

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
July 13th, 2011 9:00 AM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 9:04 AM.

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

Staff/Advisors present: Kevin Lien, Virginette Gamroth and Emery Palmer.

Others present –Brian Senn, Ashley Senn, Mark Rumpel, Devon Sterling, Brady Rumpel, Ron Rumpel, Larry Jungwirth, Mike Jungwirth, Deloras Vind, Dora Jean Blaha, Doris Jean Bautch, Dennis Bork, Mike Blaha, Jim Dabelstein, Kevin Werlein, Darrell Reed, Timothy M. Marko, Ken Slaby, Ronald F. Tuschner-Town of Arcadia Chairman, Dave Hesch, Daniel V. Sobotta, Justin H. Silcox, Tom Beekman- WI. Dept. of Transportation, Lora Hill, Ed Maliszewski, Frank Healy, Theresa Klonecki, Audrey Vinz, Ann Wygel, Lynn Axness, Derek Waldera, Philip Waldera, Allen Schorbahn, Paul Coburn, Dave Hochstetler, Perry Yoder, Allen J. Wengerd, Amos K. Nuenschwander, Dave Suchla, Dave Blaha, Kimarie Estenson, Bobbi Guthrie, Steve Okonek, Rita Sosalla, Tom Tock, Doug Sokup, Loren Rausch, Andy Puchalla, Carol Puchalla.

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

Approval of Agenda - Bice made a motion to approve the agenda, Quarne seconded. Bice made a motion that a meeting be held on Monday, July 18th, 2011 to discuss agenda items that were on the agenda last month, but were not on today's agenda, Non-metallic Mining hours of operation and anything on today's agenda that the Committee may not get through, Nelson seconded. At Brandt's request, Lien recited the current mining hours of operation as being, Monday thru Friday, 6:00 AM- 8:00 PM, Saturdays, 7:00 - 3:00PM, no Sundays and no Holidays. Lien stated to change those it would have to come out of the Standing Committee and then be approved by full County Board because it is a change to the Ordinance/an Ordinance amendment. Quarne inquired if, when the hours were adopted, they are in the minutes of that meeting. Lien responded the Ordinance was adopted in the early 1990's and then it was revised in 2007, and the reason it was revised is because the Ordinance used to read "daylight hours of operation" and that was somewhat vague for some miners, so it was actually changed specifically to read 6:00AM-6:00 PM Monday thru Friday (standard time) and 6:00-8:00 PM Monday thru Friday,(daylight savings time), 7:00 AM -3:00 PM Saturdays, No Sundays and No Holidays (Chapter 13.02). Brandt clarified to Bice that he would be requesting a discussion to take a resolution to County Board to change the Ordinance. The motion to have a special meeting on Monday, July 18th, 2011, passed, with Brandt and Vold voting in opposition. At this time, Brandt asked that the Committee assign a time to Items 15 & 16 as Corporation Counsel is available for a very brief time between 11:00 and 11:30 AM. The Committee was in agreement with the time allotment. Motion to approve the amended agenda carried with no opposition.

Approval of Minutes – Nelson made a motion to approve the June 8th meeting minutes with the following corrections, Thompson seconded. On Page 17, the minutes should read "2500 hundred feet" in regard to blasting. Vold stated his name should be deleted as he wasn't at the meeting. Motion carried with no opposition.

2010 Wildlife Damage Annual Report and Wildlife Damage Claims Program - DeWayne Snobl, Wildlife Specialist (A copy of the annual report is on file in the Department of Land Management). Snobl handed out a 2010 Wildlife Damage and Claims summary report to the Committee. Snobl stated the report is

a summary of activities statewide which covers 49 counties. Snobl noted that the fencing project for Sacia Orchards is in the process of being completed. Snobl had received three complaints of wolf damage, one each in the towns of Chimney Rock, Hale and Ettrick, which actually turned out to be coyote. Snobl informed the Committee that the funding has run out for wolf damage so he was unsure as to who would be handling those issues. Snobl suggested that Trempealeau County residents call the 800 number to report a concern. Snobl added that wolves are still on the endangered species list and there had been four previous attempts to “delist” them. Snobl informed the Committee that funding for Sacia Orchards has come in, it had been approved at a prior meeting, so Snobl just needs a signature from the Committee Chair. Snobl mentioned he would be back next month regarding the Deer Donation Program.

Appearance – Department of Transportation (DOT) Representative - Tom Beekman – Brandt stated Beekman had spoke the previous Monday to the Joint Committees of Exec./Finance, Personnel/Bargaining and Environment and Land Use about what it is that the DOT had to offer to local units of government in relation to traffic issues, etc. Lien introduced Beekman and informed the audience that he and Beekman have had several conversations regarding traffic related issues, specifically the increased truck traffic that has and will occur as a result of the mining. Lien felt it would be beneficial for everyone to know how the DLM and the DOT work together. Beekman stated he is out of the Northwest Regional Office located in Eau Claire, Spooner and Superior and they have twenty counties in the region which goes from Superior to Trempealeau (North to South) and from Jackson County over to the Twin Cities (East to West) and their office covers about one third of the geographical area of the State of Wisconsin. Beekman’s specific role is Regional Planning Chief so he deals with keeping track of what projects should be programmed in the future by looking at growth patterns traffic wise and what is happening development wise – anticipating where additional projects should be programmed to meet additional demand and also where accesses should be on the State Highway. Beekman mentioned he was raised and has spent a lot of time in the area so he is very familiar with what goes on in the area. DOT’s role in any type of development is constrained to if someone wants to put in a driveway or improve an intersection on a state highway that is when DOT gets involved directly, they are an approval authority. If any development “pops” up and they want to put a driveway off of a town road, DOT doesn’t get involved in that as it is a town or county issue, but eventually that development will have to reach a State Highway and DOT likes to be aware of any developments that will eventually impact a State road. If there is any kind of development that is going to impact the intersection of a Town/County with a State Road and if there is a project currently in the program, DOT can do geometric changes to keep that intersection safe. If DOT doesn’t have a project, at least they are aware that something is changing on that highway and they may want to elevate or change the criteria of that highway to put different things on it. The partnerships that DOT has with the local people, is because DOT doesn’t see all of these developments (they don’t have to come to DOT) and they have to come to local units of government as they have to get the permits at the local level, so DOT wants that local contact because if there is a request to do a development and that development is going to put a noticeable amount of traffic that is eventually going to hit the state highway, DOT would like to partner on that, and review the traffic information that the development is going to generate an offer input on what that may require as far as infrastructure improvements to the local or state trunk highway system. The current movement of traffic with the sand mines or the hundred trucks a day on the state road isn’t really a big issue, however this is occurring in other county’s so when a big accumulation occurs along the same corridor DOT likes to be aware of development. DOT likes to call relationships with local towns a partnership as DOT can provide some engineering expertise to review the engineering data and provide advice. Whether the towns/counties chose to follow that advice or not, it does keep the DOT on top of what is going on systemwide. DOT does ask developments to participate in improvements as most companies expect that there is going to be some type of infrastructure improvements especially if they are bringing in heavy trucks, etc. If an individual entity comes in that is going to impact safe operations, that the public expects, DOT feels it is only equitable that the entity put in an equitable share to make sure that they maintain that balance of a safe system. Brandt asked Beekman to elaborate on TIA’s (traffic impact analysis). Beekman responded, when people come in for permits at the State level, they are asked to fill out a TIA which inquires, how many trips a day are going to be generated from the site, when those trips are going to occur and what kinds of vehicles are going to

create those trips. The information obtained from the TIA may suggest improvement needed at an intersection or maybe some level of improvement on the roadway itself. Brandt asked Beekman about safety and operations and how it relates directly to turn lanes and surface and the accumulation of traffic in a certain corridor and how planning changes when a road gets more attention. Beekman cited the example of five mines on State Highway 95 and they are all attempting to ship to a railhead in Winona, it is pretty obvious that there will be an impact at the intersection of Hwy 93 and Hwy 95, so DOT would examine whether or not that intersection is going to be able to handle that traffic or what will need to be done for improvements. Highway 95 is in what DOT considers a fourth tier highway. Generally, DOT has four tiers of highways; Interstate –Tier 1, four lane facilities, principal arterials(Highway 93) (that connects LaCrosse to Eau Claire) then the feeder arterials (Highway 10) which connects several communities together. Highway 95 is kind of a smaller connection with lower volume, so that the limits can be pushed as to what is done there for pavements. When DOT starts seeing an accumulation of any kind of developments which will increase truck traffic, that roadway would probably be moved up to a different level of classification and when DOT starts looking at pavement designs, the next time around, DOT might consider “beefing that intersection up” and they would probably take a closer look at all the local intersections, anywhere there is a mine, and begin to schedule intersection improvements on the State system. As a rule DOT does not have a problem with truck loads on the state system as they are designed to carry commodities across/ through the State – that is what the tax dollars are for, however, safety of the intersections is a big concern. In regard to State agencies, Smick stated the Real Property Lister, Nick Gamroth, had formulated some questions that could be passed along to representatives of other state agencies (particularly the Dept. of Revenue) to try and get some answers of what the impact will be on adjacent property values, from some of the things the County is doing. Smick urged anyone if they have an interest in this area, to help formulate the questions that can be passed on to the Dept. of Revenue. Brandt added County government not only does what State government mandates but also partners with State government on issues and hopefully the Department of Revenue will be getting the Committee some information soon. Brandt expressed his appreciation to Beekman for his two presentations this week and encouraged the Committee to use the DOT services when dealing with a request.

The Committee members introduced themselves to the public present.

Public Hearing – Rezone – Rural Residential (RR) to Institutional (I) - David J. Hochstetler – Town of Pigeon - Chairman Brandt called the public hearing to order at 9:37 AM. Brandt explained the public hearing process for public present. Nelson read the public hearing notice aloud. An overhead aerial photo was provided for all to view. Lien stated the property is located in the Town of Pigeon, Section 27 just south of County Road S. Mr. Hochstetler had requested a one acre rezone from Rural Residential to Institutional for the purpose of building a school house. This rezone was advertised in the paper for two consecutive weeks and letters were sent to all adjoining landowners to which Lien received no inquiries from the public for or against. Lien explained that when the rezone request first came in, it was noted that there is flood plain in the area. Lien displayed the new flood plain maps and stated the proposed site is out of the flood plain, however it is very near. Lien added one other issue is the description. Lien had County Surveyor, Joe Nelsen review the submitted description and it does not close, so the applicant was sent a letter stating that a revised description was needed. Lien added the rezone can still be approved today subject to the Department receiving the revised description. David Hochstetler was present and stated that he gave the school board permission to use the land. Allan Wengerd spoke and stated they had received permission from Hochstetler to build a school on his land. All of the other schools are getting too full. Wengerd stated he has contacted a surveyor and talked with him about getting the acre surveyed. The surveyor had stated to Wengerd that getting the job done would not be a problem. Wengerd noted that the school house would be above the flood plain and it is closer to County S than it is Fly Creek Road.

Perry Yoder – Registered in favor but not testify.

David Hochstetler – Registered in favor.

Allan Wengerd – Registered to testify in favor.

Amos Neuwenschwander – Registered to testify in favor.

Lien read a letter from the Town of Pigeon which stated at their June 1st, 2011 meeting the board expressed no objection to the rezone request from Perry Yoder for the purpose of erecting a school house near the intersection of County Trunk S and Fly Creek Road in the Town of Pigeon. Brandt closed the public hearing at 9:42 AM. Quarne made a motion to approve the rezone conditioned upon the DLM receiving a properly surveyed legal description, Nelson seconded. Motion carried unopposed. Brandt reminded Hochstetler that DLM would notify him of the date and time of the County Board meeting and that it would be a good idea for him to attend to answer any questions.

Public Hearing – Conditional Use Permit – Railroad Spur - Michael J. Blaha, Debra S. Bork, and David R. Blaha- Landowner/Applicant- Sand Trans, David R. Blaha-Operator – Town of Lincoln
Chairman Brandt called the public hearing to order at 9:44 AM. Nelson read the public hearing notice aloud. Lien stated that their engineer was unable to provide any information to the DLM, so Lien has a blank file, other than the location, so it would be Lien's recommendation to table this CUP until information is provided that can be discussed. Bice made a motion to table the issue, Nelson seconded. Brandt asked the Committee since it is a public hearing and there are a number of people present who registered to speak to this issue, was it appropriate to have them testify. Committee consensus was to keep the motion on the table and take public testimony. Lien stated the site is located between Whitehall and Independence just north of County Road Q in the Town of Lincoln. Lien noted there is flood plain in the area. Lien stated he did not have a letter from the Town of Lincoln, but he has been in contact with the Town Chairman and the town basically has taken the same action of tabling it due to lack of information. Lien suggested letting the applicants speak because he has no site plan, etc. David Blaha introduced himself and Michael Blaha. D. Blaha stated they are proposing to only put in a railroad spur at this point to transload not washed, but prepared sand. D. Blaha added they are still waiting for drawings from their engineers and hopefully they would have something before the next town board meeting. M. Blaha passed around a site plan for the Committee members to view. Brandt called for public testimony.

Patrick Schorbahn – Registered to testify in opposition. Schorbahn stated he is opposed to this operation. His house is approximately 1300 feet from the proposed location near the river bottom which is all low lying area and sound stays in that area. On a normal day, Schorbahn can hear conversations across the river from this property – one can hear people talking very plainly. The thought of the railcars banging and pounding and unloading is a big concern. Schorbahn is concerned about the dust not from the prevailing winds but from all of the trucks dumping. From what Schorbahn understood from the Town of Lincoln meeting is that they want to truck in the sand, dump it on a pile, scoop it up with a loader and dump it in the railcars and everytime they are dumping the dust will be flying in the air. Schorbahn is concerned about property value. If the noise gets too bad and Schorbahn wants to move out, his property would be worth basically nothing. If someone knows that he is moving out because he can't stand the noise and the dust he wasn't sure who would want to buy it. In regard to hours of operation, Schorbahn understood that there is a proposal at a different meeting to extend those hours which means they would be running longer hours. Schorbahn has two little kids at home so it is a big concern for him. It also bothers Schorbahn whenever he talks to someone around town, and they tell him not to fight this because there is a member of the County Board pushing this, Mr. Suchla, is here with Blaha's (Schorbahn has no proof of this) and that bothers him along with the noise and dust right in his back yard.

Allen Schorbahn- Registered to testify in opposition. Allen Schorbahn is Pat's father and stated he is also concerned as Pat's house is 1300 feet from the railroad tracks, not the spur. The spur is also a concern with the carcinogenic dust as silica is carcinogenic. Pat has two little boys 3 and 6 years old and if they are exposed

to this for the rest of their life, Schorbahn wasn't sure what effect that would have on them healthwise and then there is the noise which is really cumbersome. Land values are also of big concern to A. Schorbahn.

Lora Hill –Testify for information only (concerns). Hill moved to Trempealeau County 20 years ago and they bought a farm very close to Badger Mining in the Pigeon Falls area. When Hill heard of this, she had to come and tell what it is like to live there. Hill wants to testify for the strongest zoning regulations possible for the new proposed silica non-metallic mines based on personal experience. Their property is by a silica mine, and they had to choose to not build on their farm (after a fire) because of the silica mine and she never thought she would leave the place. If anyone owns property, and is deeply rooted there, one knows what she is talking about- you cannot just sell property, if you are rooted there. They had a fire and it destroyed their house so they had to live into the hay mow. Three days after the house fire they bought a property in Galesville and have run a business there for twenty years. Because of the business, which they closed on three days after their house fire, she had to put everything into the business. As soon as they got the business up and running, there was the fire in Galesville which took out the whole block of buildings next to Hill's business so they had to deal with two disasters in a space of seven years so Hill had to put all her money into the Galesville business and as soon as that business was "back on track" she turned back to her farm, so that they could move out of the hay mow. When she went back to the property in Pigeon and realized what it was like to live next to a silica mine, Hill realized she couldn't put any more money in Trempealeau County on that farm. Hill explained what it is like to live next to a silica mine. Hill stated there are detonations every single day and the ground rolls. One hears it and feels it under their feet. One can feel the walls moving. Hill talked to the neighbors several years ago (she tried to get them together to fight this), but when one goes to sue, typically the attorneys win and a lot of the neighbors felt they could not fight it. Hill stated they have cracked well casings, the water is not potable, the foundation is cracked. Hill hears beeping of trucks backing up, back and forth. Once upon a time, Hill could stand at the top of the hill on her farm and see farm and woodlands and now what one would see is ruined scape. Hill bought this farm for her kids and for future generations. She doesn't know who would honestly want to build on this property. Knowing (that was the decision that she ultimately made) if she put another house on there, what is the likelihood of being able to drink the water in ten years and the conclusion Hill came to is that nothing is going to change. Hill stated it was painful, but she had to make the decision to not build on their farm and Hill moved out of the County. Hill explained that in addition to the explosions, the sound of trucks backing up, (hours of operation must be different in Jackson County) one can hear mining all through the night. One thing Hill loves about the country is the dark night and the stars. However with the mine, there are bright lights, the sky is an unholy color through the night time and it comes through the windows. Hill had to put dark shutters on the windows so that they wouldn't be disturbed by the lights. Some of Hill's neighbors had mentioned to her, that their pictures would "jump" off the walls. Eventually the mining company came and bought them out and they moved, but those are people who were willing to move. People who's property doesn't mean as much to them as it does to others. Hill spent two years talking to people about building on the Trempealeau County property because she had thought it was where she was going to die. Hill wants everyone, specifically this Committee, to consider the neighbors. Also to the people who want these mines, consider your neighbors.

Darrick Waldera – Registered to testify for information. Waldera stated he was unfamiliar with mining in general. Waldera wasn't sure who to ask as to whether this applicant has a business plan or how to find out exactly what is going to happen. He and Phillip Waldera came in opposition somewhat and also to find out more information. Waldera wants to expand his knowledge of what is going to happen as it obviously affects them with the roads, etc. being right next door to Waldera's property. Waldera has concerns, as Schorbahn's do with property values and potential hazards.

Phillip Waldera – Registered to testify for information. Upon Brandt's inquiry, P. Waldera stated he had no comments.

Doug Sokup – Had registered to give general information. Upon Brandt's inquiry, Sokup declined to make any comments at this time.

Dennis Bork – Bork is in favor of the mining. Bork doesn't live in this area, he lives in the Waumandee area. Bork stated if we start restricting what people are doing, when talking noise and dust, Bork as a farmer is concerned, that farmers are going to be restricted to what they can do and how many hours a day they can operate. Bork is concerned because farmers make noise and create dust probably more than what the mines will. Bork hoped that when the Committee makes the regulations that it doesn't start trickling down so that farmers wouldn't be able to run tractors at night, etc. Bork felt mining was good for the community, economy and jobs so he is 100% in favor of it.

Brandt commented, in response to Bork's statements, that this Trempealeau County Committee has always dealt with those issues by always looking favorably on agricultural enterprises. and do very little to regulate them. Brandt stated the Committee does have the right and is required to regulate other activities in the County.

Lien stated the Town of Lincoln has taken no action.

Chairman Brandt closed the public hearing at 9:58AM. Brandt reiterated there is a motion and a second to that motion to table any action at this public hearing until such time when the applicants can get an engineering plan and other information to the DLM. Motion to table passed with no opposition.

Public Hearing – Conditional Use Permit – Non-metallic Mining – Mark Rumpel and James Dabelstein – Land Owners/Applicants – Brian Senn-Operator – Town of Arcadia. Chairman Brandt called the public hearing to order at 10:02 AM. Nelson read the public hearing notice aloud. Lien directed the Committee to view a map with the site of the mine located on it. Lien stated this site is located just south of State Highway 95 off of Soppa Road and encompasses approximately 155 acres. Lien had received a pretty extensive plan from the applicants developed by SEH that Lien had reviewed pretty well and made some notes. Lien added there is a stream located on the property where a navigability determination has been made. Lien passed the information around to the Committee pertaining to which parts of the stream are navigable which is different than streams that are not. Lien did receive an E-mail from Dan Helsel, DNR (Lien thought maybe the applicants have it) that a wetland delineation report was mailed out on July 11th, 2011, however, Lien has not received it, so Lien suggested any action by the Committee should be contingent upon received that report with status and location of the wetlands. Lien stated he has a letter from the Town of Arcadia with conditions attached which the town board is requesting the Committee consider. Brian Senn- Alpine Materials introduced himself, as well as Tim Marko and Darrel Reed of SEH and Senn's daughter, Ashley, who is his secretary. Marko stated he does have the wetland delineation report and passed it out to the Committee. Senn stated at this time they are looking to remove raw material and in the future they may be looking for a wash plant so Senn wanted to include it on the plans and apply for it at this time rather than having to come back and redo it. Senn explained they will be removing raw material and there is approximately 16 million ton with a proposed removal rate of about a half a million ton per year. Senn added they have done the wetland delineation report, the material reserve analysis and they have put together a reclamation plan. Senn has gone before the Town of Arcadia Board and stated he pretty much did what he is doing here. He came to the township asking what are the possible negative impacts and how do we best deal with them to make all the positive impacts of jobs and the activity to make them even better.

Lynn Axness – Registered to testify and appear for information. Axness commented that after she attended the Town of Arcadia meeting on July 7th, 2011 she came away with more questions. Axness is being told these sand mines are bringing jobs to the community. Axness inquired as to how many community people they expect to hire and how soon are they going to start hiring. Axness asked if there was really such a drastic need for work in the area because she looked in the area paper and Ashley Furniture, Gold N' Plump and Nelson Muffler are all major employers in the community and they advertise weekly for help wanted.

Axness stated she is being told that the sand mines are going to provide tax dollars to the towns, county and schools, and inquired how much revenue they will really bring in and will these tax dollars brought in provide any tax relief to property owners. If they will provide tax relief are there any projections on this. Once this sand is mined, the land will be reclaimed as agricultural. Axness inquired if there was any information or crop information on reclaimed land versus our current agricultural land. Axness asked what kind of environmental effect taking down all the beautiful trees and hills will have. How are property values going to be affected. Axness lives about one half mile past this sand mining operation. Axness built a new home on her farm four years ago. Axness feels she is being deprived of the right to sit outside and enjoy the quietness and beauty of her farm by hearing the noise of trucks and the lights. Machinery sounds carry a lot further than people think. Axness inquired if she did ever want to sell who would purchase in that area. Axness addressed the notifications for blasting and well inspections. Winn Bay was set up to inspect at 4,000 feet and now Ottawa Sand Mine, LLC was set up for 2500 feet, Axness inquired what the reasoning was behind these distance differences and why not give the greater distance notifications if doing so will help them be the good neighbor that they want to be. Maybe it is a little outside the area of what they think will affect people but why not error on the good side and inform more people. Axness is wondering what effect these trucks will have on Soppa Road, currently Axness does not feel the valley road is wide enough as there are problems meeting another car, as one has to pull off into the grass/ditch. Axnes asked if the road is going to be widened. Axness addressed the surface of the road as trucks going back and forth across it is definitely going to affect the surface. Axness stated all of these mines are being set up; the distance between Ottawa Sand Mine on Thompson Valley Road and the Rumpel/Dabelstein mine on Soppa Road is less than five miles and there are five mines in this area and Axness heard there is more interest besides these. Axness inquired if the township would impose a speed limit on Soppa Road and what route will the trucks take entering and exiting the mine. Axness stated there are blind corners on this road with many close calls, accidents and there has been one fatality. Axness lives outside the 2500 foot notification distance, if her well goes dry or the water goes bad because of the mining operation, then what happens or it just her tough luck. Axness asked what kind of affects the chemicals will have on the groundwater. Axness inquired when blasting is taking place, what is the timeframe from start to finish and what effects the local residents will feel during this blasting and what kind of permanent affects will it have on ones home and other buildings. Axness asked how the noise, dust levels, light, air quality will be controlled as well as the sand being dragged onto the road exiting the mine site. Axness inquired how any issues that arise will be addressed and in what time frame and manner. Axness also inquired if the Department of Land Management could hold meetings in the townships to educate landowners on these sand mine operations and address concerns for the public. Axness mentioned, that at the Town of Arcadia meeting, the emphasis seemed to be on the fact that everyone should be able to do what they want with their land. Axness had to get a series of permits before she could build her new home and that didn't affect anyone else, but now the mining operations are affecting everyone in the valley, whether one is an adjoining property owner or not. Axness asked the Committee, as everyone else has dollar signs in their eyes from these proposed operations, to step back and take a look at the entire plan before just rushing in and approving everything. Brandt asked for a copy of Axness's information.

Justin Silcox – Silcox explained he was at this meeting on behalf of his father-in-law, Dan Sobotta, as Sobotta has land that abuts up to the Rumpel property/farm and Silcox is a lawyer. Silcox stated, as someone had mentioned, that if these mining operations “go south” the lawyers will eventually make money off of this, but the reason Silcox is here, unlike a lot of the audience, is that over the past twelve years he has been involved in a lot of litigation with expert witnesses on both sides. One thing Silcox feels is cavalier about this whole operation, when going into these conditional permits, is the fact that we are relying on one side of engineering plans and these people are paid (Silcox invited SEH who is here on the Rumpel side to divulge what they are being paid) to do these geological surveys, etc. because that is what the Committee is relying on. Silcox welcomed the Committee to look at other opportunities, especially if these people are going to have these mining operations up to their property. We're relying on geological surveys of one side of this whole thing and Silcox felt that was arbitrary and Silcox felt that the Committee should require, as a condition, that objective surveys be done so that the Committee can look at it more fully. Silcox added, that

without that, he didn't feel the Committee could have the full picture. Silcox is currently involved in a case where he has one of the best world experts on earthen lagoons. His name is Ian Pegs and he is from England. Silcox sent Pegs an E-mail just asking him about earthen lagoons, if there is going to be washing with the silica sand (this guy has "no horse in this race" and Silcox is not paying him for this opinion) Pegs responded that he has no doubt, with these earthen lagoons, if they are put on these properties, they will leak without a geomembrane, hepe liner, so it is something the board needs to look into even though the regulations require a clay liner in these lagoons, the Committee has to look at these other conditions, because if the Committee doesn't, and ultimately things go wrong, the lawyers like Silcox are going to be looking at suing anybody and everybody they can put their finger on, including individuals that are involved in decision making processes, whether there is immunity or not. Silcox stated he is not here against mining operations, nor people making an economic impact on the community, but as far as Silcox has seen, to this point, it is all "fluff". Who has provided an economic stimulus package that shows exactly how many jobs and what value the jobs are at (minimum wage or are these \$12- \$15.00 per hour jobs). Has any one of these mining operations done that yet, if so, is it some expert or is it some economist that they have paid to provide it versus having them provide an objective economic impact analysis because that is one of the biggest things in these areas. As far as looking at all these mining operations, (people are saying everyone should be able to do what they want with their property and we shouldn't be looking back), the people that live next to these mining operations bought their property because they want to be able to sit on their deck, enjoy the scenery, farm, retire, whatever, but lets not forget that they are no longer being given the opportunity to do with their land what they bought the land to do so we are directly impacting this area. Silcox added we've really taken the fast track on this and lets not take a mentality, that because a few permits have been passed already, we don't want to do something more now, because that wouldn't be fair to the people that already got permits passed. Let's take a step back and look at this. Silcox invited the Committee (especially when they are considering 24 hour operations of mines) to maybe go out on each of these properties and spend a few nights sleeping. Silcox felt these landowners would definitely invite the Committee to come out to there property, and they could see what it would be like to have a 24 hour operation mining in your backyard or at the very least go to other mining operations that have this and get a video so that everyone can see the lights in the sky, and hear the noise that these people are being subjected to because it is one thing to already have these mining operations going on but they keep taking a little bit more and this is going to snowball unless the Committee starts looking into this more fully and thinking about all these issues that people are raising.

Robert and LaRayne Kupietz - Registered to appear and testify for information only. L. Kupietz stated they understand that the reason for washing the sand is to take the iron out. L. Kupietz inquired what happens to the chemicals and fertilizers that was put on this sand (and going to be put into these storm basins) wouldn't that get into the ground water eventually. It is going to just sit there so is it going to start seeping into the ground. L. Kupietz asked if there were any state stipulations on how many mines and sand pits can come into a five miles radius (now there will be five). Taking all this sand away which is the filtration, what is one going to have. L. Kupietz felt this was quite a few mines and sand pits in one little area.

Loren Rausch – Registered for information only. Rausch stated he was here for information only.

Bobbie Suchla – Registered to appear and testify for information only. Suchla was not here to stop the mines, but stated that the Committee needs to be concerned about the taxpayers who are not here to make a "quick buck" because there is sand on their land as these business' are not the only people paying taxes. The mine noise is loud. Suchla has a family member with epilepsy and the whole thought of mining going on "24-7" scares her. Sleep is an important step in seizure control and having a sand mine even starting up at 6:00 can be detrimental to her well being, so having one run "24-7" is extremely scary. There are people out there that bought their land to retire, raise families and not to sell their sand. In regard to farmers, farmers are not running 24 hours a day, 7 days a week, 365 days a year. They cut hay four times a year, they spread manure somewhat through the days, but on rainy days they can't spread it, but that sand mine can run every single day. Suchla asked the Committee to keep in mind, while debating letting it run "24-7", that they are not the only taxpayers paying taxes.

In response to Suchla's comments, Bice commented that he is on this Committee and he has never heard from anyone or suggested that these mines were going to run "24-7". Bice stated that has not been proposed and that is not going to happen.

Brandt called for any other public testimony. Upon Ron Reimer's inquiry, Brandt stated that after the public hearing, it is open for discussion and possible action by the Committee. Brandt stated Reimer could speak at the next public hearing since Reimer didn't specify on his registration slip which hearing he wanted to speak to.

Lien stated he was confused as to what the applicants were asking for as the plan shows a wet plant, some type of infiltration basin, but there is nothing that Lien found for a high capacity well for washing sand or information related to that so Lien is confused as to what the Committee is being asked to grant. Along with that, regarding surface waters, Lien read from Page 4, which states the proposed project is located within the Trempealeau River Watershed. There are no surface waters in the area of the proposed mining operations. Lien stated there is a stream that runs through the property and Lien handed out information which shows it is a stream, so Lien is confused as to why that is not considered surface water. There is an outside boundary of the mine and the stream runs through that area. Brandt interjected and felt that Lien should present this information during the discussion phase of the meeting. Lien responded these are questions that will need to be answered because neither he nor the Committee have these answers. Brandt responded it should still be part of the discussion, so the Committee needs to hear what the Town has to say so that the public hearing can be closed and start the discussion to begin to answer some of the questions. Lien read a letter from the Town of Arcadia which stated they passed a motion at their June 27th, 2011 board meeting and have no objection to the E & LU Committee issuing a Conditional Use Permit (CUP) for non-metallic mining to Alpine Materials, Inc. as long as all listed conditions are met. Lien read aloud the Town's two pages of conditions.

1. Alpine Materials Corporation shall assume, all costs associated with improvement, maintenance and repair of the Soppa Road and bridges used by Alpine Materials Corporation commencing prior to any work on the Conditional Use Permit site and continuing until all mining activity has permanently ceased, A bond to be posted for \$100,000.00 per occurrence on the portion of Soppa Road and bridges used by Alpine Materials Corporation. The bridge or bridges shall be inspected annually at a cost to Alpine Materials Corporation and a copy submitted to the Town of Arcadia.

2. All structures and wells on the properties immediately adjoining the Conditional Use Permit site shall be inspected and the condition of each shall be recorded prior to the commencement of any work at the site. These wells and structures should thereafter be periodically inspected to determine, to the extent practicable, whether or not damage has occurred as a result of the mining operations. Inspection and damage costs shall be borne by Alpine Materials Corporation.

3. The opening of the mining pits, depletion of those pits and reclamation of those areas shall occur in the order presented to the Town of Arcadia by Alpine Materials Corporation.

4. Existing perimeter tree canopy (at highest points of elevation) must remain to keep the visual appearance, aesthetics and reduce dust from leaving the proposed. mining area.

5. If the Wisconsin Department of Natural Resources changes permitted air quality standards as they relate to Silica, and/or Silica related compounds, the Conditional Use Permit shall be modified accordingly so that Alpine Materials Corporation activities must always comply with the most recent DNR standards.

6. The Town of Arcadia Board Review and approve final site plan and equipment list when available and prior to issuance of conditional use permit

7. A notice shall be given to adjacent landowners within 2500 feet of blasting area, 24 hours prior to blasting.

8. Blasting plan submitted and approved by the Department of Land Management prior to any continual blasting.

9. Financial assurance amount will be established after final site plan approval and prior to any excavation activity.

10. The Town of Arcadia Board should meet with Alpine Materials Corporation a minimum of every 6 months for the 1st two years then if mutually agreed annually after 2 full years of mining activity.

11. The Town of Arcadia shall be responsible for signage of Soppa Road.

12. The Town of Arcadia Board shall review the conditions, compliance and complaints of the Alpine Materials Corporation mining permit with the owner/operators on an annual basis.

13. A 50 foot setback adjacent to the property line must be reclaimed fill at a 4 to 1 slope.

14. A 20 foot berm shall be established along property lines and along Soppa Road specified under Figure. 3 on Post Mining Contours dated May 2011.

15. No truck or equipment staging on Soppa Road.

16. Entrance and exit driveways shall be black topped prior to operations.

17. Alpine Materials Corporation shall be responsible for picking up rocks and/or debris on adjoining land at the land owner's request.

18. Alpine Materials Corporation shall provide an initial training and site visit to Emergency Responders for site specific dangers and chemicals that may require additional precautions during an emergency response situation.

The foregoing list of proposed conditions should not be construed as the only conditions to be applied to the Conditional Use Permit. The Town of Arcadia understands and expects that the standard Trempealeau County permit conditions to non-metallic mining will apply, together with whatever other conditions Trempealeau County believes to be in the best interests of all concerned.

Chairman Brandt closed the public hearing at 10:32AM. Brandt then called on Lien to continue listing his concerns.

Lien stated, that after Monday's meeting, where three Committee's were discussing this issue, people from the public were saying that a third party review would be in the best interest of the public. Lien voiced his opinion that this issue be tabled until a third party can do a review, an archaeological study, an environmental impact study because of the surface waters related to this mining site. Lien reiterated that he is confused as to what the applicants are asking for, on the plan it shows a wet plant/wash plant. Senn had stated that they were not really asking for that now but potentially could do that in the future. Lien wasn't sure how conditions could be placed unless the Committee knew exactly what is happening. Lien is not sure where any of this material is going and the DOT specialist was here talking about traffic concerns and road degradation. Lien felt there were a lot of unanswered questions at this time. Brandt commented that a traffic impact analysis would be helpful at this time. Town of Arcadia Chairman Ron Tuschner stated he doesn't remember a proposal being brought up for a wash plant, in the discussions, but if it was, Alpine Materials would have to go through this process again as that was not part of what the Town had talked about and agreed to as a town board. (Tuschner stated he is not opposed to the mine.) Tuschner added they talked about it, in the future, and that it would have to be brought back to the Town at a later time.

Senn had asked to address the Committee regarding Ms. Axness' concerns. Senn stated they are not doing 24 hours of operation nor will they be doing any blasting. In addressing the well concerns, Senn stated that is a concern of theirs also, that is why they are doing preliminary testing and then periodic testing. Senn added there will also be a monitoring well onsite. Senn commented about the existing hazard of the road and they are working with the Town as Alpine Materials is willing to fix that. Senn felt a good impact on the community would be to fix an existing problem. Brandt asked Senn to clarify where the stream was in

relation to the mine site. Senn responded the boundary of the mine is on the other side of that stream, but Senn suggested that their geologist, Darrel Reed, could address that issue. Reed stated he is a geologist and has been with SEH for about 19 years. In regard to the high cap well, Reed explained that the operator is required to submit a High Cap Well permit application to the DNR and in that it discusses the well construction, the aquifer, where one plans to draw the water, and the capacity rate that is proposed. Alpine Materials is proposing a single 500 gallon per minute well. The City of Arcadia has a number of municipal wells nearby that produce good quality water, their aquifer is a deep aquifer in the Mount Simon formation which is a prolific municipal aquifer throughout western Wisconsin, so the well would tap into that. Reed noted, that most private wells in the area are shallower. This high cap well would be in the vicinity of 400-500 feet deep, similar to what Arcadia has in their well. Reed reiterated there are a series of private wells and Alpine Materials would be monitoring the private wells within a certain distance of the high cap well. Reed explained this well is not running continuously, it is used for wash operations and to fill up trucks used to suppress dust in the area. The capability is needed to produce a large quantity of water in a short time frame. The high cap well would probably be constructed in the vicinity of the wash plant. Again, there are a lot of regulations regarding well construction and the permit is from the DNR and a report has to be submitted to them. An annual requirement is an annual report on the high cap well which has to be submitted to DNR indicating the monthly volumes that were withdrawn from the high cap well. Tim Marko – SEH pointed out that the high cap well is discussed in the Reclamation plan that the Committee has and it talks about the 500 gallon per minute high cap well. Marko added that another important factor in the wash plant is that it would be a “closed plant” in that it is not taking water all the time, and this high capacity well would be used as “make-up” water to that plant – so internal to that plant and also used for dust control. The water would be used in tankers to make sure any dust is controlled. The high capacity will allow him to fill those tankers quickly instead of a small domestic well doing that. In regard to the surface waters, Marko pointed out that the portion that was read states that there are no surface waters in the proposed mining area, but the next sentence says that there is an unnamed stream channel running through at least the edge of the site boundary. Lynn Axness inquired when one talks about private wells being shallow what are they talking about. Reed replied they depend on information which well constructors are required to submit to the state as that is public information. Axness asked what Reed considered shallow. Reed responded it is shallower than where they will be drawing water from. Wells in the area can go down as deep as 120 feet, some are deeper or maybe shallower. All Reed is saying is that the main high cap aquifer, which is similar to what Arcadia has and that aquifer is down around 200 feet or so beneath that and there is a formation which is called the Eau Claire formation which is a tight sandstone which lies above the Mount Simon (a nonproductive part of that aquifer system) Reed feels there is some separation between the deep high cap aquifer and the shallower. Senn added that a misconception is that every well is going down to the same aquifer however, the high capacity wells are deeper than most private wells so water is being pumped out of two different, distinct aquifers. Reed added private wells are a part of this mining plan. Brandt reminded the Committee of a discussion that was held the previous Monday regarding the need for an environmental specialist in the Department and the need to hire a private engineer to review the plans before they came before the Committee and also a traffic impact analysis being part of the Conditional Use Permit. Brandt stated Lien had pointed out that each permit has different information and not necessarily all of the information that is required and Lien’s suggestion at Monday’s meeting was to not schedule a meeting until all of the information required has been submitted. Lien suggested earlier today to table this CUP until some of the questions are answered and in some cases more information provided. Vold made a motion to table the CUP until a qualified person or engineering firm has time to review the plan, Nelson seconded. Smick inquired, of Senn, if tabling this CUP would jeopardize the mining project. Senn replied that everyone wants to get as much done in summer as they can so it would make it more difficult. Nelson commented it would be nice to get someone in to talk to the Committee about how much revenue this mining is bringing to the state or county and how much are they helping the taxpayer. Nelson acknowledged the mines are creating jobs, but felt that someone from the State Department of Revenue could help the Committee understand whether these mines are helping the taxpayer or not. Discussion took place as there was some information from the Dept. of Revenue submitted with the Ottawa Sand information. Lien reiterated that he was not trying to slow the process down, but if one had listened, last month to Foth Engineering, they were saying that a 50 gallon high

capacity well was going to lower the water table in that area for the residents, 20 feet. Now, we just heard it is two different aquifers, it won't affect the neighbors at all. Lien voiced his opinion, that a neutral third party was needed, to determine what is factual in this situation. Upon Brandt's reference to Silcox, Silcox responded that he sees two experts testify against each other all the time and both think they are right, and Silcox didn't want to question anyone's integrity or honesty, but if one party is saying one thing and another party is saying something else, a "tie-breaker" is needed and Silcox didn't feel it should be coming from the people who are going to benefit from this or make a significant amount of money. Silcox felt an objective input, from a third party, who can look at all the information, is needed. Reed commented when one looks at the data from the monitoring of the high capacity well he thinks there will be drawdown, so let science and the data make the decision. Senn added the data is all there and they will do the well testing to verify that they are not an impact. David Suchla asked the Committee to explain what was discussed at Monday's meeting about the outside engineer. Brandt stated the action that was taken on Monday, was to refill the Environmental Specialist position and to authorize this Committee to hire a private contractor or engineering firm to review each of the plans for the CUP request's. Smick added and the cost will be passed along to the applicant and not the county underwriting it anymore. Lien added that in January, 2006, in the Non-metallic Mining Ordinance, the following item was adopted, "in addition to the fee applicants shall be responsible for the payment of all reasonable expenses of the Committee for retaining outside, expert assistance and analyzing the applicants application in its' conformity to the requirements of the Non-metallic Mining Reclamation Ordinance." Lien added we have had the ability, we just haven't exercised it very often. Brandt recapped that a motion to table this CUP and a second has been made until information can be obtained from a third party source, motion carried with no opposition.

At 11:00 Rian Radke, Corporation Counsel, was present. Brandt had asked Radke to be present to respond to a request by Michael Blaha and Tom Bice, in order to let Blaha to make a request to the County. Blaha stated that earlier he was proposing putting a spur out on his property. Blaha has approached several farmers about buying their sand and received the "cold shoulder". Blaha's property is right across from the Trempealeau County Farm. Blaha noted there is a graveyard/pauper cemetery up on the hill and they don't want to disturb that. Blaha stated his family was offered a large amount of money to just "walk away" from this, but Blaha chose to stay involved to make sure it is done right with the neighbors and do it as environmentally as possible. Blaha doesn't want some big corporation just coming in and bulldozing everything. Blaha proposed starting a pit on the Trempealeau County Farm, directly east of the land that he owns, and start mining. Brandt inquired if Blaha would buy or lease the land. Blaha responded the lease would then buy the sand from the County and this is a way that the County can get something out of it. Radke verified that there is a request that a sand mining outfit is going to lease County land. Blaha replied lease and buy the sand on a per ton basis from the County. Radke replied he is not prepared to give an absolute answer as to what the legality of that would be. Radke has given previous opinions to this Committee on leasing land and what that would all entail. Radke suggested that if the Committee wants to do so, they can make a formal request whether or not this is something that is doable or not, whether there would be conflicts or whether it would be legal. Radke could respond to the Committee that way. Smick made a motion to ask Corporation Counsel to legally research the question of the legality of mining on County land by a private concern, Bice seconded the motion. Brandt noted that the Health Care Center Board would be interested in what we're doing here so Brandt suggested they be contacted. Motion carried with no opposition.

Blaha then requested that he be put on Monday's upcoming meeting agenda for the same issue. Brandt inquired if Radke would have the required information by Monday's meeting. Radke responded that he would not. Brandt stated that the DLM would contact Blaha when Radke had his information ready to present to the Committee so that Blaha could attend that meeting.

Brandt stated Radke had approached him last week about an Open Records request and inquired how the Committee felt about releasing some information. Radke had sent each Committee member a memo outlining his response to some of the questions the Committee had about the options that the County had to

profit from sand mining operations, either to build a processing operation, rail loadouts or leasing land. Radke stated the request was made for the memo, which Radke had provided to the Committee, at the Committee's request. Any time a Committee has communications with Radke's office, there is an attorney client privilege that can be asserted whereas an attorney cannot repeat what a client had told them. Radke explained anytime a request for a memo is given and it is information given to Radke that he must respond to, the memo contains the following disclaimer "contains a legal opinion, may contain some privileged statements made to legal counsel, disclosure of this memo to the public may waive such attorney client privilege". Radke stated, after getting the records request, he contacted Brandt to inquire if the Committee would be asserting that privilege to the extent that the memo contains statements by the Committee to Radke. Radke passed around a copy with the statements which Radke believed the privilege could be asserted. Radke added, if the privilege is not asserted, he would disclose the memorandum, in its' entirety, in response to the request and if the privilege is asserted, Radke can redact out those portions. Quarne asked if the Committee can continue to hold property that is no longer being used such as farm land, and lease it out to an individual. Radke responded that he believed that the memo addressed that issue. Brandt felt everything Radke had in the memo to be redacted out, everyone already knows. Bice made a motion to release the memo to anyone who would like to see it, honoring the open records request and waive the attorney-client privilege, Quarne seconded, motion carried unopposed.

Public Hearing – Conditional Use Permit-Non-metallic Mining- John Patzner – Land Owner/Applicants – Reglin & Hesch Construction, Inc. - Operator-Town of Arcadia Brandt called the public hearing to order at 11:19 AM. Nelson read the public hearing notice aloud. Lien stated this site is located just north of State Highway 95 in the Town of Arcadia. Lien stated this hearing was publicized in the paper for two consecutive weeks and letters were sent to all adjoining property owners. Lien received no telephone calls for or against the proposal. Lien received one copy of the plan and he has reviewed it. Lien explained there is no wash plant, so he felt this site was similar to the Larry Soppa site as far as what is being proposed there. Lien added the site is 55 acres from the road over to the east property boundary. Dave Hesch introduced himself and stating they are proposing to do basically the same thing that is being done on the Larry Soppa site, no washing or processing, simply extracting the sand. Hesch voiced his opinion that the Committee has kind of used them as the "pilot" project for some of the mines. The Committee has been out to view their blasting. They have done some extensive seismograph readings over and above what is required by the State and Lien has all the results. Hesch has worked with the neighbors trying to keep everyone informed on when they will be blasting. If there were issues or concerns Hesch has addressed them. Hesch wanted to further emphasis that when the Committee takes complaints make sure they are not frivolous. Hesch explained that last week, MSHA (the federal mine safety regulator) received a call that (the address where Hesch's site is located) Hesch was digging in the water table and contaminating it and that MSHA needed to come down and immediately stop them. Someone from MSHA came down to investigate the situation and then called back to his boss and reported that the only water he found was the water that was being sprayed on the road to keep the dust down. This guy had come all the way from Duluth so he stayed and gave Reglin & Hesch an inspection and now they are a certified MSHA mine. Hesch added the DNR was at the site the previous day because they had also received the same call. Dan Helsel and Kurt Rasmussen, DNR both visited and gave the site a clean bill of health. Hesch stated they do everything to the letter of the law and they do it on every site and this is a fairly simple request. At this time, Brandt asked Hesch if he could wait with his other concerns until the discussion phase of the hearing. Hesch commented that the machinery list that Lien has is complete and will not change. Brandt called for public testimony.

Stephen Doerr - Registered to testify in favor as a business person and in opposition to stricter regulation in the USA. Doerr stated he is not related to any of the business people or any of the people that have potential to make money on the mining. Doerr educated himself by going down to Texas, found out what frac sand is and what the big deal is about it. Doerr talked to landowners and observed how they "frac" the well and where they are doing the fracking is way below the water surface/table because the oil isn't found at the surface so they are fracked way below the water table. There are people across the country who own as few as five wells and they have to "frac" them to bring them back to life, otherwise they cannot make a living.

Right now there is a shortage of the material needed to “frac” the well and the oil prices are such that they have no material. The big companies have all the frac sand that they want, but the “mom and pop” farmers don’t have it and they are financially starving. The big companies are going ahead, buying up all the supply and driving the price from \$150 to \$250 per ton. In Trempealeau County, Doerr stated he had found some frack sand himself and in the Department of Land Management the sand issues were equated to the Gold Rush. Doerr contacted a company in Texas, ran a few tests on the sand he found, told the company in Texas where it was if they wanted to buy it, but the company said they were not coming to Trempealeau County. It bothered Doerr that the company didn’t want to come to Trempealeau County to get the material because of the fact that the government is too strict with the regulations. Doerr looked into this further and stated one of the biggest problems here in the United States is regulations. Companies like Ashley Furniture are moving to China and Vietnam to manufacture their products because the United States wants to impose more regulations. Doerr stated we are at economic war right now. Our president went to China and asked them nicely if they would change their currency rate/value so it wouldn’t hurt the United States so bad, and they said no. China owns 28% of the U.S. debt and it is climbing. Doerr just heard here that a local farming operation wants to go ahead and extract this quartz – a natural mineral and take it to Winona. We have people that are saying this could possibly be done in Trempealeau County. We are at economic war and Doerr just heard the Committee push back a little farm operations ability to compete with the big brother/monster companies. Doerr personally goes down to Texas and visits with the people who buy and sell sand and their silos are empty and these people can’t get any sand because the big companies are buying it all out. Right now, we are making little family farms in Texas suffer because we have a product here and this Board made a decision to go ahead and delay it (those people getting their product at an affordable price) for maybe two months. Doerr heard Justin Silcox talk about if the “liners” start to leak. Doerr stated we are not talking about dangerous chemicals we are talking about a natural mineral called quartz, it is not a dangerous item. Doerr heard a stimulus package mentioned and stated we are at economic war, we cannot continue to drive the dollar down further. In the April and May meetings of the E & LU Committee it was discussed about building a silica plant, etc. Doerr went and talked to different owners of proposed companies here in Trempealeau County, including Winn Bay, and Doerr was shocked when he stated that months ago the Corporation Counsel had shut down a frac sand plant being built in Trempealeau County. Doerr looked at the meeting minutes again and there was no way he could know this information unless he had privileged data. Doerr asked for this information that was going to be given out at the June meeting. Corporation Counsel told Doerr that he couldn’t give out that information. Doerr was boggled how some leader from a business out of Canada, taking the profits out of the little farm operations, fracking sand, knew something from the Corporation Counsel. The gentleman from Winn Bay inquired how Doerr knew so much about the industry and then told Doerr that he didn’t have much more to say to him because Doerr was the competition. Bice asked Doerr who had told him this. Doerr stated he believed he was identified as the leader of the USA division of Winn Bay. Doerr added we have a company out of Canada extracting sand and setting the price at \$250 instead of \$120 and opposes anyone else getting into the business. Brandt recapped what Doerr had stated, which was what is going on here affects what is going on with the economy and energy activity around the world.

Audrey Vinz – Registered to testify for information. Vinz passed out an information sheet to the Committee members. Vinz is involved with the property that is adjacent to the Patzner property. Actually the Patzner property is around land that they own, which is on Blaze Lane. It doesn’t directly connect to the mining area at this time but Vinz is also looking into the future. Vinz is about 4/10’s of a mile from where this mine is proposed to go. Vinz’ parents live on the property currently. Vinz and her husband and two daughters plan to move there in the future. Vinz is trying to make the basis that this is a home farm and it is not easy for Vinz to just move. It is not that Vinz is against the mine, she just wants to talk about things, what would happen if, and what the regulations are. Vinz understands a mine is good for the economy and will create jobs and this is good for the town and county. Vinz stated the Committee must also consider the residents who absolutely love and adore the location of their property. The farm is in a valley that is very quiet and peaceful, there is wildlife and nature and so the Committee has to understand that Vinz is concerned about losing what she has on the property as well. Vinz had received a copy of the towns’ sixteen points and Vinz

had concerns about #2, regarding all structures and wells. Vinz wanted to add and “well water” and increase the distance to “one mile”. Vinz stated that if one watched the TV program, 60 Minutes, last Sunday they actually had a section on frac mining. Vinz encouraged the audience to Google that program and watch it. Vinz explained the whole basis for her concern, if one watched 60 Minutes, one would have seen that there was water contamination from the mine that went in and the neighbors had contaminated water which was undrinkable and the mine company did provide clean water for these families, but yet those people were currently in litigation because the mine was not taking responsibility or one could not prove that the mining is what caused the contamination of the water. Vinz explained the program showed dead cattle from drinking the water which contained chemicals that were used in a wash basin. Vinz believed chemicals are used in washing and asked for confirmation from the audience. Brandt responded there is a polymer that is used. Vinz understood that washing is not proposed on the Patzner site at this time. There were leaking chemicals and vapors. The good point about the 60 Minutes program was that it is a good thing for our country. Vinz stated it is a good thing for our country, we just need higher standards so that everyone is protected. Vinz’ biggest fear is that her little ten acres on Blaze Lane is going to become an island. Patzner owns the land and he has every right to mine that land, but after this 55 acres is mined, is there going to be another 55 acres and then will the next neighbor mine also, so that Vinz will be surrounded by mining and its’ affects. Vinz referred to her proposed conditions in the handout, regarding points #10 and #12, regarding reviewing how things are going and that the miners are held accountable. Another addition to the regulations, Vinz would like to see that the hours of operation for this mine be from 6:00 AM until 5:00 PM and those were not in the conditions that the Town of Arcadia distributed. According to Vinz it was discussed at the town meeting that the life of the mine would be 12-15 years. Vinz proposed that there be a lifetime limit to the mine with a maximum of 15 years. Vinz asked that trees be planted to screen the noise and view of the operation. Vinz wanted the County to consider a maximum number of mines, in operation, within a certain radius. A mine has been approved in Thompson Valley, there is the Soppa mine and soon there will be the Patzner mine plus the other one that was delayed today. They are popping up everywhere and Vinz is afraid their property will become an island. Vinz asked the Committee to slow down and take the time to consider the implications on the people who are not mining, but are property owners just as the miners are. Vinz would like to see a change in the ordinance that mines can only operate within one hundred feet of the property line, currently it is only ten feet. The property line behind Vinz’ parents home is only ninety feet. Vinz asked that mining have a setback of 500 feet from any home. Vinz understood the concern that things are being delayed, but emphasized that we have to take the time for these restrictions, to make sure that we’re doing it right so that we don’t end up with Trempealeau County on 60 Minutes, talking about how things were rushed through and how we have the same problems other parts of the country do. Vinz thanked the Committee for what Trempealeau County has done so far. She understood that Trempealeau County does have some of the best/strictest regulations and she was grateful for the County thinking about the people. Vinz asked for respect of her privacy, peace and quiet, the preservation of nature. We are real people and we are concerned about our rights as landowners who have the same rights as the mine owner. Vinz could only explain her farm by the fact that for her parents it is a little slice of heaven, a sanctuary. Her parents have put lots of money into this beautiful farm. Vinz and her children enjoy visiting the farm and she wants to make sure that it can be preserved. Communication is the key to success here and if we do that, everyone can get what they want. Vinz stated her Dad had shared with her, that when the hill was blasted on Highway 93, which is 5-6 miles away from the farm, there was sand in the well and the water could not be drunk for three days. Vinz is concerned that when there is blasting 4/10’s of a mile what the implications will be on their well. Vinz urged the Committee to take time, do the research, think about the little ten acre farm on Blaze Lane and think about the other people, as the mining is considered, and what the implications will be to them.

Ann Wygel – Registered to testify for information. Wygel stated Blaze Lane is only a mile long, but there are seven landowners and Wygel is one of them. Wygel voiced her opinion that six of them could put in mines and that is of concern to her. Wygel doesn’t want to stop anyone from making money, but she doesn’t want all the trucks coming down the one backroad. Wygel encouraged the Committee to think about the truck traffic, even if it has to be widened and changed, it would be a lot of disturbance to their ten acre farm.

Ron Reimer – Registered to testify in opposition. Reimer stated he doesn't live anywhere near any of the proposed mining operations presently. In former hearings on wind energy, Reimer was accused of not wanting the turbines because they were in his backyard, this isn't the case today. Reimer feels there has been a lot of testimony with regards to the economics of this issue and someone needs to be an advocate for the environment. It is kind of an unpopular and dirty job, but Reimer will do his best to approach the non-metallic mining issue in general, and not a specific site. Thirty some years ago, Reimer brought his young family to Trempealeau County and what seemed like a Garden of Eden. It hadn't been that long since Reimer had given up a promising career as a mechanical engineer to seek a lifestyle that was compatible with his maturing environmental consciousness. Reimer felt farming a small parcel of land with a team of horses and a family with strong backs was the only thing he could do in a world that seemed hell bent on environmental catastrophe. Trempealeau County was one of the most undeveloped parts of Reimer's home state. Since he wasn't looking to make a lot of money, it just seemed like a great place to raise a family and let the rest of the world kill, poison and terrorize one another until people came to their senses. Despite his best efforts, it is beginning to look like they never will. Over the past few decades, Reimer has watched this area transformed from a community of strong, independent farmers and small businessman to a vast setting for environmental rape. We used to grow good food, good solid citizens here, and now we're mining commodities, mostly edible ones – corn, soybeans, milk, wheat, but more and more we're focusing on the minerals, the water and even the air for dollars that someone, somewhere is willing to pay us for these things. Reimer feels he may be coming off as a fanatical tree hugger, but Reimer assures us that even though he likes trees, he came to this environmental ethic from years of study about the way of life and how important each strand in that web is to its' integrity. That web cannot exist by putting all of our efforts into developing merely the economic strand and ignoring all the other strands that make it a web and not a strand. A planet consisting solely of people, money and factories is not possible, yet that is where our greed and all the social institutions which reward greed are taking us. We need clean air, pure water, a natural landscape, we need time, and wholesome foods produced without chemicals and without biological contamination and we need other species of plants and animals besides corn, beans and cows if this web is to remain intact. We also need one another and we need to live in ways that respect our neighbors and their lifestyles. Trempealeau County used to be a place where this was possible but now all people here see lately is dollar signs and they would rather have their neighbors farm than their neighbor. In the past year or so we have been hit with a couple of major environmental catastrophe's. The BP oil spill in the Gulf, and the meltdown of the nuclear reactor in Japan and they both reflect the problems associated with the profits and corporations. Brandt inquired if there was something specific to mining that Reimer wanted to talk about. Reimer continued that before we became fixated on mining, we had all the things that money couldn't buy, now they are all out of our price range and we have to travel further and further to find clean water and air, natural landscapes, wholesome food, peace and quiet. Those used to be the strengths of our County, the things that brought people here from other places – from places where those things have already been destroyed. Now we barter it all away for worthless pieces of green paper which we seemingly can never get enough of. Reminiscent of the story of the peddler who gave new pots for old, we trade our precious antiques for plastic junk. A Cree Indian visionary by the name of Black Elk writes when all the trees have been cut down and all the animals have been hunted, when all the waters are polluted and all the air is unsafe to breathe only then will we discover that you cannot eat money. We scoff at the wisdom of the Indians who are big time losers in the cultural survival of the fittest but one might as well scoff at the idea of representative government because it was the Iroquois nation that we owe our legislative structure which brings Reimer to the purpose of this testimony which is to remind the Committee as leaders of the County that they are committed to doing what is best for the whole community and not just protecting the rights of a few fortuitous citizens to get filthy rich at the expense of the rest of us. This is the challenge of government today, saying no to the bribes of money and power, which the rich and the powerful can bestow at whatever level necessary to get their way and saying yes to the citizenry as a whole. That is what the Iroquois taught us about getting along with one another and what we were all told in school that this nation was about. This is not an appeal to partisan politics for Reimer doesn't think this problem has a political fix, nor is it a guilt trip on those who think they have a lot to gain by raping Mother Nature for we are all victims of the decline of this great civilization which once as Americans we aspired to and now whose death throws we are beginning

to witness. Harry Truman once said, “the buck stops here”. He had it wrong referring to passing the buck. The buck starts here, it is called “grass roots” democracy and it begins by saying no to all those people who say that we can’t say no. Once we give up the power of local government, we are lost for the power hungry among us will bring us into a one world order of plutocracy and bondage. Laws made by people must not be changed for the convenience and the profit of powerful people. The interests of the public must be respected in all private ventures that have consequences for the public. Once the laws can be circumvented, by people whose money puts them above the law, then democracy is finished. We are perilously close to that point if not already beyond it. Reimer beseeched the Committee, in the name of almighty God, to resist in whatever way possible the trucking away of our community in the name of private profit, if only in placing severe conditions on any permits issued for mining in in the county, mining of any sort, including agriculture, wind harvesting, eminent domain acquisitions of land for the electric right of ways, to cover every possible contingency for loss and harm to neighbors, the county budget, the environment, and especially for harm to our sense of being a united community, working together to pursue life, liberty and happiness, liberty and justice for all not just for the rich and powerful. Reimer believes this is what the vast majority of the citizens of this County want, and it is the Committee’s responsibility as our leaders to make it happen to the best of your ability and conscience. Reimer closed by repeating Black Elk’ s wise words and made notice that he doesn’t say if, he says when.

Brandt called for any other public testimony. Lien read a letter from the Town of Arcadia stating the Town passed a motion at their July 27th town board meeting stating they have no objection to the issuance of a CUP to Patzner Sand Mine as long as all listed conditions are met. Lien stated he wished he would have taken the opportunity earlier, when two attorney’s were present to discuss the definition of being arbitrary and capricious and that is being consistent in decision making. When that doesn’t happen, that is when lawsuits start. Lien read the sixteen conditions:

1. John Patzner Sand Mine shall assume, all costs associated with improvement, maintenance and repair of the Patzner Lane used by Joh Patzner Sand Mine commencing prior to any work on the Conditional Use Permit site and continuing until all mining activity has permanently ceased. John Patzner Sand Mine is responsible for all upkeep, maintenance, and redoing of Patzner Lane to include two lanes with culverts to whatever length is needed by the John Patzner Sand Mine.
2. All structures and wells on the properties immediately adjoining the Conditional Use Permit site shall be inspected and the condition of each shall be recorded prior to commencement of any work at the site. These wells and structures should thereafter be periodically inspected to determine, to the extent practicable, whether or not damage has occurred as a result of the mining operations. Inspection and damage costs shall be borne by John Patzner Sand Mine. Owners may refuse inspection and must sign affidavit by John Patzner Sand Mine attesting to refusal.
3. The opening of the mining pits, depletion of those pits and reclamation of those areas shall occur in the order presented to the Town of Arcadia by John Patzner Sand Mine.
4. Existing perimiter tree canopy (at highest points of elevation) must remain to keep the visual appearance, aesthetics and reduce dust from leaving the proposed mining area.
5. If the Wisconsin Department of Natural Resources changes permitted air quality standards as they relate to silica, and/or silica related compounds, the Conditional Use Permit shall be modified accordingly so that John Patzner Sand Mine activities must always comply with the most recent DNR standards.
6. The Town of Arcadia Board of Supervisors, review and approve final site plan and equipment list when available and prior to issuance of Conditional Use Permit.

7. A notice shall be given to adjacent landowners within 2500 feet of blasting area, 24 hours prior to blasting.
8. Blasting plan submitted and approved by the Department of Land Management prior to any continual blasting.
9. Financial assurance amount will be established after final site plan approval and prior to any excavation activity.
10. The Town of Arcadia Board of Supervisors should meet with John Patzner Sand Mine a minimum of every 6 months for the 1st two years then if mutually agreed annual after the 2nd full year of mining activity.
11. The Town of Arcadia shall be responsible for signage of Patzner Lane.
12. The Town of Arcadia Board shall review the conditions, compliance, and complaints of the John Patzner Sand Mine mining permit with owner/operators on an annual basis.
13. A 50 foot setback adjacent to the property line must be reclaimed and filled at a 3 to 1 slope.
14. No truck or equipment staging on Patzner Lane.
15. John Patzner Sand Mine shall be responsible for picking up rocks and/or debris on adjoining land at the landowner's request.
16. John Patzner Sand Mine shall provide an initial training and site visit to Emergency Responders for site specific dangers and chemicals that may require additional precautions during an emergency response situation.

The foregoing list of proposed conditions should not be construed as the only conditions to be applied to the Conditional Use Permit. The Town of Arcadia understands and expects that the standard Trempealeau County permit conditions to non-metallic mining will apply, together with whatever other conditions Trempealeau County believes to be in the best interests of all concerned.

Brandt closed the public hearing at 12:03 PM.

In response to the concern about Blaze Lane, Hesch stated he wouldn't even be in that valley as they will be on Patzner Road so as far as truck traffic on Blaze Lane there will not be any. As far as blasting requirements and well problems that Vinz talked about on Highway 93, Hesch wanted the audience to understand that was lime rock being blasted and not sand rock and so the problems that they might have had back then (they drilled a six inch hole and filled it full of fertilizer) and the blast would be ten times of what one would get out of this sand mine. Lien has all the results of their analysis on all their blasts. All the wells that are around them, right now, the closest one is 600 feet and they have had no problem at all. Hesch has not had any reports from any well owner within the area of where they are blasting that stated they have a problem with their well, or at least they have not contacted Hesch or Lien. As far as the well issue, Hesch is still willing to inspect the wells if that is the wishes of the Committee. It is just a bigger expense for Hesch. Hesch felt his mine was being used to set precedence for what is needed and Hesch asked that the Committee not make it so expensive and restrictive that it costs him more money. Regarding the noise issues, Hesch drove up there the other day (Hesch has a decibel reader) and the birds are making more noise in that valley than what will be heard from the mine. Hesch stood in front of the operation yesterday with a meter and Hesch couldn't even get it to read 80 decibels and that was when they were putting rock into the machine. Hesch stated MSHA told him, they don't need ear protection until

reaching 85 decibels. Hesch talked to the neighbor who is directly across from this mine, he said the birds chirping in the morning make more noise than the backup alarms or machinery and Hesch is within a 1000 feet directly to his bedroom. Hesch also talked to a neighbor behind the hill, who is here today, she cannot hear the operation. The only reason she knows that Hesch is operating is because she sees the trucks go by. She is one of the concerned parties that is notified when Hesch is blasting. Bice asked Vinz if she wanted to contest Hesch's statement that they wouldn't be operating near her. Vinz responded they will be able to see it if one stands in the driveway. Vinz added her Dad had stated he can hear the trucks beeping on the Soppa site. Bice asked Vinz about the hours of operation she mentioned her father had heard at the town meeting. Hesch clarified that 6:00 AM - 5:00 PM are the hours they are running now. That this not the requirement from the Town as Hesch is still operating under the County time limits. Wygel stated if the hours were stated in the conditions those are the hours Hesch would have to keep. Theresa Klonecki inquired who owned the trucks and are the people who drive them from the area, since this is supposed to be such an economic stimulus. Hesch responded yes, his son-in-law from Taylor, actually has four of them and Reglin and Hesch have some of their own and most of them are local trucks so they are all from the area. Hesch has fifteen of his thirty employees which are directly related to this operation. Hesch added these are people who are taxpayers and are now working. Vinz commented that she didn't mean to be disrespectful, but the person who lives directly across from the mine is employed by Reglin & Hesch. Bice stated Vinz had asked if the life of the mine could be limited in that valley to 15 years and inquired if that was something that Hesch could live with. Hesch responded if it has to be a condition in order for him to get his approval, he could live with it. Bice inquired if Hesch would be willing to do some screening. Hesch replied, one of the conditions was that trees on top have to be preserved, but Hesch stated there are no trees on top, this is all open ground and they are starting at the front of the property and not in the back of the valley, so if there is any noise it will go out on the highway and not back in the valley. Hesch stated even if there are trees planted there still may be noise that just can't be screened out. One can only spend so much money here before it becomes impractical to do business. Bice inquired, if Vinz would request some on her property, would Hesch comply with that. Wygel mentioned, they are looking into the future, as they are not affected right now, but they will be in the future since Hesch has requested to mine 55 acres. Bice stated apparently there is a 3 to 1 slope to be left at a 50 foot mark and Vinz has asked if that could be moved 100 feet from her property. Hesch responded he has no problem with that, because the Vinz/Wygel property is 2000 feet past where this mine is going to be. Brandt stated he thought her point was that this be a consideration for every landowner. Bice stated she asked for 500 feet for everyone and 100 feet for herself. Bice asked if Hesch would respond to persons in the area who said their well was damaged by Hesch. Hesch stated that is part of the restrictions already. Bice inquired if Hesch would include Vinz in that and also include her in the blasting notices. Hesch responded they are willing to notify anyone that sends in a blasting notice request. Hesch added they have not had a problem with 24 hour notification, but they have had some difficulty with being precise with time of blasting, a two hour window they can live with, but if DLM needs a definite time for a blast that is really tough and Hesch felt a two hour window is more reasonable. Bice inquired if Vinz was comfortable with the items that were discussed. Vinz asked if the hours of operation would be changed. Bice stated the County has standard hours and he has been asked to leave them alone. Vinz stated, so even though they were told at Wednesday's town meeting that what she mentioned would be the hours that is not going to be the case. Bice responded he wanted Vinz to work with Hesch to see if that issue could be resolved. Hesch stated the hours of operation they are working right now are 7:00 AM – 5:00PM. Hesch couldn't say that is not going to change from 6:00 AM – 8:00 PM, depending upon the demand, but Hesch would not go beyond the hours the County has set. Hesch stated it might have been taken out of context, but what Hesch is operating at right now is 6:00 AM until 5:00 PM Monday – Friday.

Lien wasn't sure who drafted the plan but it is located between the Ottawa Sand Mine and the Rumpel sand mine. The Rumpel sand mine has submitted groundwater averages at 832 to 834 feet. Ottawa Sand groundwater is at 794 feet. This site has estimated 695 feet. Lien stated he is not a hydrologist but he would guarantee that there is not a one hundred foot difference between this groundwater site and the other two mines, so there is something that is inaccurate. Lien added mining excavation is supposed to go to 820 feet and at the site right up the valley groundwater is at 832 -834 feet so that would be 10-14 feet into

groundwater. Lien stated, his point is, that the Committee needs to look at the quality of these plans and what is in them, and try to differentiate between what is real and what is myth. Lien has seen the plan from SEH, and they talked about not having a wash plant, but according to their plan they are planning a wash plant, even though it wasn't addressed at the town. Lien addressed the different sizes of the plans and that many things are unanswered or questionable. DLM had asked for post mining contours and there is a topography map that just has some arrows. The question for the Committee is how technical they want to get or how much they want to keep the public's interest in mind. Lien felt the plan was inadequate and there is not enough information to make a good determination. Lien added there is a ditch along Highway 95 and he didn't see anywhere where a waterway or grass filterstrip was going to be constructed as none of that information is available. Lien stated his job and what he gets paid for is the health, safety and welfare of the public. Lien knows that material is in demand and he knows mining is needed, but we need to keep public health, safety and welfare in mind. We don't want to start contaminating groundwater or becoming a nuisance to residents and taxpayers in the County. Lien added there is no archaeological evaluation, no well, and a third party review probably wouldn't hurt. Brandt added a traffic analysis should be obtained. Lien commented this is the fourth mine within a few miles of Arcadia all on Highway 95 and there will be a traffic impact. Quarne asked if this mine will be operating at the same time as Soppa's. Hesch responded it would. Hesch added the traffic will be identical to what we have now and there are no problems and as far as the groundwater, Hesch had DNR representatives (Helsel and Rasmussen) out on the site the previous day, for stormwater and ground water issues and both issues were given "their blessing", so Hesch didn't understand why that was an issue. Lien responded it is not in the plan and it is not available for Lien or staff to review so DLM has no knowledge of that. Lien added we only know what is submitted and it is not in the plan. Hesch begged to differ, if he could sit down with Lien and the plan, as there is a grassed waterway there and it was submitted to DNR and they were satisfied with it. Brandt stated one of the issues is having all the information, and having the third party review, prior to the meeting as well as the Committee being able to review submitted information prior to the meeting. Brandt added right now the Committee does not have for review what Lien has been presented and Brandt feels that is a weakness. Hesch responded that DLM had his plan for several weeks and it doesn't say in the application that he needed to submit plans for the whole Committee, and if he would have known that, he would have provided them. Hesch felt what the Committee was doing was delaying the inevitable. Brandt apologized for that, but stated DLM is short staffed and has been for several weeks now therefore communication has broke down. DLM is hoping to hire someone in the next few weeks to facilitate the process. At Hesch's inquiry, Brandt stated County Board approval for a hiring a new person should come on Monday and hopefully within a month DLM would have another person on staff. Dregney asked Hesch about the statement he made that the Soppa and Patzner mine were going to run at the same time, but that there would be no more traffic. Hesch responded that once the operation is finished at Soppa's, it will move over to Patzner. Wygel commented there will still be traffic from the Thompson Valley and Soppa Lane mines plus another mine supposedly being permitted next month, so that would be five mines within five miles of Arcadia. At Hesch's inquiry, he was advised, that if approval on this issue was postponed until next month, he would not have to pay another \$200 public hearing fee. Smick inquired of Hesch, if postponing this issue for one month would be catastrophic for him. Hesch responded it wouldn't be catastrophic, but it will be a concern. Hesch preferred to see an approval today with conditions. Hesch added that since the County is short of help and that falls back on him, that puts a strain on how soon he can get this mine operable and the way things are going, he is going to need this site operational by October for sure, if not September, so Hesch requested an approval with the stipulation that he get DLM the things they need before the permit is signed. Bice requested that Lien read the list of things needed in order to complete the permit application. Lien responded that an archeological evaluation should be done and a definite groundwater determination is needed. Lien stated an improved erosion control and storm water plan with more detail of the filter strip is needed along the road. A traffic impact analysis study should be done. Lien inquired of Hesch how many trucks per day were coming out of the Soppa site right now. Hesch responded 22 - 24 trucks. Lien inquired how many trips not trucks were coming out of the Soppa site. Hesch responded they make six trips per day. Lien verified that each truck makes 6 trips per day. Hesch responded "yes". Lien stated to the Committee, that originally, it was stated that there would be 60 trucks a day out of the Soppa site. Lien understood that things change, but he felt

with the other mine sites in the area, traffic is most definitely going to be a concern. Lien added that air quality monitors have not been discussed even though Winn Bay and Ottawa Sand had been required to provide them. There will be blasting, crushing and screening going on at this site, which are all dust related. Lien asked why we are not looking at these things for this site as the Committee needs to be arbitrary and capricious – be fair to everyone. Lien questioned the 15 year life of the mine as well as the 100 foot setback from the Vind/Wygel property line. Lien suggested the Committee could limit truck trips out of a site to reduce traffic issues. School bus issues and staging were also addressed with other mine sites. Lien added these items should be considered by the Committee as well as all standard conditions being applied. Bice inquired if air quality was regulated by the EPA. Hesch stated he has sent in permits to the DNR and has been exempted on all the mines that he has permitted right now. Quarne inquired if the Committee had to be more restrictive than DNR. Lien responded the Committee does not have to be, but they have the ability to be. Dregney inquired if third parties are going to look at these plans, how is the Committee going to exempt this one. Brandt stated, it was suggested at Monday's meeting, that the third party review be a standard requirement for all plans. Lien stated he does have the information as to the cost and timeline of a third party review, so he could supply that information later on in the meeting. Tuschner stated he is hearing several things that are not uniform, and he inquired how the Committee could make a decision unless there is statistical material out there. Tuschner felt that unless there was statistically proven material, decisions were being made on emotion and decisions made on emotion can be somewhat prohibitive towards an operation coming into effect. Brandt responded that factual material is a little shorter in this application than some of the other ones that were considered today. LaRayne Schock inquired if Hesch is exempt from the air quality issues, then why, several weeks earlier, was the County Sherriff's Department called to come and monitor the road because of the dust. To Schock, that was air quality as there was dust coming from a blast and crossing a State Highway. Brandt responded, that DOT had told him, that business can request to shut down a State Highway when there is a safety concern. Brandt explained that DNR has been unwilling to set a health safety standard relating to silica dust- they won't do it, so it could mean the reason they don't require it is because there is no standard. That is a discussion that the Committee has had over the last several months related specifically to these different mine sites. Bill Vachon commented on why air quality permit is not needed at these particular sites. Vachon clarified that DNR currently establishes that an air quality permit is needed at a point in time one has a primary crusher and this specific mine site has a screener and no crusher, therefore an air quality permit is not required based on DNR rule. Smick commented that his understanding on the Sherriff Dept. notification for blasting is that it has been in affect for some time and that it was in effect for quarry blasting which is a different type of mining. Smick wasn't saying that it shouldn't be in effect for this type of blasting but it was originally put into affect for quarry blasting – rocks flying on the road, etc. Bice clarified for everyone that this is a Conditional Use Permit, and that is what gives the Committee the ability to add additional things should the Committee decided to do that, so that is why Bice thought it would be a good ideal to “nail” these items down now, so that in the future there wouldn't be any problems. Hesch commented that he nor anyone in his company had called Trempe County to come down and monitor the road. Bice stated, for the record, that he was at one of the blasts and there was literally no dust. Vold made a motion to table this Conditional Use Permit request until all information is provided and a third party review can be completed, Brandt seconded the motion, motion carried with no opposition. Brandt stated that Lien would get Hesch a list of the information that is still needed.

Public Hearing – Conditional Use Permit – Railroad Spur – Maliszewski Rail LLC, Edwin J. Maliszewski, Landowner/Applicant – Maliszewski Rail, LLC – Operator. Brandt called the public hearing to order at 1:56 PM. Nelson read the public hearing notice aloud. An overhead aerial photo of the site was provided for all to view. Lien stated he has no information other than what Maliszewski is handing out to the Committee at this moment, so Lien suggested the Committee take public testimony and table any action until next meeting so that the DLM has adequate time to review the plan. Brandt reiterated the Committee is currently without recommendations for staff, however the hearing will be opened up for public comment. Ed Maliszewski introduced himself and stated he has handed out maps that VIA Rail Logistics, LLC drew up for him on the rail spur. The rail spur will be located off of a State Highway trunk. One reason why Maliszewski feels this spur would be a good idea is to help the infrastructure of Trempealeau

County. Instead of having so many trucks on the road, the sooner the trucks are unloaded and the sand on the rail cars, Maliszewski felt the County would be better off. Maliszewski wouldn't start this project until all the permits are in place and loans are issued.

Frank Healy – Registered to testify in favor. Healy stated he wasn't really present to testify, he was just present in support of Maliszewski and if there are any questions he would answer them as best he can. Brandt inquired if Healy understood that DLM staff has not had time to review this. Healy stated he did.

Andy Puchalla, neighbor, inquired if Maliszewski contacted the DOT as Puchalla stated there is planning going on for State Highway 93 to become a four lane road and he wondered if that was a concern for the County now or in the future. Maliszewski responded he heard years ago that someday there is going to be a four lane road going from Arcadia to Eau Claire. Maliszewski talked to the State who stated they won't have money for 25 years and Maliszewski has no idea how they are "sitting" on that. Thompson commented, last he heard, it wasn't in the 20 year plan.

Brandt explained to Maliszewski that the Committee and DLM does need time to understand what the possibilities are here. Brandt called for any other public testimony.

Dave Suchla – Suchla stated he lives right above this property, so he will be able to see it as Suchla's view is to the south. Suchla doesn't have a problem with it. Suchla had inquired about the township planting arborvitae around it so one wouldn't have to see it and it would probably block some of the noise and some of the dust. Suchla doesn't know if that is in the Conditional Use Permit but Suchla requested that it be put in there.

Bobbie Suchla- Suchla stated her concern is with the fact that the site is close to Pietrek Park. Suchla inquired if some type of fence would be put around Pietrek Park since it is for public use and so close to the site.

Maliszewski stated Pietrek Park has been there for forty years and he has never seen any kids, yet, walking down the tracks past Maliszewski's farm and his farm is within a half miles of Pietrek's Park.

Lien read a letter from the Town of Arcadia which stated at their July 27th, 2011 board meeting they passed a motion that they have no objection to the E & LU Committee issuing a Conditional Use Permit to Maliszewski Rail, LLC for a spur as long as all conditions are met. Lien noted that the Town of Arcadia did not submit any additional conditions.

Brandt closed the public hearing at 1:05 PM.

Brandt inquired to Lien as to what type of permit this was – did it fall under non-metallic mining. Lien responded, yes, because the sole purpose is for the loading and transporting of sand so it is a conditional use for sand mining. Lien's first question was where is the sand coming from, what are trucking routes, and basically all the same issues as with the other permits. Lien added he and Maliszewski had talked one time about the sand being pumped to the spur, but Lien thought that idea had been exhausted. Maliszewski stated it can come from across the river, but since then, Maliszewski is just asking for the railroad spur and he is not into the sand yet. Maliszewski commented other farmers have contacted him asking if they could use the spur and Maliszewski told them he is not promising anything until he has a spur.

Lien commented that we are seeing the same theme, where the "cart is in front of the horse". Everyone is in a hurry to get permits, but if better planning had been inputted, all these issues would have been resolved before it came to the Committee. Bice asked how many rail cars Maliszewski would have at this spot. Healy responded a maximum of 50 cars. Nelson asked how many lines. Maliszewski there would be six sets of tracks on the inbound and outbound and three holding tracks and one other track. Smick again asked

if postponing this a month would jeopardize this activity. Maliszewski responded he is at the Committee's mercy. Quarne asked Maliszewski if there would be a possibility of a grain load out on this site too. Maliszewski responded, right now, no, as he is only going for sand right now. Quarne inquired if there was enough area there that potentially it could come to that some day. Maliszewski stated the sand companies he is dealing like to have total control and they don't want to mess around with a few people bringing in a couple semi's of grain. Smick commented that for all the spurs in the County, the option should be left open. Discussion followed on what different types of railroad spurs looked like. Nelson asked where the sand would go. Maliszewski replied the sand would probably go to Canada because all the sand leaving from the that spur would have to go North, so it would probably go to Canada, Montana, the Dakota's and Colorado, etc. Lien reminded the Committee that this is the third rail loadout that has been talked about in the last month, that is all the same set of lines and the same train. Ottawa Sand, Blaha loadout and now this one are all on the same set of tracks and the same train and all about three miles apart. Lien voiced his opinion that one large rail loadout where all parties worked together would seem to make more sense when it is the same train and same set of tracks on all three loadouts. Healy commented to load that many cars one would have to have 24 hour days, multiple loadouts, and a huge rail facility. Puchalla inquired what Healy considered huge- length of track. Healy responded length of track, etc. Puchalla commented Maliszewski, Puchalla and Richard Skroch all have track. Puchalla has been approached by different people and inquired why it couldn't be made a community deal. Puchalla stated everyone has been kind of quiet about this and he feels he has been "railroaded" about everything. Puchalla added he has lived in the County a long time and he is an organic farmer and that is why he wants to know what is being presented to the Committee. First, Maliszewski talked about a wash plant, so Puchalla had to check if there were any chemicals involved. Puchalla wants to know how much traffic is going to be involved and how long it will be mined and just wants to be involved. Quarne commented if one of these does get built it should be bonded and never torn out so that it will be here for the next bunch of people to take over when mining is finished. In referring to Lien 's comment on three spurs, Maliszewski inquired how much sand Ottawa wants to mine. Sokup responded a million ton per year. Maliszewski responded this spur is designed for 750,000 ton per year and Blaha's spur – 780,000 ton per year. Lien asked with all these spurs, how many times is that train going to have to pass through as no one has talked to the railroad. Maliszewski stated the Department of Commerce tells the train when they can run. Maliszewski asked Canadian National Railroad (CN) how he could be sure that they were going to supply him with enough cars. CN responded if they have to they will run that train twice a day but they can't until the Department of Commerce tells them they have to. CN is told when and how often they can run. Brandt stated that one of the things that was discussed previously at Monday's meeting was the relationship between traffic, trains and train crossings and the DOT working with the Commissioner who oversees train traffic. The state has a charge related to the kind of threshold of safety equipment that is needed at crossings as it has to do with the number of times a train goes through and the length the road is closed down and the amount of car traffic. These are issues that are not necessarily the Committee's area of expertise nor do they make decisions on them, but the Committee does have a partnership and works with the DOT and other State departments that will be involved in this thing. Beekman's point was that the Committee has to look at this regionally and systemically, so there is a lot to take into consideration. Dave Suchla commented that he felt train traffic is a lot better/ safer than truck traffic so he didn't mind having the excess rail spurs and felt it was actually a good idea to have more rail spurs. Brandt added that is something that is easily agreeable on, however, we still have to work with DOT on traffic and safety issues. Discussion followed on issues with railroad crossings. Doug Sokup asked if the County has any jurisdiction over the railroad and if not, why is so much time being spent on this issue. Lien responded because Trempealeau County is entirely zoned, the County has conditional use rights as to where the spurs go in the County and can place conditions. The County does not have any control over how often the train runs or what is done on the tracks. Sokup inquired if the spur was used for agriculture, would we still be going through all of this. Lien responded yes, because the rail loadout is still a conditional use, but it wouldn't be a mining conditional use permit therefore the hours of operation, etc wouldn't apply. Puchalla inquired if the County can state a time when the sand is loaded. Lien responded, conditionally, yes, but the County cannot condition when the railroad cars are picked up. Lien stated he had consulted with Corporation Counsel and because it is part of mining, the loading, etc. can be conditioned but the County

cannot condition when the railroad cars are picked up or released. Vold commented that the mining would fall under the standard hours of operation. Lien reiterated the loading and unloading of sand would, but not when the cars are picked up. Smick pointed out an amendment to the map that Maliszewski submitted. Maliszewski inquired if anyone knew what time Ashley Furniture loads and unloads. Lien responded they are within city limits, so they are exempt from all county zoning. Maliszewski asked if he wouldn't be better off putting the spur in Arcadia. Lien gave his opinion that he thought the closer the spur could be to the mining operation the better because it would result in less truck traffic and less degradation of the roads. Smick made a motion to table the CUP permit request until staff has adequately reviewed the proposal, Dregney seconded, motion carried with no opposition.

POWTS Special Charge – Treasurer Laurie Halama was present for this discussion. Lien had told Halama that he would keep her informed on any discussions that took place, so Lien wanted Halama and Palmer to inform the Committee on how this all started. Lien added the inventory of septic systems is another unfunded mandate put on the County by the State. Lien stated Palmer had researched what would be the best/cheapest way, countywide, to implement this process and Palmer found that doing it through the tax assessment would be the best way. Therefore, the DLM has to talk with Halama to see how that assessment can be accomplished. Palmer explained that DLM is required, by State mandate, to do an inventory of all septic systems in the County. All of the systems need to be on a 3 year maintenance program with the County and the landowner needs to pump or have the system inspected every 3 years. Palmer stated he had discussed this inventory with the Committee previously and nothing has changed. At this point in time, Palmer is pursuing the option of trying to get the assessment put on the tax role and there are some issues with the legality as to what paperwork has to be supplied to the landowner to implement this assessment. Some counties are saying no notification has to be done, it is just put on the tax role and that is all that needs to be done. There is also the opinion that the County needs to be providing the landowner with a bill first and giving them an opportunity to pay the bill prior to it being put on the tax assessment and Palmer believed that is where Corporation Counsel stands on this and that is what Palmer would pursue doing. Brandt inquired what Halama's issues were with this. Halama stated the GCS program that the County uses for tax collection does not allow for separate reports that can be gotten off the system to tell them the difference between township special charges and a county special charge. The Treasurer's office would have to look at each parcel every month to determine if the assessment was paid and who they would need to pay it back to. Halama felt it would be very time consuming on her part. Lien asked why Halama would need to look at each parcel every month. Halama responded because the Treasurer's office needs to balance the cash every month. Lien asked if this money wouldn't just come in at tax payment time. Halama responded that was correct, but the money has to be paid to an account. They have a separate account for township special charges and county special charges. Lien inquired if every month they couldn't just put it into that account and at the end of the year just do a line item transfer. Halama explained that there would need to be a list of each parcel paid so that she could supply that to the DLM. Lien inquired if each fee paid wouldn't come in on the tax parcel slip. Laurie responded it would come on a report but there could be as many as 500 pages in a month that one would have to look through. Halama felt the simplest way, to know what to pay to a municipality and what to pay to DLM, would be to look at each parcel. Palmer inquired if Halama wouldn't just be looking at any landowner who paid a special charge. Palmer added he would have a list of every property that should be paying that special charge. Halama stated she would know what Palmer put on the assessment. Brandt stated the issue is not whether it can be done or not, but the workload for the Treasurer's office. Halama added, for a \$3.00 charge, a person is going to spend most of that money doing the bookwork. Lien didn't fully understand how the Treasurer's department worked, but he thought that when Halama received a payment every month or week she would view whether a assessment came in on that parcel or not and it would be simple as Halama would only be receipting a few each month. Halama responded their office would have to write down every payment that came in because there is no report in the computer to do this. Bice commented he felt Halama has made her point that there is no way, within reason that this can be done and Exec./Finance has said that this just was not going to work. Palmer inquired at to what Bice was referring to as far as Exec./Finance. Bice stated that at a meeting, which took place the previous Monday, that Exec./Finance was very clear that they didn't think this should be done. Palmer and

Lien stated they weren't aware that a meeting with this issue, had taken place. Bice stated he was tired of unfunded mandates and asked if the County could just ignore this one. Quarne asked what other counties were doing. Thompson asked if the Health Department had been doing this. Palmer responded that no funds have ever been collected for this service, however, now the service is being expanded. It is not just for those systems put in after 1980, but all septic systems within the County. Brandt verified that the County was not charging for pumping or inspection, but a \$3.00 fee to process the pumping notices. Corporation Counsel, Rian Radke was present. Radke stated his involvement up to this point has been to review an opinion, given by his predecessor, regarding charging a maintenance fee as a special assessment through the tax role. It is Radke's understanding that there are several counties that are doing this. Radke has reviewed this law and tried to contact some of the other counsels. Radke did contact Eau Claire County. Overall Radke's opinion is (Radke provided Palmer on letter on this) that this cannot be attached as a special assessment as that would be for forcing someone to pump and then charging it back to the property as opposed to a maintenance fee which is separate from pumping. Radke stated some people disagree with him that the Statute that authorizes special assessments is for pumping. Under Chapter 66, if one wanted to attach a special assessment there needs to be a resolution passed, a public hearing and then a final resolution and then there are appeal rights to that. It is not just something that one attaches to the tax bill. There are steps and procedures that need to be followed, so in order to follow the steps and procedures, it doesn't make a collection of a nominal fee economical and these other counties that are doing this appear, to Radke, to be skipping that step. It doesn't sound like the other counties are following the steps as to what should be done. From what Radke gathered from the agenda – POWTS Special Charge – not assessment – Radke looked into whether this could be done as a special charge. The Statute there does not authorize and previous Corporation Counsel LaVern Michalak, determined that this was not allowable in the Statute. The Statute talks about charges being done by cities, towns and villages but it does not include counties on that list. Radke acknowledged there is an opinion from Attorney Bill Thiel that disagrees with Radke's opinion, but Radke agrees with Michalak's opinion that the County cannot attach a special charge. Radke took this another step further and contacted the Attorney General's office for a formal opinion as to whether this could be done or not. The reason being that Radke didn't want to see the County go through this and it turns out it can't be done and then the County has to pay everyone back. The person Radke spoke with at the Attorney General's office agreed that it is a stretch to read (as to special assessments) that costs related to pumping would include an annual maintenance fee and he also agreed that special charges are only available to municipalities other than counties and the exceptions that are provided in that Statute do not apply to this type of situation. Radke mentioned Thiel's opinion to this gentlemen and that the gentlemen did not agree with Thiel's opinion either. Radke would like to give the Committee an answer that somehow this fee could be collected, but it seems to him to be a Statute that says one can collect a fee for the maintenance program, but the only way to collect a fee is to send out a bill and if someone fails to pay it, use the usual collection efforts such as filing a small claim to collect it. Radke added we're talking a couple of dollars, so it doesn't make sense to do that. Brandt reiterated once again that the \$3.00 is a processing fee to cover the cost of doing the bookwork, getting it back to the state, etc. and that was a number that DLM came up with. Palmer stated that was correct. Palmer added what DLM did was look at surrounding counties fees and compared that fee as to what they were for counties that were collecting this on the tax role versus those that were billing for it. Of the counties that were billing for it, Palmer was seeing an average fee of anywhere from \$5-10.00 dollars annually versus the counties that were putting it on the tax role, the fee was a little under \$3.00 up to \$5.00, so the idea was to collect in the later manner for tax savings for all community members. In regard to the Exec./Finance Committee meeting, Smick commented that their stance was, even if it was legal, putting it on the tax bill was not worth the time and effort. They applauded the effort put into doing it, but the County has to find another way to do it as putting it on the tax bill just simply wasn't the way to go. Bice stated he is seriously, 100 % tired of unfunded mandates. This unfunded mandate starts out with a violation of our constitutional rights, they are going in on private property and telling us what we can and can't do and that is wrong, they simply shouldn't do that. Bice asked Palmer to correct him, if he was wrong, but the reason that we have this mandate is because we have some low income people in the County and if their septic systems fails, we have joined a program that helps them fund replacement. Palmer responded this is a statewide mandate regardless of participation in that program. Bice proposed a solution (wasn't sure

if it was legal) that the County, if a system fails and the County has to fix it, that the County put that on the tax role and leave everyone else, like Bice who takes care of his system, alone. Bice felt this was kind of a “rinky dink” deal that we shouldn’t be involved in and Bice would tell Madison this isn’t funded and we’re not going to do it. We don’t have the people and Bice will put his name on the line, if we say we’re not going to do it and people can come and talk to him about it. Bice would go to Madison or the Supreme Court or wherever he has to, as he feels we are wasting our time and are violating the constitution. Discussion followed on the accuracy of the pumping notices. Brandt stated \$3.00, personally, is not a big deal for Brandt, but the County is talking about \$3.00 for every septic system in the County. Basically, Palmer has stated that it costs the DLM that much in order to process all those pumping notices so even, for example, if there are 5,000 septic systems, that \$15,000 per year. If this fee isn’t collected, the County is paying Palmer to do this job. Bice stated we should stop harassing the public. Brandt asked if this were stopped, what would Palmer stop doing that costs \$15,000. Lien stated if we stop sending out pumping notices and doing this, the potential for polluting groundwater increases a thousand fold. The reason that the POWTS program exists is because we cannot have “puking” septic systems in surface water/groundwater. These are huge issues and that is what this Committee is all about. It is not about peoples’ personal property rights, everyone has the right to fresh and clean water. Everyone is allowed to take care of their own property, but if someone has a system that is known to be failing and contaminating someone else’s groundwater, that is a huge issue. Lien added they are trying to pass a bill right now that states if the septic system is failing on your own property that is ok and nothing should be done, but if it goes onto someone else’s property, then it can be addressed. Bice felt that was ok and he could live with that. Lien stated without being able to evaluate the system that is failing it is an unknown thing. Lien commented that this Committee is always talking about economic impact. Lien questioned how many septic pumpers would be put out of work if the County were to stop sending notices for septic pumping. Smick inquired how many septic pumpers there were. Palmer responded approximately 8-10 and most of them are actual business’ which employ multiple people. Discussion followed on the frequency of the pumping. Palmer commented that if someone is pumping every year, then they would not receive a notice from the County so as to save a stamp, paper, etc. Each time a pumper shows up at someone’s home, the pumper has to sign a form which is returned to the County and entered into a database. These forms are coming in year around and it is a lot of data to be processing. In response to the “stop doing this” opinion, Radke stated that the State’s requirement is that this be done and it is administratively that the counties follow through with it. If an employee or county official were to not comply with an administrative duty or do it in a negligent matter there is potential liability to the county there. If someone were to get hurt, injury or property damage and the County didn’t do something that under State Statute they were supposed to do, that opens the doors up for liability. Right or wrong whether the Statue is constitutional or not, whether it bridges our rights or not, Radke felt the County needed to focus on, how do we protect ourselves from getting sued and how do we protect against potential liability and following the law (right or wrong) is the way to do that. Thompson asked what it cost the DLM to do it. Lien responded that is why DLM came up with the \$3.00 charge, because it’s a three year cycle, there is an enormous amount of paperwork and data entry that goes along with it. DLM had determined that the \$3.00 charge, through the Treasurer’s office was the cheapest way. Lien added that if someone gets a \$3.00 bill in the mail, how many people are going to pay that whereas if it is on the tax assessment it will be paid and Lien felt that is what other counties have learned. If the \$3.00 is put on the tax assessment, then each landowner is paying their individual fee, if it is not collected through assessment then everyone is paying for this service because it is on the tax levy. Smick asked if the County could continue to advocate for voluntary compliance as to compulsory compliance to reduce some of the potential liability and how many septic do we have in the County and how many landowners voluntarily pump currently versus how many that are not pumping. Palmer replied that right now there are approximately 3,300 systems inventoried within the County – those are the systems that we know of. Palmer would anticipate there is probably anywhere between 6 -10,000 of these systems as DLM only has records of systems from 1978 and newer. A lot of those systems are not entered into the inventory system because there are an awful lot of old paper copies to try to get through and get entered into the system. The deadline is not here yet for having all systems inventoried, and there certainly are people that are complying on their own and when the pumper turns in those pumping records it helps us to get our files updated. There

are some records for septics in the '70's but for the most part any system older than 1978 has no records. Palmer stated the unfortunate thing about some of these old systems is that they are installed in the water table. Once DLM would get a handle on what is really out there it is a lot more meaningful to pursue enforcement on failing systems when we can say, we know we have problems out there in a watershed and we know that the majority of the systems there are old. We are not looking to penalize these people, but we are looking at it as a tool to assess the environmental impact that is happening and to see that perhaps a system is getting pumped every month so there must be something wrong there. Discussion followed as to the feasibility of septic pumpers collecting the \$3.00 fee. Brandt felt the issues here were getting mixed up. The County is required to send out pumping notices and to follow up on failing septics when we are aware of them. The \$3.00 fee has to do with sending notices out to people who are due to pump, getting the returned septic pumping report and entering into the database and postage associated with that. Bice believed we are not required to be in the Wisconsin Fund Program, which means the County wouldn't have to do the whole program, if the County got out of that operation. If Palmer would tell Bice that he is correct on this, Bice made a motion to repair anyone's septic system in Trempealeau County and then send them a bill and if they do not pay the bill, put it on the tax roles, but leave the rest of the people alone. Palmer responded that the County is not required to be in the Wisconsin Fund program, however participation in that program is not what requires the County to keep track of the pumping notices that are sent regarding maintenance – that is a whole separate issue. Bice asked what law/Statute requires that. Palmer responded that it was Comm 83.55 which requires it. Bice verified that sending the pumping notices is mandatory. After some discussion, Smick seconded Bice's motion. Brandt asked Lien to inform the Committee as to how much money comes in through the Wisconsin Fund. Lien explained how the Wisconsin Fund works. The State sets aside a pot of money. Trempealeau County receives applications and then forwards those applications to the State (just like other Counties do) and then those applicants get reimbursed a percentage of their input costs from the State. The State sets the amount available so if Trempealeau County doesn't participate that just makes more money available for other counties. It is a voluntary program and one has to meet the income requirements and usually it is elderly people that qualify for it. The cost of a septic ranges from \$5-\$15,000. Brandt inquired how much the County gets. Palmer responded it varies from year to year, but Palmer believed in 2010 the County received approximately \$20,000. Brandt verified that this money goes to low income people who are required to replace their failing septic system. Palmer responded it was low income people or small commercial establishments that has been identified as a failing system and is a threat to surface waters of the State. Brandt repeated the motion that was on the table at which time Bice withdrew his motion and Smick withdrew the second to the motion. Upon Vold's inquiry, Palmer explained that the pool of money is prorated according to the number of applicants, but the applications are also rated, based on the dollar replacement value of that system as calculated by tables provided by the State up to 60% of the replacement cost of that system. Smick ask where the \$20,000 goes. Palmer responded that \$20,000 went back to the recipients with the failed system. Nelson inquired how many people benefited from that program last year. Palmer responded he thought it was nine landowners. Lien stated the landowner has to put in the system first, then they supply DLM with an application, tax statements and copies of the bills. These items are sent into the State and then the landowner gets a percentage reimbursed back, if they qualify. Palmer added that there is a \$60.00 fee that is charged at the point that the landowner is getting their check for office work involved in submitting the paperwork to the State. Getting back to the issue, Brandt stated the work is getting done and the County is currently paying for it with levied positions. Staff is trying to get another income stream to cover the work that is being done such as sending a bill, assessing the tax role or getting the pumpers to collect the fee. Brandt stated the possibility of not doing the notices seems impossible because of the County's liability and the legalities that Radke had mentioned. Lien inquired how the dog licenses are tracted. Halama responded nothing gets attached to the tax role. Upon Lien's inquiry, Halama responded it typically gets paid at tax time. Smick suggested putting this item on next week's agenda. Quarne made motion to take the money out of the General Fund (leave it the way it is) as it is paid by everyone, Bice seconded the motion, motion passed with no opposition.

TRM/LWRM Cost Share Payment/Requests - Lien stated approval is needed for three project payments.

LWRM	Type	Amount	New CSA Total	Reason for change
Eugene Rotering	Pay Request	\$4,579.20		Streambank Protection
Guenther Trust	Pay Request	\$7,245.00		Critical Area Stabilization
Ronald Soppa	Pay Request	\$3,062.50		Critical Area Stabilization

Quarne made a motion to approve the payments as presented, Thompson seconded, motion carried with no opposition.

Surveying Update - Lien reported that Nelsen is continuing to work in Township 20-7. Nelsen has had a meeting with Lien and discussed the fact that the area he is working in has a lot of damage from the storm of 1998. Nelsen has commented that the amount of time his staff spends with a chainsaw trying to get into certain areas is unbelievable. Nelsen has most of the sites controlled but not finalized. Lien referred the Committee to Nelsen's report map. Nelsen had submitted bills for work in townships 20-7, 20-8 and 20-9. Thompson made a motion to approve the survey reports and bills as presented, Dregney seconded, motion carried with no opposition.

Conditional Use Permits – Salvage Yards and Mobile Home Courts – Lien suggested leaving this until next month as he has not completed all the inventories at this time.

Petty Cash-Allocation – Lien stated this was needed to refill the Kwik Trip petty cash card with \$50 before next months meeting. Quarne made the motion to put \$50.00 back onto the card, Brandt seconded the motion which carried with no opposition.

Quarne then made a motion to table the rest of the agenda items until Monday's meeting. Discussion took place about the meeting time. Bice suggested 5:00 PM as most of the Committee members have to be here for County Board at 7:00 PM. Bice stated, at Monday's meeting, he wanted to specifically talk about mining hours of operation and fees for mining applications. Bice stated Agenda Item #22 - Closed Session per WI Stats 19.85(1) (c) to Consider Public Employee Performance Evaluation Data was put on by his request so he consented to removing it from the next meeting agenda.

At 2:52PM, Brandt made a motion to adjourn until Monday at 4:00PM, Quarne seconded, motion carried unopposed.

Respectfully submitted,
 Virginette Gamroth, Recording Secretary

Michael E. Nelson, Secretary