-share agreements for conservation practices / nutrient management plans. Going to focus the Bond money (hard practices) in the Ordinance area of 20' or less to bedrock.
4. **Conservation Plans for Approval:** Ms. Bonness submitted one new conservation plans in the Farmland Preservation Program for approval. This conservation plan came from Aaron Salzieder.
5. **Notice of Non-Compliance Updates**

137 issued since 2009; 46 of those were cancelled

- 112 were for missing NMP
- MOST WERE ENTERED INTO SCHEDULE OF COMPLIANCE SCHEDULES.
- ALL DIRECT DISCHARGES TO STATE WATERS WERE DIRECTED TOWARD DNR
- Don't have a full list of the NOD/NOV for DNR ... working on this list

Lee Luft – noted that the detailed report on the Utesch farm was good because it showed the LCC what is going. Moving forward, Lee requested that Davina notify the LCC on what violations are happening with NR1S1 and the remediation efforts.

6. Public Health and Groundwater Protection Ordinance Update:

NOT OPTIONAL and NOT Voluntary and will be Mandatory! Will be in full effect and will be enforced through the land & water conservation department for every farmer and landowner, no matter if you are in the programs or not in the

problems, you will not be able to spread manure / waste on areas of 20 feet or less to bedrock. Will be implemented on 1/1/2016. So far, roughly 5 landowners come into the LWCD, need stacking storages for them ... solid stacking location. A couple other landowners ... will need stacking locations. Sarah is currently working on maps for landowners and operators, and they will all receive a mailing, which will include a copy of the ordinance, their specific fields that they own and/or operate. Numerous people are calling and we are pulling maps and giving them technical support.

7. Well Testing Program

65 registered --- can have up to 150 participants.

Bottle pickup will be for June 4th

Wells will be tested on June 8th

Educational program has been set for Tuesday, July 7th at 6:00pm at the expo center

8. Tree & Shrub Distribution / Tree Planter Update

Tree Planter:

Number of Trees Planted – 10,750 (mostly DNR trees) --- 5 people rented the planter, profit of \$315.00

Tree & Shrub Distribution:

13 people purchased trees/shrubs from our annual program

Everything we ordered sold out --- 360 trees / 36 shrubs

Total Revenue from Sales – \$910.80

---Money goes back into our Tree Planters Collection Revenue Account

9. 2016 Salary Budget Requests / Position Request

Emailed all the information to everyone; Tom emailed me regarding number of staff

Door: 8 Full / 3 Half

Kewaunee: 4 Full / 1 Half / 1 Intern

Manitowoc: 5 Full

Brown: 10 Full / 1 Half

Terri Albrecht: Would like a title change to Conservation Administrator, and moved to Salary Schedule II with a salary increase

Terri Marcusen: Would like a title change to Conservation Secretary and moved to Salary Schedule II with a salary increase

Salary increases went through last year and finance did approve a portion of Paul's salary increase of \$2584.00 in 2015. Paul's salary request for 2016 would be for an additional \$5000.

Our County is significantly below the salaries from Door/Brown/Manitowoc counties. So, the finance recommended that Davina create a recommended salary change for the staff so that we could budget for that in the 2016 full county budget. LCC makes a recommendation and then let goes to the personnel, finance, and county board for approval.

Davina Bonness did revamp the job descriptions for Terri A & Terri M because their job duties have significantly changed. Terri Albrecht has accepted more responsibilities with regards to budget/finances and she is more of Davina's county administrator, then my program assistant. Terri Marcussen does more of the secretarial duties in the LWCD. Retitle and reclass; will be submitting the forms if needed.

Tom Konop – discussed that the LWCD does more and more and still has the same number of staff and even though we may have a smaller county, the workload is the same as Door and Brown counties.

Sarah Hovis (intern) is currently doing all the ordinance workload. Her hours will be up in September. Ron Heuer and the LCC asked for how much it would be to keep her on for the rest of 2015. Davina will calculate that information and send out.

Pagel commented on the importance of Davina's team and the need to support them.

Motion to approve Davina Bonness' salary increase recommendations as presented by email was made by Ron Paider and seconded by Lee Luft. Committee vote was unanimous in favor of the motion.

****One last thing from Davina. The Lake Michigan Area Land & Water Conservation Association meeting will be held on May 29th, 2015 from 9:15am-3:30pm at the Kewaunee County Fair Grounds (Expo Center). Pre-registration is required. Open to public as long as they pre-register by May 20, 2015.

10. Request to purchase MiFi wireless for GPS survey equipment

Our GPS survey equipment has been failing in the field due to weak mobile "hotspots" that won't allow us or frequently drops our internet connection. We have been relying on borrowing the NRCS equipment. The GPS specialist came to Kewaunee and told us we needed to purchase a MiFi adaptor that allows us to have our own wireless connection instead of trying to grab mobile hotspots. I already discussed this with Scott, who gave me the go ahead. If we purchase the Mifi jetpack (through Verizon) it is originally \$99.00 / month, but if we purchase before Friday (5/15) with a signed 2 year contract -- we can get it for \$49.99 / month. I have money in my budget to cover the remainder of this year, and will add to the budget for next year.

Motion to approve purchase of MiFi equipment and enter into a 2-year contract was made by Lee Luft and seconded by Bob Garfinkel. Committee vote was unanimous in favor of the motion.

7) Cooperating Agency Reports:

- a) **USDA Natural Resources Conservation Service (NRCS):** Joe Johnson spoke about the EQIP contracts, 14 in Kewaunee County ... 78 different items on those contracts ... and the cover crop sign-up ends on July 5th. On July 20th, NRCS will be holding an EQIP workgroup meeting at the 1150 Bellevue Street, UW-Extension office in Brown County from 1:00-3:00pm. Update on Jimmy Bramblett letter from Davina, Scott Feldt, John Pagel, and Ron Heuer requesting official NRCS assistance, Jimmy did send Davina an email saying he received the request and will be in contact shortly.
- b) **University of Wisconsin Extension (UWEX) and Farm Technology Days Update:** Aerica Bjurstrom was absent.

8) Other Matters:

a. Door-Kewaunee Legislative Days Recap

Ron Heuer, Davina Bonness, Lee Luft went to Madison for Door-Kewaunee Legislative Days in April. Over 90 delegates attended to support a number of issues within our counties, the top two being groundwater protection and the harbor seawall. Davina Bonness co-presented with Door County at the DNR-DATCP state agency meeting and all participants met with legislators to discuss our issues. Want DNR to look at our area differently like the geo-regions (karst). Whether or not Cathy Stepp has the authority to take up these issues and come to the legislature.

b. POWTS

On a side note, in the zoning meeting on 5/6/15, POWTS voted 16-0 in favor of reinstating money for septic system repair issues.

c. Well Contamination Well Event Protocol

Done, great protocol to be on file. Joint between Public Health, Land & Water Conservation Department, and Zoning. Bob Garfinkel commented on how this was a big deal and before this came out we really had no idea what was happening or whose responsibilities were when there is a mishap. Very well written, very well done and impressed. Copies are in the office. Secondly, Garfinkel likes what's going on in the LWCD office ... esp how Davina is handling the ordinance with maps and how everyone's on the same page and treating farmers as individuals and not just throwing it out there.

D. Door County letter to landowners

Any waste that enter into a private well ... will be considered a pollutant. I rent my land and who is Luft wants us to send out a letter saying what to landowners in KC indicating what the issues are and their personal responsibilities. Door County – elaborate, but Luft thinks we should do it to answers the questions. Here are your responsibilities, even though you are renting, you are responsible if contaminate another well. Wants letter on the agenda for next month?

Scott Feldt – if considering a letter, should go through corp. council and we don't necessarily want to be providing legal advice ...understand the intent of this letter ... LCC should consider that any time there is a legal change...we are setting precedent to make all landowners' aware of any time there is a legal change regarding land-use statutes and policy. Caution the LCC to go down the road in respect that we are now taking on some of that responsibility of notifying landowner's when in actuality it is not our responsibility. Different suggestion would be to public notice, budgetary standpoint less expensive, but still get out the public information to the public. But, this is again up to the committee to decide. Luft, risk of not saying anything versus risk of not. Should be added to the LCC agenda for next month.

Side Note: Ron Heuer asked about BOND/SEG money. Send Ron the numbers and amounts what we received and what can/can't

9) Scheduling of Future Committee Meetings: Next meeting dates: Tuesday June 16th at 9:00 AM, Tuesday July 14th at 9:00 AM

Resolutions: No resolutions were acted upon by the Committee at this meeting.

Travel Authorizations: There were no travel authorizations presented at this meeting.

10) Approval of Bills: Current month bills were presented, reviewed and signed by all Committee members.

11) Chairman's Wrap-Up Comments: Chairman Pagel indicated that he takes his role as LCC Chairman seriously and believes we are moving forward in the right direction and making good decisions to improve the water quality of the Kewaunee County.

12) Adjournment: A motion to adjourn the meeting at 10:30 AM was made by Bob Garfinkel and seconded by Ron Paider. Motion carried unanimously.

Respectfully submitted by Davina Bonness – Kewaunee County, County Conservationist

Land and Water Meeting
May 12, 2015

NANCY UTESCH
PRESENTATION NOTES
MAY 12TH
KC LAND & WATER
CONFERENCE CTTC

Chairman Pagel has used pictures of our farm during power points depicting "small farms and implied pollution" in Kewaunee County--

-September 19, 2014—Groundwater Ordinance Hearing at the Land and Water Committee meeting; Mr. Pagel used a picture of our home and barn and references to pollution and small farmers were made.

-At the April 1, 2015 Phosphorus Summit at the Neville Museum in Green Bay, Mr. Pagel representing himself as CAFO operator and Land and Water Chairman showed an aerial photo of our farm as the discussion went to small farm polluters.

- On Pagel's Ponderosa Personal Facebook Page there is an aerial photo of our farm listed as a grazing beef farm and including the wording "Where's the Phosphorus - Who's Contributing".

The complaint that our farm had "a direct discharge to a water of the state" was reported to Davina at the Land and Water office in Luxemburg on April 14, 2015. When DNR's Erin Hanson called us Monday morning, April 20, we demanded that she and the DNR and Davina come out immediately, especially since such a grievous charge was reported. We also advised Erin Hanson to bring cameras and water sampling equipment. We requested water sampling be done 3 times on our property, all denied.

Our farm has been inspected and no violations existed-- on April 23, 2015.

That being said, continued use of references of our farm attached with commentary of pollution will result in legal action against Mr. Pagel for slander and defamation of character. If Mr. Pagel's actions are tied to the Land and Water Department, we will seek damages from Kewaunee County as well.

Mr. Pagel's DBA status greatly compromises his credibility as the Land and Water Chair and stifles both conversation and actions within the department. As small farmers subject to Mr. Pagel's behaviors, we are concerned that Mr. Pagel would continue to imply that small farms are violating without any factual basis. This is a huge concern; When Davina emailed and asked if she could share the inspection report of our farm with the board—our *only* hesitations concerned Mr. Pagel—his past behaviors, pictures and dialogue used to disseminate misinformation/perceptions concerning our farm.

Mr. Pagel's behavior is one that is conflicted, and he should not be chair of this department. Last months Land and Water meeting, where the conversation focused on rolling back the dates— for spreading in April, per the new groundwater ordinance is an example of how Mr. Pagel's position conflicts with department

progress. Davina, and Mr. Luft's dialogue on this with Chairman Pagel was premature, being that the ordinance has not even been enacted yet—and compromises are already being put on the table. This department is to serve the people of Kewaunee County—not any farming interests large or small.

Mr. Pagel erroneously stated at the end of the March 3, 2015 groundwater taskforce meeting that the EPA petition was "the petition suing Kewaunee County farms".

Mr. Pagel held a meeting at this operation without key Land and Water department members present to discuss groundwater problems in our county, and was not forthright in presenting this meeting at the April 14, 2015 Land and Water Meeting.

Mr. Pagel is a detriment to the Land and Water Committee and its continued work and progress on water issues in our county and he should be removed from this position, immediately. Mr. Pagel's own vested interests in his own business and affairs, and that of the DBA, represent a conflict of interest.