

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
June 8th, 2011 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:02 AM.

Committee members present: George Brandt, Tom Bice, Mark A. Smick, Dave Quarne, and Roland Thompson. Hensel Vold, Michael E. Nelson, and Jeff Dregney were absent.

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Emery Palmer was present for part of the meeting.

Others present – Andy Todd, Paul and Sara Halama, Doug Sokup, Mike Sokup, Scott Napiecek, Bill Vachon and Curt Dungey-Foth Engineering, Bill & Kathleen Lockington, Rita Sosalla, Steffanie and Joseph A. Matchey, Dave Woyicki, Zach Bell, Ronald F. Tuschner-Town of Arcadia Chairman, Gene Martens, Marge Nystrom, Mary L. Benusa, Richard Krackow, Steve Lamberson, Robert Tenneson, Town of Preston Chairman, Dave Hesch, Lynnelle Bawek, Leon Ehmen, Bret Zotaman, Lance Vogler, Chuck Loew, Germaine Suchla, Joe Hale, Scott Mercer, John & Sheryl Wegman, Steve Okonek-UW Extension-Tremp. Co., James Kreibich, Robert and LaRayne Kupietz, Sharon and Gary Waldera, Dick Miller, Dean Suchla, and Randy Breska.

Chairman Brandt stated that the Open Meeting Law had been complied with through notifications and posting.

Approval of Agenda – Brandt made a request to the Committee that the agenda be amended to move Agenda Item #9 up to Item #5 so that Forester Scott Laurie wouldn't have to wait until the public hearings were finished. Bice made a motion to approve the agenda amendment, Quarne seconded, motion carried unopposed. Smick made a motion to approve the amended agenda as presented, Quarne seconded, motion carried unopposed.

Approval of Minutes – Bice made a motion to approve the May meeting minutes as presented, Thompson seconded, motion carried unopposed. Smick was very complimentary of the preparation of the meeting minutes.

Forester Scott Laurie – Brandt introduced Laurie to the Committee and public present. Laurie distributed a 2011 Tree Planting Summary to the Committee members (A copy is on file in the DLM office). Laurie stated there was a CRP sign-up this year which included tree planting which made for a busy year. Laurie explained that the County owns three tree planters (two plant trees) which the County rents out to landowners. Laurie and Lien agreed that the program went well this year. Approximately 115,000 trees were planted this year. Lien inquired if the maintenance had been done on the tree planters. Laurie commented that these tree planters have been around since the 1960's and they're basically only for planting trees so with basic maintenance, they should be around forever. Laurie stated the report is basically self explanatory. Laurie presented \$1,229.20 tree planting income to the Committee. Laurie commented that he can see this program transitioning from the State to the County in the years to come as he felt in five years there will only be one Forester in the County plus the County owns the machines. Quarne made a motion to approve the receipt of the money from the Forester, Bice seconded, motion carried unopposed.

Public Hearing – Conditional Use Permit - Andrew Todd – Landowner/Applicant/ Operator - Roof over BMX Track–Town of Trempealeau - After some inquiry to the public, it was found that Andrew Todd was not present at this time, so the Committee moved on to the next public hearing on the agenda.

Public Hearing – Conditional Use Permit – Kennel – Paul P. and Sara A. Halama, Landowner/Applicant – Town of Pigeon. Chairman Brandt called the public hearing to order at 9:09 AM. Brandt explained the public hearing process. Gamroth read the public hearing notice aloud. Lien stated the Halama property is located off of Iverson Road. An overhead aerial photo was provided for all to view. Lien read aloud the definition of a kennel from the Comprehensive Zoning Ordinance as follows, “Any establishment or dwelling unit wherein or whereon 5 or more dogs over the age of 5 months are kept for breeding, sale, sporting, private purposes, or where boarding care is provided for compensation.” Lien added Halama’s operation fits that definition and so they are asking for a Conditional Use Permit (CUP). S. Halama stated she is boarding and grooming dogs of which she doesn’t do very many at a time. The kennels are 5 X 10 in size, and are air-conditioned and heated. S. Halama walks the dogs and her opinion is that clients are happy with what she is doing and she has been doing it since 2000, so she wasn’t sure where this requirement was coming from. Brandt inquired of Lien as to how long this requirement for kennels has been in place. Lien responded the requirement as been in place since the 1972 Zoning Ordinance. Halama mentioned she had talked to another person who was doing this same type of work and that person stated she did not need any type of permit. P. Halama added it is just a slow growing business with very few dogs. Lien inquired, if Halama’s had read through the section of the Ordinance which states the kennel requirements as far as setbacks, etc and if they could meet all of them. Halama’s mentioned they had and they could. In viewing the aerial photo, Lien inquired where on the property the kennel was located. S. Halama replied the kennel was located in a garage which is attached to the house. P. Halama added it is a 28 X 42 foot garage which has heated floors and air conditioning. S. Halama mentioned that a lot of the hunting dogs like to go swimming so she lets them swim in the pond located on the property. Brandt called for any public testimony. Lien read a letter dated May 5th, 2011 from the Town of Pigeon which stated they have no objections to the approval of a Conditional Use Permit for the Halama’s. Lien read aloud letters of support for the kennel business from neighbors; Ron and Mary Hanson, Rhonda Giese and Sharon Halama. Lien reminded the Committee because this is a CUP, the Committee can place conditions. Lien informed the Committee that some years back there were complaints on a kennel that was housing coon/bear dogs and the ordinance does state that all dogs shall be in an enclosed structure from 9:00PM and 6:00 AM (that is not an issue for this operation), however Lien’s point was that the Committee has the option to place conditions. Upon Brandt’s request, Lien read aloud the standard conditions, for a kennel, in the Trempealeau County Comprehensive Zoning Ordinance. Brandt closed the public hearing at 9:17 A.M. Quarne asked if Halama had a state license or if she raised puppies. Halama responded “no”. Brandt commented this is the first time the Committee has received that number of letters in support of a Conditional Use Permit. Bice made a motion to approve the Conditional Use Permit for the kennel with standard conditions applying, Thompson seconded, motion carried unopposed. Lien stated the CUP does not require County Board approval so the CUP is in effect.

Public Hearing – Conditional Use Permit –Non-metallic Mining –Daniel Klink, Doug Sokup and Mike Sokup, Landowner/Applicant, Ottawa Sand, LLC – Operator – Town of Arcadia Chairman Brandt called the public hearing to order at 9:20 AM. Brandt stated Kimarie Estenson is absent, so Lien will provide information on behalf of the DLM. Brandt reminded the public to register if they intended to speak at the hearing and explained the public hearing process. Gamroth read the public hearing notice aloud. An overhead aerial photo of the proposed mine site was provided for all to view. Lien stated Ottawa Sand is proposing a sand mining operation located south and east of Arcadia along Thompson Valley Road. Lien explained Foth Engineering, Green Bay, prepared the CUP binder that was delivered to Committee members the previous week (as soon as DLM received them). Lien informed the Committee that in their meeting packet, today, were additions to the CUP applications of Section 2,4 and 10 (DLM received them the day before). Lien continued that the mining operation is to consist of drilling, blasting, excavating, crushing, processing, washing and drying all at this facility, then the sand will be trucked offsite. Lien stated he will let the applicants explain the operation more. Lien had a letter of support and a list of conditions from the Town of Arcadia plus a letter from an adjoining landowner to read into the minutes when appropriate. Brandt turned the meeting over to Bill Vachon, Foth Engineering from Green Bay who introduced himself and presented a

PowerPoint presentation. Vachon stated he has been hired by Ottawa Sand to do the necessary environmental evaluations and the permitting through the County for a proposed non-metallic mining operation primarily for sand. Vachon explained that he would be the main presenter along with Curt Dungey who is an Environmental Scientist and Air Engineer on the project. Chuck Holmes-Quick Supply Company is present and he is a licensed blaster and will give an overview of some of the blasting issues and methodologies that Ottawa Sand is proposing to use in this operation. Vachon introduced Doug Sokup, Mike Sokup and Scott Napiecek who were present representing the core group of who Ottawa Sand Company is. Vachon stated that one aspect of this company compared to the last company Vachon worked with was, that this is a local company, these guys are “homegrown”, they are local business people and they have a vested interest in the community. Vachon reiterated the reason they are here is to propose a non-metallic mining operation on Thompson Valley Road in the Town of Arcadia. The primary reason for this operation is to produce the sand which is currently used in the oil and gas exploration and production industry. Vachon stated Trempealeau County has a huge natural resource which is in high demand, basically world wide, but in very high demand in the United States. Ottawa Sand is mostly community residents, Napiecek lives the furthest away and that is in Onalaska. Doug and Mike Sokup are businessmen in the community and both of them run successful businesses currently; they are valued and trusted members of the community. The big thing is they have a big investment in this community and they want to make an additional investment. The properties involved are Doug and Mike Sokup’s consisting of 102.8 acres and Daniel Klink’s with 128 acres for a total of approximately 231 acres. Of the 231 acres approximately 185 acres will actively be comprised of the process area and the mining area. The rest of the acreage will be untouched. There are two creeks that run through the property and there will be a 75 foot buffer between those creeks, and any operation, to maintain the viability of the creek in the area. Vachon reiterated that the operation will basically consist of the mining, crushing, wash plant, drying, storage and loading operations on the property. As the reclamation plan identifies, Ottawa Sand is looking to put the property back into agricultural production after the property has been mined. Vachon pointed out the mine site and explained this site does abut the City of Arcadia on the south east corner. Vachon stated they had met with the City of Arcadia the previous evening because of the extra jurisdictional territory rules that the City does have (they have a mile and a half where they basically have to approve any activity in that area which may negatively or potentially affect the planned operations or development of the City). Vachon displayed a parcel identification map and pointed out the Sokup property and the Klink property and the creek which separates them. The zoning on the properties is Exclusive Agriculture and Transitional Agriculture and under the Trempealeau County Zoning Ordinance, non-metallic mining is an allowed use as a Conditional Use. Part of the Klink property is currently under Exclusive Ag and properties can be taken out of Exclusive Ag for non-metallic mining which is something that has been recently passed by the state which will allow non-metallic mining in an Exclusive Ag zone. Vachon stated a Special Exemption has been requested for this property and there should be a hearing in the future. Vachon explained that basically what that does is takes the amount of acreage that was operated in 2011/2012 and takes it out of the Farmland Preservation Program(The owner cannot claim the tax credit on that – he can still continue to claim a tax credit on the remaining properties that are currently in agricultural production). As required under an Exclusive Ag program, with the Special Exemption, the property needs to go back into some agricultural use. Vachon displayed and explained zoning maps of the area. Vachon explained the basic project operations (as specified in the Trempealeau County Non-metallic Mining Ordinance.) as far as hours and times. Vachon stated the dry processing will take place year around and that is basically taking the mined material that has been washed, putting it through the dryer and then processing activity will be conducted. Mining operations of the wet plant will be approximately 230 days a year which is pretty much standard time where the temperature is above 32 degrees. Per the Ordinance, Monday through Friday, Standard time 6:00AM – 8:00 PM, Daylight savings time 6:00 AM-600 PM, Saturdays 7:00AM-3:00PM and no Sundays or holidays per County Ordinance. Blasting is a frequency which needs to be determined, based on the connotation of the sandstone and test blasting will determine the frequency required. Basically the project is the excavation, washing, drying, sorting, and loading of sand. Projected operation is 750,000 tons annually which equates to 500,000 cubic yards of material. Transportation of the finished product is in covered trucks because it is finished, dried and sorted. Vachon referred the Committee to site development sheets within their individual binders. Vachon pointed out the processing area in the northeast corner of the property. Vachon

stated the active mining property for the first ten years will start on the Klink property and work down towards the southwest. Vachon specified there will not be any haul roads or rock trucks hauling the material as the material will be excavated and put directly into a crusher and then conveyed through conveyors and dropped into the quarter inch stockpile. Vachon mentioned that particular area will be established with berms (approximately 20 foot berms that will be vegetative with trees) and they are making sure that they will meet the 100 foot setback off of Thompson Valley Road. There is a residence directly to the north so they can maintain that view down the road without looking at a big, huge berm. Vachon pointed out the wash plant which will take the material that has been crushed, washed, sorted and place it into the appropriate piles for final drying and sorting which will be in the "load out" building with the dryer. Vachon pointed out the location of the asphalt (to reduce dust) one-way road in which trucks will come in, load up and go back out onto Thompson Valley Road. Vachon explained that for the wash plant (which is different from the last project Vachon worked on in which the wash plant recovered water through a clarifier) Ottawa is looking to use the standard four retention basins. The four ponds are approximately 150 X 70 feet and will be clay lined (there was some concern about polycyclonates). The current flocculent used is to settle the finds out of the water, it is currently NSF approved material, but there are still questions about the operation using these materials, but to assure there won't be any potential impact to groundwater the operators are looking to do clay-lined ponds. In regard to the storm water retention basins, the City of Arcadia was concerned about adding additional water flow to Turton Creek which eventually goes through Arcadia because of the flooding issues they have had. Vachon pointed out a particular pond that is approximately 26 acres and the pond has been designed to handle 100 year plus storm water events because unfortunately Trempealeau County seems to have a 100 year event about three times per year, so Ottawa Sand was sensitive enough to make sure that this pond is large enough, at the three foot depth, it is able to handle everything within, but Ottawa is looking to go six to eight feet deep (double the volume). Vachon continued that another reason for the larger pond is that there is going to be a high capacity well and a less amount of time running the well is what Ottawa is looking for, so with residual water in the water retention basin, that will be used in the process also. Vachon stated a WPDES permit is being looked at for discharge, if there is any overflow of need. Ottawa Sand had Jason Gazdecki from the DNR (Dept. of Natural Resources) come out to determine which of the creeks on the property may be navigable (according to Vachon navigability is determined by, if there is a channel and a bank, and at any time during the year one could float a canoe down the creek). Vachon pointed on the map, where Gazdecki determined everything to the east was navigable and everything to the southwest was not navigable. Vachon explained what that meant was that if there was a pond within 500 feet of a navigable stream or if any excavation greater than 10,000 square feet is needed within 75 feet of a navigable waterway, a Chapter 30 permit is needed. What Ottawa Sand did to maintain the integrity of the creeks is to maintain the 75 foot buffer; there will be a "loop" where the conveyor does cross, to protect the streams from any siltation or any contact water going into the creeks. There is another creek that runs along the east side of Thompson Valley Road and Vachon pointed out a particular pond which greater than 500 feet from that creek, so no Chapter 30 permit is required. These are silt fenced and bermed along the creeks so there won't be any influence of the operation, or contact water affecting the quality of the stream. Vachon addressed the stockpiling of topsoil for restoration. Vachon has seen to many operations where the land is stripped and the topsoil (On the A & B horizon that soil material is that which will sustain plant life) is not separated. Ottawa Sand had identified, in the plan, that the topsoil would be stripped off prior to any grading on the property and based on design part of the topsoil will be used in the creation of berms and the rest of the berms will be comprised of the overburden material covered with the topsoil cover. Vachon reiterated it is crucial to maintain the topsoil integrity. Vachon again showed the pond that he had previously pointed out. Vachon showed a quick cross section of groundwater based on water studies at 780 feet. The proposed base of the ponds are at an elevation of 800 feet which gives a separation of about 20 feet. Vachon commented that he thought the Ordinance stated a 10 foot separation. What this does is, there is water discharge coming from the plant mixed with finds, it basically gets settled out with the flocculent and then clean water, just by gravity keeps draining off into the lowest pond and then it gets pumped off. Post reclamation, conceptual design, again the reason for the 4 to 1 slopes is Ottawa is looking to use this for agricultural land and a 4 to 1 slope will allow vehicular traffic, tractors, equipment on a safe slope without having to worry about tipping over. Vachon explained that the City of Arcadia did look at this map and inquired if there was going to be a straight

800 foot plateau in a particular area. Vachon stated that for conceptual purposes that is what was done, but there will be a grade of ½ percent or 1% percent, wherever Ottawa Sand determines after the design drawings are done, to make sure that any surface water does flow into the creeks appropriately. There is currently a utility line with an easement and that is why there is the scenic feature through the center and that easement will be maintained in accordance with the power company. Vachon explained Ottawa Sands' commitment to the environment. Ottawa did have the DNR come through and do a navigability determination. Ottawa is looking to install a high capacity well. A ground water study/model was conducted to evaluate any potential groundwater concerns and any impacts to wells. An air dispersion model was performed to identify the dispersion of fine's (PM10's and PM 2.5's and PM 5's) and storm water will be externally drained if it ever needs to be and the WPDES permit will be required for that. With the WPDES permit there are certain chemical sampling requirements that need to be done and based on that it is a regulated discharge (so it is not like any chemicals will be discharged because there will be no chemicals used in this operation other than the flocculent unit and the flocculent is only going to be in the settling basins. The ground water modeling has been done; a high capacity well is needed. (Vachon referred the Committee to Appendix C of their permit packets) The modeling results have also been submitted to the City of Arcadia for their review. Vachon explained the City of Arcadia does have a Well Head Protection Plan and this model has been put together and is in Appendix C, Section 2, These results were submitted to the City of Arcadia engineer for review. Ottawa has a well head protection plan, the well has been located and a plan put together in coordination with that Ordinance. For a high capacity well a DNR permit is required. Vachon referred the Committee to Section 4 of the application to review the well application. Vachon identified the location of the proposed well on the overhead map which will be back in the dryer/shop building. The two closest Arcadia wells are 9000 and 10,000 feet away to the west and there is a Class III trout stream about 11,000 feet southwest of the property. This trout stream does enter Myers Valley Creek and that is the only trout stream within close proximity of this operation. High capacity well groundwater depth based on the evaluation, was identified to be a 780 feet, the proposed well is at 350 feet which is shallower than the wells that are currently used for the City of Arcadia. Ottawa is looking at a maximum pumping rate of 750 gallons per minute (gpm), but Ottawa Sand is looking more at an average rate of 450 gallons per minute. Vachon explained the model does skew things to look horrible because the model is calculating seven days a week, 24 hours a day, 365 days per year for 20 years which is not shutting it off. In reality, based on the hours of operation, limited by the Ordinance, it is 12 – 14 hours per day and 230 days per year. Based on this model running for 20 years, Ottawa is looking at a drawdown, right at the well, of 183 feet. Vachon stated there is a drawdown of the wells in the immediate area and that is anywhere between 5 and 17 feet. Vachon added they weren't able to provide a cross section which is usually done, and identify the wells where the ground water is intersecting those wells (at what depth of the screen), because unfortunately there is a lack of DNR well construction reports for that area, but a part of the project is that pre-blast evaluations of the structures and wells would be offered and at that time the well or pump installer would be able to evaluate and obtain that information (depth of the well, screen, and water) for Ottawa and then a cross section could be prepared to really identify the impact that could potentially occur on these wells. Vachon presented a slide showing the groundwater contours, the heights of concentration which is basically a cone of depression which starts out small at the top and works down and the cone gets deeper as it goes down. Vachon pointed out where a 5, 10, 15, 20 foot, etc. drawdown occurs and as one gets to the epicenter it goes down at an extreme point. In addressing the Well Head Protection Ordinance in the City of Arcadia, the City is currently using four wells. Vachon pointed out on a map what Arcadia has as their well protection area and Ottawa has submitted information to the Town of Arcadia to help protect area businesses that could potentially affect the groundwater to these wells. Vachon stated Ottawa Sand is a substantial distance from the City of Arcadia current well locations. Vachon commented that there was discussion with the City of Arcadia Mayor and an engineer about a particular well in the area and that is why Ottawa submitted the well modeling. Vachon added that the City of Arcadia has a nice video of water wells which really identifies where the water comes from and really it is coming off northeast flowing to the southwest. What Arcadia did is basically identify the recharge area of their wells and how long it takes for water to reach their wells which is 20 years. Vachon explained, the big significance of that figure is that Ottawa's operation is located in an area, so that the water actually being used in this operation is in direct correlation to the City's well, but it is roughly 9000 feet southeast. The City is very concerned about water

protection and that is why Ottawa Sand has prepared this information, to show that the proposed well is not anticipated to affect City operations. Vachon introduced Curt Dungey, Air Engineer/Lead Project Scientist with Foth Engineering. Dungey stated he wanted to address the air quality issues associated with the project. Ottawa will have a fugitive Dust Control Plan in place which Dungey believed to be in the permit application already. Part of the Dust Control Plan is that the facility/operation will monitor mining conditions (wind, temperatures, humidity, etc.) throughout the year, when they are operating, and that will help them gauge when to add moisture control to the operation, when to do certain activities (such as blasting), and those types of things. Ottawa Sand will be very cognizant of what is going on, weather-wise, when they are operating the facility. Dungey reiterated that the crushed material is going to be conveyed by conveyors to the storage pile rather than using haul trucks which significantly reduces the dust from this operation. The material is going directly from the crusher onto the conveyors to the storage pile. Dungey stated, nonetheless, water sprayers will be used on the site, for any mobile equipment/ haulers that are being used, to take material from the piles to be conveyed to some of the other storage piles. Some of the piles will be watered down as well and some of the water will be used in the crusher itself. Dungey reiterated that some of the topsoil is going to be reseeded to prevent any dispersion of dust and there will also be some vegetative plantings to shield the site from the public and roadways and also to reduce any possibility of dust being disbursed across the site. Dungey explained that as part of this project, some air dispersion modeling was done, based on the preliminary make-up of the facility, based on what is known about the operation that is going to be at the site and to try to estimate what the impact would be on the ambient air quality with respect to particulate matter. EPA (Environmental Protection Agency) has regulations with respect to total particulate matter; they regulate what is called PM 10 and PM 2.5. Wisconsin has also adopted those standards. Wisconsin also has a Total Particulate Standard which they retain as kind of a secondary standard against any secondary concerns about other impacts. The federal government does not have this standard any longer. Foth did the modeling to show how this facility would meet those standards and what Foth determined is that the operation should meet all the state and federal standards in ambient air quality requirements. Dungey stated one of the things the company is willing to put into place is particulate matter monitors and ambient air quality monitors at the boundary of the site to provide some additional assurance that the facility is not exceeding any particulate matter standards. Dungey addressed particulate matter for the public present. Particulate matter is a range of many sizes (large particles going down to very fine particles) and that is generally referred to as total suspended particulate matter in the air, but EPA and the State of Wisconsin are more concerned about that portion of the particulate matter that could be inhaled into the lungs, so they regulate what is called “course” particles which is PM 10 (which is particles that are less than 10 microns in size) and very fine particles (particles which are less than 2.5 microns in size) and they have individual standards for each one of them. Dungey presented a slide which showed what the particle sizes look like in relation to a human hair. A human hair is approximately 60 microns in diameter and a PM 10 (on a human hair) would be about that size and a 2.5 would be a little bit smaller. So when one thinks about all the different particles in the air, to regulate it, if one had concentration of the total suspended particles, that would be a fairly high concentration possibly and then as it is regulated, as one goes down to the smaller particles, they are going to be a subset, so there will be standards related to both of those. Dungey explained that in doing the air modeling, he used EPA emission factors (usually expressed in pounds per ton of material processed) which are set up for sand and gravel and crushed stone. Dungey used those appropriate for the operation. Dungey reminded the audience these are general admission factors provided by the EPA and usually they are fairly conservative in regulating emissions from a facility. Dungey looked at all transfer points and the “worst case scenario” for a 24 hour annual emissions. Dungey stated Ottawa Sand understood that the County has certain regulations of which they will abide, but what Dungey looked at was, what if this operation was running 24 hours a day, 365 days per year, at the highest possible operating rate. They looked at that focusing on the drying issues, for example, if they were operating at 238 tons per hour. They looked at the dispersion levels for PM10 and PM 2.5. Dungey stated that, unfortunately, a lot of the EPA emission standards do not have 2.5 emission factors, so where that is the case, Dungey used PM 10, with PM 10 being more conservative since PM 2.5 is a smaller particle. As a result, in looking at the current PM 10 standards for 24 hours, for EPA, 150 micrograms per cubic liter, the highest 24 hour concentration, at the site, would be 19.1 micrograms per cubic meter and that would be close to the site (Dungey referenced a map to show where that location was). EPA does not have an

annual standard for PM 10, as that was revoked back in 2006 and Dungey reiterated that Wisconsin has retained the total suspended particulate standard which is 150 micrograms per cubic meter. In regard to the 2.5, EPA has a 24 hour standard of 35 with an annual standard of 15; the model result was 19.1 and 3.7 for the annual standard. Dungey displayed a map that was produced from the model results, taking the model data and transposing that over the property and again the highest annual concentration was right near the location where the load out and the dryer processing operations are or would be and then the contours that go out show the concentrations going out as one gets further and further from the site and as one can see they drop off considerably. Dungey pointed out the different (annual) levels in different areas. Dungey pointed out the 24 hour concentration levels which were at 19.1 closer to the facility and as one gets further away the concentration drops off to two. (Dungey reminded the audience that these were the maximum concentrations based on the meteorological data). Dungey noted that he uses a preprocessed set of meteorological data from the Lacrosse Airport which is readily available through the DNR websites. It is preprocessed data with winds, wind speeds and other data information and probably most closely represents what is in the general vicinity. In addressing blasting, Vachon stated blasting is always a concern, it is a concern from the neighbors and the operators and that is why all operations always hire qualified blasters. Vachon introduced Chuck Holmes of Quick Supply Company, whom Ottawa Sand has brought "on board". The blasting is done so that it is complimentary to the overall operation without causing concerns to the residents and in this case the City of Arcadia is of concern also. Vachon explained seismographs are used during operations at the blast sight and at adjoining properties to measure both air blast and the ground vibration blast. The information is recorded and the blast report is prepared in accordance with one of the regulatory agencies that cover blasting and is available for review by the County. Vachon stated one of the big things that will be looked at is the ability to minimize blasting on the adjacent residents and one of the blasting requirements is, (when a test blast is done it is an educated guess as to how much charge to use, the size and depth of the holes and the space one is opening up), based on initial blasts, with the seismographs in place it can be determined if it can be toned down or boosted up and still maintain the integrity of the surrounding properties. What Foth has looked at in the past and they have had this reviewed by a blast engineer, and they typically establish a 500 foot setback from a blast point to a residential structure and it identifies that structural damage will not occur (that is in theory). Blasting activity (based on the test blast) is expected to be two to three blasts per week (as necessary). Notification will be given to the adjoining property owners and the City of Arcadia police and fire departments will also be notified of any potential blasts. Ottawa Sand wants to work with the adjacent residents and people with structures in the area, to do a pre-blast operation inspection on wells and structures on contiguous adjoining properties to assure that the operations that Ottawa Sand is doing will not cause any negative effects to the current structures around the property. Vachon asked Chuck Holmes to come forward and give a quick talk on what a blaster does. Holmes introduced himself and stated he is with Quick Supply Company and is the general manager of blasting supply services. Quick Supply Company has been a family owned company since 1953. Holmes is working with his third generation of the Hale family. Holmes named locations of Quick Supply Company as being three (Des Moines, Dubuque and Mason City) in Iowa, and a location in Coloma, Wisconsin. They will be serving Ottawa Sand out of the Coloma location and they have licensed blasters at that location. Holmes stated they do blasting in Iowa, Illinois, Wisconsin and Minnesota and they have thirty-five licensed blasters that go out on the jobs in all four states. The reason that the locations are spread out is because according to DOT (Dept. of Transportation) one has to be able to drive to the site, do the work and get back to the storage facility in set DOT time (14 hour day). Holmes stated there will be no explosives stored on the site. Quick Supply is regulated by the ATF (Bureau of Alcohol, Tobacco and Fire Arms and Explosives) which regulates storage. MSHA (Mine Safety and Health Administration) regulates them when they are in the mine. Wisconsin Dept. of Commerce will come out on the blast site and make sure that things are being done properly. Holmes mentioned they are a good contact for the public to voice concerns or if a third party is needed to make sure things are being done correctly. The DOT regulates Quick Supply when they are transporting and they are regulated by DNR. Local fire departments and law enforcement and Wisconsin Dept. of Commerce are notified. With Commerce, a form is filled out at the beginning of the year, that blasting will be done between March and December to give them an idea of what Quick Supply plans on doing a year. Quick Supply does blasting in sandstone, limestone, quartzite, granite and gypsum and they blast every day of the week in sandstone. They blast in this area and over in Minnesota

around the Mankato area. Holmes explained the blasting is a lot different today than it was thirty years ago when he started. There have been new developments in the tools used to determine the shots. Ground vibrations can be determined as to what they will be, mathematically. Quick Supply does that every day. First the hole diameter size is determined and the depth, one puts the explosives in (a certain size hole contains so many pounds of explosives) and then calculates the amount of explosives needed to break a cubic yard of rock and that is how the blast is set. The explosives are held down, away from the surface, and put in earth materials (like drill cuttings) to keep it from blowing out and creating excessive noise. That is how a shot is designed. Holmes stated there are tools that are used such as a boretrak probe system in which a probe is taken and put down a bore hole A laser is taken to shoot the face, so that a drawing of the face can be made and the probe will tell where the bore hole goes. This will be done if it is a real high face, in case there is deviation of the drill or if there is a new drill to make sure it is drilling straight, or if there are problems like holding the floor. It is a good tool to use to find out exactly where the bore holes are going and if that is affecting the blast. Holmes stated seismographs have been used for many years and they are used to make sure that one is staying within the regulations, but they are also used to address neighbors concerns and perhaps find a spot that makes that neighbor comfortable. Holmes added the U.S. Bureau of Mines has done studies and they have done thousands of blasts next to houses and they know what it takes to damage a house. Holmes stated the information is out there and the Dept. of Commerce has all that information. Initiation systems have developed throughout the years. When Holmes started, a lot of electric blasting caps where used and they still are today. Fuse caps were also sold, but Quick Supply doesn't do that anymore. Quick Supply has non-electric blasting systems and that is what will be used at the mine (it is a daisy chain which sets off one load, which sets off another load, and this is used for additional safety). Cast primers (a T & T product) are used and will set off ammonium nitrate fertilizer and diesel fuel mix (this will be the main blasting explosive). Developments have also occurred in signature hole analysis, one hole can be blast and then set up a seismograph and a location that is trying to be protected. This information is fed into the computer and then the computer will tell what timing to set the shot at to get the best vibration. Holmes stated the tools that are available today have come a long way. A picture of the boretrak unit and some of the different reports was provided for all to view. Holmes gave examples of different blasts that have been done and their proximity to major buildings. Vachon stated Holmes has provided CD's called "Understanding Vibrations" which are available for everyone, especially the neighbors, to view.

Vachon reiterated that a dust control plan has been developed and it is in the binder. This plan basically states how Ottawa Sand is going to manage the dust before the dust becomes a problem. Vachon explains it as, if there is a dust control plan and it is constantly in action, once there is dust blowing around, one has lost. Road maintenance is being deemed as necessary. Ottawa Sand wants flexibility in working with neighbors. The driveway going in, Ottawa Sand will try to make sure that the berming and the entrance are limiting visibility into the operation therefore maintaining the rural characteristic of the site. Visual monitoring, Vachon reiterated if there is dust blowing around in the operation, one has failed. The job is, prior to dust being generated, that appropriate measurements (watering, etc.) are being maintained so that there isn't any dust being generated. Vachon expressed that sweeping of the roadways is crucial. The roadway access will be paved off of Thompson Valley Road coming into the facility, a one lane road coming up; trucks are loaded with the enclosed topper, truck leaves. Vehicle speed limits will be maintained within the facility and Ottawa Sand has identified that they will maintain a self imposed 30 mph speed limit on Thompson Valley Road, therefore minimizing speed and noise. Vegetation on berms and limiting the exposed excavation will knock down dust. In addressing noise control, discriminatory backing alarms on trucks (MSHA rule). Vachon doesn't anticipate using them as the trucks will be going one way, but it is more appropriate to pieces of equipment. In some areas, the backing alarms can be "switched out" for a flashing light, depending on the operation. Again, limiting speed on trucks, construction of and vegetation on berms will be key factors in noise and dust control. Ottawa Sand will work with the school bus company to assure that pick-up and drop off times in the morning and afternoon and truck traffic will not conflict. In Arcadia, Ottawa Sand will travel only on approved truck routes. Location and design of the access road will minimize the visual impact off of Thompson Valley Road and into the operation and Ottawa is willing to work with the Town to have a right hand turn lane into the operation. In addressing traffic load, Ottawa estimates six to eight loads

leaving the site per hour for about 180 round trips per day and that is anywhere between that 12 to 14 hour operation day which is allowed. The number of loads will vary with truck size, whether it is a standard, quad axle dump truck or a semi-trailer. Weather conditions will cause variances in the hauling operations. Vachon stated the trucks will be enclosed. Traffic routes will be through the City of Arcadia, currently north on Thompson Valley Road and onto State Hwy 95 (these are state highways), west on Highway 95 to Highway 93 and south and north on Highway 93. A proposed load out facility is “in the works” just west of the City of Whitehall, off of Highway 121, and this would be the actual rail load out facility. At this point, what is proposed is Highway 93 to Highway 121, coming into Whitehall. Vachon called the Wisconsin Department of Transportation “right of way” people and identified whether or not there would be a need on Highway 95 and Thompson Valley Road for a right hand turn lane, and for an acceleration lane going west into Arcadia. Vachon has not received a response back from the DOT, but if that is a requirement or DOT feels that is appropriate, that is something that Ottawa Sand would look at. Vachon stated he had looked into the traffic counts for the area. 2006 and 2009 traffic counts were looked at. The 2006 traffic counts for State Highway 95, westbound and eastbound into Arcadia, was 3600 vehicles (24 hour snapshot). In 2009, the same traffic count was done which identified 3000 vehicles, moving east or west, from Arcadia on Highway 95. With the proposed 180 trucks, based on the 2009 study, this would put the traffic count at approximately 3,180 which is still below the historic 3600 vehicles back in 2006. Vachon also looked at records west of Independence, in 2006 there were 7200 vehicles (24 hour period) and in 2009 there were 6800, so traffic did decrease substantially. Eastbound in Independence, traffic actually increased from 2006 to 2009, from 4000 to 4600. Therefore that would be an increase in an additional 180 vehicles over the high of 2009. In regard to truck traffic, which can be noisy, Ottawa Sand proposed a self imposed 30 mile per hour speed limit on Thompson Valley Road and typical trucks driving at posted speed, 30 miles per hour, will have a decibel reading of about 68.9 and that is similar to a crowded restaurant. These trucks will be enclosed so there will be no dust being generated from the loads. Truckers are required to perform site specific safety training daily. One of the big issues is jake-breaking which Vachon stated will not be allowed on Thompson Valley Road. All trucking rules will be strictly enforced. Ottawa Sand will seek regular meetings with the Town of Arcadia and the City of Arcadia and other community street superintendents that traffic laws would take them through. There will be a 24 hour contact phone number provided on a facility sign for all neighbors to provide feedback. Anytime there are any questions/concerns/complaints they will be addressed within 24 hours. Any need for street sweeping on Thompson Valley Road will be coordinated with the Town. Vachon stated the project is consistent with Land Use Plans established by Trempealeau County. Trempealeau County did identify that through Conditional Use, non-metallic mining operations can be operated. The current agricultural status of the property will be maintained until that area is opened up. Per the requirements of the Ordinance and based on the current Land Use the project site would be returned back into agricultural production. Vachon reiterated that is why it is crucial to maintain the topsoil and utilize it for that site reclamation. The equipment will be higher than 35 feet. The Exclusive Ag zoning does allow for a maximum of 35 feet for structures or equipment. In this case, the wet plant would be 70 feet, so a request to the Board of Adjustment would be required for that height variance. In addressing local economic impact, this operation will create 56 jobs strictly through Ottawa Sand between the operations and the trucking. Typically, when looking at the impact of 50 jobs, there are about 10-20 additional jobs that are a spin-off in the community due to that type of operation. We are looking at about \$2.3 million of projected economic impact off new and expanded jobs. This figure is strictly salaries – it does not include cost of construction or the labor force that is coming in to do that or the raw materials that will be purchased locally for the initial construction, so it is a “chunk” of money being added to the community. This does add value to property by adding tax base to the town, county and school district. Vachon referred the committee to an economic impact statement in their packets that identifies and breaks that cost out. Vachon requested support on the project. Ottawa Sand wants to be a successful business operating in the neighborhood, which is an investment in the community and it benefits the community. Minimal impact on the community and the quality of life for persons on the adjoining route is anticipated. Ottawa Sand is committed to protecting the lifestyle of this community while helping spur the economic growth of the area. Vachon stated he does have 10 copies of letters of support, submitted by Doug Sokup, for distribution to the Committee. Brandt inquired if Doug Sokup had anything to add. D. Sokup responded that Vachon had summed up what is going to be

done. Brandt asked if D. Sokup had worked with Vachon on the presentation. D. Sokup responded no, but they had gone over everything together. Vachon added the design was basically established by Ottawa Sand criteria. D. Sokup commented that Mike, he and Scott met with Vachon and discussed what they wanted to see. Napiecek added he felt Ottawa Sand would want to go 75 feet on the tower- over 70 for the height variance. Napiecek commented that he hoped there was some merit to having a group of local people doing this project which has a local interest in the community as there is a lot of activity in the area and the majority of it is from persons outside of Wisconsin and even global companies are looking at properties in the area.

Brandt stated there are a number of people who have registered for the public hearing.

Judy Betker – Department of Land Management –Farmland Preservation – Betker was present to provide information only regarding Farmland Preservation and to add to what Vachon had talked about. Betker stated she requested to be first, as this is just for information, at this meeting. The land that is owned by Daniel Klink on which Delores Klink has a life estate is in the Farmland Preservation Program. 128 acres are currently in the program from 2008 until 2018. As Vachon stated in his presentation, a Special Use application has been filed, which is called a modification to a Farmland Preservation Agreement and non-metallic mining is an acceptable use under Farmland Preservation, once a Conditional Use Permit (CUP) and all other requirements are met. This item is not on the agenda for approval today because this needs to go to Board of Adjustment, even though the facility is on Doug Sokup's land, this is considered to be one operation, so this item will be seen at a later meeting, if this goes forward. Brandt questioned if Betker meant Board of Adjustment or the E & LU Committee. Betker responded that Vachon had mentioned approval from the Board of Adjustment for the height variance and the whole thing needs to go through before Betker can take a motion. Betker needs this acknowledged at this hearing, it is Agreement 51191 and the statements here would come into play when the exact location would be approved. Lien asked Betker if there was a chance the State could deny the request. Betker responded not if it is approved at the County level but is has to meet all the conditions and requirements of the County and the variance for height must be granted. Betker reiterated that is why an action requirement is not on the agenda today, but she does need it acknowledged that this hearing meets the requirements for the Department of Ag. and Farmland Preservation. Lien clarified whether the variance was being requested on the Sokup property or the Klink property. Vachon responded it would be strictly on Klink's. Lien verified that there was nothing on Sokup's land. Vachon responded there is no active Farmland Preservation contract on Sokup's land. Betker commented there was, but there is not now. Lien verified that the variance for above 35 feet would only be on the Sokup property. Betker stated the variance would only be required on Sokup's, but the State requires that all conditions, etc. be met, so she must wait for the Board of Adjustments decision, in order for any action/motions to take place.

Chuck Holmes – Registered to testify in favor – Holmes had already given a presentation, but Brandt asked if he had any additional comments. Holmes commented he felt these guys were going to do a good job and they will be an asset to the community. Holmes sees many operations and he feels these guys are trying to put together a class operation and Holmes hoped that the audience would see that.

Steffanie Matchey – Registered in favor but not testify.

Bill or Kathy Lockington – Registered to appear and testify for information only – Bill Lockington stated there are a lot of things mentioned about berms and vegetation planted on berms, decibel levels and various other things. Lockington questioned what the guarantee was and how do those things protect. Brandt verified Lockington's question as being who oversees the dust and noise levels, aesthetic items as well as the reclamation. Lien responded as far as berms, vegetation and reclaiming that can be conditioned by this Committee. The Committee would set those stipulations as part of the conditions of the permit and then Department of Land Management (DLM) would enforce those conditions. Lien added currently Trempealeau County does not have a noise ordinance – there is no noise ordinance during daylight, running

hours. There is “disturbance of the peace” which can reported to the Sherriff’s Department at any time, however, they probably would not respond unless it was something done after 10:00 PM or prior to 5:00 AM. Lien explained there is a regulation in the Ordinance, as a standard condition, that Ottawa Sand cannot exceed 45 decibel levels in off hour time, so their operation time is from 6:00 AM until 8:00 PM during standard time, after that time if they are exceeding 45 dba then they would be in violation, but during the day there is no noise regulations. K. Lockington questioned if Vachon had not mentioned in his presentation some type of regulation during the day. Lien stated he thought Vachon might have mentioned that the trucks are roughly 65 dba but that isn’t a restriction or Lien believed Ottawa Sand had suggested they would not use Jake breaks and the Committee could condition that. B. Lockington questioned, at the site level, not being protected by a berm, what could he expect. Vachon responded the dryer is going to be enclosed in a building. If it were not, the noise that one would hear would be similar to a grain mill. Vachon reiterated this operation will be enclosed in a building so the noise will be reduced. As far as equipment running in the operation, it should be no different than a tractor running in a field. The conveyors are all electric. Vachon stated Lien mentioned a 45 decibel reading which Vachon explained that is typically at night from a backup generator perhaps providing lighting. This facility will be using natural gas for the burner on the natural gas dryer, so there will not be any diesel engines running except for the equipment that is physically excavating and the loader moving the pile. The excavators will be electrically driven so there really is no engine noise other than a piece of equipment that would be working. Vachon explained the dryer does make a noise because there is a blower and a motor and there is equipment similar to a grain drying operation. B. Lockington asked if the hours pertain to onsite work. Vachon replied the hours of operation, between 6:00 AM and 8:00 PM, if Ottawa starts at 5:55 AM they are in violation of a County ordinance or if they work until 8:10 PM, again they are in violation. Brandt clarified those are daylight savings time hours and standard time hours are 6:00 AM until 6:00 PM, Saturday hours are 7:00 AM until 3:00 PM, no Sundays, no holidays. Vachon added there should be no equipment running (maybe a security light which is electric – no generators) at the facility at night. B. Lockington inquired about the wells. He has heard there won’t be a problem but what if there is. Vachon responded it is pretty much understood that if one impacts a neighbors well, you will be remediating that situation whether it is drilling that well deeper or drilling a new well. Ottawa Sand is basically responsible for the well. K. Lockington inquired about lighting, particularly in the winter time, how will the light be focused so that it is not shining up the valley. Vachon responded that once the final site plan is approved, lighting can be addressed to have light shining into the facility and away from operations. Lighting has improved greatly from the standard, big farm mercury bulbs shining out in the field to actual direct lighting. Vachon believed Ottawa Sand would work with the public to minimize any kind of light pollution that might be off property because there is also light pollution standards where there can only be so many lumens radiating off of the property. Vachon added that as far as the mining, there will be no mining during the winter months. Basically, what will be done is Ottawa Sand will stockpile and be able to use that stockpile during the winter. Once it gets below 32 degrees, the operation really can’t function, as far as the mining and the wet plant, because of water needs, so there won’t be any active mining during the winter months. K. Lockington questioned, if one submits a complaint, and nothing changes in twenty four hours, then what is the next procedure. Vachon explained the next step would be to call Lien or Estenson, because these items are identified as conditional uses. The plans are established based on the reclamation plan and NR-135 and the County reclamation plan and ordinance. There also is a feature that the County does administer and that is, how many open acres does the mine have per year, so in that processing area, there is a fee that Ottawa Sand will pay on an annual basis for having that twenty six acres open and for the remainder of the property, what they have open, they will pay on that also, so there is an incentive to any operation to reclaim as quick as they can because that is less money that the mine will have outstanding to the County. Vachon stated, for example, let’s say they have been open for twenty years and no reclaiming has been done, and they walk away- who is stuck with the bill. Vachon explained a part of the program, and its’ financial assurance, Ottawa Sand will be required to bond, and for this site it is approximately 2.3 million (about \$5,300 per acre) for reclamation. If Ottawa Sand would walk away or go “belly up”, the County has the ability to hire a contractor to come in and remove the structures and put the property back into the reclamation as designed by the plan. So there is bonding or a letter of credit, set aside by Ottawa Sand, listing the County as the receiver, if something like that would happen. Vachon added that Trempealeau County

does review the mine on an annual basis, to make sure Ottawa Sand will be in compliance with the conditions and also the Committee can revisit the CUP to make sure the conditions are being met and if the conditions are not met, the permit can be pulled. K. Lockington inquired about the salts that would be used to help with the dust. Vachon stated calcium chloride (an additive to water used when they sprinkle roads for dust) is used by the County Highway Department and the Towns and it basically binds with the water and it attracts water from the air to keep dust down. Vachon stated if one is looking at the effect this will have on the water table, this is less of an effect than what is used by the Highway Dept. on the highways each winter. B. Lockington inquired about the 75 foot height, and how wide and what sort of facility Ottawa Sand would have, because Lockington's would be looking directly at it from the west. Napiecek responded,(without having the drawing) that the building is 50 feet wide by 90 feet deep by 75 feet tall, so the structure itself would be a little smaller than the pad shown. K. Lockington asked if there was any way that Ottawa Sand could do a berm on the west side so it would shield them (when there is field noise, it blows right up the valley). Napiecek responded there is a lot of material to move and if it would help a neighbor, they could definitely look at putting something there. Brandt asked for Palmer to identify Lockington's property on the map. Vachon commented, that with the phasing, which is crucial, Ottawa Sand has been looking at how they can go in and do this operation without really making it a big "eyesore" and one of the options is a high ridge (Vachon pointed it out on the map). Vachon explained how the mining will take place in phasing to minimize the visual effect to Thompson Valley property owners, so typically one won't see a lot of the mining operation. Vachon felt perhaps the wet plant could be painted a light blue or something that does mimic more of the sky to help blend it into the scenery. K. Lockington reiterated her concern was to shield some of the noise and the look of the plant. Vachon felt that was something Ottawa Sand would look at because there is topsoil material and overburden material that has to be removed and if it is deemed that it would be appropriate to assist the noise minimization, Vachon didn't see why that would be an issue.

Doug Sokup – Registered to testify in favor. Sokup felt everything has been discussed and if the public had any questions, they should just ask and he'll try to answer them. Ottawa Sand wants to be a good neighbor.

Brek Zortman – Butler, WI - Registered in favor, but not testify.

Robert or LaRayne Kupietz - Registered to appear and testify for information only. R. Kupietz inquired if they were going to get a written agreement on this (since one's word doesn't mean much anymore) covering everything, i.e. the wells, structures, etc. Lien stated he does have a letter from Robert and LaRayne Kupietz that he was going to read and they are requesting that some items be placed as conditions, rather than just discussed. Brandt inquired if the issue Kupietz's were asking for, is whether the promises are put into the CUP(there has been discussion during the presentation about just that).That has been put into the conditions of the CUP in which case the operators would be responsible, not only for testing the structure foundations and wells, but also mitigating any problems afterward. L. Kupietz stated she had talked to Bill Petz (Gold n Plump Poultry) the previous day, and when Ottawa Sand is going to blast, Gold n Plump would like to be notified also so they could monitor the Kupietz chicken flock for stress on the birds. Brandt stated this had been discussed at the township level as well and that is part of the towns' recommendations. R. Kupietz (in regard to blasting), that he didn't care about structural damage, but if he had a complaint he wanted it taken care of legitimately and he wanted to see the policy on blasting. Brandt responded that the E & LU Committee has just put the State blasting policy into the Ordinance, so Kupietz will receive a copy of that.

Scott Napiecek – Registered to testify in favor. Napiecek stated he has probably said everything he wanted to say, but he hoped that a local group is of interest as opposed to an outside group because these guys will be meeting you on the street and he felt issues would be addressed faster because of the fact that they could run into neighbors any day.

Gene Martens – Onalaska, WI – Register in favor but not testify.

Dave Hesch – Registered to appear and testify for information only. Hesch responded his questions have all been answered.

Bill Vachon – Registered to testify in favor. Vachon responded he had nothing further unless he was asked.

Lance Vogler – Eleva, WI - Register in favor but not testify.

Germaine Suchla – Registered to appear and testify for information only. Suchla stated his property is directly west of the site. Suchla is very much in favor of the mine. Suchla just received a note the other day from the American Transmission Company as they will be putting a high powered line in the same area. Suchla wondered if there would be any conflict with these two types of projects. Brandt responded they surprised everyone by going north on 93 and then cutting across the Town of Arcadia. Suchla stated there is a meeting on June 27th in Ettrick about this transmission line. Brandt inquired if Ottawa Sand was aware of that. Vachon responded that they have made allotments for the current right-of-way, as there are already easements on the property, so the project has been designed to work around that 80 foot easement. Suchla expressed concerns about the fact that one of the lines goes right along his property and if Ottawa Sand runs out of sand on their property, and Suchla has sand on his property, that they might want to mine - would that be an issue. Vachon responded that would be a financial decision that Ottawa Sand would have to make in the future, but for now the easement is being left where it is and being worked with.

Curt Dungey – Registered to testify in favor. Dungey had no further comments.

Chuck Holmes – Registered to testify in favor. Holmes had no further comments.

Mary Benusa – Registered to appear and testify for information only. Benusa stated most of her questions have been answered, but she still has two. First, what is the projected life expectancy of this project? Vachon responded this site is expected to have a twenty year life span based on the volume and material there. Vachon added the Klink property would take the project into year 13 and the rest would move up North to the Sokup property. Benusa stated that Thompson Valley is a U-shaped valley and she wasn't sure when the noise assessments were done but the sound goes right down to the end of the valley. Benusa stated Dave Hesch ran a speedway in the City of Arcadia and where she lived and also where her father lived they could hear the calling of the heats at the speedway as the sound bounced all the way back to the end of the valley. Benusa wanted to know if all this was taken into effect.

Vachon responded that valleys are difficult to work with because of how well the noise carry's and how much relative humidity is in the air or not. Vibrations also transfer quite well. Vachon explained that in part of the design of the dryer plant, what will be looked at, is to incorporate sound deadening material into the plant itself. The crusher is an outdoor crusher and currently it is planned to be outdoors and they typically are not that loud. The conveyors are somewhat quiet so basically Vachon would anticipate the noise coming from the dryer plant and as Vachon had mentioned they will be looking at sound deadening material within that to minimize noise coming from the operation. Lien inquired, from a dba standpoint, would Vachon say that the loudest thing will be the dryer as opposed to the crusher, as far as noise. Vachon replied, from what they have identified, yes. Lien thought the crusher would have been louder. Vachon responded it is crushing sandstone, perhaps if one were crushing limestone one would hear a certain noise, but because sandstone is being crushed, sandstone is a poorly cemented material which doesn't require as much crushing and just by screening it, it will break down into the appropriate material. Napiecek commented he didn't think anything would be run off of a generator as they will have line power and the crushers and screeners will be all electric, whereas radiator and diesel engines (onboard circuits) for screeners and crushers are loud. Napiecek added there are different screens too. Rock on screen is loud. There are different screen media that Ottawa Sand could look at to reduce noise.

Mike Sokup – Registered in favor but not testify.

Richard Miller – Taylor, WI- Registered to appear and testify for information only. Miller stated he was happy to see some local county residents that may be able to make a few dollars with the natural resource that we have in the community. Miller stated that in a positive vein and now he is going to step into a more questionable vein. Miller continued that as most of us know, there is sand mine that is in the process of building in Preston Township. Miller's concern is that the County does not have direct experience with this size of mining operation and we hear talk about the jobs created. Miller was in business and Ottawa Sand has an estimate of what will be required and that may go up or down depending on the operation once they get started. Miller clarified that he wasn't only speaking of the Ottawa Sand operation but of all the operations that are going now or will be conceived of in the future. We do not know the damage to the roads. Miller understood that Ottawa Sand was talking about 150-200, very heavily laden vehicles traveling over the roads, and so we don't have an answer to that. Miller stated air quality was talked about, but it is a model, we don't have experience to know what we will have for air quality. In regard to blasting, Miller felt that was somewhat of a question. Miller wished a picture of where people live would have been shown in proximity to the mine site. Miller felt that is significant. Miller stated we are not on the Mesabi Iron Range here; we have a lot of people in close proximity. Miller added Ottawa Sand did talk about being good neighbors and Miller believes that is the case. Miller, speaking in generality, as it pertains to this County, stated we have a very large resource that we will undoubtedly see more and more requests. This Zoning Committee has the difficult job of dealing with this issue. It sounds like this 20 year project could extend longer if there is adjoining land and obviously as one invests this type of money into a plant, one is going to want to be able to utilize it beyond that 20 years if at all possible and Miller could understand that. Miller stated he saw that Hours of Operation was listed on today's agenda. Ottawa Sand is going into this operation with the idea that these are the hours of operation. Miller requested that Ottawa Sand not come in and ask that they be 24-7 as Ottawa Sand is going in with what they are now and Miller hoped Ottawa Sand would be satisfied with that because there are people that live so close to these potential sites throughout the County. Miller felt, for those people who live in the valleys, noise is an issue. Miller happens to live about four and one half miles from the Preston site (they were down in the valley) and when they were pounding pilings (the air was heavy that day) it was just like Miller was right next door to them, but that was unusual conditions so that may not always be the case. Miller wasn't sure how it would be once they are up and operating. Miller felt these were some issues which he felt this Committee needs to be thinking and talking about. Miller wishes this Committee and this County had more experience with the existing mine operations, so as to help them decide the future decisions that come before this Committee pertaining to the sand mining operations.

John Wegman – Registered to appear and testify for information only. Wegman stated his property is to the south of Dan Klink's property. Wegman inquired as to the setback or how far someone had to stay from the property line. Wegman was told by three different people, three different things. One person told him 50 feet and then the 4 to 1 could be started, one person told him 20 feet and another person told him 10 feet. Wegman asked if there was an actual set distance. Brandt verified that Wegman was questioning the property line setback before the four to one slope is started. Lien responded that the Ordinance dictates ten feet. Vachon stated what Ottawa Sand has proposed on the drawings is 50 feet which allows for ample area for placement for proper signage, planting of vegetation and ability to get up there for any type of maintenance of the line fence. Vachon reiterated it is just being courteous to the adjoining property owners. Sokup mentioned that setback is in the Town of Arcadia conditions. Wegman explained he bought his property because he was going to build a new house there, which he felt not too many people would do that next to this sand mine. Wegman was thankful that Sokup, etc. came and talked to him beforehand before Wegman did anything too major, and informed him that they were proposing a sand mine. Luckily, Wegman is not too far into the project. Wegman has not ruled out building there completely, but obviously there are a lot of factors. Regarding particles, Wegman inquired if some of these particles are hazardous and if there was any information. Vachon responded the big issue with this sand is silicosis. This sand is a resource which is throughout Trempealeau County. When watching a combine drive down a field or hay baling and

one sees the big plume behind it – those are the PM10's and PM25's. It is a common occurrence in this type of agricultural area. The PM2.5's, PM10's, and the PM25's pose the greatest health risk because if they do get into the lungs they can cause scarring and silicosis. Typically, mining back in the late 1800's and early 1900's there was a lot of situations with silicosis, but MSHA rules require workers to wear personal protective monitors to see what kind of exposure they would be receiving at the epicenter. Vachon stated Dungey's model showed a "worse case scenario" – this facility running 24 hours per day at the maximum throughput. So if the crusher could crush 5,000 ton per hour, this model assumed it was crushing 5,000 ton per hour, 24 hours per day, and 365 days per year. With the other facility that was permitted in the Town of Preston, silicosis was a big concern of the public as well as other kinds of respiratory concerns. Vachon stated the slides he showed did identify the concentric circles where the model did identify. Vachon reiterated that was a worse case scenario based on the model and models typically are very conservative and they assume worse case scenarios in everything they do. In actuality, with the plant running with the controlled efficiencies that Ottawa Sand is looking at, Vachon would venture to say that the amount of dust generated there would be equivalent to just working the fields naturally. Brandt commented there is a difference between hay dust and silica, in that one is a carcinogenic and deadly and results in a fairly painful disease and the hay dust is just a bother. Brandt added that Vachon had talked about regulations by EPA and DNR. DNR has currently put off, for at least seven years, coming up with a regulatory standard that they would enforce in terms of the amount of silica particles in the atmosphere, so it is understood that this is an issue, the model is conservative. Brandt stated the issue of keeping the dust down, the issue of employee wearing dust protective devices is related to issues of dust, so there is a danger, there is a standard in the State, and it is not regulated by the State. Brandt asked Dungey for verification. Dungey stated the State does not have a standard for silica. Brandt added we are basically operating under our own desire to protect health. Wegman stated he probably wouldn't be doing a lot on his land perhaps some hunting and the mine could be a real asset to the community or it can be. Wegman made a point that with his land being next to the site, if he would come and apply for a permit, is he going to be looked at in the same way, would Wegman be granted a permit or is there going to be an upheaval by certain people and he could be denied to live off his own land or is the County going to address this in the future. Wegman commented where his land abuts Highway 93, there is a 500 foot scenic easement and when Wegman was working on the driveway to his building site, the State came out there and one is obligated to the State before anything can be done. Wegman finds it ironic that there will be a sand mine that everyone will see, but he is obligated, for the first 500 feet, that he has to have it ok'd by the State.

Joe Matchey – Registered to appear and testify for information. Matchey asked if the City has approved the mine. Vachon responded the City Engineer wasn't available as he had a conflict, so the information was only submitted to the engineer. Primarily, what the City wanted to know was the impact of the high capacity well on their well systems and with the flooding, the storm water issue such as would this activity increase any additional water flow to the tributary to Turton Creek. Matchey inquired when the County's decision would be known. Brandt responded the Committee will or will not take action today. In regard to the private well testing, Matchey stated no one had contacted him about checking his well. Vachon responded that hasn't been done yet and previously what had happened is that the County actually hired a third party, independent contractor and he assumed the County would then invoice Ottawa Sand for the County selected contractor to meet with Matchey, do a well evaluation, a water sample and also do a structural analysis. Vachon added the only thing that was done is wells were located and a surveyor went out and located the GPS coordinate and the well elevation. Steffanie Matchey inquired if the berms would be consistent all the way around the site and what would happen if Matchey's didn't put the berm on their land. Vachon responded that the berm will not be placed on private property and it will go around the property. Vachon explained where the berm will be constructed. Steffanie Matchey inquired as to what type of vegetation would be planted. Vachon responded deciduous, hardwood trees with probably some decorative stone and landscaping. Napiecek responded everything along Thompson Valley Road will look really nice and be professionally maintained.

Brandt called on Dave Woyicki, Riverland Energy, and asked if he had any concerns. Woyicki responded no.

Brandt called for any further public testimony. B. Lockington inquired about terms and conditions of berms and what he could do to facilitate that on the west. Napiecek responded that it would have to be looked at and perhaps, together, they could look at it and decide where would be a good spot to put it. Ottawa has a lot of material to put somewhere and if it will benefit Lockington's it can be put wherever it needs to be. K. Lockington stated it may benefit the whole valley.

Lien had several letters, one which included concerns from Robert and LaRayne Kupietz. Quarne requested that Lien read the Kupietz letter aloud.

1. All wells currently located on the real estate owned by Robert and LaRayne Kupietz adjoining the Conditional Use Permit site shall be tested prior to commencement of any work and thereafter once per year until all mining activities permanently cease. We would like results from these and all tests performed on their property. All costs must be borne by Doug, Mike Sokup and Dan Klink along with Ottawa Sand LLC.
2. If wells are damaged or water is depleted or gone bad, they are to be redrilled with costs being borne by Ottawa Sand, LLC.
3. We would like all our building structures to be inspected, prior to any work and thereafter, once per year, for any structural damage that could occur as a result of the mining operations. We would like results from these and all inspections performed on their property.
4. We run a poultry business where Gold N' Plump rents our building for their poultry. If the blasting of the mine shakes our building or the noise from the blasts stresses out their birds, or the water conditions change to worse where our performance in these birds and our income drops, will Ottawa Sand, LLC compensate us for our loss of income. We should not have to show proof because our drop in performance should be proof enough. We have always been good growers with good performance and have taken pride in taking care of the birds and the upkeep of, inside and outside, of our broiler barn. Some people think they're just birds but are our lively hood and our children's inheritance. We believe Gold N' Plump will vouch for this statement that we are good growers.
5. There is an oral understanding between Ottawa Sand, LLC of these provisions. We would like a written and dated agreement of these provisions signed by Ottawa Sand, LLC and they approve, at our request, these provisions. It must also be signed before the commencement of any work is done to this mining site on Thompson Valley Road.
6. Since we have lived on Thompson Valley Road, we have had trout planted in the stream running through our property right off our driveway bridge. This is a designated trout stream. How can this mine site have water runoff from it, into this trout stream that runs into Turton Creek which is another designated trout stream? Isn't this a concern of the DNR's, which we think also poses a risk to fish and wildlife habitat? We have a plentiful amount of deer and other wildlife in this area. What happens when the blasting starts or they drink out of these contaminated streams or storm basins? All the hunters in this area will be eating this wildlife and serving it to their families. Have any tests been done to prove this hasn't been a concern at other mines of this nature. Will the meat be contaminated, our impression is- it will be.

Brandt asked Lien about a letter from the Town of Arcadia. Lien stated he had two pages, 18 requests from the Town of Arcadia for the Committee to consider as conditions. Lien stated the Committee had received the same thing from the Town of Preston when the Winn Bay conditions were reviewed. Brandt stated the letter is where they talk about the twenty foot berm and the fifty foot setback, semi-annual reviews, financial assurance (which the County requires), blacktop entrances and exits, training for local emergency providers. The Arcadia board is requesting a final site plan and equipment list approval, as well as a 25

hundred foot blasting area notification, 24 hours prior and inspection of the wells and assuming all costs for improvement, maintenance and repair of Thompson Valley Road, Brandt inquired if Ottawa Sand, LLC was aware of these things. Vachon responded they were.

Dean Suchla – Registered in favor but not testify.

Lien had two other letters from the Town, one addressed to Daniel Klink and the other to Ottawa Sand, LLC but they were identical in nature.

Lien read aloud a letter from the Town of Arcadia which stated the Town Board of Supervisors have been informed by Ottawa Sand mine and Daniel Klink that they have applied to the Trempealeau County DLM for a Conditional Use Permit for a non-metallic mine and operations are to be located on Thompson Valley Road. The Town Board of Supervisors passed a motion at their May 18th, 2011 board meeting stating they have no objection to Trempe. Co. E & LU Committee issuing a CUP for non-metallic mining to Ottawa Sand and Daniel Klink on the above property along with the list of conditions being met.

Brandt stated each Committee member was handed a signed form letter which stated, “ To Whom It May Concern, I am in favor of Ottawa Sands operation moving into the Arcadia area, the positive impacts of economic development and job creation will make Arcadia a better place to live and work and they were signed by Allen Halverson, Robert Bowe, Mike Dummer, Erick and Jeff Halverson, Larry’s Excavating, Jack Bautch, Don Sylla, Kim Lofgren, Wilbur Trucking, the president of Larson Ag Service, James Sobotta, Tom Klimek and Joan Guenther of the Town of Arcadia.

At 11:19AM, Brandt closed the public hearing.

At this time, Brandt thanked Ottawa Sand for their information and turned the meeting over to DLM staff.

Lien commented on Miller’s comments, that before Winn Bay Sand came, the County had no need or desire to educate ourselves on sand. Badger Mining has been a neighbor of the County’s for many years, and Lien has had a lot of conversations with them, but they have never stepped into Trempealeau County so it has not been an issue. Lien stated there was a large scale wind turbine proposal a few years back and Lien had to educate himself on that and the same thing has happened with the sand. Lien stated he still has a lot to learn, but a lot of his questions will just be for clarification.

Lien inquired about the proposed system of the four clay lined ponds, in comparing that versus a clarifying system, is there a rough percentage of how much more water this system is going to utilize versus a clarifier. Vachon responded the difference is the holding capacity of the ponds; it takes the ponds a little longer to naturally settle fines out than it would a clarifier. A clarifier is an actual mechanical piece of equipment that does have a rake that goes around, the flocculants are added; it is a quicker settling process. Lien stated, for clarification, is it similar to a waste treatment plant. Vachon responded it is exactly the same thing instead of dealing with biocells it is dealing with fine material, so in essence, the wet process will use the same amount of water, so many gpm’s regardless of a clarifier or a pond, and it is strictly a personal preference in the business which system is to be used. The ultimate thing is one does have more water capacity in the ponds than would be in a clarifier. Brandt asked if it uses the same amount of water. Vachon replied the system uses the same amount of water all you have is a greater capacity of water within the ponds. These ponds are approximately 150 X 70 with 45 degree slopes down to the base, so they just have a greater water capacity on hand than a clarifier. Vachon verified for Brandt that the ponds will be 15 feet deep with adequate slope. Brandt commented if you have something that is 15 feet deep and you’re working at 810 feet with 17 feet to groundwater where are these elevations in relationship to the elevation of the plant area, site and processing- are they further up hill or where are they. Vachon stated they will be on the northwest side of the process area and it will be left at a higher elevation than the overall area and then the berms will be dug in and clay lined. Brandt verified “dug in” as opposed to “bermed”. Vachon

stated that was correct as berms have a tendency of failing (not wanted in any operation) and also the storm water pond in the area if there would be a catastrophic failure of a pond, the volume of water in the area of the storm water basin would be adequate to contain that prior to leaving the site.

Lien read a letter from Richard Tumaniec, Wisconsin Department of Transportation, which stated, "I would like to summarize the conversation this morning with regard to the sand mine development south of State Highway 95 on Thompson Valley Road. We agreed that the impact of the new development should be considered at the intersection of Thompson Valley Road and State Highway 95. The DOT would like to encourage the Committee to add language in the permit that would require the developer to construct a right turn lane on State Highway 95 eastbound and/or bypass lane for State Highway 95 westbound if it is determined that the development is the cause of operational problems at the intersection. One improvement that could be included now would be widening of the paved shoulder, approximately three feet from the first access to the west of the intersection matching into the back of the existing curb at Thompson Valley Road. The widening would help with the deterioration of the shoulder due to right turning trucks traveling to the new development. Please contact him with any questions or concerns".

Lien asked if Ottawa Sand had contacted DOT originally. Vachon responded they had contacted him with some concerns and he had not gotten back to them, but Ottawa Sand anticipated, because of the trucks entering onto the State Highway, that there could potentially be a need for an acceleration or bypass lane and a right hand turn lane off of the Highway. Vachon stated, based on DOT's recommendation, if traffic would be impeded by this operation, Ottawa Sand would be agreeable to initially widening the pavement, and also if there would be a pass lane required they would work with DOT for that construction. Brandt commented that Ottawa Sand has the traffic counts and Brandt is aware of a number of rollovers on that particularly, odd turn and Brandt questioned if line of site has been looked into and suggested looking into the accident reports or Sherriff's investigations as to why it is that things have happened there in the past.

Lien inquired about the flocculants used in the clay lined ponds. Lien stated he knew there have not been any long term studies done on the flocculants used. Lien suggested the Committee consider that with clay lined ponds the possibility for ground water contamination could be greater with that type of system, with flocculants being used, than with other systems that are available for this process.

In addressing air quality monitors, Lien stated in the presentation that Dungey gave it appeared that the winds are predominantly out of the northwest. Dungey responded he should have probably provided a wind rose, but as he recalled the winds are from the north, northwest and the south. Lien suggested the Committee request a wind rose.

In regard to the study of PM's, Lien stated the DNR has a "draft" study; it is not approved and will not be for a long time. Lien felt that was the "scare" with silicosis. Lien learned there is a very big difference between farm PM's, (those are considered to be weathered and more rounded particles where those freshly fractured have sub-angular particles and those are the particles that adhere to one's lungs and do damage, so there is a difference in those kind of PM's, but again without a study to enforce it, there isn't a lot that can be done to enforce it. Vachon added, one of the reasons this material is so highly desired in oil and gas production is because of its natural, round shape. Vachon isn't going to say there isn't some fracturing, as some of the binding material has sub-angular shape, but it really isn't the sand itself, but more of the silica binding material of the sand that when it does break down is where you get the sub-angular shape. Vachon stated there is the farmers lung dealing with the dust versus the silicosis, both will kill a person, but that is what Ottawa Sand wants to minimize and as Napiecek mentioned, they are required by MSHA to do the air monitors on an annual basis to assure that the levels that the employees are exposed to are below the standards. Brandt stated what settles out in the settling ponds are the fines.- material that can't be used and is part of the reclamation plan, and as at Winn Bay Sand, that will be used as topsoil. Brandt stated those fines and them getting up into the air is what he is most concerned about. Brandt wanted to make sure that there is discussion on how those fines are going to continue to be buried and what the potential might be for

erosion opening up whatever the final reclamation site looks like. Napiecek stated that a lot of the fines are actually clay, he felt 80% and it is not the same material that the sand is. Vachon stated approximately 3% of the material is going to be considered fines and with the fines, itself is a wet product so when it is excavated out of ponds and mixed with additional overburden material, strictly using the fine material for structural slope as some point in time it could fail, so it does need to be properly managed and incorporated into the overburden material to increase its soil bearing capacity. Napiecek suggested testing the 325 material to see what it consists of. Lien stated the ponds will have to be cleaned out and inquired as to what the intervals will be for the cleaning. Napiecek responded that for the four ponds Ottawa Sand has projected, one will be cleaned every five years. Lien inquired if the ponds will be drawn down and mechanical excavation done. Napiecek stated hopefully Ottawa Sand would be able to fill one and let it sit for two or three years and it will be dry so it can be cleaned out and put the material in the reclamation area and cover it with dirt and seed it. Lien reminded the Committee that this is a Conditional Use so conditions can be placed and in the past, the Committee had required that fixed air monitors be in place all the time. In the past, Lien stated the Committee had designated haul routes and along with that condition there was discussion on school bus safety issues (when the kids are dropped off morning and night). Lien inquired if there is a definite haul route. Sokup responded they are planning to come to Whitehall and if they are using State Highways, it shouldn't be a problem no matter which way they take. Lien replied, in the past, the Committee has conditioned certain haul routes because it depends upon where things are going and we're looking at numbers, accountability on roads, intersections and impacts on communities. Brandt commented the information in the permit was vague. Discussion followed. Lien stated when it is stated that there are going to be 180 round trips, that's 360 trucks going through, on a round trip. Vachon clarified that it will 180 round trips (90 trucks). Brandt reiterated that in the information presented, the haul routes were unclear because Ottawa Sand wants to be able to sell anywhere there may be a terminal. Brandt stated the Committee is basically trying to find out where the market is because other than the rail spur in Town of Preston, he is unaware of any other spurs in the immediate area. Vachon stated the proper answer to that question is that Ottawa Sand has acquired property west of Whitehall to facilitate a rail load out area. Vachon commented he thought there was a meeting at the Town of Lincoln this evening to explore that opportunity. Lien restated something for the Committee to consider is haul routes, school bus safety-loading and unloading. Thompson stated the school bus was briefly mentioned in the permit application. Vachon added that is something they would have to consider in any town around. Vachon continued that there is a scheduled road construction project for the bridge replacement in Independence, so there would have to be an alternative route back, which he assumed would be Highway 95. Brandt commented he thought that project was scheduled for 2014. In regard to the high capacity well, Lien questioned if there had been any consideration given to moving that well farther north, even if it was on leased land, closer to Turton Creek, if there would be less of a drawdown effect to the wells around there, because at the Town of Arcadia meeting it was mentioned that there are several shallow wells. Lien knows, in the area-countywide, shallow wells have somewhat better water quality than deeper wells but there is a bigger reserve deeper. Vachon responded that Ottawa Sand could do a model on that, all that is needed is an easement from the adjoining property owners to have an access road and do an easement. Napiecek commented there are some other options. Vachon added, ideally, if the high capacity well was further to the east, in Vachon's opinion, to the neighboring residents it would be a positive and would also be better for the City of Arcadia, so that is something Ottawa Sand would gladly do the model of towards that area if there is an accommodating property owner to the east. Brandt commented, in reading the well report, that some of the wells were as shallow as 50 feet and Ottawa Sand's projected drawdown is 5-17 feet. Vachon verified that was correct. and without knowing the specific well construction details on those wells, Vachon really couldn't say how Ottawa Sand might impact those. Vachon commented, as Lien had mentioned, sometimes when one punches a well deeper, that shallower aquifer, you do get good water and if you punch it down into one of the substrates the water may not be as nice as one is used to. Brandt commented that Ottawa Sand's figures were based on the ground level and these 50 foot wells would actually be higher than that. Some discussion followed on irrigation wells versus high capacity wells. In regard to well and foundation inspections, Lien mentioned there had been some talk, but he didn't recall that a dimension was found. In the past the Committee had set 4,000 linear feet for Winn Bay Sand, which Lien believed was a

trade-off between the mining company, the landowners and the Committee and as Lien stated at the Town of Arcadia meeting, probably in excess. Brandt questioned if Town of Arcadia had requested 2,500 feet. Lien stated that referred to blasting and read aloud from the Town of Arcadia conditions, “a notice shall be given to adjacent landowners within 2500 feet of blasting area”. Lien felt a linear dimension was something the Committee should consider. Lien continued, in regard to the blaster, meeting the state requirements was discussed and that damage to foundations will not happen and that is true and Lien’s opinion is that will not happen, but people will still feel that vibration and a shock to the homes, but it will be at tolerable limits, according to the state rules. Holmes responded that was correct. Lien addressed the self-imposed 30 mile per hour speed limit. Lien reminded Committee members that anything the Committee wishes to enforce, it must be conditioned, because something “well intended” cannot be enforced. Lien added that applies to the jake breaks being used, berms, tree planting and anything of that nature. If the public or Committee wishes to enforce any of that it must be a condition. Thompson inquired if berms weren’t part of their site plan. Lien stated they were in the plan; however he wasn’t sure if there were elevations associated with them and different sized berms have very different impacts. Lien stated if berms were to be conditioned or enforced there should be some kind of dimension to them agreed upon by both parties. In Ottawa Sand’s presentation, they stated several times that a height variance would be needed, so Lien stated if a conditional use permit is granted today it should definitely be contingent upon a variance because if a variance is not approved, is there a back-up plan. Lien inquired if Ottawa Sand had a plan, if the variance would be denied. Ottawa Sand representatives replied there is not. Vachon replied, typically, the wet plant is the highest piece on the property because it uses gravity and water, with the cyclones. Vachon equated it to when one takes a bag full of change to the bank and it is put in the coin counting machine and it spins it. This is very similar to what a sand/ wash plant does, it mixes the raw sand with water, it goes into the different sized cyclones, the material gets separated out and it puts it out. Vachon commented, unfortunately that is how this machine is set up. Lien wanted to address the variance, because if there is concern from the public, the wash plant is going to be impossible to screen aesthetically. Lien stated, lighting has been mentioned, and one of the standard conditions is light pollution so Lien felt the Committee should consider this. Historically, the Committee has done an annual review of the conditions and could potentially invite neighbors back in and on that note, Lien stated, DLM is required to put a Class II notification in the newspaper. A courtesy letter is sent to names and addresses that are submitted to us from the applicant, so if someone did not get a letter it is because the name and address was not submitted. DLM is not trying to circumvent anyone that is how the process works. Lien stated these are local guys, and Lien knows there is no local market for this type of sand. Badger Mining and Winn Bay Sand operate under several different entities, Lien is personally, and he feels the Committee is interested as well, as to where this sand is going. Lien understands there is a potential for a rail “load-out” in Whitehall, but where is the market or where is the sand going? Napiecek stated the major markets are western Canada, North and South Dakota; there are six new oil wells that just got permitted in Nebraska. Lien questioned if there was a “parent” company that Ottawa Sand was working with. Napiecek responded no, they were going to situate themselves on the CN railroad. Lien responded that does limit the market and that is why Badger Mining went to Atlas to be on a different rail in a different market. Napiecek commented that opens up a whole different customer base and the rails drive the price of the entire market as there are certain customers that can only use certain sand and they can only use whatever rail runs to and from their site. Lien asked that question, because he heard any new rail cars are not available until 2012, so someone has to have rail cars available to move the product. Brandt stated he felt Ottawa Sand is speculating that new rail lines will be approved to Nebraska or the Dakota’s or is that something that they know for sure. Napiecek responded he did not know the details on it, but he knew of the six new wells being permitted in Nebraska, and it makes sense, if there is oil there, the railroad will have to go through there. Lien asked if the Committee was to assume that this is like a speculation cell tower, that Ottawa Sand is speculating there is going to be a market. Lien asked if Ottawa Sand had a definite supplier/customer. Napiecek replied Ottawa Sand has customers that are ready, but Ottawa Sand doesn’t want to sign any contracts until everyone’s happy and Ottawa Sand is ready to move forward. Lien stated, a standard condition is the 10 foot separation from groundwater, so Lien inquired what the expected limit of excavation/elevation is. Vachon replied the limit of excavation/ elevation is 810. Lien inquired if that is where groundwater is or

that is where Ottawa Sand will be excavating. Vachon responded that groundwater is at an elevation of 780 and the limit of excavation is 810 so Ottawa Sand is thirty feet above groundwater. Vachon stated they will probably install a groundwater monitoring well too, down gradient from the processing area to the creek to identify true groundwater depth and to be able to validate the current groundwater condition at the site and to be able to monitor on an annual basis any potential impacts to assure groundwater quality in the area. Lien replied that putting in a monitoring well is something the Committee has conditioned in the past with other mines, because it is protection for them. If someone comes up with contamination in their well during the testing process, but their well doesn't have it, then that's safety for them. Brandt reiterated that Ottawa Sand is looking at an aquifer at 780 feet and a lot of the wells around the site are considerably higher than that, so it is true Ottawa Sand could be monitoring their well while other sites are drying up. Brandt is going to try to find a way to get the language in there because there are different kinds of groundwater and obviously different levels of quality of groundwater. Vachon, speaking on Ottawa Sand's behalf, stated he would like to see an up gradient well be put on the most northeasterly corner of the property because that is where the water flow is coming from the northeast and flowing to the southwest and then have one well to the southwest to assure that the water coming onto the property indeed isn't impacted and the water leaving isn't affected. Thompson inquired if a deep vein well like this affects water that's in a shallow vein. To answer that question, Vachon suggested that the Committee contact the City of Arcadia and get their little video (Vachon had watched it the day before). A Davy engineer, a geologist really explains geology coming off the Igneous Plateau which is basically to the northeast of here and then there is the Mount Simon sandstone formation which is the aquifer so all the rainwater precipitation does flow through that and all the rainwater comes down and then there is another confining layer where Ottawa Sand is, so the sandstone material kind of flows underneath and Vachon believed that in 1905 one of the wells that Arcadia actually installed was an artesian well. It actually flowed 12 feet higher and it threw water out because it was under pressure, so that is basically the aquifer at the 300/350 foot level that people would be obtaining their water from. Any higher up would be really stuck with that unconsolidated sandstone or loose sand material above that Mount Simon formation – above that defining layer. Lien had reviewed Ottawa Sands' plan last week and reminded the Committee, one of the things that is conditioned is setbacks and other things, but a protective fence around the area or in areas of concern was discussed. Vachon verified, if fencing is a condition, it would just be in an area where there would be an active site along with the signage, etc. Lien responded that was correct. At Quarne's inquiry, Lien verified that it was Winn Bay's decision to put a fence around the perimeter of their mine site. Bice asked Vachon where this sand came from- how did it get there? Vachon responded we have to go back millions of year ago, a lot of the sand could have come from the old glacial sedimentation as we were underwater and it is a sedimentary rock so when one looks at the face of a road cut one will see each layer and each one of those is called a barb. Each barb is an annual deposition of material, so if one starts counting those, one can tell how many years it took to create that. Basically it is like a washout from a creek each year, it deposits the fines on the sides of the bank and one can count by the different colors of layering (each one is a year) so all of that is happening from the deposition of this fine material sand. It is from quartz material that one gets the fine sand grades, it gets compressed together because of time, temperature and age and squishes together and it becomes a sedimentary rock, but it really was from, the bottom of a lake bed and river bed that the large amount of sand comes from. Bice inquired that the sand being talked about was here three million years ago. Brandt commented more like 150 – 300 million years ago. Bice stated it did not blow in. Vachon responded no it did not, it was water deposited, as any sedimentary rock is basically from a water deposition versus igneous from a volcanic activity. Brandt commented, the type of sand that it is represents a type of water action and the source is the mountain ranges that used to exist in this area which were eroded away, transported by wind and water and deposited where they are now. We're talking about massive shallow seas that covered this area. Bice explained his reason for asking is, the soil on his farm, a large amount of it, blew in many years ago and deposited on his land, so if the sand that Vachon is talking about did something similar then we're talking about the fine particles of sand that are harmful to the lungs and are not smooth and round, so Bice's point was if this sand had blown in, or the fines in that sand had blow in, Bice would say, it's not the kind of sand that we have to be terribly concerned about as far as health reasons. Brandt commented that the sand on Bice's farm blew in after the last ice age.

Bice stated one of the concerns, from the Lockington's, is they would like a berm built that would protect them a little bit, because Lockington's are suggesting, from the information that they have, that there is no berm that protects them at all from this operation. Bice inquired if there would be any possible way to construct a berm that would protect Lockington's. Sokup commented Lockington's house is approximately 80 feet above Ottawa Sands elevation. K. Lockington replied, they were not asking for 80 feet, just something. Vachon explained the berm construction shown is along the north side of the property of Thompson Valley and as Napiecek mentioned there is excess overburden material that has to go somewhere, it just was not identified on the figure as to where that was going to go and Vachon did not see why, if a Committee member, Lien and Lockingtons got together with Ottawa Sand, to identify a satisfactory berm location, that the material being stripped be moved up and dropped into a berm. B. Lockington suggested and/ or trees added. Vachon stated trees are a definite. Thompson commented it is going to be difficult to get a berm high enough so that Lockington's won't ever see it. Vachon explained it is going to help knock down or deflect any noise. Vachon reiterated that the sand tower can be painted light blue. Bice added, one of the things Lockington's mentioned to him, was if Ottawa Sand would supply some trees for Lockington's to hopefully stop some noise. Napiecek replied that wasn't a problem.

Quarne asked approximately how much Ottawa Sand was going to invest in this project. Napiecek inquired if Quarne meant just in the mine. Vachon responded he thought the original cost for the construction was estimated at about 9 million and approximately 750 to 1.1 million annually, excluding salaries. Quarne asked if this was any part of a TIF district, etc. Vachon replied the city hasn't annexed anything yet. Quarne mentioned there are TIF districts through the county also. Vachon replied there are not state or federal funds involved. Quarne inquired how much tax it would generate for the county. Vachon referred the Committee to section 10 in the CUP packet, basically production equipment isn't taxable from the State Department of Revenue, so it is basically the buildings and the change of the property that gets taxed. There are some additional tax dollars, but it is additional dollars to the school district, the vocational school, the Town of Arcadia and the County. Brandt quoted approximately \$40,000 per year in taxes split between the parties mentioned. Quarne stated American Transmission Lines were mentioned, and those poles being in the 60 -65 foot range, are they going to have to have permits, like Ottawa Sand will have to have for their wash plant. Lien stated as far as requiring a variance, public utilities are exempt. Quarne asked if Ottawa Sand couldn't be exempted. Lien stated the Ordinance can be amended. Bice inquired as to what the Ordinance served. Lien stated there is a 35 foot height restriction on buildings that are non-agricultural related. Upon Quarne's inquiry, Lien stated he didn't think there was a height limit on agricultural, there are FAA regulations.

In regard to where the sand is going, Quarne stated in North Dakota in the next 20 years, there are 25,000 wells going to be put in, one on every two sections as there is an unlimited amount of oil out there. Thompson asked about exempting the height requirement. Brandt responded that would require a Zoning Ordinance change. Quarne stated that is something that should be addressed. Brandt commented on the significant change to the focus on zoning and regulation in Trempealeau County. Brandt stated if the energy section driven, which is what this sand is, becomes a (if not thee) predominant activity in the County it has the potential for not only significantly changing the economy, but significantly changing the landscape and that would be (E & LU Committee visited a reclaimed mine site previously which was a well dissected plateau) a well dissected plateau with two holes where there used to be hills plus adding structural height to places where it didn't exist before. Brandt continued therefore the focus would change and that is why the limitation is in place, because up to this point zoning in Trempealeau County and ordinance writing and regulation was designed to favor agriculture. If it is changed in favor of non-metallic mining that means a real difference for the County and Brandt knows one will say there is some compatibility. Quarne commented we have to co-exist.

Upon Brandt's inquiry, Smick responded through listening, most of his questions have been answered. Quarne asked if Ottawa Sand would take sand from other pits for processing. Sokup responded that is what the plan is. Quarne stated so if there is another pit close by, instead of building another plant in the Arcadia

area, all of the sand would be funneled through one plant. Quarne's point was that some of the other plants that have been permitted could truck their sand here as opposed to hauling it to Winona. Lien asked if Ottawa's plan would accommodate outside truck traffic in, as Lien knew there was blacktop road for the haul routes, but would Ottawa Sand be able to accommodate a stockpile area of raw material or would it have to be hauled into the mining site, where the crusher is. Napiecek replied as of right now, it is not and he felt it was a couple of years away before that could happen. Vachon commented, right now, this plan is designed for production of sand on the property and not trucking anything in and if it would occur, in a few years from now, Vachon felt Ottawa Sand would come back to the Committee, revise the site plan. Hopefully by that time the concerns of the neighbors will be addressed and there won't be the unknowns and then the Committee would look at that potential, additional use. Lien verified that the facility would have to be modified to take "rear dumps or center dumps, etc. Ottawa Sand reps replied saying that was correct. Sokup inquired if Ottawa Sand would have to come back for a conditional use permit if all of sudden they were going to be hauling material in. Lien responded it depends what conditions the Committee puts in place. Some discussion followed on whether further discussion should take place or a vote. Lien reminded the Committee to keep in mind that there are the conditions which Kupietz's submitted, plus two pages of conditions from the Town of Arcadia. Brandt inquired, as part of the financial assurance reclamation costs, one of the line items talked about which is concrete removal and from what Brandt could see there is going to be a lot of concrete (Brandt referenced Winn Bay's need for a 24 hour concrete pour) so he wanted to know how much was going to be poured and where. Vachon stated one thing Ottawa Sand is going to do different is they are going to try to recycle and reclaim as much water as they can from the piles that have been processed through the wet plant. Vachon explained approximately 7000 cubic yards of concrete will be poured underneath the stockpiles and there will be drainage systems set up within that and that will take it back to either the storm water pond or to the last settling basin depending on how the elevation works, so that water can be reclaimed rather than it just being absorbed into the ground. Vachon reiterated it is to maximize the amount of water on site and minimizing the amount of pumping that needs to be done. Vachon stated, in regard to concrete costs, he talked to a contractor in the Green Bay area and that is where he came up with the square foot costs for the demolition and the repo concrete. The concrete will be poured in the footing for the office, dryer plant and the wet plant foundation. Brandt inquired if Ottawa Sand would see a need to request a 24 hour pour. Vachon responded that geological test pourings haven't been conducted in the area of the plant. Vachon felt that Winn Bay's situation was somewhat unique, because they were constructing in the valley and they found some unsuitable soils so they did have to put in pilings to support the weight of their equipment. Until the geotechnical evaluation is done, right now Ottawa Sand is looking at "spread" footings and just pouring the slab for the sand pads without needing any kind of structural support – so basically it is a floating slab, unless some geotechnical information comes back on the location of the wet plant that some structural stability pilings would be required than that might be a need. Vachon really didn't know if a 24 hour pour would be required.

Brandt addressed storm water containment as this operation is not internally drained. Vachon responded it is not, it is set up for a WPDES permit and what Ottawa Sand is looking at is having a large volume capacity before it would need to be discharged, but Ottawa Sand would still submit for a WPDES permit and follow all the guidelines and regulations for that type of discharge. Brandt commented part of those regulations require a yearly inspection sometime before February 10th and Brandt would recommend, that as part of the conditions, that the quality of the water be tested at least quarterly/every three months, specifically downstream and possibly at the confluence of Turton Creek and the other tributary. Vachon inquired if we are looking for the standard; turbidity, cloudy and odor. The Storm water Plan that has been prepared does address those items on a quarterly basis and also in the event of a rainfall greater than one half inch, within the first half hour, a storm water inspection would need to be done and someone on site will be responsible to do that and then at that point where there is an outfall from the facility, that needs to be inspected and in this case, it would be an overflow discharge pipe and the outfall would actually be where it is discharged into the creek and that would all need to be inspected. Brandt inquired if Vachon knew exactly where that is. Vachon responded that has not been located at this point. Brandt stated in the past, the Committee had

approved a Conditional Use Permit, without seeing a final site plan and this is a fairly vague plan so Brandt inquired as to how far out the final site plan is. Vachon replied as far as site and equipment location, that is where the equipment is going. Napiecek commented, right now, the shop and the drying building are going to be under one roof and he does want to split that up because of insurance purposes and the office may have to be onsite, but everything else is pretty solid. Vachon stated location of gas lines coming in and utility lines have not been identified but those are minor changes that the Zoning Office would work with. Brandt verified there is a culvert across the creek for a field lane and that all the mining material in the southern part would be put on the conveyor and conveyed over the creek and the culvert area. Vachon stated if there is any requirement to improve that culvert, Ottawa Sand would be in contact with the DNR and also go along with the Departments requirements. Brandt asked if all the storm water discharge records would be kept by Ottawa Sand or sent to the DNR. Vachon replied they are kept by the facility; they need to be on file at the time a DNR water specialist or someone from the DLM would want to review them. Annually, one needs to submit storm water inspections and identify the dates and that is the annual report that Vachon had mentioned. Brandt reiterated it will be a significant change to the landscape and it is not going to be the Thompson Valley that everyone knows right now. If anyone has had the opportunity to be inside the Winn Bay Sand mine, as you're mining if you have a 100 foot difference between where you start and where the top of the hill is, there will be 100 foot rock beds and blasting will take that 100 foot rock bed down and expose more of it, chew it up, grind it out and what is going to be left is more of a hole where there are currently hills and that is the nature of the operation and it is currently attached to a style of mining for oil and gas which is incredibly popular right now. Vachon's viewpoint, he agrees that one is taking a hill and lowering it, but he has worked on facilities where they take a flat piece of land and dig a hole. To Vachon that is much greater of an eyesore and the loss of productive property than taking a hill and bringing it down to an elevation of 810 and still be able to maintain it, be able to look out and have some sort of vista, rather than having a big hole but again it is perception. Lien questioned if Ottawa Sand had read Kupietz's letter and the Town of Arcadia letter and were there any issues with what was stated in those letters. Vachon responded, in the Kupietz letter, they identify that proof of loss of production should be proof in itself, and that is kind of an onus statement (Vachon wasn't stating that anyone would do this because), but without some adequate proof that the operation of Ottawa Sand did cause some harm or impact to the production of the chickens, rather than just say "I quit feeding them so my production has dropped, Ottawa Sand has to pay for that." Vachon felt there needs to be some hard core evidence or definitive proof (whether from Gold N Plump or a mitigating agent) that indeed the operations did cause harm. Ottawa Sand has made comments that if something does occur, they will be responsible for it but one wants to make sure that they are the ones who are ultimately responsible for it. Thompson commented that weather can be a big factor too with chickens. Kupietz commented it depends on what the blasting does and we're in a swamp area. When they blast on Highway 93 it affects the swamp area. L. Kupietz stated they are willing to have Gold N Plump monitor, so that if Ottawa Sand is the cause, then Kupietz's think they should be compensated if they have a loss, they are not saying that if we have hot weather. Kupietz's know what the birds do as they have been raising chickens for 17 years. Lien commented, he knows this is not what people want to hear, but this is why there is a legal/court system. Lien voiced his opinion that this wasn't something the Committee should try to address with conditions because there were so many variables. Lien asked if Number 4 was the only issue. Vachon stated they are not anticipating any "fly" rock based on the methodology that Quick Supply Co. does utilize. The blasts are sized specifically for the area being opened up. Lien commented, that in his mind, if that happens someone has not done their math correctly. Vachon agreed. Quarne inquired if that would be a civil matter. Lien responded, not necessarily, because there should be a blasting plan, those kind of things shouldn't happen. People are going to feel shaking and vibrations, but as long as they are in that state requirement, that is really all DLM can regulate. Holmes stated the Department of Commerce and the State of Wisconsin enforces that so that if there are problems or the public feels they are not doing their job on the blasting end, you can call them in, they're trained professionals in that situation and they will pull Holmes' blasting license and enforce it. Blasters are regulated by the Department of Commerce and the Committee can easily lean on them. Lien commented this Committee has been around long enough and well jaded with the State enforcement of things and prefers to take it into their own hands. Vachon addressed, in the Kupietz letter, the wells being

inspected. Ottawa Sand has stated that the County would select and hire a contractor to come in and do that work. Lien added the Committee has not set a linear dimension yet. Vachon understood that and commented that Ottawa Sand would be the responsible party on those matters. Vachon addressed Number 6 of the Kupietz letter in regard to trout planting. According to the DNR trout mapping there is only the one trout stream and that is Myers Valley Creek, so these other creeks are not designated by the DNR as a trout stream. As far as water quality and affecting DNR, Badger Mine has been in operation for numerous years and they donate the land back to the wildlife preservation. Vachon didn't believe any of the operations will have ill effects on deer (as far as ingestion of the water) because it is from the sand and it is basically the water that they drink normally and there shouldn't be any damage to the meat or CWD or anything with this operation. Brandt addressed the second stream, on the east side of the property, which according to Ottawa Sands' map, has an emergent wetland, just south of the property line. The wetland appears in one of Ottawa Sands many maps but then it doesn't appear in any of the other ones. There is a 75 foot buffer on the one on the west side, but the creek on the east side doesn't seem to be a concern. Vachon responded that also has a 75 foot buffer and he referred Brandt to look at the purple line on the plan sheet. Smick stated his understanding that Lien is now identifying conditions which would be everything the Town of Arcadia stated in their letter plus the Kupietz letter (with the exception of deleting #4 because they have other legal recourses for damages should that ever happen). Brandt called for a motion. Smick made a motion to approve as part of Ottawa Sands conditions everything in the Town of Arcadia letter and all items in the Kupietz letter with the exception of #4 (as Smick stated), Brandt seconded the motion. Vachon inquired of the Town of Arcadia Chairman, Ronald Tuschner about the condition that a bond for \$100,000 was to be posted per occurrence – what does per occurrence mean or is it just a bond for the road. Tuschner responded it is a bond for the entire length of road that Ottawa Sand will be using off the intersection of State Highway 95 up Thompson Valley Road, to include if the project ever goes beyond that portion, going into the valley further, that would also include the bridges. Tuschner continued that, per occurrence, means that if there was a 100 year flood, or something happened the week before a hundred year flood, that the road that would be covered, prior to that, if there was a bad problem with the road and then a week later, if another occurrence came, perhaps with a flood, that makes two separate occurrences – so that each occurrence would be bonded for \$100,000.00. Vachon inquired instead of just bonding the whole road, we're assuming it is going to be reconstructed at \$250-300,000. Tuschner responded yes, because sometimes multiple things can happen in a period of time – not related, but this way each occurrence is at \$100,000. Quarne asked how long the road was that is being discussed. Vachon responded about a half mile. Brandt clarified that what Tuschner was talking about doing, is putting a condition that Ottawa Sand take over responsibility for the upkeep of Thompson Valley Road from State Highway 95 to their operation for everything that happens. Tuschner responded negative; it is beyond what Town of Arcadia would consider normal “wear and tear”. Brandt replied that would really have to be defined, because there are other people that use that road. Lien commented that Tuschner had mentioned flood events, really this bond should only be for degradation of the road from Ottawa Sands' trucking and a flood event really should have no impact on that road, because that is something that would degrade that road, above and beyond their trucking. Tuschner responded the point that Town of Arcadia reached in their discussion, is there is no way they can tell, unless they are there prior to an occurrence, what the road was like prior to the occurrence versus after the occurrence. Tuschner continued if it is a small occurrence over a period of weeks or months that can be very well documented, by photos, etc., but if it is not, how does one document it. Vachon explained what Ottawa Sand envisioned, either during or at the end of this project, was that Ottawa Sand would be reconstructing that road. Tuschner commented but that wasn't specifically discussed in conversations. Vachon replied he felt that is why Ottawa Sand was basically looking for a bonding of Thompson Valley Road from the entrance road to State Highway 95. Tuschner asked what happens in the interim between now and 20 years. Vachon responded, as degradation occurs and the Town deems it necessary to construct, then the bond is used. Tuschner responded if Ottawa Sand wants to put it in “black and white” as just stated that would be wonderful. Tuschner stated the Town would accept that. Lien felt that would be clearer and if the town feels Ottawa Sand causes damage, that bond could be used, reconstruct the road, and if they're going to continue to mine, another bond would have to be submitted. Brandt reiterated, so just eliminate the, "per occurrence". The consensus in the room was that was correct.

Vachon questioned Number 4, of the Town of Arcadia conditions, regarding the existing perimeter tree canopy, was that on the exterior edge of the property. Tuschner responded that is strictly on the exterior, nothing internal. Vachon inquired about Number 5, if the DNR would change their air quality requirements, by permit Ottawa Sand would have to meet those new regulations, so that is not an issue. Thompson commented if that happens, the E & LU Committee would have to address that issue also. Vachon reiterated that none of this happens until an air permit and a construction permit is submitted and grading can't occur until DNR does issue that construction permit. Dungey added, if DNR adopted a silica regulation, Ottawa Sand would have to comply with that. Brandt stated Number 6, final site plan approval, would constrain him from signing the Conditional Use permit, as Town of Arcadia would have to give final site plan and equipment list approval. Lien inquired if that was something the Town of Arcadia didn't feel they have today. Tuschner replied the Town has given approval, per Ottawa Sands' presentation at the town meeting on 18th and if the Town wouldn't have felt comfortable with it at the time, they would have denied it, and they never would have issued an approval letter. Lien reiterated that Town of Arcadia condition Number 6 states the Town of Arcadia would review and approve a final site plan and equipment list, when available, prior to approval. Lien inquired of Tuschner if the town had those items. Tuschner responded they did not. Quarne inquired if that condition would be deleted. Lien responded no, not delete, but Town of Arcadia is stating they do not want the County to issue a CUP until Town of Arcadia has that final plan and approve it. Tuschner commented if there are any problems, they are going to come to the Town Board before it gets to the E & LU Committee. Tuschner asked if the plan being shown today was the final site plan. Brandt responded yes except for the two buildings being separated. Tuschner stated, the building separation, the Town had no problem with and if this is the final site plan and that is what the Town of Arcadia was presented, then it is fine, but if it is going to change, then there will be a problem. Vachon explained this site plan did change from what Ottawa Sand presented to the Town of Arcadia because that storm water pond was tucked far into the northeast corner, so Ottawa Sand would need to supply the Town of Arcadia with the same updated packet that this Committee has. Tuschner agreed. Upon Lien's inquiry, Vachon directed the Committee to the CUP application, to view the equipment list. Tuschner stated to Lien, that the Town of Arcadia does have a meeting coming up this coming week, therefore could the E & LU Committee approve the CUP pending the Town of Arcadia's approval or a written statement from the Board of the plan. Lien replied yes, the Committee could approve the CUP contingent upon Town of Arcadia approval. Brandt reiterated that Number 6, was basically contingent upon approval, by Town of Arcadia, next Monday and in terms of the 2500 foot blasting area – isn't that part of our Ordinance already. Lien responded, it was not. Brandt read the condition that notification should be given to landowners within 2500 feet – and inquired if that was something Ottawa Sand agreed they would do. They agreed. Brandt stated he had a motion and a second to approve the eighteen conditions set for the by the Town of Arcadia with the listed clarifications and five out of the six of the Kupietz's conditions/concerns. Vachon addressed the letter from Robert and LaRayne Kupietz, requesting that the provisions be addressed to Ottawa Sand, LLC (the corporation) and not Michael Sokup, Doug Sokup and Daniel Klink as individuals, so if anything would happen it would be addressed to the corporation. Bice verified that Ottawa Sand was comfortable with everything that was discussed. Upon a vote of the conditions being approved, the motion was passed with no opposition.

Brandt now moved onto Lien's concerns, reminding everyone that if it is not a condition it is not enforceable. Lien stated he would read his conditions and the Committee could think about them. Lien addressed the issue of the amount of water used and the process versus the clay lined ponds versus a clarifier. Quarne asked if Lien was talking about a plastic lined instead of clay lined. Lien responded no, that a clarifier was actually a mechanical processing wastewater treatment plant which Lien believed, based on the research he has done, will use less water and depending upon what is found out about well location, could be a benefit, environmentally, and to the landowners. There has not been an in-depth study on the polymers that are used, in this process they would come out in a cake form and put on the land which isn't a whole lot different than what is settling in the bottom of a settling pond. The ponds have to be cleaned out every five years, there is a two foot clay liner in the pond, and depending upon how good the person is running the backhoe, there is a good chance a hole could be punched in the two foot liner and a lot of other reasons why

that system could have some environmental issues. Lien wasn't saying it wouldn't work, but he asked the Committee to think about it. As far as air monitors, the Committee has required three permanent monitors in the past. Lien feels haul routes are a big concern because it affects traffic volume, safety and school bus routes. Discussion followed on school bus safety particularly "staging". Lien suggested the settling basins could potentially be lined perhaps with poly or concrete, which could reduce potential groundwater contamination and also reduce a "puncturing" incident. Lien stated there are approved liners. Lien stated there was some discussion about the well location, possibly further study to the north may impact people's wells less. A blasting plan was discussed and it should be reviewed and approved by this Committee and Ottawa Sand may have to do a couple of test blasts to determine a plan and in relation to that, how far out should the well and foundation inspections be done in relation to the blasting. Ottawa had also suggested a 30 mile per hour speed limit on Thompson Valley Road which is very difficult for law enforcement/citizens/town to enforce. The County can enforce it if it is a condition. Quarne commented that if the town adopts an Ordinance, they can then enforce that speed limit. Thompson added that speed limit can only be reduced by 5 miles per hour and it can be changed with the DOT, but it is quite a process and then that speed limit would apply to all traffic, not just the mine. After Vachon had contacted the DOT, Richard Tumaniec had sent Lien a letter with some possibilities of things that could be done today such as install a three foot shoulder to alleviate some potential issues. And DOT would like as a condition, that if there is an issue that the cost be borne by Ottawa Sand to do a right turn lane on the eastbound side and a bypass on the westbound side, if it becomes a traffic hazard. Brandt stated that is pretty fuzzy on DOT's part as there is going to be an issue there. Lien commented, that his experience is, that 180 truck passes during the day is going to cause traffic concerns on that road. Pertaining to that, Tuschner commented that at the Town of Arcadia meeting, there were residents there that stated, at the present time, that road and the curvature of it and the intersection of Thompson Valley Road there have been fatalities and there are problems there right now so maybe DOT should come down and address some of the concerns that are there presently so that we are not going to be making another entity, Ottawa Sand in this instance, take over the whole cost of this thing because Tuschner felt some of that cost belongs to the State of Wisconsin. Lien agreed and added that Tumaniec sent the letter, (but Brenda McNallan had called him) stated what potentially would happen, if this is approved, is DOT would maybe "bump up" (nothing is guaranteed) the reviewing of that intersection in Arcadia, if the trucks are intended to go that way because that is already a concern for them. Brandt suggested going back to the speed limit issue and along with that no jake breaks.

Lien suggested that the conditional use permit approval should be conditioned upon the Board of Adjustment granting the height variance. If, by chance, the height variance was not granted, they would have to go "back to the drawing board" and then come back to this Committee. Vachon had mentioned that the drying facility would probably be the noisiest, but Lien felt without hearing the machines in operation, crushing could be extremely noisy. If one truck to a facility and the crusher is in an enclosure, then the noise is reduced, but increasing dust. If the crusher is remote, potentially back in a valley, the noise could be reduced. People in the audience stated that on a dense day, in a valley, noise travels extremely well. There is no Noise Ordinance in the County so that is something that cannot be regulated but the noise can be reduced. Vachon commented on the crusher, as Ottawa Sand has proposed to have a water sprayer unit on the crusher to minimize any dust. With noise, there are sound blankets that one can get, they're basically a thick pad one can put up to help berm noise. Trees are a very inexpensive barrier to help reduce noise, dust, etc.

From Vachon's presentation, Lien wrote down \$2.3 million dollars for reclamation, but when Lien looked through the permit application he didn't equate that. Lien stated in the past Foth has given DLM an estimate and DLM reviewed it and it was very accurate. Vachon corrected the amount for reclamation and estimated it at \$1.2 million - \$5,360 per acre for total acreage. The \$2.3 million was the economic impact. Lien stated he read \$1.2 million for the reclamation of the site and \$1.2 million for the facility, so had the site been entirely open it would equate to \$2.4 million, but the site will never be entirely opened it will work in stages. Because of the time that DLM has had to review this application, which professionally hasn't been a lot, Lien requested that he and Estenson review the reclamation before the bond amount is set.

Another condition that had been set in the past is an annual review, Lien stated it never hurts to bring the applicant back in after they have been up and running for a year, maybe get some additional public comment and review the conditions at that time. Lien stated standard conditions include light pollution, seismic, economic, groundwater, surface water and reminded the Committee to take these into consideration. Lien reiterated the number one thing this Committee is charged with is health, safety and welfare of the citizens countywide and one should relate these conditions to health, safety and welfare. There was discussion on berms, the town had some dimensions on them which stated 20 foot berms shall be established along property lines and along Thompson Valley Road. Lien inquired if that meant there was a berm along every property line in which the whole perimeter of the mine would be encompassed. Also is the berm 20 feet wide or 20 feet high - there needs to be clarification. Tuschner responded it should be 20 foot in height. At Lien's suggestion and Tuschner agreed that Number 14 for Town of Arcadia conditions should be amended to read "20 foot berm height". Tuschner clarified that property lines should include the Shepherd property as that was the towns concerns. In clarifying property line for berm construction, Tuschner clarified that the Town meant around the entire operation site. If it going to be an adjoining property owner, they should come to the Town of Arcadia and ask for the berm. Lien suggested the Committee clarify the language in number fourteen of the Towns' conditions. Vachon referred the Committee to plan sheet #3. Vachon reminded the Committee that Ottawa Sand had stated they would address the concerns of the berms for the adjoining property owners. B. Lockington inquired if some condition could be added that they would work toward that end regarding sound concerns, etc., so that there is something in writing. Discussion followed and Brandt advised Lien to put that in as a condition. In addressing fencing, Vachon stated Ottawa Sand has identified that they will post signage every 300 feet. Bice clarified that there would be no mandatory fencing. Thompson felt it would be foolish to have a berm and a fence unless there are cattle issues in that valley. Lien addressed the location of a ground monitoring well, and suggested that after any additional study or a final location of a high capacity well is put in place, that they work with DLM on a location of the monitoring well. Vachon explained if the well ends of on an adjacent property to the east, then he anticipated two wells. Bice thought that might have less of an impact on neighboring wells, so Bice questioned if working out some type of agreement with an adjoining property owner seemed feasible. Vachon responded he felt it could be and an easement across Thompson Valley Road would also be needed to bring the water line through. Discussion followed.

Thompson mentioned he wasn't clear on the pond lining issue as far as a clay liner or concrete. Lien stated in working with manure pits for 20 years, he understands how easy it is for someone to punch a hole in the bottom of that two foot liner. Brandt stated Liens' issue is with the clarifier and the flocculent. Brandt found it interesting that it was a major issue during the Winn Bay hearing and Ottawa Sand seems to have found a product that is approved and environmentally friendly. Brandt stated Lien is saying that there is no good evidence that there is a 100% safe flocculent and his concern is that there is no pollution of groundwater. Brandt continued the broader issue is does the Committee think that the clay liner, the way they described it, will be as safe and possibly use as much water as the actual mechanical clarifier – the type that was approved for Winn Bay Sand. Discussion followed regarding types of liners, etc. Quarne stated his manure pit is entirely concrete and it isn't punctured and one just goes in there with the end loader, trucks, etc. and hauls it out. Lien questioned if the discussion was about use and productivity or dollars- clarifier versus the poly liners. Napiecek added the clarifier is a man made steel pond –it will not leak so ground water contamination is the only difference and really the mud that comes out of the clarifier has all of the flocculent in it. Lien added with all of the polymers attached. Napiecek responded that is going back out where one puts it anyway as the polymers stick to the material and not to the water. Lien stated (and this should be everyone's concern) there is discussion on long terms polymers that are supposed to stay attached to small soil particles but there are no studies, and after a period of years, they might release themselves and leach out. If that happens, with Badger Mining and Winn Bay Sand, etc., Trempealeau County is going to have some real groundwater issues so that is why minimizing that potential needs to be discussed today. Vachon commented, with the polymers, there are no study's one way or the other to prove if it is really leaching out. Bice questioned if the DNR has any information. Vachon responded currently it is a FDA/NSF (Food & Drug Administration) (National Safety Foundation) approved flocculent that is typically used in wastewater

treatment facilities nationwide and water treatment facilities so it is considered usable in drinking water. Bice didn't see any problems with that. Smick commented if it attaches to the particles that are settling and that is then taken out into the field, it still could leach out regardless of what the pond lining is. Napiecek it all depends on the dosage and if the dosage is correct. Discussion followed.

Brandt read the following conditions. The intersection of State Highway 95 and Thompson Valley Road-DOT recommendation is for turn and passing lanes. The DOT representative used the wording "if there is an issue" but minimally to have Ottawa Sand put a three foot extension onto the shoulder of that right turn lane to avoid breakdown of the highway. Quarne stated Tuschner had mentioned that DOT should do something first before Ottawa Sand is required to do something. Tuschner added that was correct, because there is a problem there presently and there is no reason why Ottawa Sand should have to be responsible. Quarne suggested DOT address this issue first and then after that Ottawa Sand is responsible. Discussion followed regarding DOT responsibility. Kevin read the DOT letter aloud again. Brandt reiterated what DOT is suggesting, is that if the Committee determines there is a problem, that we should make it a condition. Tuschner stated if it was a Town of Arcadia issue, he would have whoever maintains, etc., the road, write a letter to DOT, stating there is a problem, come out and assess it, tell us what needs to be done, and if it is DOT's responsibility, please do it. Thompson commented the road goes back so far and Town of Arcadia isn't even responsible for the stop sign on that road. Tuschner added the right hand turn lanes and the passing lanes are the States responsibility and not the Towns' or Ottawa Sand. At Brandt's inquiry, Vachon verified that Ottawa Sand had not heard back from the State DOT on these issues. Committee consensus was to leave this issue alone.

Air Monitors – three of them to be determined by staff in consultation with Ottawa Sand.

Ottawa Sand will be working with staff on the location of the high-capacity well.

Regarding inspections, in the past, DLM took requests for proposals, took bids on inspections of foundations and wells and then billed it back to the operator. Brandt suggested, to stay consistent that the Committee stick with the 4,000 feet. Bice stated 4,000 was too much. Quarne suggested 2,500 feet Bice added the truth is that we are tying the hands of private business owners, we need to protect the property owners along side, but by the same token this is questionable whether or not Ottawa Sand should be held responsible for this type of thing as there is a lot of expense here, so Bice agreed with the 2,500 feet. For clarification, Lien commented, in the past, those inspections were done by an independent, third party with fees paid by Ottawa Sand.

A condition of a speed limit of 30 miles per hour – with no jake breaks allowed within the half mile from State Highway 95 to the entrance of the mine.

This CUP is conditional upon receiving approval for a variance for the structure height on the wet plant from the Board of Adjustment.

Light pollution is a standard condition. Brandt stated this was a concern of some people that the lights will be focused downward with general lighting.

There is to be an annual review of the conditions to make sure Ottawa Sand is in compliance.

Ottawa Sand will work with Bill and Kathy Lockington to determine what could be done to protect them from sound and site.

Sound deadening blankets are to be used on the crusher to minimize the amount of sound. Napiecek didn't think that should be a condition as he felt the loudest parts of the mine should be identified first. Brandt suggested perhaps that is something the Committee should review at the annual review (in one year).

A reclamation bond is to be determined by Department of Land Management staff.

There is to be a 20 foot height berm as per Town of Arcadia's condition.

Signage is to be placed every 300 feet indicating that there is a danger area/ drop off, etc. Vachon and Napiecek verified that the signs will basically state, "no trespassing", "danger", "slope", "active mine area", etc.

Bice suggested that the reclamation bond be determined by staff with Committee approval. Brandt disagreed and stated historically Committee input has never been required for setting the bond. Quarne commented the owners will let the Committee know if the bond is too high.

Blasting will follow the standard conditions as well as all the standard ordinances.

Brandt stated Ottawa Sand has been informed of the Standard Mining Hours of Operation and have agreed to work within those hours.

Brandt verified that the condition of working with staff on the high capacity well, included that there would be a monitoring well.

Bice made a motion to have the Committee approve the reclamation fee for the reclamation bond. Smick seconded it for the sake of discussion. Bice added he felt the Committee should have a little oversight. Brandt took a roll call vote for the Committee to have final approval of the reclamation bond, Bice – yes, Smick –yes, Brandt – no, Thompson –no, Quarne – no, Motion failed 3 -2.

Discussion took place on staging and the school bus issue.

Quarne made a motion to approve the conditions just listed to add those to the Town of Arcadia and Kupietz's, Thompson seconded, motion carried unopposed.

Haul routes were discussed. Thompson stated he felt haul routes were a DOT issue. Quarne commented we can't dictate where they are going to go or deliver the product. Lien stated, in the past, the reason that was an issue, is because there was a large borrow site in Arcadia and they were hauling on State Highway 95, County Road T and then some other road, so it affected town and county roads and those entities wanted to know which roads were going to be used. Lien added if the Committee doesn't address that it is State roads, then Ottawa Sand can haul anywhere – they could go out the back end of Thompson Valley Road. Vachon commented that based on his discussions with Ottawa Sand, once they are on a State Highway they will remain on a State Highway. Quarne suggested, as a condition, that after Ottawa Sand leaves Thompson Valley Road, they must stay on a State or federal highway, Smick seconded. Bice inquired if there was any scenario where that wouldn't work. Thompson stated he could. After some discussion, Lien reiterated we are talking about the main haul route. Quarne amended the motion to add, that in case of a detour, that Ottawa Sand can take the designated detour when necessary, as approved by DLM staff, Smick seconded, motion carried unopposed. Brandt repeated that the motion and second is that Ottawa Sand use state/federal highways for designated haul routes and in the case of a detour, that Ottawa Sand can take the designated detour when necessary, as approved by DLM staff. Bice voiced that he would vote against that, he understands the issue, but he is not going to vote to restrict Ottawa's access. Motion carried with Bice voting in opposition.

In readdressing the clarifiers, Thompson inquired if this is used in all the sewage treatment plants, why is this an issue for the Committee. Lien responded that in the sewage treatment plants, it is in the clarifier, and

then the sludge goes out and it is never settled in an earthen pond. Sokup commented they haul it out in the field. Lien added Ottawa Sands' will go back into reclamation, but his concern was with the retention ponds where it is continually held, with the earthen bottom, the potential for a future groundwater problem is much greater here than anywhere else, but other wise the cake that the polymers cling to will go out in reclamation and that won't change no matter what is decided. Upon Lien's inquiry, Quarne stated he built a concrete manure storage facility and with good reason. Bice commented he couldn't see any reason to force this issue at this point further than what is in they're plan as they don't have get down within 6 inches of this clay liner – they can leave a foot or two and this material is going to be in the environment no matter what and apparently it is approved for a lot of things. Bice added they are going to try to run a business to make a profit and we can't stifle them too much and Bice couldn't see a reason to do that. To visualize Lien's concerns, Brandt stated there is flocculent that is attached to particles, that are either in fill or after the stuff is spread on the land, and that is after the stuff is dried. What Lien is talked about is a pond filled with water, potentially with a leak in the bottom and then the water takes the flocculent unattached into the groundwater – so it is the leakage with the water in the pond that Lien is concerned about. Bice inquired where the design on the pits comes from and if it meets DNR standards. Vachon responded that would be from wastewater design engineers and they are basically designed as wastewater storage facilities so it would meet DNR requirements. Vachon clarified they are looking to use a product by Clear Waters , CW16 and it is a water soluble polymer so what this stuff really does is it looks for available ions because it is electronically attracted to a little piece of sediment and it attaches onto the particle, makes the particle heavy, and drops it out. As long as there is a fine material within the water, the flocculent will attract itself and so with a scenario of a leak, the polymer is going to attach itself to something. Because there aren't sufficient studies one way or the other, at this point, Vachon stated it is strictly speculation. Lien asked how many different kind of polymers were available. Napiecek responded hundreds. Lien commented the Committee was not conditioning what kind of polymer. Brandt added, based on the specification sheets received at the Winn Bay hearing, some of the polymers are scary and potentially hazardous. Lien felt, in looking at the whole operation, this was the biggest concern as he viewed this part of the operation as the most environmentally dangerous portion. If a berm broke, or something and all of this went into a stream (we can't clean-up groundwater later) it would be a much bigger issue or it can be addressed today. Bice asked why DNR doesn't regulate this. Lien responded because there is no study just like the air quality. Bice inquired what would happen if this was put into a goldfish bowl. Vachon responded if a raw product would be discharged into a creek, it would kill the fish as it is toxic to aquatic life. Tuschner inquired what is the cost difference between a clay or plastic liner versus concrete, two/three feet up the side of the pond and then the rest sod. Vachon clarified these ponds are 150 X 70 feet. Lien asked Napiecek what is the cost of five ponds, 150 X 70 feet in concrete versus a clarifier. Napiecek responded the clarifier isn't the expensive part it is the plate and frame press, which dewateres it and makes the "cake" and then one is still left with a possibly contaminated product that has to go somewhere, so even if you had a clarifier or a man made cement or clay pond one could still possibly have a product with polymers in it. Lien reiterated that the Committee's responsibility is for health, safety and welfare, no one is against it or trying to stop it, however the right decision should be made now so it doesn't affect people adversely later. Smick commented the existing rules already should be addressing those things for being able to address what is the "known" , but there are so many "unknowns" so how can the Committee address health, safety and welfare for those when there are so many things that we can't get a grasp on things we do know. Bice inquired how difficult/ expensive it would be to put in a clarifier. Napiecek responded the whole set up is over one million dollars. Tuschner suggested the Committee approve the known facts right now and then if a scientific study does come out, review Ottawa Sands' conditional use permit. Quarne responded it is hard to do something "after the fact or after it is built, so it would be better to decide something now. Quarne made a motion to make it a condition that the pits be lined with concrete, two feet up on the sides with the option to go to a mechanical clarifier if it is more cost effective and reasonable for them. Brandt seconded. Discussion followed on the costs of the concrete ponds versus the clarifier. For the sake of discussion, Smick asked what is going to be done if the motion is defeated. Vachon commented, the original plan was a liner in accordance with DNR standards, but personally speaking (coming from a public health background) a suspected or internet identified hazard without any scientific basis behind it, to generate a Committee to make a decision based on a possibility on a

product that has been approved by the NSF and is used by countless water treatment facilities, that to bind that without having scientific reasons “why”, Vachon has to question. Vachon understands the Boards responsibilities but his public health background has to question why, above the DNR standards, as our product hasn’t really been found to be a hazard. Lien asked why Ottawa Sand was agreeable to the three air quality monitors because the same standards apply. Vachon responded basically it is public perception. Brandt repeated the previously made motion and a voice vote was taken – Quarne – yes, Smick – no, Thompson - no, Brandt – yes, Bice – no. Motion failed 3-2. Brandt stated he hoped that Ottawa Sand would do something that is approved. Napiecek commented there is a chance they may not have to use any flocculent if the particles are big enough and it is run through right, therefore there is a chance clean water will be coming out at the other end with no flocculants. Lien requested, because this is the first one going in, under the 313 Waste Storage Standard, that DLM staff review the plan and be onsite for inspection to make sure that the two foot liner, etc. is built in accordance with the County Waste Storage Ordinance. Quarne made a motion to approve Lien’s request, Brandt seconded to make as a condition that DLM staff approve the clay lining process and installations, motion carried with no opposition. Brandt reiterated that the Committee has approved the standard conditions, the conditions from Kupietz’s concerns, the Town of Arcadia, those listed by staff, so those are the conditions. Quarne made a motion to approve the Conditional Use Permit for Ottawa Sand, LLC with the standard and additional conditions applying, Thompson seconded. A roll call vote was taken –Quarne –yes, Smick – yes, Thompson – yes, Brandt – yes, and Bice – yes, motion passed 5-0.

Public hearing – Conditional Use Permit - Roof over BMX track – Andy Todd – Town of Trempealeau

Brandt called the public hearing to order at 2:01 PM. Gamroth read the public hearing aloud. Brandt explained the public hearing procedures to Andy Todd who was now present. Lien explained Todd has been here before for approval for a conditional use permit for a BMX bike track located in Centerville, right behind Toad’s Cove. When Todd first contacted Lien, because this is a conditional use and Lien had some concerns about this facility and putting a roof over it, Lien asked Todd to provide something as to how roof runoff would be controlled because this area is prone to a lot of surface flooding events especially in the spring of the year when the ground is frozen as the water does not percolate in, it doesn’t runoff well. Lien was concerned as to how putting in a large impervious area was going to affect the residents around it. Todd stated he has talked to the engineer and what the engineer has done in the past, is where the pitch comes down off the sides, find the best direction to go with the pit, from each end where the sides runoff, they start from the shallow area and run into a deep area and then fill it with a substance of rock which takes the drainage off of there and directs it down to the direction it needs to go and then it goes into the ground. Lien commented that Todd must have talked to the engineer after the plan was made because it is not shown on the plan. Todd responded that was correct. Lien felt what Todd proposed would work, because essentially what it would be is a settlement pond basically on each end of the building. Lien felt, if it was designed properly, it would be ok and should alleviate some of the flooding issues. The Committee viewed a website which showed the roof/facility that Todd is proposing with drainage off two sides. Todd explained the staging area where the building is now would come down and a building would be built which would pitch off to the right towards Todds’ sewer system and pitch off to the left towards Centerville Homes. At Quarne’s request, Todd verified the building size as being 155 X 255 feet. Brandt inquired if there would be grandstands inside or seating. Todd stated that would actually be on the outside of the building or he is looking at putting some extensions off of that building. Brandt commented that too would be more impervious area. Todd commented wherever that roof is going to come down at in that two acre spot there would be a drain tile system off of that roof, directly underneath it.

Testimony in Opposition

Lien read a letter from a neighbor, Aaron Slaby, N16135 Nancy Lane, which stated he did not support the proposed roof over the BMX track. He has lived in Centerville just over three years. He loves Trempealeau County, it is peaceful and quiet and that is one of the major reasons that he purchased property here. Today the track is only open two days a week which he was okay with, but with the building of a new roof, Slaby felt the owner would need to be open for racing more than two days per week. Slaby would not have bought

his house if the track would have been open more than two days per week plus this roof would be an eyesore for all the residents of the neighborhood. Slaby felt the resale value of his home would decrease if additional commercial structures are built. Slaby has some concerns with runoff and drainage were the roof to be built. If the roof is approved to be built, Slaby asked that it be based on the contingency that a 12 foot tall wooden privacy fence be built surrounding the back of the property which adjoins his property. Slaby reiterated that he does not support the construction of the BMX roof being built; he feels it would devalue his property and deter many potential buyers in the future. Todd stated he is directly behind Todd's property.

Testimony in Favor

Lien read a letter from the Town of Trempealeau, which stated at the April 14th, 2011 meeting, Andy Todd appeared, requesting he be allowed to build a structure over his BMX track. The town board has no objection to issuing Todd a conditional use permit for the structure provided a proper drainage system is put in to handle water runoff.

Brandt closed the public hearing at 2:09PM. Todd did add eighteen hybrid trees, three years ago, which will be growing up to forty feet tall and thirty feet wide and into each other to alleviate any kind of noise, etc. Todd added there are commercial lots on the right and left and in his opinion the eyesore is the old curling club. By putting a roof over this track, the ABA (American Bicycle Association) will guarantee Todd an event every year and that will bring money back to the community. Todd verified, this is a pedal bike event, no motors at all. Brandt asked if Todd's parking lot would be able to accommodate large amounts of parking. Todd responded he is putting in new gas pumps and blacktopping the whole parking lot in the next couple of months. Brandt stated that will add more impervious area so Todd may want to work with an engineer regarding a storm water pond. Todd stated he is not changing the BMX track or anything when it comes to the ground. Discussion followed on the soils in that area. Lien explained this is R-20 zoning and when the Ordinance first came out (Section 2.5 is the Table of Uses) no where in the Ordinance does it talk about a BMX bicycle track so it was decided several years ago that this would require a CUP in an R-20 zoning. Now the business is expanding and becoming more of a commercial use, so Lien questioned the Committee if this was right. Initially it was a dirt track used a couple of days per week. Lien added in order to make it commercial, Todd would have to go through another public hearing for a rezone. Discussion followed on whether a rezone should be required. Quarne made a motion to approve the Conditional Use Permit for Andy Todd to put a roof over his BMX track with the condition that the runoff is dealt with, so as not add to any storm water runoff issues, Bice seconded, motion carried unopposed. Bice inquired if Todd was willing to do whatever is necessary to keep the rainwater on his property. Todd responded, absolutely, that is not a problem at all. Brandt reminded Todd to drop off the storm water engineering plans to Lien. Lien reminded Todd that he still needs a zoning permit.

POWTS Special Charge – Due to time constraints, Brandt stated this it would be moved to next month's agenda.

TRM/LWRM Cost Share Payments/Requests – No payments were presented.

Discussion on mining wash plants and resin coating plants in Trempealeau County- Due to time constraints, Brandt commented this will be a lengthy discussion and can wait.

LWRM Plan Update- Lien explained that Bice had asked at the last meeting to table this issue so that he could review the LWRM plan. Lien stated the plan has to be updated and sent to DATCP for approval. Lien stated there was an Advisory Committee, which Peter Fletcher chaired, that established the plan which dictates how the Department of Land Management operates. Lien explained his question last month was whether or not the Committee wanted to bring the Advisory Committee back or if Pete Fletcher, Mississippi River Regional Planning Commission, should be contacted to come and work with Lien on revising the plan. Lien wanted some direction as to how the Committee wanted him to work on revising the plan. When asked about reading the plan, Bice felt Lien should go through the plan and make any changes, then talk to

the Committee about it as Bice felt the changes should be fairly insignificant. Lien commented that the work he does and what was stated in the plan 10 years ago has changed significantly and having six people doing ag engineering as opposed to having six people doing non-metallic mining is very likely as the County is rapidly “switching gears”. Lien had asked Fletcher if he could assist Lien and Fletcher stated he could. Thompson made a motion to have Peter Fletcher from MSSRRP work with Lien to update the LWRM plan and bring it to the Committee for review before two months (August meeting), Brandt seconded, motion passed unopposed. Bice inquired how much time it would take to go through the plan, make the necessary changes and bring it back to the Committee. Lien felt it could be done in a couple meetings with Fletcher as they are both very well versed in the plan itself.

Non-metallic Mining Hours of Operation - Brandt voiced his opinion that this was going to be an ongoing issue and suggested bringing this back next month. Bice inquired why this issue was put on the agenda. Quarne responded he put it on there because in trying to do field work this past spring, the only day that was decent was a Sunday, and the lime trucks were not able to go and load out of the pit and their stockpiles were too far away to bring it in to Quarne’s operation. Since that time, Quarne has talked to people working at Winn Bay Sand and those people stated that the fourteen hour days are too much, it would be better to add two hours to the day and have two shifts, which would equal more employment and it would just be a better deal for everyone. Brandt suggested bringing the issue back next month. Quarne commented it’s about health, safety and welfare of people. Bice stated he has no problem with addressed that, as he has a real hard time with government stifling private business. Bice felt the Quarne issue in obtaining lime was totally ridiculous and Bice stated he would make a motion that in a case like that we just allow him to do it. Brandt responded this is a much bigger issue than just the “lime” situation and it isn’t about stifling business it is about protecting quality of life of the citizens of the County. Thompson commented it is a two way street. Discussion followed.

Round Bales/Flooding Issues – Bice stated he felt some kind of Ordinance was needed to make sure that round bales are not put in a place where they can be carried off by flood water as they cause a huge problem. Lien inquired, after hearing Bice say multiple times about infringing on people’s private property rights and how we shouldn’t stop business from growing, now the proposition is that we dictate where landowners store round bales. Bice responded it would be where they don’t put them. Gamroth inquired how anyone would “police” that issue. Bice stated he would probably just like the public to be aware of what can happen. Brandt added he was just at the FEMA workshop that DLM provided and there are regulations in place already regarding items being in the floodway that can be floated downstream. Lien inquired if this issue has been brought up at any of the Towns’ Association meetings, as Lien agreed with Bice that it was a valid problem, but it does affect personal property rights. Smick stated he felt if bales caused serious flooding and it could be traced back to a particular landowner that the landowner would then be liable for damages. Upon Brandt’s inquiry, Lien stated the Committee could pass an Ordinance stating bales cannot be stored within so many feet of a stream or in floodplains or wetlands, but the problem with that is that many farmers have a lot of good crop fields that are in floodplain. Lien wasn’t sure if this issue is a continual problem or if it was just a one time event. Bice suggested some type of educational campaign or press release just to make the public aware that this could be a problem in a flood event.

Tipping Fee – Upon Bice’s inquiry, Lien had talked to Corporation Counsel about the possibility of imposing some type of tipping fee, like landfills have, that each time a truck comes into the County and dumps, a fee would be charged and the town or county would get the money. Corporation Counsel advised Lien that this could not be done. Smick suggested contacting Senator Vinehout or Representative Danou regarding some type of fee assessment whether it be taxing or something else as he talked to them several weeks ago about the tax issue and they were very receptive. It wouldn’t only benefit Trempealeau County but Chippewa County also. Lien suggested the Committee draft some type of letter and forward it to legislators about this issue. Lien stated Winn Bay Sand is selling their product for between \$150-\$325 per ton and if Trempealeau County could tax just 25 cents that one mine would generate \$150,000 annually for

Trempealeau County. Bice's argument with the legislators is that Trempealeau County has the ability to put a sales tax on everything that is sold, why isn't the County allowed to put one on sand.

Surveying Update – Lien presented a survey report dated June 3, 2011 for the remonumentation progress of T20N, R7W which includes a portion in the Town of Ettrick along with a bill for approval. Bice made a motion to approve the survey report and bill as presented, Thompson seconded, motion carried unopposed.

Director's Report – On June 3rd, DNR and DLM hosted a Floodplain Workshop, here in the Courthouse, which Brandt and Bice attended along with about twenty other people from the public. Gary Heinrichs from DNR was present and talked about FEMA and the floodplain and what landowners can do in regard to LOMA's (Letter of Map Amendment) and LOMR's (Letter of Map Revision), flood insurance and rates maps. This meeting was taped so if anyone wants to view that workshop they have that option. TCCTV will also be playing the tape.

Lien stated there was some discussion after last months meeting about the vehicle purchases and the \$8,000 rebate. Lien talked to the Ford and the Dodge dealer and neither one of them gets the money, nor does Ford or Dodge. The government just states that the vehicle should be sold for \$8,000 less. The Dodge truck came in so it is in the parking lot and it cost \$102.00. They were unable to find a Ford truck for DLM so it had to be factory ordered, but the prices that Lien presented at last month's meeting are locked in.

Quarne suggested putting the change to the Zoning Ordinance height requirement on the agenda for next month. Lien suggested if that is going to be done, that the change in height requirements is done by districts because in R-20 through Rural Residential districts there is no need to exceed that 35 foot requirement. Smick commented the only reason he could see to restrict the height is for fire fighting purposes as not many departments have equipment that can reach that high.

Next Regular Meeting Date was confirmed for Wednesday, July 13th, 2011 at 9:00 AM in the County Board Room.

At 2:50 PM, a motion was made by Quarne to adjourn the meeting, Bice seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael E. Nelson, Secretary