



Minutes of the Farmland Conservation Easement Commission

**Jefferson County Courthouse, Room 203
320 S. Main St.
Jefferson, WI 53549**

Monday, September 17, 2012 12:30 pm

Members: Margaret Burlingham (Chairperson), Amy Rinard (Vice-Chairperson), Mariah Hadler (Secretary), Steve Nass and Blane Poulson.

1. Call to Order
The meeting was called to order by Chairperson Burlingham at 12:33 pm.
2. Roll Call
Commission members present included Burlingham, Rinard, John Molinaro (ex-officio), Nass, and Poulson. Hadler was absent. County staff present was Michelle Staff (Zoning Department), Phil Ristow (Corporation Counsel), and Gerry Kokkonen (Land and Water Conservation Department).
3. Certification of Compliance With Open Meetings Law Requirements
Burlingham and Staff verified that the meeting was being held in compliance with open meetings law requirements.
4. Review of Agenda
No changes to the agenda.
5. Public Comment
No public comment.
6. Communications
Staff handed out an e-mail from Bill Barry of the American Farmland Trust, regarding forwarding resolutions to county Farm Bureaus in support of the PACE program. Burlingham talked to Dan Poulson who stated that the Jefferson County Farm Bureau was to vote on this resolution on Sunday night.
7. Review & Approval of the August 13th, 2012 minutes
Burlingham asked for change on item 6 that her name be replaced with Hadler's name for attending the Jefferson County Farm Bureau meeting. **Motion** made by Rinard, seconded by Burlingham to approve the August 13th, 2012 minutes with the minor change. **Motion** carried on a voice vote with no objection.
8. Discussion on Baseline Report Documentation as required by the IRS
Jim Welsh from the Farmland Trust was present. Burlingham stated that the County needs to do baseline reports for both purchased easements and donated easements. Molinaro asked why we weren't aware of the need for a baseline report for the donated easements. Burlingham explained that if you read the IRS chapters on this,

it is required because the IRS wants to make sure that these easement are enforced in perpetuity. Burlingham explained that the County should have a policy for baseline study reports. Molinaro asked the difference between a detailed easement document and a baseline report. Ristow explained that the baseline is to just establish what was on the property at the time of the easement. Welsh explained that the baseline report needs to be signed by all parties, including the landowner, to attest that this is the condition of the property at the time of the easement. Staff asked Welsh why, when the baseline study was discussed for the Lea easement, the Land Trust asked the County for an endowment of \$8,000. Welsh explained that when the Land Trust is sole owner of the easement, they require a \$16,000 endowment for monitoring the easement in perpetuity which includes the baseline report. When they co-own the easement with local governments they only require \$8,000.

Welsh had a couple of comments about the draft policy. His first comment was that the County should require the baseline report signed at closing. Second, he stated that the IRS recommends that to avoid hearsay in court, the document should state the qualifications of the person doing the report. Those qualifications have previously been challenged in court. Molinaro stated that Kokkonen has qualifications due to training and has long-standing employment with Jefferson County in a related field. Welsh explained that even though the IRS states that it's the donor's responsibility to provide the baseline report, it is in the best interest of the County to do it due to the fact that they will be enforcing the easement in perpetuity. There was discussion on audits performed by the IRS, on the type of information that is required for the baseline report and on changes to the draft policy document. Welsh recommended a checklist of items that are monitored on a yearly basis. There was a discussion on records retention for the paperwork and electronic copies of the materials.

9. NRCS/Federal Update on Conservation Easements
Congress has not passed the Farm Bill yet.
10. Discussion and Possible Action on 2011 PACE Applications
Dale Neupert, Jeffrey & Monica Gerner and Greg Wilke.
Burlingham sent letters to all three applicants updating them on the next step for purchase of the farmland easement. Welsh stated that NRCS's next steps are to hire an outside firm to do an environmental assessment on the properties, review the appraisals submitted and review easement language for the properties. Burlingham explained to the landowners that for the donated portion of the easement, they must hire another appraiser at their expense.
11. Discussion on action on forwarding a resolution to County Board for the purchase of 2011 easements.
Ristow stated that there will be three separate resolutions for each landowner. Ristow and Welsh noted that until NRCS accepts the appraisals, the resolution will not be placed on the County Board agenda.
12. Discussion on Possible Funding Source for the PACE Program
There was brief discussion on how other counties were funding PACE program.
13. Discussion on possible 2013 PACE application submittal
In order for the County to take advantage of NRCS grant monies, the County must match 25% of the easement costs. If the current three easements are purchased, the

Commission will not have funds for any additional purchases. Discussion among the Commission members on potential grant funding such as farm organizations, DNR grants, partnerships, etc. It was stated that the County may take the growth percentage of new construction equalized assessed value which would be about \$130,000. Motion made by Nass, seconded by Poulson, to ask the Finance Committee for \$50,000 to be allocated to the Farmland Conservation Easement Commission for the purchase of easements. Motion passed on a voice vote with no objection.

14. Discussion on Community Outreach as presented by Land Trust Alliance Training Burlingham went to the Land Trust Alliance and Gathering Waters community engagement. She stated that some of the presentation was directed to non-profits but had great information on how to engage the community in the PACE program. Some ideas discussed were a dinner fundraiser, endowment fund, contacting local producers, farm markets, etc. Burlingham would like to discuss this further in the winter months to have a plan for marketing and possible fundraisers for the summer months. Agenda item number 15 was discussed during this item.

15. Future Meeting Dates

Burlingham had conflicts with the meeting date in October. It was agreed upon to have the meeting on October 15th at 12:30 pm. (*Note: Meeting was changed again to October 22 at 12:30 pm after this meeting concluded.*) Burlingham stated that she may have a conflict with the November meeting but will wait until the October meeting to discuss it.

16. Suggestions for the Next Agenda

No additional suggestions were made for agenda items.

17. Adjourn

Motion by Rinard, seconded by Poulson to adjourn the meeting at 1:32 p.m. **Motion** carried on a voice vote with no objection.

Secretary Signature

Date

Minutes by Michelle Staff, Zoning Technician, Jefferson County Planning and Zoning Department