

## AGENDA

Eau Claire County  
Committee on Finance and Budget

Monday, June 10, 2019 / 4:30 pm  
Eau Claire County Courthouse – **Room 3312**  
Eau Claire, WI 54703

[Please click on agenda item to be directed to linked supporting document.](#)

1. Call Meeting to Order and Confirmation of Compliance with Open Meetings Law
2. Public Comment
3. Referred Ordinance 19-20/012 “To Amend Section 4.35.165 B. of the Code: Land Conservation Fees; to Repeal and Recreate Chapter 17.04 of the Code” / Discussion – Action
4. Referred Amendment No. 1 to File No. 19-20/012 / Discussion – Action
5. Performance Management Metrics (County Clerk, Treasurer, Finance) / Discussion – Action
6. Finance Committee Responsibilities / Discussion
7. Proposed Resolution 19-20/023 “Contingency Transfer for DHS Program Review” / Discussion – Action
8. 2020 Budget Guidelines (finalize) / Discussion – Action
9. 2020 Budget Calendar (finalize) / Discussion – Action
  - a. Department meetings with F&B
  - b. Public Input Sessions
10. 2020 Budget Survey / Discussion – Action
11. Analysis of Joint Meeting regarding DHS overage / Discussion
12. Financial Activity Updates / Discussion - Action
  - a. County Sales Tax Report – March earnings received in May
  - b. Vehicle Registration Fee Report
  - c. County Board Chair Vouchers – **None**
  - d. Line Item Transfers – **None**
13. Review / Approval of Minutes:
  - a. Regular Meeting: May 6, 2019
  - b. Joint Meeting with Committee on Administration and Human Services: May 20, 2019
14. Schedule next meeting and agenda items
15. Adjourn

Post: 06/07/2019

Copy: media, Committee members, Board Chair, Kathryn Schauf, Norb Kirk, Janet Loomis, Tim Sullivan, Vickie Gardner, Glenda Lyons, Sue McDonald

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TO THE HONORABLE EAU CLAIRE COUNTY BOARD OF SUPERVISORS

Committee on Finance & Budget

File No. 19-20/012

**ANALYSIS**

The Committee on Finance & Budget has reviewed the proposed ordinance 19-20/012 “To Amend Section 4.35.165 B. of the code: Land Conservation fees; to Repeal and Recreate Chapter 17.04 of the Code.”

**RECOMMENDATION**

BE IT RESOLVED by the Eau Claire County Board of Supervisors that File No. 19-20/012 be and is hereby adopted.

I hereby certify that the foregoing correctly represents the action taken by the undersigned committee on June 10, 2018 by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against.

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Stella Pagonis, Chair  
Committee on Finance & Budget

AW

ORDINANCE\Rept.19-20/012

**FACT SHEET**

**TO FILE NO. 19-20/012**

This ordinance repeals Chapter 17.04 Animal Waste Storage and recreates Chapter 17.04 Agricultural Performance Standards and Manure Storage.

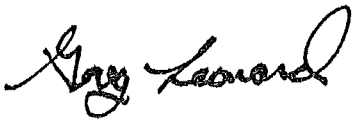
This ordinance incorporates the recommendations of the Ag Ordinance Review Special Committee, which was created by the Board of Supervisors and appointed by County Board Chair. The Special Committee included members who represented livestock and cash crop agriculture, environmental and conservation organizations, and representatives of towns, villages, cities, and the Board of Supervisors of Eau Claire County. The Special Committee performed the action items outlined in Section 8 of File No. 18-19/065 Temporary Moratorium on the Expansion and Creation of Large-Scale Livestock Facilities.

This ordinance incorporates the Wisconsin Administrative Code NR 151 – Agricultural Performance Standards and Prohibitions as they apply to Eau Claire County. This ordinance also updates and clarifies the permitting process for construction, modification, or closure of manure storage facilities and associated structures.

The ordinance also amends Section 4.35.165 B, which is in relation to the fees associated with Chapter 17.04.

Fiscal impact: None

Respectfully submitted,



Gregory R. Leonard  
Land Conservation Manager  
Land Conservation Division – Planning and Development

GRL

**AG ORDINANCE REVIEW SPECIAL COMMITTEE**

Recommendations

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**Members:** Gary Gibson, Tami Smith-Schroeder, Robin Leary, Derrick Nelson, Ed Gorell, Steve Strey, Roland Fischer, Andy Ferguson, Eleanor Wolf, Paul La Liberte, Jody Wilhelm, Mark Zuber, Dane Zook, Kate Beaton, Todd Meyer, Cynthia Anderegg

**Alternates:** Tami Schraufnagel, Jon Nicolet

The Ag Ordinance Review Special Committee (AORSC) was appointed by County Board Chair Nick Smiar to proceed with the action items contained within the Large-Scale Livestock Moratorium adopted by the Eau Claire County Board in October of 2018.

The AORSC first met in November 2018 and took tours of local farms. Since the initial meeting, the AORSC has met eight additional times. The AORSC meetings have included educational and background presentations on:

- Local zoning, erosion control, stormwater and shoreland protection ordinances
- Wisconsin's Ag Performance Standards and Prohibitions (NR-151)
- Eau Claire County's Animal Waste Storage Ordinance
- Eau Claire County's State of the Groundwater Report
- Wisconsin's Concentrated Animal Feeding Operations (CAFO) regulations (NR-243)
- Wisconsin's Livestock Facility Siting regulations (ATCP-51)

These presentations are recorded and available at:

<https://www.co.eau-claire.wi.us/government/boards-commissions-and-councils/ag-ordinance-review-committee>

Following the educational and background information process, the AORSC began a comprehensive discussion concerning the above outlined topics. The following is a summary of the action items and recommendations made by the Ag Ordinance Review Special Committee:

**ACTION:** Motion by Smith-Schroeder/Zuber to recommend incorporation of NR-151 Ag Performance Standards and Prohibitions into County Code. Discussion to clarify how NR-151 would be adopted, such as an operations ordinance, part of livestock siting, or part of the animal waste storage ordinance. The motion is to recommend incorporating NR-151 into County Code only, but the placement and type of ordinance will be part of future meeting recommendations. Motion carried, 9-1-0.

**ACTION:** Motion by Gibson to incorporate the NRCS 634 Waste Transfer Standard into the ordinance update. Motion carried, 12-0-0.

Consensus by the whole group: in support of updating and changing the definition of "idle facility" in the ordinance, while allowing well-constructed facilities to be retained for emergency situations.

Consensus by the whole group: In support of incorporating the NRCS 360 Waste Facility Closure standard into the ordinance.

Consensus by the whole group: "written proof of land availability" should accompany a Nutrient Management Plan when stored manure will be applied on land not owned by the farm operator.

**AG ORDINANCE REVIEW SPECIAL COMMITTEE**

Recommendations

Zook: the manure storage ordinance should not apply in the incorporated areas of Eau Claire County.

Consensus by the whole group: future updates to NRCS standards referenced in the ordinance are adopted with LCC approval.

Consensus by the whole group: allow double fees for after the fact permits.

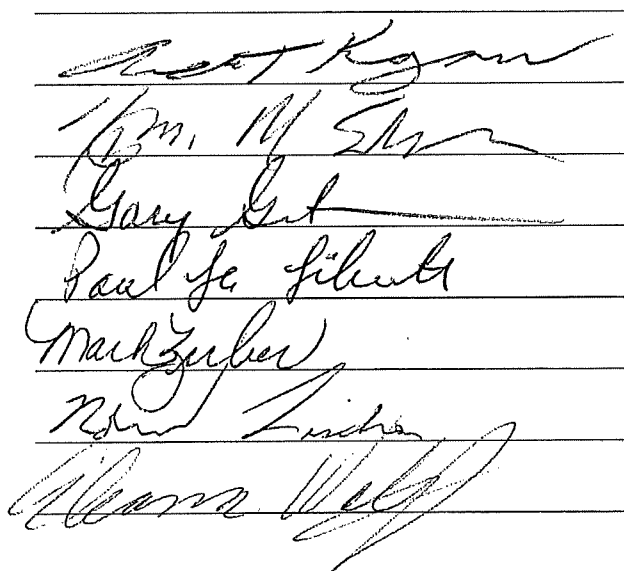
Consensus by the whole group: submittal of a partial nutrient management plan is acceptable during initial manure storage construction permit issuance if a certificate of use will later be granted.

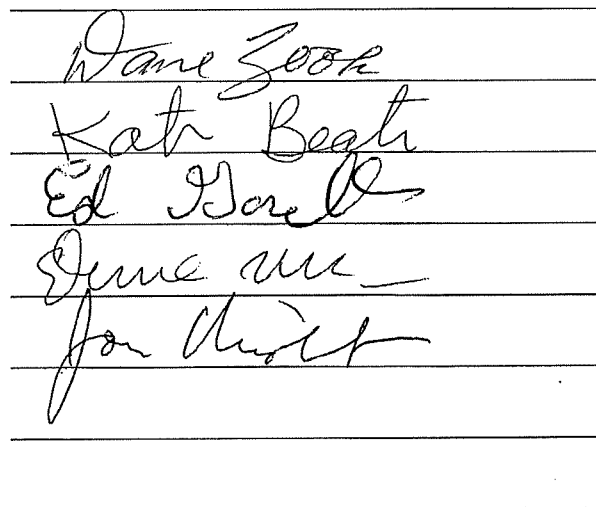
Consensus by the whole group: incorporate a Certificate of Use into the ordinance.

**ACTION:** Motion by Ed Gorell to recommend not adopting livestock siting into county ordinances. Motion carried, 12-0-0.

**ACTION:** Motion by Mark Zuber to approve the above action items, consensuses, and recommendations. Motion carried, 12-0-0.

Signatures:





Signed this 26<sup>th</sup> day of March, 2019.

2  
3 - TO AMEND SECTION 4.35.165 B. OF THE CODE: LAND CONSERVATION FEES; TO  
4 REPEAL AND RECREATE CHAPTER 17.04 OF THE CODE -  
5

6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
7

8 SECTION 1. That Subsection B. of Section 4.35.165 be amended to read:  
9

- 10 B. ~~Animal waste~~ Manure storage permit fees
- 11 1. ~~Manure storage~~ New or modified permit fee \$540.00
- 12 a. with a footprint of the liner less
- 13 than 60,000 square feet \$450.00
- 14 b. with a foot print of the liner of
- 15 of 60,00 square feet or greater \$750.00
- 16 2. ~~Abandonment~~ Closure permit fee \$220.00

17  
18 SECTION 2. That Chapter 17.04 be repealed and recreated to read:  
19

20 Chapter 17.04

21  
22  
23 AGRICULTURAL PERFORMANCE STANDARDS AND MANURE STORAGE  
24

25  
26 Sections:

27 **SUBCHAPTER I. GENERAL PROVISIONS**

- 28
- 29
- 30 17.04.001 Authority and name.
- 31 17.04.005 Findings and declaration of policy.
- 32 17.04.010 Purpose.
- 33 17.04.020 Interpretation.
- 34 17.04.030 Severability clause.
- 35 17.04.040 Applicability.

36  
37  
38 17.04.001 Authority and name. This ordinance is adopted under authority granted by  
39 Wis. Stat. §§ 59.70, 59.02, 59.03, 92.15, and 92.16, and Wisconsin Administrative Code ("Wis.  
40 Admin. Code") Wis. Admin. Code ch. ATCP 50.56 and NR 151.05. This ordinance shall be  
41 known as, referred to, and may be cited as the "Eau Claire County Agricultural Performance  
42 Standards and Manure Storage Ordinance" and is hereinafter referred to as the "ordinance".  
43

44 17.04.005 Findings and declaration of policy. The Eau Claire County Board of  
45 Supervisors finds that the following conditions may threaten the county's natural and water  
46 resources, cause harm to the health, safety and welfare of people within the county, and  
47 adversely impact the property tax base of the county:  
48

- 1 A. New and substantially altered manure storage facilities that fail to meet
- 2 performance and technical standards for proper design, construction and operation.
- 3 B. Existing manure storage facilities that are not properly functioning and pose
- 4 unreasonable risks related to structural failure and leakage.
- 5 C. Existing manure storage facilities that overtop or are operated in a manner that
- 6 creates an unreasonable risk of discharge to waters of state.
- 7 D. Existing manure storage facilities where no manure has been added or removed
- 8 for a period of 24 months and are not slated for future use.
- 9 E. Management and storage of manure including land application that fails to meet
- 10 performance and technical standards for proper handling and land application of manure.

11  
 12 17.04.010 Purpose. The purpose of this ordinance is to regulate the location, design,  
 13 construction, installation, alteration, operation, maintenance, closure, and use of manure storage  
 14 facilities; ensure the proper application of waste and manure from all storage facilities covered  
 15 by this Ordinance, and prescribe performance standards and prohibitions related to manure and  
 16 other agricultural management and use of manure storage facilities in order to prevent water  
 17 pollution and thereby protect the health of Eau Claire County residents and visitors; prevent the  
 18 spread of disease; and promote the prosperity and general welfare of the citizens of Eau Claire  
 19 County. It is also intended to provide for the administration and enforcement of the ordinance  
 20 and to provide penalties for its violation.

21  
 22 17.04.020 Interpretation. In their interpretation and application, the provisions of this  
 23 ordinance shall be held to be minimum requirements and shall not be deemed a limitation or  
 24 repeal of any other power granted by the Wisconsin Statutes.

25  
 26 17.04.030 Severability clause. If any section, provision, or portion of this ordinance is  
 27 ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered  
 28 ineffective.

29  
 30 17.04.040 Applicability. This ordinance applies to all land located within the  
 31 unincorporated areas of Eau Claire County, unless an intergovernmental agreement is established  
 32 with the governmental entity of an incorporated municipality within Eau Claire County. Best  
 33 management practices, conservation practices and manure storage facilities shall comply with all  
 34 federal, state, and local laws, rules and regulations.

35  
 36  
 37 SUBCHAPTER II. ACTIVITIES SUBJECT TO REGULATION

- 38
- 39
- 40 17.04.050 Permit requirements.
- 41 17.04.060 Performance standards and prohibitions.

42  
 43  
 44 17.04.050 Permit requirements. Any person who constructs, substantially alters, changes  
 45 use of or closes a manure storage facility and related transfer systems, or who employs another  
 46 person to do the same, shall be subject to the provisions of this Ordinance. A person is in  
 47 compliance with this ordinance if he or she follows the procedures of this ordinance, receives a  
 48 permit from the land conservation division before beginning activities subject to permit  
 49 requirements under this ordinance, and complies with the requirements of the permit.

1           17.04.060 Performance standards and prohibitions. Any person who stores manure, owns  
2 or operates cropland or livestock facilities in Eau Claire County is subject to the performance  
3 standards and prohibitions in Subchapter III, regardless of whether they received a permit under  
4 this Ordinance. This Ordinance incorporates by reference the definitions in Wis. Admin. Code  
5 ch. ATCP 50 and ch. NR 151, to the extent that they are not explicitly referenced herein.  
6

7  
8                                   SUBCHAPTER III. AGRICULTURAL PERFORMANCE  
9                                   STANDARDS AND PROHIBITIONS  
10

- 11  
12           17.04.080       Performance standards and prohibitions.  
13           17.04.090       Standards.  
14           17.04.100       Cost shared required  
15

16  
17           17.04.080 Performance standards and prohibitions.

18           A.       Sheet, Rill, And Wind Erosion. All land where crops and feed are grown,  
19 including pastures, shall be managed to achieve a soil erosion rate equal or less than the  
20 “tolerable” (T) rate established for that soil by the USDA-NRCS.

21           B.       Tillage Setback.

22                   1.       No crop producer may conduct a tillage operation that negatively impacts  
23 stream bank integrity or deposits soil directly in surface waters.

24                   2.       No tillage operations may be conducted within 5 feet of the top of the  
25 channel of surface waters. Tillage setbacks greater than 5 feet but no more than 20 feet may be  
26 required to meet this standard.

27                   3.       Crop producers shall maintain the area within the tillage setback required  
28 under sub. (b) in adequate sod or self-sustaining vegetative cover that provides a minimum of  
29 70% coverage.

30                   4.       This section does not apply to grass waterways installed as conservation  
31 practices.

32           C.       Phosphorus Index. All cropland, pastures, and winter grazing areas must meet the  
33 Wisconsin Phosphorus Index (PI) established in Wis. Admin. Code § NR 151.04 including  
34 where the PI applies, the methods for calculating the PI, and acceptable PI runoff levels. A  
35 nutrient management plan meeting the standard in Wis. Admin. Code § ATCP 50.04 (3) may be  
36 used to demonstrate compliance with Wis. Admin. Code § NR 151.04.

37           D.       Nutrient Management. All crop and livestock producers that apply manure or  
38 other nutrients directly, or through contract, to agricultural fields shall comply with this section.

39                   1.       This performance standard does not apply to industrial waste and  
40 byproducts regulated under Wis. Admin. Code ch. NR 214, municipal sludge regulated under  
41 Wis. Admin. Code ch. NR 204, or septage regulated under Wis. Admin. Code ch. NR 113.

42                   2.       Nutrient management plans are required on pastures unless exempt as  
43 established in Wis. Admin. Code § ATCP 50.04(3)(b).

44                   3.       Manure, commercial fertilizer, and other nutrients shall be applied in  
45 conformance with a nutrient management plan as established in Wis. Admin. Code § ATCP  
46 50.04(3).

47                                   a.       The nutrient management plan shall be designed to limit or reduce  
48 the discharge of nutrients to waters of the state for the purpose of complying with state water  
49 quality standards and groundwater standards.



1                   b.     Nutrient management plans for croplands in watersheds that  
2 contain impaired surface waters or in watersheds that contain outstanding or exceptional resource  
3 waters shall meet the following criteria:

4                   i.     unless otherwise provided in this subsection, the plan shall  
5 be designed to manage soil nutrient concentrations so as to maintain or reduce delivery of  
6 nutrients contributing to the impairment of impaired surface waters and to outstanding or  
7 exceptional resources waters.

8                   ii.    The plan may allow for an increase in soil nutrient  
9 concentrations at a site if necessary to meet crop demands

10                  iii.   For lands in watersheds containing exceptional or  
11 outstanding resource waters, the plan may allow an increase in soil nutrient concentrations if the  
12 plan documents that any potential nutrient delivery to the exceptional or outstanding resource  
13 waters will not alter the background water quality of the exceptional or outstanding resource  
14 waters. For lands in watersheds containing impaired waters, the plan may allow an increase in  
15 soil nutrient concentrations if a low risk of delivery of nutrients from the land to the impaired  
16 water can be demonstrated.

17                  4.     In this ordinance, impaired surface waters are waters identified as  
18 impaired pursuant to 33 U.S.C. § 1313(d)(1)(A) and 40 C.F.R. § 130.7. Outstanding and  
19 Exceptional Resource Waters are defined in Wis. Admin. Code Ch. NR 102.

20                  5.     An updated nutrient management plan and checklist shall be submitted to  
21 the land conservation division annually to ensure the plan meets requirements of this section.

22                  E.     Clean Water Diversion. All livestock producers within a water quality  
23 management area shall comply with this section. Runoff shall be diverted away from contacting  
24 feedlot, manure storage areas and barnyard areas within water quality management areas except  
25 that a diversion to protect a private well under Wis. Admin. Code § NR 151.015 (18) (a) is  
26 required only when the feedlot, manure storage area, or barnyard area is located upslope from the  
27 private well.

28                  F.     Manure Management Prohibitions. All livestock producers shall comply with this  
29 section as follows:

30                  1.     A livestock operation shall have no overflow of manure storage structures.

31                  2.     A livestock operation shall have no unconfined manure piles within a  
32 water quality management area.

33                  3.     A livestock operation shall have no direct runoff from a feedlot or stored  
34 manure to waters of the state. Stored manure not contained within a manure storage facility shall  
35 meet the standards for stacking or piling manure.

36                  4.     A livestock operation may not allow unlimited access by livestock to  
37 waters of the state in a location where high concentrations of animals prevent the maintenance of  
38 adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly  
39 designed, installed and maintained livestock or farm equipment crossings.

40                  G.     Process Wastewater Handling. All livestock producers shall comply with this  
41 section.

42                  1.     There may be no significant discharge of process wastewater to waters of  
43 the state.

44                  2.     The land conservation division shall consider all of the following factors  
45 when determining whether a discharge of process wastewater is a significant discharge to waters  
46 of the state:

47                   a.     Volume and frequency of the discharge.

48                   b.     Location of the source relative to receiving waters.

49                   c.     Means of process wastewater conveyance to waters of the state.

1 d. Slope, vegetation, rainfall, and other factors affecting the  
2 likelihood of process wastewater discharge to waters of the state.

3 e. Available evidence of discharge to a surface water of the state or to  
4 a direct conduit to groundwater.

5 f. Whether the process wastewater is discharged to a site that is  
6 defined as a site that is susceptible to groundwater contamination.

7 g. Other factors relevant to the impact of the discharge on water  
8 quality standards of the receiving water or to groundwater standards.

9 H. Manure Storage Facilities. All livestock producers building new manure storage  
10 facilities, substantially altering manure storage facilities, or choosing to abandon their manure  
11 storage facilities shall comply with this section.

12 1. New construction and alterations.

13 a. New or substantially altered manure storage facilities shall be  
14 designed, constructed, and maintained to minimize the risk of structural failure of the facility and  
15 to minimize leakage of the facility in order to comply with groundwater standards. The levels of  
16 materials in the storage facility may not exceed the margin of safety level. Storage facilities that  
17 are constructed or significantly altered on or after January 1, 2011, shall be designed and  
18 operated to contain the additional volume of runoff and direct precipitation entering the facility  
19 as a result of a 25-year, 24-hour storm.

20 b. A new manure storage facility means a facility constructed after  
21 October 1, 2002.

22 c. A substantially altered manure storage facility is a manure storage  
23 facility that is substantially altered after October 1, 2002.

24 2. Closure.

25 a. Closure of a manure storage facility shall occur when an operation  
26 where the facility is located ceases operations or manure has not been added or removed from  
27 that facility for a period of 24 months. Manure facilities shall be closed in a manner that will  
28 prevent future contamination of groundwater and surface waters.

29 b. The owner or operator may retain the facility for a longer period of  
30 time by demonstrating to the land conservation division that all of the following conditions are  
31 met:

32 i. The facility is designed, constructed and maintained in  
33 accordance with 17.04.080 (H)(1)a of this ordinance.

34 ii. Retention of the facility is warranted based on anticipated  
35 future use.

36 3. Existing Facilities. Manure storage facilities in existence as of October 1,  
37 2002, that pose an imminent threat to public health or fish and aquatic life, or are causing a  
38 violation of groundwater standards, shall be upgraded, replaced, or abandoned in accordance  
39 with this section. Levels of materials in manure storage facilities may not exceed the margin of  
40 safety level.

41 I. Human Household Wastewater Prohibited. Human household wastewater shall  
42 not be discharged into manure storage facilities.

43  
44 17.04.090 Standards.

45 A Standards for Evaluating Sheet, Rill, and Wind Erosion. The standards for  
46 evaluating sheet, rill, and wind erosion shall be the Revised Universal Soil Loss Equation II  
47 (RUSLE2) equation or the Wind Erosion Prediction System (WEPS) models published by  
48 NRCS. Copies of RUSLE2 and the WEPS models are on file with the land conservation  
49 division.

1 B. Standards for Design and Construction of Manure Storage Facilities. The  
2 standards for design and construction of manure storage facilities shall be the current standards  
3 in the NRCS Technical Guide, including but not limited to 313 Waste Storage Facility; 367  
4 Roofs and Covers; 520 Pond Sealing or Lining, Compacted Soil Treatment; 521 Pond Sealing or  
5 Lining, Geomembrane or Geosynthetic Clay Liner; 522 Pond Sealing or Lining, Concrete; 558  
6 Roof Runoff Structure; 634 Waste Transfer; and 629 Waste Treatment and any amendments to  
7 these standards.

8 C. Standards for Nutrient Management. The standards for management of manure  
9 and nutrients applied to cropland and pastures shall be the current standards in the NRCS  
10 Technical Guide, including 590 Nutrient Management and any amendments.

11 D. Standards for Closure of Manure Storage Facility. The standards for closure of an  
12 unused manure storage facility shall be the current standards in the NRCS Technical Guide,  
13 including 360 Waste Facility Closure and any amendments.

14 E. Standards for Stacking or Piling Manure. The standards for stacking or piling  
15 manure shall be the current standards in the NRCS Technical Guide, including 318 Short Term  
16 Storage of Animal Waste and By-Products and 313 Waste Storage Facility, and any  
17 amendments.

18 F. Standards for Determination of Significant Discharge and Direct Runoff. The  
19 standards for determination of direct runoff shall be the "BARNY runoff prediction model"  
20 which is the NRCS "Evaluation System to Rate Feedlot Pollution Potential," ARM-NC-17 (April  
21 1982 version with modifications as of August 2005, or an equivalent predictive model for  
22 manure runoff as approved by the land conservation division. An Excel computer spreadsheet  
23 version of the BARNY model is available at  
24 <https://datcp.wi.gov/Documents/BARNYSpreadsheet.xls>.

25 G. Standards for the Determination of Adequate Sod or Self-Sustaining Vegetative  
26 Cover. Standards for determination of adequate sod or self-sustaining vegetative cover shall be  
27 the standards outlined in the NRCS Technical Guide 528 Prescribed Grazing, and any  
28 amendments, or vegetative measurement by grid sample shall show at least 70 percent living  
29 plant material cover.

30 H. Subsequent Modification of Standards. The standards of the NRCS Technical  
31 Guide are adopted and by reference made a part of this chapter as if fully set forth herein. Any  
32 future amendment, revision or modification of the standards incorporated herein are made a part  
33 of this chapter upon adoption by the Eau Claire County Land Conservation Commission. Copies  
34 of the current standards are available at the land conservation division.  
35

36 17.04.100 Cost share required. An owner or operator of an agricultural facility or  
37 practice that is in existence before October 1, 2002, may not be required to comply with the  
38 performance standards, prohibitions, conservation practices or technical standards under this  
39 subchapter unless cost-sharing is available from any source, to the owner or operator. A  
40 determination that cost-sharing is available to meet the performance standards, prohibitions,  
41 conservation practices or technical standards under this subchapter will be determined in  
42 accordance with Wis. Admin. Code § NR 151.09(4)(d) or § NR 151.095(5)(d) when funding is  
43 provided under Wis. Stat. § 281.65, and will be determined in accordance with Wis. Admin.  
44 Code ch. ATPC 50 when funds are from any other source. Cost sharing under this subchapter is  
45 only required for the minimum practice necessary to meet the performance standards and  
46 prohibitions.  
47  
48  
49

1 SUBCHAPTER IV. MANURE STORAGE FACILITY PERMIT, USE  
2 AND SPECIFICATIONS  
3  
4

5 17.04.110 Application for issuance of permits.

6 17.04.120 Certificate of use.  
7  
8

9 17.04.110 Application for Issuance of Permits.

10 A. Permit Required. No person may do any of the following without first obtaining a  
11 permit in accordance with this Subchapter:

12 1. Construct a new manure storage facility or substantially alter an existing  
13 manure storage facility, including the construction or substantial alteration of waste transfer  
14 systems connected to a manure storage facility.

15 2. Upgrade, repair or replace a manure storage facility that has been  
16 identified as posing an imminent threat to public health, fish and aquatic life, or groundwater  
17 under 17.04.080(H)(3).

18 3. Close an existing manure storage facility, including conversion of its use,  
19 regardless of whether the facility must be closed in accordance with 17.04.080(H)(3).

20 B. No Permit Required. Manure storage facilities in place as of the date of passage  
21 of this ordinance shall be determined to be existing storage facilities subject to the rules in place  
22 at the time of construction and shall not be required to obtain a permit unless they are being  
23 substantially altered or closed after the date of passage. Owners of existing storage facilities  
24 may, at their discretion, apply for a Certificate of Use.

25 C. Exception to Permit Requirement. Emergency repairs such as repairing a broken  
26 pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a  
27 permit. A report shall be made to the land conservation division within 2 work days of the  
28 emergency for a determination by the land conservation division on whether a permit will be  
29 required for any additional alteration or repair to the facility.

30 D. Onsite Investigation Required. Each application for a permit under this section  
31 shall require an onsite inspection prior to permit issuance and include a summary report on site  
32 conditions. The site inspection shall be conducted by the land conservation division staff.

33 E. Fees. The nonrefundable fees for a permit under this ordinance shall be based  
34 upon the footprint of the liner(s) and as listed in 4.35.165. A double permit fee shall be charged  
35 by the land conservation division if activity requiring approval under 17.04.110(A) commences  
36 prior to obtaining a permit. Such double fee shall not release the responsible party from full  
37 compliance with this chapter nor from prosecution for violation of this chapter.

38 F. Manure Storage Facility Plan Requirements. Each application for a manure  
39 storage permit under this section shall include the completion of the county permit application  
40 and a detailed manure storage facility construction plan. The applicant can employ the services  
41 of a private design consultant or a registered professional engineer to prepare the plan. Technical  
42 assistance for plan development may be made available to applicants upon request through the  
43 land conservation division, as available staff time will allow.

44 G. Manure Storage Construction Plan Requirements. A complete permit application  
45 for a new or modified storage facility shall meet or exceed the minimum established limits and  
46 specific criteria within NRCS Technical Standard 313 Waste Storage Facility, and additional  
47 Technical Standards, including, but not limited to; 367 Roofs and Covers; 520 Pond Sealing or  
48 Lining, Compacted Soil Treatment; 521 Pond Sealing or Lining, Geomembrane or Geosynthetic

1 Clay Liner; 522 Pond Sealing or Lining, Concrete; 558 Roof Runoff Structure; 634 Waste  
2 Transfer; and 629 Waste Treatment where they apply. The plan shall include all the following:

3 1. The number, type, and size of animals for which storage is provided and  
4 the duration for which storage is to be provided.

5 2. The type and amount of bedding to be used in the operation and all aspects  
6 of handling and recovery of this bedding material.

7 3. The type and quantity of flush water, milk house waste, or other additives  
8 which will be added to the manure storage facility.

9 4. A general location map drawing of the site which shall include the  
10 location of structures in relation to buildings, homes, property lines, roads, wells, karst features,  
11 public or private drainage ditches and creeks, flowages, rivers, streams, lakes, floodplains, or  
12 wetlands within one thousand (1,000) feet of the proposed facility or system. The map will  
13 include the scale of the drawing, a north arrow, and the date the general location map was  
14 prepared.

15 5. The soil test pit locations, elevations, and soil descriptions to a depth as  
16 required for the planned structure according to the NRCS Technical Standard 313 Waste Storage  
17 Facility. Soil test pits must be verified by land conservation division staff at the time of  
18 investigation.

19 6. The elevation of groundwater, bedrock or seasonally saturated conditions  
20 if encountered in the soil profile and the date of any such determinations.

21 7. Engineering design drawings of the manure storage facility or waste  
22 transfer system which shall include:

23 a. Specific design components that shall comply with NRCS  
24 Technical Standard 313 Waste Storage Facility, and additional applicable NRCS Technical  
25 Standards such as 634 Waste Transfer.

26 b. A recoverable benchmark(s) including elevation(s) expressed in  
27 feet and tenths.

28 c. The scale of the drawings and the north arrow. The engineering  
29 design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100)  
30 feet.

31 d. The date the engineering design drawings were prepared.

32 8. The structural details, including but not limited to dimensions, cross-  
33 sections, concrete thickness, concrete joint design and placement, design loads, design  
34 computations, reinforcement schedules, thickness and placement of groundwater protection  
35 liners, and all material specifications.

36 9. Provisions for adequate drainage and control of runoff to prevent  
37 pollution of surface water and groundwater.

38 10. An erosion control and/or storm water management plan as defined in  
39 Chapter 17.05 and 17.06.

40 11. Estimated start of construction and construction schedule.

41 12. A safety plan that identifies hazards to animals and people in the  
42 production area, and design features to minimize those hazards.

43 13. An operation and maintenance plan for installed practices.

44 14. An emergency response plan identifying the names and phone numbers of  
45 individuals or others to be notified in the event of any leaks, spills or other system failures that  
46 could discharge manure.

47 15. A certification by a professional engineer registered in the State of  
48 Wisconsin, or an engineering practitioner certified by the Wisconsin Department of Agriculture,

1 Trade and Consumer Protection (DATCP) or the NRCS that the plans meet technical and  
2 ordinance standards.

3 16. A nutrient management plan that complies with Wis. Admin. Code §  
4 ATCP 50.04. The nutrient management plan must be prepared by a nutrient management planner  
5 qualified under Wis. Admin. Code § ATCP 50.04 (3)(c) and submitted prior to issuance of the  
6 permit. If the nutrient management plan indicates manure will be applied to land not owned by  
7 the applicant, the nutrient management plan must include a copy of a lease, manure spreading  
8 agreement, or written proof of land availability. The nutrient management plan must be based on  
9 current soil analyses that comply with Wis. Admin. Code § ATCP 50.04. If current soil analyses  
10 are not available due to frozen soils or other conditions beyond the control of the applicant, the  
11 land conservation division may accept, at its discretion, an incomplete nutrient management plan  
12 at permit submission. A complete nutrient management plan that complies with Wis. Admin.  
13 Code § ATCP 50.04 (3) (d) must be submitted and a Certificate of Use must be issued prior to  
14 use of the manure storage facility.

15 17. Any other additional information required by the land conservation  
16 division to protect water quality and determine compliance with this section.

17 H. Safety Devices. Safety devices as outlined within NRCS Technical Standard 313  
18 Waste Storage Facility or related standards will be installed prior to issuance of the Certificate of  
19 Use.

20 I. Manure Storage Facility Closure Application Requirements. A complete permit  
21 application for waste storage facility closure shall meet all standards as outlined in NRCS  
22 Technical Standard 360 Waste Facility Closure and shall specify:

23 1. Provisions to remove and properly dispose of all accumulated wastes in  
24 the manure storage facility.

25 2. Provisions to remove any concrete or synthetic liner, or properly use  
26 pieces of the concrete or synthetic liner as clean fill at the site.

27 3. Provisions to remove and properly dispose of any soil saturated with waste  
28 from the manure storage facility.

29 4. Provisions to remove any soils to the depth of significant manure  
30 saturation. When contaminated soils are found, they must be removed to the extent necessary  
31 with a minimum depth of 6 inches.

32 5. Provision to remove or permanently plug the waste transfer system serving  
33 the manure storage facility.

34 6. Covering all disturbed area with topsoil, seeding the areas with a grass  
35 mixture, and mulching the seeded area. This section does not apply if an alternative use of the  
36 site is authorized under a closure plan approved by the county as part of the permit.

37 7. Any other additional information required by the land conservation  
38 division to protect water quality and determine compliance with this section.

39 J. Review of Application. The land conservation division shall receive and review  
40 all permit applications. The land conservation division shall determine if the proposed facility  
41 meets required standards set forth in 17.04. Within 30 business days after receiving the  
42 completed application and fee, the land conservation division shall inform the applicant in  
43 writing whether the permit application is approved or disapproved. If additional information is  
44 required, the land conservation division shall so notify the permit applicant. The land  
45 conservation division has 14 business days from the receipt of the additional information in  
46 which to approve or disapprove the application. No construction may commence without the  
47 final approval form being executed by the land conservation division.

48 K. Permit Conditions. All permits issued under this ordinance shall be issued  
49 subject to the following conditions and requirements:

1           1.       Manure storage facility design, construction, closure, management and  
2 utilization activities shall be carried out in accordance with the manure facility plan and  
3 applicable standards specified in 17.04.

4           2.       The permittee shall give 5 working days' notice to the land conservation  
5 division before starting any construction or closure activity authorized by the permit.

6           3.       Written approval from the land conservation division must be obtained  
7 prior to any modifications to the permitted plans.

8           4.       Activities authorized by permit must be completed within 2 years from the  
9 date of issuance, after which the permit shall be void. Permits may be extended upon written  
10 request of the applicant, subject to the corresponding fee, with approval from the land  
11 conservation division.

12           5.       Following completion of construction and prior to issuance of a Certificate  
13 of Use, an agricultural or civil engineer registered in the State of Wisconsin or a DATCP, NRCS,  
14 or land conservation division engineering practitioner and the permittee, and, if applicable, the  
15 contractor shall certify in writing that all facilities and systems were installed as planned,  
16 including as-built drawings and authorized changes or modifications made during construction.

17           6.       The permittee, engineer and contractor shall participate in a pre-  
18 construction conference with land conservation division staff before initiating construction of a  
19 new facility to outline the requirements and responsibilities of all the involved parties.

20           7.       The land conservation division shall provide onsite inspection prior to  
21 issuance of the Certificate of Use. To receive a Certificate of Use, a manure storage facility must  
22 be fully constructed as designed, including the marking of the maximum operating level and  
23 implementation of all safety devices.

24           8.       No permitted manure storage facilities may receive manure until the land  
25 conservation division provides its final approval. No manure may be emptied from a permitted  
26 manure storage facility until the land conservation division approves the nutrient management  
27 plan submitted by the applicant.

#### 28           17.04.120 Certificate of use.

29           A.       Certificate requirement. No person may operate or use a manure storage facility  
30 or any portion of a manure storage facility that was constructed after the effective date of this  
31 ordinance unless the person has a valid Certificate of Use for the storage facility or portion of the  
32 manure storage facility that is being operated or used.

33           B.       Issuance. The land conservation division will issue a Certificate of Use upon  
34 receipt of the written certification required by 17.04.110(K)(5). The Certificate of Use will not  
35 be subject to fees.

36           C.       Operating requirements. The operator of a manure storage facility is in  
37 compliance with the Certificate of Use if the person does all the following:

38           1.       Updates and follows an annual nutrient management plan that complies  
39 with requirements in this ordinance and includes all manure land applied from the manure  
40 storage facility covered by the certification of use.

41           2.       Provides a nutrient management plan, including the Nutrient Management  
42 Checklist, annually to the land conservation division by April 15<sup>th</sup> to document compliance with  
43 ordinance requirements. The land conservation division may take appropriate action authorized  
44 by this chapter if the submitted nutrient management plan does not reasonably substantiate a  
45 checklist answer.

46           3.       Properly operates the storage facility in accordance with performance  
47 standards in 17.04.080 (H) and consistent with the recommended operating methods as defined  
48

1 by the Technical Guide, NRCS-Agricultural Waste Management Field Handbook and NRCS-  
2 Engineering Field Handbook.

3 4. Properly maintains the storage facility free from visible and serious  
4 damage, erosion, or deformities that would impair the facility's safety or function as determined  
5 by the Technical Guide, NRCS-Agricultural Waste Management Field Handbook, and the  
6 NRCS-Engineering Field Handbook.

7 5. Properly maintains the safety devices for a manure storage facility.

8 6. Provides the land conservation division proof of compliance with the  
9 requirements in 17.04 upon request and submits to periodic inspections of the storage facility  
10 with 2 business days advance notice from the land conservation division.

11 7. Develops and implements a plan for closure of the manure storage facility  
12 when the operator ceases use of the facility or closure is required based on conditions specified  
13 in this ordinance.

14 D. Certificate Revocation. The land conservation division may revoke a certificate  
15 of use if there is a misrepresentation of any material fact in the permit application, a  
16 misrepresentation of any material fact in the manure storage facility plan, a misrepresentation of  
17 any material fact in the nutrient management plan, a failure to comply with the nutrient  
18 management plan requirement, a failure to provide the land conservation division with a copy of  
19 the nutrient management plan upon request, or for multiple or repeat violations of this ordinance.  
20 The land conservation division will immediately provide written notice of the revocation, the  
21 reason for the revocation, and corrective actions required.

22 E. Permit Revocation. The land conservation division may revoke the permit issued  
23 under this ordinance if the holder of the permit has misrepresented any material fact in the permit  
24 application or manure facility plan, or if the holder of the permit violates any of the conditions of  
25 the permit.

## 26 27 28 SUBCHAPTER V. ADMINISTRATION, VIOLATIONS AND 29 APPEALS

30  
31  
32 17.04.130 Administration.

33 17.04.140 Violations.

34 17.04.150 Appeals.

### 35 36 37 17.04.130 Administration.

38 A. Delegation of Authority. Eau Claire County hereby designates the Eau Claire  
39 County Land Conservation Division to administer and enforce this ordinance.

40 B. Administrative Duties. In the administration of this ordinance, the land  
41 conservation division shall:

42 1. Keep an accurate record of all permit applications, animal waste facility  
43 plans, permits issued, inspections made, and other official actions.

44 2. Review permit applications and issue permits in accordance with  
45 17.04.110.

46 3. Inspect animal waste facility construction to insure the facility is being  
47 constructed according to plan standards and specifications.

48 4. Investigate complaints relating to compliance with the ordinance.

49 5. Perform other duties as specified in this ordinance.



1 C. Inspection Authority. The land conservation division is authorized to enter upon  
2 any lands affected by this ordinance to inspect the land prior to or after permit issuance to  
3 determine compliance with this ordinance. If permission cannot be received from the applicant  
4 or permittee, the permit may be denied or entry by the land conservation division shall be  
5 according to Wis. Stat. § 66.0119.

6 D. Enforcement Authority. The land conservation division is authorized to post an  
7 order stopping work upon land which has had a permit revoked or on land currently undergoing  
8 activity in violation of this ordinance. Notice is given by both posting upon the land where the  
9 violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the  
10 order by certified mail to the person whose activity is in violation of this ordinance. The order  
11 shall specify that the activity must cease immediately and be brought into compliance within 5  
12 working days. Any permit revocation or order stopping work shall remain in effect unless  
13 retracted by the board of land use appeals, the land conservation division, or by a court of  
14 general jurisdiction; or until the activity is brought into compliance with the ordinance. The land  
15 conservation division is authorized to refer any violation of this ordinance or of an order  
16 stopping work issued pursuant to this ordinance to the corporation counsel for commencement of  
17 further legal proceedings.

18  
19 17.04.140 Violations.

20 A. Penalties. Any person who violates, neglects, or refuses to comply with or resists  
21 the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture of up to  
22 \$200.00 plus costs of prosecution for each violation. An unlawful violation includes failure to  
23 comply with any standard of this ordinance or with any condition or qualification attached to the  
24 permit. Each day that a violation exists shall be a separate offense.

25 B. Enforcement of injunction. As a substitute for or as an addition to forfeiture  
26 actions, Eau Claire County may seek enforcement of any part of this ordinance by court actions  
27 seeking injunctions or restraining orders.

28  
29 17.04.150 Appeals.

30 A. Authority. Under authority of Wis. Stat. Ch. 68, the Eau Claire County Board of  
31 Land Use Appeals, created under Wis. Stat. § 59.694, and under 18.31.020 and acting as an  
32 appeal authority under Wis. Stat. § 59.694, is authorized to hear and decide appeals where it is  
33 alleged that there is error in any order, requirement, decision or determination by the land  
34 conservation division in administering this ordinance.

35 B. Procedure. The rules, procedures, duties and powers of the board of land use  
36 appeals and Wis. Stat. Ch. 68, shall apply to this ordinance.

37 C. Who May Appeal. Appeals may be taken by any person having a substantial  
38 interest which is adversely affected by the order, requirement, decision or determination made by  
39 the land conservation division.

40  
41  
42 SUBCHAPTER VI. DEFINITIONS

- 43  
44  
45 17.04.160 Purpose.  
46 17.04.170 Word usage.  
47 17.04.180 Definitions.

1           17.04.160 Purpose. To define words, terms, and phrases contained in this chapter that are  
2 essential to the understanding, administration, and enforcement of this chapter.

3  
4           17.04.170 Word usage. For the purposes of this chapter, certain words and terms are  
5 used as follows:

- 6           • Words used in the present tense include the future.
- 7           • Words in the singular include the plural.
- 8           • Words in the plural include the singular.
- 9           • The word “shall” is mandatory and not permissive.

10  
11           17.04.180 Definitions. For the purposes of this chapter, certain words and terms are  
12 defined as follows:

13           A. “Adequate sod, or self-sustaining vegetative cover” means maintenance of  
14 sufficient vegetation types and densities that provide 70% coverage such that the physical  
15 integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes  
16 grasses, forbs, sedges and duff layers of fallen leaves, and woody debris.

17           B. “Applicant” means any person who applies for a permit under this ordinance.  
18 “BARNY” means the BARNY runoff prediction model which is the NRCS “Evaluation System  
19 to Rate Feedlot Pollution Potential,” ARM-NC-17 (April 1982 version with modifications as of  
20 August 2005. An Excel computer spreadsheet version of the BARNY model is available at  
21 <https://datcp.wi.gov/Documents/BARNYSpreadsheet.xls>.

22           C. “Best management practices (BMPs)” mean structural or nonstructural measures,  
23 practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants  
24 carried in runoff to waters of the state.

25           D. “Direct conduit to groundwater” means wells, sinkholes, swallets, fractured  
26 bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater,  
27 quarries, cenotes, or depressional groundwater recharge areas over shallow fractured bedrock.

28           E. “Direct runoff” means any of the following:

29                 1. Runoff of stored manure, including manure leachate, that discharges a  
30 significant amount of pollutants to surface waters of the state or to a direct conduit to ground  
31 water.

32                 2. Runoff from a feedlot that can be predicted to discharge a significant  
33 amount of pollutants to surface waters of the state or a direct conduit to groundwater.

34                 3. Discharge of a significant amount of leachate from stored manure to  
35 waters of the state.

36                 4. Construction of a manure storage facility in permeable soils or over  
37 fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR  
38 154.04(3).

39           F. “Footprint of the liner” means the area measured in square feet located beneath  
40 the liner of the manure storage facility, including the waste transfer system.

41           G. “Feedlot” means a barnyard, exercise area, or other outdoor area where livestock  
42 are concentrated for feeding or other purposes and self-sustaining vegetative cover is not  
43 maintained. “Feedlot” does not include a winter grazing area or a bare soil area such as a cattle  
44 lane or a supplemental feeding area located within a pasture, provided that the bare soil area is  
45 not a significant source of pollution to waters of the state as determined by the BARNY runoff  
46 prediction model or an equivalent predictive model for manure runoff utilized by the land  
47 conservation division.

48           H. “Land application” means the physical transfer of manure from any animal  
49 confinement area or manure storage facility to fields for purposes of fertilization or disposal.

1 I. "Land Conservation Commission" means the Commission which is designated by  
2 the county board pursuant to Wis. Stat. § 92.06.

3 J. "Land Conservation Division" means the Eau Claire County Land Conservation  
4 Division of the Planning and Development Department.

5 K. "Landowner" means any of the following:

6 1. A person who owns a parcel of land.

7 2. A person who rents, controls, or uses a parcel of land for agricultural

8 purposes.

9 L. "Livestock" means all domestic animals, including deer, elk, or any fenced-in  
10 animals.

11 M. "Livestock operation" means a feedlot or other facility or a pasture where animals  
12 are fed, confined, maintained, or stabled.

13 N. "Livestock producer" means an owner or operator of a livestock operation.

14 O. "Manure" means livestock excreta. "Manure" includes the following when  
15 intermingled with excreta in normal farming operations: debris including bedding, water, soil,  
16 hair, and feathers; processing derivatives including separated sand, separated manure solids,  
17 precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process  
18 water; and runoff collected from barnyards, animal lots, and feed storage areas.

19 P. "Manure storage" means physically transferring manure from the livestock  
20 production area, feedlot, or place of origin to another location, manure storage facility, or  
21 unconfined manure pile. Manure storage does not include transferring manure for land  
22 application.

23 Q. "Manure storage facility" means an impoundment made by constructing an  
24 embankment or excavating a pit or dugout or by fabricating a structure to contain manure and  
25 other animal or agricultural waste.

26 R. "Natural Resources Conservation Service (NRCS)" means an agency of the  
27 United States Department of Agriculture (USDA) which, for purposes of this chapter, provides  
28 the Land Conservation Commission and the land conservation division with technical assistance  
29 and information on the design criteria, size, shape, engineering strength, and other necessary  
30 technical data for the proper and safe installation of a manure storage facility.

31 S. "Navigable waters" means any body of water that is navigable under the laws of  
32 the state as defined in Wis. Stat. § 30.01(4m).

33 T. "Nutrient management plan" means a plan that balances the nutrient needs of a  
34 crop with the nutrients available from legume crops, manure, fertilizer, or other sources. The  
35 requirements for a nutrient management plan are as established in Wis. Admin. Code § ATCP  
36 50.04(3).

37 U. "Nutrients" means plant nutrients derived from commercial fertilizers, manure,  
38 organic wastes, soil reserves, legumes, or other sources.

39 V. "Ordinary high-water mark" means the point on the bank or shore up to which the  
40 presence and action of surface water is so continuous as to leave a distinctive mark such as by  
41 erosion, destruction or prevention of terrestrial vegetation, or other easily recognized  
42 characteristic. Where the bank or shore at any particular place is of such character that it is  
43 difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may  
44 be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to  
45 determine whether a given stage of water is above or below the ordinary high-water mark.

46 W. "Pasture" means land on which livestock graze or otherwise seek feed in a  
47 manner that maintains the vegetative cover over the grazing area. Pasture may include limited  
48 areas of bare soil such as cattle lanes and supplemental feeding areas provided the bare soil areas  
49 are not significant sources of pollution to waters of the state.

1 X. "Permit" means the signed, written statement issued by the land conservation  
2 division under this ordinance authorizing the applicant to construct, install, substantially alter,  
3 close, or reuse a manure storage facility, and to use or dispose of waste from the facility.

4 Y. "Permitted manure storage facility" means a facility that was permitted under this  
5 ordinance.

6 Z. "Permittee" means any person to whom a permit is issued under this ordinance.

7 AA. "Person" means any individual, owner, operator, corporation, limited liability  
8 company, partnership, association, municipality, interstate agency, state agency, or federal  
9 agency pursuant to Wis. Stat. § 283.01(11).

10 BB. "Phosphorus index" or "PI" means the State's agricultural land management  
11 planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to  
12 surface waters.

13 CC. "Pollutant" means any dredged, spoil, solid waste, incinerator residue, sewage,  
14 garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive  
15 substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial,  
16 municipal, and agricultural waste discharged into water as defined in Wis. Stat. § 283.01(13).

17 DD. "Pollution" includes contaminating or rendering unclean or impure the waters of  
18 the state, or making the same injurious to public health, harmful for commercial or recreational  
19 use, or deleterious to fish, bird, animal or plant life.

20 EE. "Process wastewater" means wastewater from the production area directly or  
21 indirectly used in the operation of animal feeding operation that results from any or all of the  
22 following:

23 1. Spillage or overflow from animal or poultry watering systems.  
24 2. Washing, cleaning, or flushing pens, barns, manure pits, or other animal  
25 feeding operation facilities.  
26 3. Direct contact swimming, washing, or spray cooling of animals or dust  
27 control.

28 4. Water that comes into contact with any raw materials or animal  
29 byproducts including manure, feed, milk, eggs, or bedding.

30 FF. "Recoverable benchmark" means a readily identifiable, relatively permanent  
31 benchmark that is intended to maintain its elevation without change over a long period of time  
32 and will not be influenced by disturbing activities.

33 GG. "Runoff" means storm water or precipitation including rain, snow, ice melt or  
34 similar water that moves on the land surface via sheet or channelized flow.

35 HH. "Safety devices" means constructed measures designed to protect humans and  
36 livestock from hazards associated with a manure storage facility.

37 II. "Site that is susceptible to groundwater contamination" under Wis. Stat. § 281.16  
38 (1)(g) means any one of the following:

39 1. An area within 250 feet of a private well.  
40 2. An area within 1000 feet of a municipal well.  
41 3. An area within 300 feet upslope or 100 feet downslope of a direct conduit  
42 to groundwater.  
43 4. A channel that flows to a direct conduit to groundwater.  
44 5. An area where the soil depth to groundwater or bedrock is less than 2 feet.  
45 6. An area where the soil does not exhibit one of the following soil  
46 characteristics:

47 a. At least a 2-foot soil layer with 40% fines or greater above  
48 groundwater and bedrock.

1                           b.       At least a 3-foot soil layer with 20% fines or greater above  
2 groundwater and bedrock.

3                           c.       At least a 5-foot soil layer with 10% fines, or greater above  
4 groundwater and bedrock.

5           JJ.       “Stored manure” means manure that is kept in a manure storage facility or an  
6 unconfined manure pile.

7           KK.       “Substantially alter or significantly alter” means a change initiated by a  
8 landowner or operator that results in a relocation of a structure or facility or changes to the size,  
9 depth or configuration of a structure or facility including any of the following:

- 10                   1.       Replacement of a liner of any type in a manure storage facility.
- 11                   2.       An increase in the volumetric capacity or area of a manure storage facility.
- 12                   3.       A change in a manure storage facility related to a change in livestock  
13 management from one species of livestock to another such as cattle to poultry.
- 14                   4.       The addition of a new pipe penetration or waste transfer system that  
15 requires an alteration to the manure storage facility.

16           LL.       “Surface waters” means all natural and artificial named and unnamed lakes and all  
17 naturally flowing streams within the boundaries of the state, but not including cooling lakes,  
18 farm ponds and facilities constructed for the treatment of wastewaters.

19           MM.       “Tolerable soil loss” or “T” means the maximum average annual rate of soil  
20 erosion, in tons per year, allowable for particular soils and site conditions that will maintain soil  
21 productivity.

22           NN.       “Technical guide” means the United States Department of Agriculture (USDA)  
23 Natural Resources Conservation Service (NRCS) Technical Guide as adopted by the Land  
24 Conservation Commission, including subsequent amendments or additions.

25           OO.       “Top of the channel” means an edge or point on the landscape landward from the  
26 ordinary high-water mark of a surface water of the state, where the slope of the land begins to be  
27 less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually  
28 for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the  
29 ordinary high-water mark.

30           PP.       “Unconfined manure pile” means a quantity of manure that is at least 175 cubic  
31 feet in volume and which covers the ground surface to a depth of at least 2 inches and is not  
32 confined within a manure storage facility, livestock housing facility or barnyard runoff control  
33 facility or covered or contained in a manner that prevents storm water access and direct runoff to  
34 surface water or leaching of pollutants to groundwater.

35           QQ.       “Waste transfer system” means components such as pumps, pipes, conduits,  
36 valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and  
37 milking center wastes from livestock structures to a storage structure, loading area, or treatment  
38 area. Waste transfer system may include permanently installed conveyance systems necessary to  
39 transfer material from the source to a storage facility, treatment facility or system, loading area,  
40 or cropland, and does not include vehicles, temporary surface pipes or hoses.

41           RR.       “Water pollution” means any act or condition contaminating or rendering unclean  
42 or impure the ground or surface waters of the state, or making the same injurious to public  
43 health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant  
44 life.

45           SS.       “Water Quality Management Area (WQMA)” means land that includes any of the  
46 following: an area within 1,000 feet of the ordinary high-water mark of a navigable lake, pond,  
47 or flowage; an area within 300 feet of the high-water mark of a navigable river or stream; an area  
48 that is susceptible to groundwater contamination, or has the potential to be a direct conduit for  
49 contamination to reach groundwater.

1 TT. "Waters of the state" mean those portions of Lake Michigan and Lake Superior  
2 within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells,  
3 impounding reservoirs, marshes, water courses, drainage systems and other surface water or  
4 groundwater, natural or artificial, public or private within the state or under its jurisdiction,  
5 except those waters which are entirely confined and retained completely upon the property of a  
6 person.

7 UU. "Winter grazing area" means a cropland or pasture where livestock feed on  
8 dormant vegetation or crop residue, with or without supplementary feed, during the period of  
9 October 1 to April 30.

10 SECTION 3. This ordinance is effective upon adoption.

11 ENACTED:

12  
13 *Gary G...*  
14 \_\_\_\_\_  
15 *James O'Rourke*  
16 \_\_\_\_\_  
17 *Jeffrey English*  
18 \_\_\_\_\_  
19 *Rubin J. Leary*  
20 \_\_\_\_\_  
21

22  
23 Committee on Planning & Development

24 *Rubin J. Leary*  
25 \_\_\_\_\_  
26 *Gary G...*  
27 \_\_\_\_\_  
28 *Heather D. Schif*  
29 \_\_\_\_\_  
30 *Tom M. ...*  
31 \_\_\_\_\_  
32 *Richy D. Trauch*  
33 \_\_\_\_\_  
34 *Roy L. ...*  
35 \_\_\_\_\_  
36 *Glory Adams*  
37 \_\_\_\_\_

38  
39 Land Conservation Commission

40 GL/yk

41  
42 Dated this 14<sup>th</sup> day of May, 2019.

43 ORDINANCE/19-20/012

APPROVED BY  
CORPORATION COUNSEL  
AS TO FORM

Reviewed by Finance Dept.  
for Fiscal Impact

TO THE HONORABLE EAU CLAIRE COUNTY BOARD OF SUPERVISORS

Committee on Finance & Budget

Amendment to File No. 19-20/012

**ANALYSIS**

The Committee on Finance & Budget has reviewed the proposed amendment to the proposed ordinance 19-20/012 "To Amend Section 4.35.165 B. of the code: Land Conservation fees; to Repeal and Recreate Chapter 17.04 of the Code."

**RECOMMENDATION**

BE IT RESOLVED by the Eau Claire County Board of Supervisors that the amendment to File No. 19-20/012 be and is hereby adopted.

I hereby certify that the foregoing correctly represents the action taken by the undersigned committee on June 10, 2018 by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against.

\_\_\_\_\_  
Stella Pagonis, Chair  
Committee on Finance & Budget

AW

ORDINANCE\Rept.19-20/012

**EAU CLAIRE COUNTY BOARD OF SUPERVISORS**

**AMENDMENT NO. 1**

**TO FILE NO. 19-20/012**

**AMEND THE ORDINANCE, AMENDMENT AS FOLLOWS:**

1. On page 13, line 18, insert "C." before "BARNY" and reletter all remaining definitions as follows:

~~CD.~~ "Best management practices (BMPs)" mean structural or nonstructural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.

~~DE.~~ "Direct conduit to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, cenotes, or depressional groundwater recharge areas over shallow fractured bedrock.

~~EF.~~ "Direct runoff" means any of the following:

1. Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water.

2. Runoff from a feedlot that can be predicted to discharge a significant amount of pollutants to surface waters of the state or a direct conduit to groundwater.

3. Discharge of a significant amount of leachate from stored manure to waters of the state.

4. Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR 154.04(3).

~~FG.~~ "Footprint of the liner" means the area measured in square feet located beneath the liner of the manure storage facility, including the waste transfer system.

~~GH.~~ "Feedlot" means a barnyard, exercise area, or other outdoor area where livestock are concentrated for feeding or other purposes and self-sustaining vegetative cover is not maintained. "Feedlot" does not include a winter grazing area or a bare soil area such as a cattle lane or a supplemental feeding area located within a pasture, provided that the bare soil area is not a significant source of pollution to waters of the state as determined by the BARNY runoff prediction model or an equivalent predictive model for manure runoff utilized by the land conservation division.

~~HI.~~ "Land application" means the physical transfer of manure from any animal confinement area or manure storage facility to fields for purposes of fertilization or disposal.

~~IJ.~~ "Land Conservation Commission" means the Commission which is designated by the county board pursuant to Wis. Stat. § 92.06.

~~JK.~~ "Land Conservation Division" means the Eau Claire County Land Conservation Division of the Planning and Development Department.

~~KL.~~ "Landowner" means any of the following:

1. A person who owns a parcel of land.



2. A person who rents, controls, or uses a parcel of land for agricultural purposes.

LM. “Livestock” means all domestic animals, including deer, elk, or any fenced-in animals.

MN. “Livestock operation” means a feedlot or other facility or a pasture where animals are fed, confined, maintained, or stabled.

NO. “Livestock producer” means an owner or operator of a livestock operation.

OP. “Manure” means livestock excreta. “Manure” includes the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.

PQ. “Manure storage” means physically transferring manure from the livestock production area, feedlot, or place of origin to another location, manure storage facility, or unconfined manure pile. Manure storage does not include transferring manure for land application.

QR. “Manure storage facility” means an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural waste.

RS. “Natural Resources Conservation Service (NRCS)” means an agency of the United States Department of Agriculture (USDA) which, for purposes of this chapter, provides the Land Conservation Commission and the land conservation division with technical assistance and information on the design criteria, size, shape, engineering strength, and other necessary technical data for the proper and safe installation of a manure storage facility.

ST. “Navigable waters” means any body of water that is navigable under the laws of the state as defined in Wis. Stat. § 30.01(4m).

TU. “Nutrient management plan” means a plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizer, or other sources. The requirements for a nutrient management plan are as established in Wis. Admin. Code § ATCP 50.04(3).

UV. “Nutrients” means plant nutrients derived from commercial fertilizers, manure, organic wastes, soil reserves, legumes, or other sources.

VW. “Ordinary high-water mark” means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

WX. “Pasture” means land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over the grazing area. Pasture may include limited areas of bare soil such as cattle lanes and supplemental feeding areas provided the bare soil areas are not significant sources of pollution to waters of the state.

XY. “Permit” means the signed, written statement issued by the land conservation division under this ordinance authorizing the applicant to construct, install, substantially alter, close, or reuse a manure storage facility, and to use or dispose of waste from the facility.

YZ. “Permitted manure storage facility” means a facility that was permitted under this ordinance.

ZAA. “Permittee” means any person to whom a permit is issued under this ordinance.

AABB. “Person” means any individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency, or federal agency pursuant to Wis. Stat. § 283.01(11).

BBCC. “Phosphorus index” or “PI” means the State’s agricultural land management planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to surface waters.

CCDD. “Pollutant” means any dredged, spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water as defined in Wis. Stat. § 283.01(13).

DD EE. “Pollution” includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

EEFF. “Process wastewater” means wastewater from the production area directly or indirectly used in the operation of animal feeding operation that results from any or all of the following:

1. Spillage or overflow from animal or poultry watering systems.
2. Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities.
3. Direct contact swimming, washing, or spray cooling of animals or dust control.
4. Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs, or bedding.

FFGG. “Recoverable benchmark” means a readily identifiable, relatively permanent benchmark that is intended to maintain its elevation without change over a long period of time and will not be influenced by disturbing activities.

GGHH. “Runoff” means storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

HHII. “Safety devices” means constructed measures designed to protect humans and livestock from hazards associated with a manure storage facility.

IJJ. “Site that is susceptible to groundwater contamination” under Wis. Stat. § 281.16 (1) (g) means any one of the following:

1. An area within 250 feet of a private well.
2. An area within 1000 feet of a municipal well.
3. An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.
4. A channel that flows to a direct conduit to groundwater.
5. An area where the soil depth to groundwater or bedrock is less than 2 feet.
6. An area where the soil does not exhibit one of the following soil

characteristics:

- a. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.

- b. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.
- c. At least a 5-foot soil layer with 10% fines, or greater above groundwater and bedrock.

JJKK. "Stored manure" means manure that is kept in a manure storage facility or an unconfined manure pile.

KKLL. "Substantially alter or significantly alter" means a change initiated by a landowner or operator that results in a relocation of a structure or facility or changes to the size, depth or configuration of a structure or facility including any of the following:

1. Replacement of a liner of any type in a manure storage facility.
2. An increase in the volumetric capacity or area of a manure storage facility.
3. A change in a manure storage facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.
4. The addition of a new pipe penetration or waste transfer system that requires an alteration to the manure storage facility.

LLMM. "Surface waters" means all natural and artificial named and unnamed lakes and all naturally flowing streams within the boundaries of the state, but not including cooling lakes, farm ponds and facilities constructed for the treatment of wastewaters.

MMNN. "Tolerable soil loss" or "T" means the maximum average annual rate of soil erosion, in tons per year, allowable for particular soils and site conditions that will maintain soil productivity.

NNOO. "Technical guide" means the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Technical Guide as adopted by the Land Conservation Commission, including subsequent amendments or additions.

OOPP. "Top of the channel" means an edge or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

PPQQ. "Unconfined manure pile" means a quantity of manure that is at least 175 cubic feet in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

QQRR. "Waste transfer system" means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area. Waste transfer system may include permanently installed conveyance systems necessary to transfer material from the source to a storage facility, treatment facility or system, loading area, or cropland, and does not include vehicles, temporary surface pipes or hoses.

RRSS. "Water pollution" means any act or condition contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

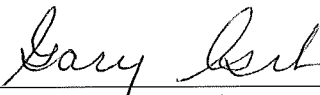
SSTT. "Water Quality Management Area (WQMA)" means land that includes any of the following: an area within 1,000 feet of the ordinary high-water mark of a navigable lake, pond,

or flowage; an area within 300 feet of the high-water mark of a navigable river or stream; an area that is susceptible to groundwater contamination, or has the potential to be a direct conduit for contamination to reach groundwater.

TTUU. "Waters of the state" mean those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

UUUV. "Winter grazing area" means a cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period of October 1 to April 30.

OFFERED BY:

  
\_\_\_\_\_  
Gary Gibson, Supervisor  
District 1

  
\_\_\_\_\_  
Robin Leary, Supervisor  
District 23

GL/yk

Ordinance/19-20/012 Amendment 1

**DATE: May 2018**

**SUBJECT: EAU CLAIRE COUNTY 2019 BUDGET GUIDELINES**

---

**GUIDELINES:**

All Departments and community agencies shall submit a proposed 2018 budget request for county funds using a reduced or the same levy allocation as 2017. We ask that managers creatively address needs through efficiencies as well as innovative program delivery models. You as managers, along with your team are the resident experts that are able to develop efficiencies and alternative delivery models.

All departmental programs should be prioritized and provide performance management data by program. This year, we will also emphasize the programs' conformance with the county's strategic plan.

Any substantial change from the prior year's budget approval must be noted in the introductory information.

Departments and agencies may submit addback requests for additional levy funding; however, addbacks are not guaranteed. If additional levy requests are linked to establishing innovative programming that may result in future year savings or enhanced revenue, they will be prioritized.

Departments are encouraged to look for alternative funding and revenue streams for programs.

All new position requests must be proposed as addback requests.

Departments must include a list of revenue sources, other than county levy, with expected revenue amounts. Changes in revenue from the prior year must be clearly stated.

Departmental user fees shall be reviewed for potential increases commensurate with the increased cost of doing business. The review of fee schedules should include analysis of cost recovery for service.

Oversight committees must approve department program priorities, user fee recommendations and the detailed departmental budget prior to submission to the County Administrator & Finance Department. Please incorporate discussion around goals and objectives and how they link to strategic direction.

All 2019 department and community agency budget proposals, with supporting documentation, shall be submitted electronically to the County Finance Director by August 20, 2018. All related budget entries supporting these proposals must be entered on Alio by this deadline.

Date	Event
March 5	March 5 - Review 2020 budget calendar with Internal Services
April 1-30	April 1-30 - Discuss Department Capital needs
April 5	April 5 - Finalize 2020 budget calendar
April 8	April 8 - Review budget calendar with F&B committee
April 8	April 8 - Deliver Capital guidance and instructions
April 17	April 17 - Review preliminary budget timeline and approach with Dept. Head group
May 1-3	May 1-3 - Discuss Department Capital needs
May 3	<b>May 3 - Department Capital requests due to Finance</b>
May 7	May 7 - County Board work session on financial model, budget process, priorities, and oversight committee instructions
May 9-31	May 9-31 - Review and prioritize Capital requests
May 17	May 17 - Discuss HSA funding strategies and impacts
May 21	May 21 - Review Facilities Master Plan with Board
May 24	May 24 - Finalize on Health Insurance budget strategy
May 31	May 31 - Finalize budget package forms

Month	Finance Department	Human Resources Dept.	Administrator	Department Heads	Oversight Committees	Finance & Budget Comm.	County Board
March	March 5 - Review 2020 budget calendar with Internal Services		March 5 - Review 2020 budget calendar with Internal Services				
April	April 8 - Deliver Capital guidance and instructions		April 5 - Finalize 2020 budget calendar	April 1-30 - Discuss Department CIP needs  April 8 - Deliver Capital guidance and instructions  April 17 - Review preliminary budget timeline and approach with Dept. Head group	April 1-30 - Discuss Department CIP needs	April 8 - Review budget calendar key dates with F&B committee	
May	May 3 - Department Capital requests due to Finance  May 9-31 - Review and prioritize Capital requests  May 17 - Discuss HSA funding strategies and impacts  May 24 - Finalize on Health Insurance budget strategy May 31 - Finalize budget package forms	May 17 - Discuss HSA funding strategies and impacts	May 7 - County Board work session on financial model, budget process, priorities, and oversight committee instructions May 9-31 - Review and prioritize Capital requests  May 31 - Finalize budget package forms	May 1-3 - Discuss Department Capital needs  May 3 - Department Capital requests due to Finance	May 1-3 - Discuss Department Capital needs		May 7 - County Board work session on financial model, budget process, priorities, and oversight committee instructions  May 21 - Review Facilities Master Plan with Board

Date	Event	Month	Finance Department	Human Resources Dept.	Administrator	Department Heads	Oversight Committees	Finance & Budget Comm.	County Board
June 3	June 3 - Distribute Position Request forms to departments with instructions		June 19 - Distribute Position Request forms to departments with instructions	June 19 - Distribute Position Request forms to departments with instructions					
June 10	June 10 - Finance & Budget Committee to finalize 2020 budget guidelines							June 10 - Finance & Budget Committee to finalize 2020 budget guidelines	
June 13	June 13 - Finalize Capital Improvement Plan (CIP) Administrator Recommendation				June 13 - Finalize Capital Improvement Plan (CIP) Administrator Recommendation				
June 14	June 14 - Administrator distributes budget guidelines to Departments				June 14 - Administrator distributes budget guidelines to Departments	June 14 - Administrator distributes budget guidelines to Departments			
June 17-28	June 17-28 - Finalize preliminary health insurance rates and impact	June	June 17-28 - Finalize preliminary health insurance rates and impact	June 17-28 - Finalize preliminary health insurance rates and impact					
June 17	June 17 - Review final budget templates with Finance User Group		June 17 - Review final budget templates with Finance User Group						
June 17	June 17 - Open Alio Budget Planning System (BPS) module to departments for input		June 17 - Open Alio BPS module to departments for input			June 17 - Open Alio BPS module to departments for input			
June 18	June 18 - Introduce draft capital plan with Board								June 18 - Introduce draft capital plan with Board
June 21	June 21 - Positions requests due to HR & Finance		June 21 - Positions requests due to HR & Finance	June 21 - Positions requests due to HR & Finance			June 21 - Positions requests due to HR & Finance		
June 28	June 28 - Complete review of 2019 Alio accounts for BPS roll		June 28 - Complete review of 2019 Alio accounts for BPS roll						
July 1	July 1 - Open on-line budget survey		July 1 - Open on-line budget survey						
July 5	July 5 - Distribute preliminary Capital recommendations to departments		July 5 - Distribute preliminary Capital recommendations to departments			July 5 - Distribute preliminary Capital recommendations to departments			
July 8	July 8 - Distribute wage worksheets to departments		July 8 - Distribute wage worksheets to departments						
July 9	July 9 - Distribute Department budget package templates		July 9 - Distribute Department budget package templates						
July 9	July 9 - Distribute budget request form/guidance to outside agencies	July	July 9 - Distribute budget request form/guidance to outside agencies						
July 12	July 12 - Publish preliminary allocations to departments; Audit, Insurance, etc.		July 12 - Publish preliminary allocations to departments; Audit, Insurance, etc.						
July 15-30	July 15-30 - Public input sessions							July 15-30 - Public input sessions	
July 19	July 19 - Review county positions requests with Administrator/HR/Finance		July 19 - Review county positions requests with Administrator/HR/Finance	July 19 - Review county positions requests with Administrator/HR/Finance	July 19 - Review county positions requests with Administrator/HR/Finance				

Date	Event
Aug 8	Aug 8 - Community agency requests due to Finance
<b>Aug 15</b>	<b>Aug 15 - Department budget packages due to Finance</b>
Aug 12-16	Aug 12-16 - Review City-County Health Dept. budget with the City
Aug 12-16	Aug 12-16 - Review Comm Center budget with the City
Aug 16-20	Aug 16-20 - Prepare Department request reports for reviews with Administrator
Aug 21-30	<b>Aug 21-30 - Department reviews with Administrator</b>
Aug 30	Aug 30 - Final revised user fee structure due to Administrator
Sept 3-13	Sept 3-13 - Prepare Administrator Recommendation Book
Sept 9	Sept 9 - Review final user fee schedule with Finance & Budget committee
Sept 13	<b>Sept 13 - Review new positions request with Committee on Human Resources</b>
Sept 16	<b>Sept 16 - Review Administrator Recommendation with Dept. Head group</b>
Sept 17	<b>Sept 17 - Publish Administrator Budget Recommendation to County Board</b>
Sept 17	<b>Sept 17 - Consideration of Finance &amp; Budget Committee user fee recommendation</b>
Sept 18-Sept 3	<b>Sept 18-30 - Finance &amp; Budget Committee Budget Review Sessions</b>
Sept 22-24	<b>Sept 22-24 - WCA conference</b>

Month	Finance Department	Human Resources Dept.	Administrator	Department Heads	Oversight Committees	Finance & Budget Comm.	County Board
August	Aug 8 - Community agency requests due to Finance						
	<b>Aug 15 - Department budget packages due to Finance</b> Aug 12-16 - Review City-County Health Dept. budget with the City Aug 12-16 - Review Comm Center budget with the City Aug 16-20 - Prepare Department request reports for reviews		Aug 12-16 - Review City-County Health Dept. budget with the City Aug 12-16 - Review Comm Center budget with the City	Aug 15 - Department budget packages due to Finance  Aug 21-30 - Department reviews with Administrator Aug 30 - Final revised user fee structure due to Administrator			
September	Sept 3-13 - Prepare Administrator Recommendation Book						
	Sept 13 - Review new positions request with Committee on Human Resources	Sept 13 - Review new positions request with Committee on Human Resources		Sept 13 - Review new positions request with Committee on Human Resources	Sept 13 - Review new positions request with Committee on Human Resources	Sept 9 - Review final user fee schedule with Finance & Budget committee	
	Sept 16 - Review Administrator Recommendation with Dept. Head group		Sept 16 - Review Administrator Recommendation with Dept. Head group	Sept 16 - Review Administrator Recommendation with Dept. Head group			
	Sept 17 - Publish Administrator Budget Recommendation to County Board					Sept 17 - Publish Administrator Budget Recommendation to County Board	
	Sept 18-30 - Finance & Budget Committee Budget Review Sessions		Sept 18-30 - Finance & Budget Committee Budget Review Sessions	Sept 18-30 - Finance & Budget Committee Budget Review Sessions	Sept 18-30 - Finance & Budget Committee Budget Review Sessions	Sept 17 - Consideration of Finance & Budget Committee user fee recommendation	
Sept 22-24 - WCA conference					Sept 22-24 - WCA conference	Sept 22-24 - WCA conference	



Date	Event	Month	Finance Department	Human Resources Dept.	Administrator	Department Heads	Oversight Committees	Finance & Budget Comm.	County Board
Oct 1-3	Oct 1-3 -Finance & Budget Committee Budget Review Sessions		Oct 1-3 -Finance & Budget Committee Budget Review Sessions			Oct 1-3 -Finance & Budget Committee Budget Review Sessions		Oct 1-3 -Finance & Budget Committee Budget Review Sessions	
Oct 4	Oct 4 - Finance & Budget Committee Wrap-up - complete budget proposal to provide to the comm							Oct 4 - Finance & Budget Committee Wrap-up - complete budget proposal to provide to the committee as a whole	
Oct 8	Oct 8 -Finalize Finance & Budget Recommendations and notice to Departments		Oct 8 -Finalize Finance & Budget Recommendations and notice to Departments						
Oct 9-14	Oct 9-14 - Incorporate Finance & Budget recommendations into Proposed book for distribution		Oct 9-14 - Incorporate Finance & Budget recommendations into Proposed book for distribution						
Oct 11	Oct 11 - HR to review and recommend county board salaries	October					Oct 11 - HR to review and recommend county board salaries		
Oct 14	Oct 14 - Provide Leader Telegram with proposed budget for publication		Oct 14 - Provide Leader Telegram with proposed budget for publication						
Oct 15	Oct 15 - Distribute Finance & Budget Committee proposed budget to County Supervisors		Oct 15 - Distribute Finance & Budget Committee proposed budget to County Supervisors					Oct 15 - Distribute Finance & Budget Committee proposed budget to County Supervisors	Oct 15 - Distribute Finance & Budget Committee proposed budget to County Supervisors
Oct 18	Oct 18 - Publish proposed budget in the Leader Telegram		Oct 18 - Publish proposed budget in the Leader Telegram						
Oct 31	Oct 31 - Budget amendment forms due to the Administrator				Oct 31 - Budget amendment forms due to the Administrator				Oct 31 - Budget amendment forms due to the Administrator
Nov 5	Nov 5 - Public hearing and deliberation on the proposed 2020 budget	November	Nov 5 - Public hearing and deliberation on the proposed 2020 budget		Nov 5 - Public hearing and deliberation on the proposed 2020 budget			Nov 5 - Public hearing and deliberation on the proposed 2020 budget	Nov 5 - Public hearing and deliberation on the proposed 2020 budget

### **Key Budget Dates**

- May 7 - Board work session on budget process and priorities and oversight committee instructions**
- May 17 - Discuss HSA funding strategy and impacts for 2020**
- May 21 - Review Facilities master plan**
- June/July - HR Committee to review and recommend county board salaries**
- June 3 - Distribute Position Request forms to departments with instructions**
- June 10 - Finance & Budget Committee finalizes budget guidelines**
- June 14 - Administrator distributes budget guidelines to Departments, including new positions**
- June 17 - Budget Planning System (BPS) in Alio opened for entry**
- June 17-28 - Finalize preliminary health insurance rates and \$ impact**
- June 18 - Review draft Capital plan with the Board**
- June 21 - Positions requests due to HR & Finance**
- July 5 - Distribute Capital In Progress recommendations to departments**
- July 8 - Distribute wage worksheets to departments**
- July 9 - Distribute Department budget package templates**
- Aug 15- Budget Packages due to Finance**
- Aug 21-30 - Department reviews with Administrator**
- Sept 13 - Committee on Human Resource review of position requests**
- Sept 16 - Review Administrator Recommendation with Dept. Head group**
- Sept 17 - Publish Administrator Budget Recommendation to County Board**
- Sept 18-Oct 3 - Finance & Budget Committee Budget Review Sessions with Dept. Heads and Community Agencies**
- Sept 22-24 - Wisconsin County Assoc. annual conference**
- Oct 4 - Finance & Budget Committee Wrap-up - complete budget proposal to provide to the committee as a whole**
- Oct 14 - Provide Leader Telegram with proposed budget for publication from Finance & Budget Committee**
- Oct 15 - Distribute Finance & Budget Committee proposed budget to County Supervisors**
- Oct 18 - Publish proposed budget in the Leader Telegram**
- Oct 31 - Budget amendment forms due to the Administrator**
- Nov 5 - Public hearing and deliberation on the proposed 2020 budget**

Eau Claire County  
 Committee on Finance and Budget  
 Department Budget Meetings  
 2020 Budget

Date	Time	Department
7/11/2019	6:00	Public Input Session - Fall Creek Village Hall
<b>8/8/2019</b>		
8/8/2019	6:00	Public Input Session - EC Library, Eau Claire Room
<b>9/18/2019</b>		
9/18/2019	1:00	review of Administrator's Proposed Budget
Room 1301	1:30	Jamie Gower - Health Insurance, personnel
		capital/debt
<b>9/20/2019</b>		
9/20/2019	1:00	call to order, questions
Room 1273	1:30	Treasurer/County Clerk (2nd review necessary??)
	2:00	Register of Deeds
	2:30	COC/Courts
	3:00	DA
	3:30	CJCC
	4:00	Airport
<b>9/25/2019</b>		
9/25/2019	1:00	call to order, questions
1:00pm	1:30	ADRC/Vets
Room 1273	3:00	DHS
<b>9/27/2019</b>		
9/27/2019	1:00	call to order, questions
Room 1301	1:30	Facilities/BCR
	2:30	Parks
	3:00	Highway
	4:00	P&D
<b>9/30/2019</b>		
9/30/2019	1:00	call to order, questions
Room 1301	1:30	IS
	3:00	Sheriff
<b>10/2/2019</b>		
10/2/2019	8:30	call to order, questions
Room 1301	9:00	Health Department
	9:30	Extension
	10:00	Admin/County Board
	10:30	HR
	11:00	Probate
	11:30	Corp Counsel/CSA
	12:00	break
	1:00	Finance (2nd review necessary??)
	1:30	
	2:00	
	2:30	
	3:00	
	3:30	
	4:00	
	4:30	
<b>10/4/2019</b>		
10/4/2019	8:30	wrap up
Room 1301		

## Eau Claire County Sales Tax Collections

Month	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
January	\$ 605,382	\$ 649,869	\$ 613,413	\$ 637,758	\$ 633,370	\$ 655,343	\$ 696,710	\$ 755,910	\$ 746,338	\$ 704,798
February	638,455	602,909	563,535	532,904	689,925	843,563	882,113	628,528	601,096	669,281
March	538,909	561,038	783,032	834,428	852,142	864,937	659,845	914,348	957,986	959,733
April	711,305	797,429	741,448	606,312	641,812	719,623	933,154	883,529	900,497	
May	663,464	567,787	549,895	783,189	856,800	854,993	880,459	803,003	946,279	
June	476,205	707,990	872,811	924,281	935,972	835,827	819,172	893,219	1,249,533	
July	741,830	751,169	783,644	655,631	764,686	1,031,180	946,348	1,108,995	748,195	
August	663,893	616,376	785,490	823,653	1,004,488	957,996	817,003	829,756	987,184	
September	631,589	804,241	788,958	805,689	725,272	753,988	906,726	984,452	1,086,193	
October	642,499	705,976	669,856	655,379	830,917	968,167	901,132	933,541	789,472	
November	728,502	630,916	799,401	872,360	934,158	868,976	662,535	652,721	950,828	
December	692,239	844,605	817,298	774,289	707,471	708,777	996,080	1,137,837	1,069,954	
<b>Total</b>	<b>\$ 7,734,272</b>	<b>\$ 8,240,305</b>	<b>\$ 8,768,781</b>	<b>\$ 8,905,873</b>	<b>\$ 9,577,013</b>	<b>\$ 10,063,370</b>	<b>\$ 10,101,277</b>	<b>\$ 10,525,839</b>	<b>\$ 11,033,555</b>	<b>\$ 2,333,812</b>
<b>Budgeted</b>	<b>\$ 7,675,000</b>	<b>\$ 7,675,000</b>	<b>\$ 7,800,000</b>	<b>\$ 8,060,000</b>	<b>\$ 8,586,000</b>	<b>\$ 8,950,000</b>	<b>\$ 9,280,000</b>	<b>\$ 9,600,000</b>	<b>\$ 10,100,000</b>	<b>\$ 10,849,216</b>
Excess (Short)	\$ 59,272	\$ 565,305	\$ 968,781	\$ 845,873	\$ 991,013	\$ 1,113,370	\$ 821,277	\$ 925,839	\$ 933,555	\$ (8,515,404)
	2010 Surplus	2011 Surplus	2012 Surplus	2013 Surplus	2014 Surplus	2015 Surplus	2016 Surplus	2017 Surplus	2018 Surplus	
<b>Total County Taxable Sales</b>	<b>\$ 1,546,854,400</b>	<b>\$ 1,648,061,000</b>	<b>\$ 1,753,756,200</b>	<b>\$ 1,781,174,600</b>	<b>\$ 1,915,402,600</b>	<b>\$ 2,012,674,000</b>	<b>\$ 2,020,255,414</b>	<b>\$ 2,105,167,718</b>	<b>\$ 2,206,710,922</b>	<b>\$ 466,762,370</b>
<b>Yearly Average</b>	<b>\$ 644,523</b>	<b>\$ 686,692</b>	<b>\$ 730,732</b>	<b>\$ 742,156</b>	<b>\$ 798,084</b>	<b>\$ 838,614</b>	<b>\$ 841,773</b>	<b>\$ 877,153</b>	<b>\$ 919,463</b>	<b>\$ 777,937</b>

Month	Monthly Avg	Median
January	\$ 669,889	\$ 652,606
February	\$ 665,231	\$ 633,491
March	\$ 792,640	\$ 843,285
April	\$ 770,568	\$ 741,448
May	\$ 767,319	\$ 803,003
June	\$ 857,223	\$ 872,811
July	\$ 836,853	\$ 764,686
August	\$ 831,760	\$ 823,653
September	\$ 831,901	\$ 804,241
October	\$ 788,549	\$ 789,472
November	\$ 788,933	\$ 799,401
December	\$ 860,950	\$ 817,298

Monthly amounts reflect sales tax earned. Payments received approx two months later.

**Eau Claire County  
Vehicle Registration Fee Collections**

<b>Month</b>	<b>2019</b>
January	\$ 69,579
February	148,262
March	170,323
April	225,742
May	238,091
June	
July	
August	
September	
October	
November	
December	
<b>Total</b>	<b>\$ 851,996</b>
<b>Budget</b>	<b>\$ 2,300,000</b>
<b>Excess (Short)</b>	<b>\$ (1,448,004)</b>
<b>Yearly Average</b>	<b>\$ 170,399</b>

<b>Month</b>	<b>Monthly Avg</b>	<b>Median</b>
January	\$ 69,579	\$ 69,579
February	\$ 148,262	\$ 148,262
March	\$ 170,323	\$ 170,323
April	\$ 225,742	\$ 225,742
May	\$ 238,091	\$ 238,091
June	NA	NA
July	NA	NA
August	NA	NA
September	NA	NA
October	NA	NA
November	NA	NA
December	NA	NA

Monthly amounts reflect vehicle registration fees received.  
Payment is for collections made by state in prior month.

## MINUTES

Eau Claire County  
Committee on Finance and Budget

Monday, May 6, 2019 / 5:00 pm  
Eau Claire County Courthouse – Room LEC 1301/1302  
Eau Claire, WI 54703

**Members present:** Supervisors Steve Chilson, Jim Dunning, Robin Leary, Stella Pagonis, Gerald Wilkie

**Staff present:** Kathryn Schauf, County Administrator; Norb Kirk, Finance Director; Janet Loomis, County Clerk; Glenda Lyons, Treasurer; Amy Weiss, Senior Accounting Manager

Vice Chair Dunning called the meeting to order at 5:00 pm and confirmed compliance with open meetings law.

There were no members of the public present.

County Clerk Janet Loomis would like approval to move forward with possible property transfer to Town of Pleasant Valley.

Motion by Dunning: to proceed with conversations prior to a hold harmless agreement

Further Discussion: Concern was expressed over the level of contamination and concerns over the county being held harmless. The county does not want a contaminated property. The Town of Pleasant Valley would take the property with no consideration.

Motion by Chilson: continue to have discussions with Pleasant Valley to acquire the necessary paperwork for the county to take action

No further discussion.

Unanimous, 5-0.

Proposed Resolution 19-20/013 “Authorizing Participation in the LGIP and Designating the ‘Local Official.’”

Motion by Dunning: approval of resolution as presented

Further discussion: The committee confirmed that there are no conflicts with any other county resolutions.

Unanimous, 5-0.

Chair Stella Pagonis took over facilitation of the committee meeting.

The committee reviewed the CLA report on Cash Handling and the process changes implemented by the departments identified in the report. Glenda Lyons reported on improvements noted by departments over the last three years. The committee requested a report with the responses prepared to be brought back to the board. The committee expressed desire in reviewing a report on a continual basis, including outside entities with monetary relationships with ECC. Goal: each department should have a document outlining their internal controls. Approval of changes to department internal controls must be approved by Finance Director. Internal Audit is an important component of internal controls.

Glenda Lyons reviewed Quarter 1 investment income. The county is on track for 2019. CD interest income is not reflected in the quarter 1 results, as interest income will not be posted until CDs mature.

Proposed Resolution 19-20/016 “Authorizing Carryforward of Funds from 2018 Budget into 2019 Budget.”

Carryforward funds requested adhere to a specific policy and are made up of projects (originally funded by bonding or levy) that have been started but not finished as of the end of 2018. Grants and donations designated for a specific purpose are also included in this request.

Motion by Leary: approval of resolution which includes the list as presented for total \$1,775,545.59.

No further discussion.

Unanimous, 5-0.

Proposed Ordinance 19-20/007 “To Repeal Chapter 4.09 of the Code: County Accounts.”

Norb Kirk reviewed carryforward and fund balance policies to explain proposed repeal of County Code Section 4.09. Section 4.09 has outdated accounts, and the carryforward policies will cover the approval needed to identify nonlapsing funds. Requiring specific requests will lead to a cleaner tracking of subsequent year funds being spent. The committee is concerned that removing language from the code will take away the automatic provisions for funds available to spend. The committee is not comfortable repealing Code Section 4.09, but is in favor of updating the section.

Norb Kirk reviewed the preliminary 2019 Quarter 1 financial results. The county has developed several new reports to present financial information. Quarter 1 does not present any alarming trends.

The committee reviewed the proposed budget calendar. The committee would like to review budget guidelines prior to distribution to departments.

1. Wednesday, September 18, 1:00 pm: review of Admin proposal
2. Departmental Reviews
  - a. Friday, September 20, 1:00 pm
  - b. Wednesday, September 25, 1:00 pm
  - c. Friday, September 27, 1:00 pm
  - d. Monday, September 30, 1:00 pm
  - e. Wednesday, October 2, 8:30 am (8 hour day)
  - f. Friday, October 4, 8:30 am

The 2020 budget survey should be advertised more. The committee gives modification discretion to the Chair.

The committee reviewed the county sales tax report.

Supervisor Wilkie made a motion to approve the regular committee minutes from April 8, 2019. Motion passes unanimously, 5-0.

Next meeting: June 10

Possible agenda items:

1. Cash Handling Report
2. Treasurer, Clerk, Finance Performance Management
3. Code Section 4.09
4. Finalize Budget Guidelines
5. Line Item Transfers
6. Public Input Sessions

Meeting was adjourned at 7:43 pm.

Amy Weiss  
Committee Clerk

**MINUTES OF THE HUMAN SERVICES BOARD,  
COMMITTEE ON ADMINISTRATION AND COMMITTEE ON FINANCE AND  
BUDGET JOINT MEETING  
May 20, 2019 4:45 PM  
Room G034**

**PRESENT:**           **Human Services Board:**  
Colleen Bates, Chair; Paul Maulucci, Dianne Robertson  
Sandra McKinney, Gabriel Schlieve, Don Mowry  
Kim Cronk, Lydia Boerboom, Martha Nieman, Lorraine Henning  
**Committee on Administration:**  
Nick Smiar, Chair; Ralph Henning, Colleen Bates, Gerald Wilkie, Mark  
Beckfield  
**Committee on Finance & Budget:**  
Stella Pagonis, Chair; Steve Chilson, Jim Dunning, Gerald Wilkie, Robin  
Leary

**STAFF:**           Kathryn Schauf, Diane Cable, Tom Wirth, Vickie Gardner, Lieske Giese,  
Terri Bohl, Frank Draxler, Norb Kirk, Amy Weiss, Jackie Krumenauer

**VISITOR:**         Dr. Amelia Franck Meyer, CEO of Alia UnSystem Innovations

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Welcome & Call meeting to Order by Chair Colleen Bates at 4:45 PM Quorum present for the Human Services Board.

Stella Pagonis, Chair, Committee on Finance & Budget, asked that the record reflect she did not have the agenda in advance of the meeting; thus, not a consent agenda but quorum is present.

Committee on Administration also has a quorum.

At this time, Colleen turned the meeting over to Nick Smiar, Chair of the Committee on Administration.

Introductions of members and staff.

**Public Input** - Per Board operating procedures, a period of public input was held. No one was present for public input. Public Input session closed.

Purpose for Meeting Today: Oversight Committees have expressed concerns over 2017 & 2018 (projection) budget overages for Human Services Department.

Critical Community Issues: Drug Abuse which results in increase in Alternate Care & Hospitalization placements  
Diane Cable, DHS Director, shared statistical information re: Out of Home Care, increased cost for youth in residential centers



Diane has communicated to Oversight Committees in 2018 the urgent need for Child Welfare System change to address above issues.

Presentation on SystemChange -Eau Claire County DHS (Diane and Tom representatives) is one of five counties across the country who have been part of the Alia Unsystem Innovation Cohort. This evening we have the pleasure of welcoming Dr. Amelia Franck Meyer who is the CEO of Alia, a national non-profit organization focused on transforming how the child welfare system is done in this country. As the former CEO of Anu Family Services, Amelia has moved the organization through a cultural and practice transformation resulting in nationally recognized child permanence and placement stability outcomes for children in out-of-home care.

DHS has been actively involved in UnSystem Change work at the Department, creating a vision **FAMILY CONNECTIONS ARE ALWAYS PRESERVED AND STRENGTHENED**  
Our participation is no cost to the county.

Dr. Meyer shared a power point presentation on UnSystem Change. She answered questions from members and tried to project, by using past experience from other counties, the cost of the transition from the old child welfare system to the new child welfare system. Evolution of a System diagram explained.

Thank you to Dr. Meyer for attending tonight. For more information, please visit [WWW.aliainnovations.org](http://WWW.aliainnovations.org)

Presentation on Human Services Department Blue Print for SystemChange – By Diane Cable

Goals: Blue Print Plan:

Improve well being of Eau Claire County residents

Decrease out of home placements

Decrease hospitalizations

Increase behavioral health and substance abuse resources

Improve caseload ratio and supervision per CWLA standards

An assessment of case done in 2016, 2017-2019 Phase I stabilization and Phase II Early intervention 2020-2021. All with keeping above goals in mind. Phase III early intervention to primary prevention 2022-2023. Prevention dollars lost in budgets of the past and paying the price for no prevention dollars.

Discussion and Next Steps:

-DHS will work with HR to define position funding sources and continue their process of reviewing each position when a vacancy occurs and potentially when possible delay filling positions

-Finance requested more actual detail on line items in DHS budget (not guestimations)

-Dollars shift for Early Intervention & Primary Prevention Goal for Intensive Permanency Services (IPS)

-Advancing Wellbeing of families by UnSystem Change in the way DHS does child welfare

The Committee on Finance and Budget and Committee on Administration adjourned at 7:10 p.m.

The Human Services Board members continued to meet in order to set a June meeting date (June 10 at 5 p.m.)

The Human Services Board meeting adjourned at 7:20 pm.

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Jackie Krumenauer, Committee Clerk