

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
September 14th, 2011 9:00 AM
COUNTY BOARD ROOM

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

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

Staff/Advisors present: Kevin Lien, Virginette Gamroth and Emery Palmer. Judy Betker and Carla Doelle was present for part of the meeting.

Others present – Claire Ratajczek, Kathleen Walski, Robert Walski, Ernest Vold, Dennis Rossa, Darlene Rossa, Kyle Slaby, Stephen Doerr, Paul Wier, Cecil Wier, Bob Boberg, Margaret Olsen, James E. Kampa, Mike Berkley, Ronald Tuschner-Town of Arcadia Chairman, Ivan Pronschinske, Michael R. Wineski, Melissa Neitzel, David Hoesley, John Rohrscheib, Darrel Berg, Ryan Sheehy, Jeff Bawek, Carol Bawek, Beth Killian, Dennis Hesch, Roger Wygel, Ann Wygel, Dave Prondzinski, Dennis Bortle, Wayne Wilber – Town of Trempealeau Chairman, Daniel R. Lilla-Town of Dodge Chairman.

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

Approval of Agenda – Vold made a motion to approve the agenda as presented, Bice seconded, motion carried unopposed.

Adoption of Minutes – Nelson made a motion to approve the July 18th, 2011 and August 10th, 2011 meeting minutes as presented, Thompson seconded, motion carried unopposed.

APHIS-USDA Wildlife Damage & Claims – DeWayne Snobl was present. Snobl stated the State has changed the way they allot funds; they allot funds based on the average number of deer processed over the years. Trempealeau County has been appropriated \$2,000, which should be sufficient based on the fact that there is only one processor, located in Strum. If the County would go over the budgeted amount, Snobl would have to come back to the Committee with a budget amendment. Snobl noted the State just appropriated these funds and inserted them into last years' budget. DNR has agreed to cover all costs associated with the Deer Donation Program if Trempealeau County agrees to participate in the program. DNR will administer all the paper work, etc. Lien asked if going over the \$2,000 was something the County was going to have to worry about. Snobl stated when DNR rewrote the agreement, they had them include that DNR was responsible for all costs associated with the Deer Donation Program, so the County need not worry about costs over and above what has been appropriated. As far as accounting, once the bills are reconciled they are then submitted to the County for payment/reimbursement. Quarne made a motion to agree to participate in the Deer Donation Program, Nelson seconded. At Bice's inquiry, Snobl verified that this program was 100% funded by state funds and no tax levy dollars were involved. Motion carried with no opposition. Snobl provided a report on the Wildlife Damage Claims Program which is on file in the DLM office. Snobl stated the fence project for Sacia Orchards has been completed and no new fence projects are projected for 2012. Bice made a motion to approve the budget for the Wildlife Damage & Claims Program, Thompson seconded. Brandt inquired if \$1,000 was going to cover whatever abatement issues should arise. Snobl replied a permanent fence has to be applied for separately, so it should be sufficient. Motion to approve the budget passed with no opposition.

Public Hearing Rezone – Residential 20- (R-20) to Rural Residential (RR) – Todd J. & Melissa M. Neitzel – Town of Dodge Brandt explained the public hearing process. Brandt opened the public hearing at 9:18AM. Nelson read the public hearing notice aloud. Lien explained this property is located in the Town of

Dodge and referred the audience to the aerial photo which was being displayed on the overhead. Lien continued, the Town of Dodge went through land use planning and this land was designated and zoned at that time at Residential -20 (R-20). Lien had checked the Land Use map as well as the Zoning map and they were identical both as R-20. Section 2.05 of the Comprehensive Zoning Ordinance has a “table of uses” and it is not all inclusive, but contains general uses in the County. General agriculture is allowed, however livestock or expanding of livestock facilities are not permitted in an R-20 district, so Neitzel’s are asking to change to Rural Residential (RR) which would be more in harmony with the land uses around them, which would allow the agriculture use in that district. Lien reiterated they are asking to change the zoning from R-20 to Rural Residential to build a livestock/poultry facility. Neitzel’s have worked with Carla Doelle, DLM staff member and Gold N’ Plump Poultry. Lien stated this hearing has been published in the paper and letters were sent to all adjoining landowners. Under testimony in favor, Lien stated he did have a letter from the Town. Chairman Brandt inquired if Melissa Neitzel had any comments. Neitzel responded that everything has been pretty much said. Chairman Brandt inquired if there was anyone present who wanted to speak to the request. No one came forward. Lien read a letter from the Town of Dodge which stated they supported the rezone request from Residential-20 to Rural Residential on approximately 13 acres for the purpose of building a poultry barn. Upon Brandt’s inquiry, Doelle stated that she has worked with Todd and Melissa Neitzel to insure that all environmental aspects are met on the site. They did soil test pits to make sure that the floor of the barn meets the separation distance from groundwater and bedrock. Doelle added that all setbacks apply and they are “on board”. Brandt closed the public hearing at 9:24 AM. Nelson made a motion to approve the rezone, Thompson seconded. Brandt commented that this was a long, narrow lot. Neitzel responded that there will be a little bit of digging into the hillside to make it fit, but it will fit in that lot. Neitzel added they are trying to keep it as far away from town as possible and it meets the distance from the road. Neitzel stated she had talked to the adjoining landowners, Rosalyn, Russell, Randy and Rachael Bambanek, right away, before Neitzel’s even started doing any paperwork and they were ok with it. Lien commented that there is a barn right next to it, so it is not an incompatible use. Motion to approve the rezone carried on a 5-0 voice vote. Brandt reminded Neitzel that because it is a rezone that it will have to go to County Board for final approval. Lien will inquire as to whether it can be on the September County Board agenda and notify the Neitzel’s. If it can’t make it on the September meeting agenda it would be on the October meeting agenda. Bice asked if they wanted to get started on that right a way. Brandt stated that this rezone really has to be approved by County Board first. David Hoesley, who was present and stated he had deeded this land to his daughter and son –in-law, commented that there is a wonderful crop of corn on the property right now, and Gold N’ Plump will go along with pushing the project back far enough to allow the corn crop to be harvested. Hoesley felt that if it didn’t go to County Board until October, they would still be ok and able to get the footings in this fall.

Public Hearing Rezone – Commercial (C) to Transitional Agriculture (TA) – Arcadia Cooperative Association – Town of Arcadia. Chairman Brandt opened the public hearing at 9:27 AM. Nelson read the public hearing notice aloud. Lien stated this land is located right on the edge of the Town of Arcadia bordering the City. During the Land Use Planning process this parcel was zoned commercial. In referencing Section 2.05 –Table of Uses in the Trempealeau County Comprehensive Zoning Ordinance in a commercial zone a livestock facility is not a commercial use, so they are requesting to rezone to Transitional Agriculture (TA) which would allow for the livestock loading facility and it is also in harmony with what some of the other zoning around that area is. An overhead aerial photo was displayed as Lien explained some of the map items and that transitional agriculture is almost always the zoning applied for areas around municipalities. Lien felt it was a good fit for the property under these circumstances. Letters were sent to adjoining landowners and the public hearing was published in the newspaper two weeks prior to the hearing. Lien received no calls for or against the request. Lien added he does have a letter in support from the Town of Arcadia. Lien commented that the Land Use map and the Zoning map are the same, so what was planned and what is zoned are identical. Bob Boberg, General Manager for Arcadia Cooperative introduced himself. Boberg stated Arcadia Cooperative currently has a site downtown Arcadia which they want to do something different with so they would like to move their facility up on the hill. The facility will be a 70 X50 building; all cemented with a curb around it so the manure runs off. It will be all enclosed with panels, so that they can be shut or get ventilation into it. Currently the facility runs three/partial days per week, Tuesday, Thursday and

Friday. Approximately 230 head of cattle are taken in per week, but nothing stays there, the cattle go out right-a-way, so they do not spend many hours there. Brandt inquired if they were currently doing this downtown. Boberg responded, we're not, they are and so we need to find them a place to go and that is why we're doing this. Boberg added, that as far as manure, they get 3-4 loads of manure as the animals are not there very long. Brandt inquired about access. Boberg replied they would come off of Hwy 93 and pass the buildings that are there. Boberg stated it is their road but everyone else has an easement to get in on it. Chairman Brandt asked for public testimony.

Ryan Sheehy – Registered to appear and testify for information. Sheehy was present to represent the City of Arcadia because they have a storm water retention pond that runs from Blaschko Avenue running north to State Highway 95. Sheehy stated they are probably two football field lengths to the east of State Highway 93 and there is a storm water retention drainage ditch. The City is concerned that if there is any manure run-off, if it is going to go into that storm water retention drainage ditch. The City received a DNR grant of \$200,000 plus the City contributed \$200,000 to do this. The City was told by the Dept. of Transportation that, in order for any further business development to occur, there could not be water “shed” onto Highway 93, so the City’s concern is only about the storm water and the manure run-off that could possibly occur in that vicinity. The only reason Sheehy is here today is to ask how Arcadia Cooperative intends to handle the manure run-off.

Boberg responded there will be a curb and everything will be under a roof, so nothing is going to run outside.

Darrel Berg and John Rohrsheib – Registered to testify in opposition. Berg introduced himself as the manager of the Value Implement store in Arcadia. Berg stated, basically, their concerns were that livestock would be 300-350 feet from their building. Berg has looked at the plans and it seems like the cattle will be more to the back of the structure. Berg’s concerns, on behalf of Value Implement, were the things that come with livestock. Berg added they deal with livestock things, but they don’t have livestock on their property. Brandt stated things like noise, smell, flies, etc. Berg acknowledged that was correct. Berg stated, they too, had concerns about water run-off issues but Sheehy has addressed that issue. Berg added there is a natural flow of water from that property into the holding pond so that is a concern. With livestock in the area, if the owner Dr. Hehli would want to division some of the property, that could be a concern for value of the property.

Boberg explained that animal numbers are going down such that in five years the livestock may not even be here. That is why the building will be cemented out so that perhaps Arcadia Cooperative can utilize it sometime in the future for storage, etc. Boberg felt this would be short term, probably five, maybe ten years that the cattle will be there. Brandt replied that is unpredictable but the rezone becomes permanent.

Kyle Slaby – Slaby inquired why the old facility was being abandoned. Boberg replied Arcadia Cooperative is moving their transloading facility with new distillers, etc. down by their feed mill and they want to build a modern place and they need space by the railroad. Boberg added they are mainly doing distillers and beans right now.

Brandt called for any other public testimony. Lien read aloud a letter from the Town of Arcadia which stated, at their August 29th, 2011 board meeting, a motion was passed stating they have no objection to the E & LU Committee granting a rezone on the property.

Brandt closed the public hearing at 9:36 AM.

Smick made a motion to grant the request for a rezone, Quarne seconded. Brandt stated when granting a rezone the Committee relies on staff recommendation as to whether this rezone is appropriate for the location. Lien reiterated that according to the Land Use map and Zoning map it would be a fit around there, yet one always needs to be cautious when immediately adjacent to a City or incorporated area. Lien stated we do have a letter from the Town supporting the request and the City has addressed their concerns. Lien added the

facility is not going to house livestock, it is a transition area. No one is against agriculture, but we all know the issues related to agriculture, especially when it is within a highly populated area, so that is something the Committee should take into consideration. Brandt added the concern of the neighbors and the City have to do with the nature of the operation.

Carla Doelle, DLM staff member had talked with Arcadia Cooperative about the project and that any manure that is collected on the site will have to have a plan as to who is going to be taking it and where it is going to be applied so that there is some type of documentation. Doelle thought about the traffic, vehicles coming in and out, especially with Buck Country unloading there. Doelle inquired if that traffic issue had been planned out, as far as trucks coming in. Brandt asked if Doelle was referring to how they get in, unload and turn around. Doelle stated that was correct. Boberg felt that shouldn't be a problem. Upon Brandt's inquiry it was determined that the road was pavement.

Bice inquired if there was any area a little further out of town on which they could do this. Boberg responded they had looked at all the issues plus the loading facility has been downtown for 60 years with houses right behind it. No one has had an issue with smell, etc. as it has been kept clean. Boberg added it has been down town as long as he can remember. Quarne stated they do a good job of cleaning up in their facility. Brandt reminded the public present that because this is a rezone the Committee has no ability to attach conditions to it. Sheehy stated he was here for information only and not to oppose it. Some discussion followed about run-off. Boberg reiterated it will be a roofed structure with a curb around it. Upon Quarne's inquiry, Boberg responded the curb would be 6-12 inches high. Brandt commented that no rain is going to get into the structure that would allow the manure to flow out of the structure. Thompson mentioned there is a similar facility in downtown Ettrick that hasn't created a problem. Motion to approve the rezone carried with no opposition. Brandt stated that Lien will let Boberg know when the rezone will go before the County Board.

Public Hearing – Conditional Use Permit –Nonmetallic Mining- Theodore Konkel and Roman Lilla – Landowners, Stephen J. Doerr –Operator – Town of Dodge and Town of Trempealeau. Chairman Brandt opened the public hearing at 9:42 AM. Nelson read the public hearing notice aloud. Lien stated this approximate 63 acre site is located in the Towns of Trempealeau and Dodge. Lien informed the Committee that the Town of Trempealeau has put a moratorium on mining in place. There is no letter from the Town of Trempealeau with any conditions and the same goes for the Town of Dodge. Nothing is in the file weighing an opinion, from either one of the two towns. Historically the town weighs an opinion and has a request for some conditions. Lien directed attention to an aerial photo of the site shown on the overhead projector. Lien stated Stephen Doerr is here to talk about more details of the site. Lien just wanted to let the Committee know, up front, where things are at and as far as what has historically taken place. Brandt stated this is the Conditional Use public hearing and we are here to take information from the public as well as hear what Doerr and the property owners' request is. Brandt felt staff is giving the recommendation, that the Committee take seriously the fact that the townships have not come to any conclusion about whether they would approve this or what conditions they will request and that comes at the end of the hearing when it is open for discussion and possible action. Brandt stated people are here to speak to this. Doerr has a presentation and has presented the Committee with a packet that pertains specifically to the requirements of the Non-metallic Mining Ordinance, which Doerr does very well. Brandt asked Doerr to hit the highlights in the requirements that are required by the Non-metallic Mining Ordinance or to stay within that framework so that things could move along. Doerr introduced himself and stated that he is working with Ted Konkel and Roman Lilla, landowners and Stephen Doerr, Operator and also as a representative of Brant Valley of Winona, MN. The mine operation consists of two landowners – the Konkel property consists of approximately 53 acres of open field/pasture property along Bear Coulee Road in the Trempealeau township with parcel numbers as listed in the plan and found on the overhead and a small piece in the Dodge township – the proposed Lilla property consists of approximately 10 acres of open pasture/field property located right behind the Ted Konkel chicken coop. Materials to be excavated are primarily sand, sandstone including non-metallic minerals. Site processing will begin with clearing of existing trees from the site, which are very minimal in number – the trees will be sold for firewood and existing materials. The stumps will be removed and buried onsite. After

removal of the topsoil, the processing activities may include, but are not limited to, excavating, blasting, screening, crushing and loading, depending on conditions encountered. Various types of earth moving equipment will be utilized to strip the topsoil and extract the desired materials, move it through the desired process and load the desired trucks. If blasting is required, the blasting contractor will operate in accordance with all state, county and township regulations and follow Department of Commerce Comm. 7 requirements. The monitoring of neighboring properties will be done in the event that blasting takes place. Storm water is regulated by the Department of Natural Resources and a Storm Water Pollution Prevention plan has been prepared in accordance with Wisconsin DNR standards and shall be approved prior to any commencement of work. The Erosion Control plan has also been prepared in accordance with DNR specifications and submitted. Doerr stated this compliance approval will also be in place prior to commencement of work. The water table is at an approximate elevation of 780 feet above sea level. The mine operation will remain above the elevation of 800 leaving approximately twenty feet of vertical separation. This product will have a positive impact on the surrounding communities. The anticipated job creation will be approximately ten positions. The employees may utilize local businesses during the plant operation. The reclaimed mine will increase the usable agricultural lands in the township and reduce material from disturbing the township road which has been an ongoing problem in the Town of Trempealeau along Bear Coulee Road. Doerr continued that approximately 28 years ago the Town of Trempealeau excavated sand out of the hillside and use the material to widen Bear Coulee Road. Doerr pointed out the different homes and mining sites as well as the site where the town excavated on the aerial photo. With this permit being approved, the workers will be allowed to go to work, the farmer being allowed to sell the sand to a company who at their expense will remove it and they will reclaim the hill that was not reclaimed 28 years ago and the pasture access for Ted Konkel's cows, instead of a sliding bank, will be an easier walking path out the valley. The conditions required by the Dept. of Land Management shall be met in every way feasible and the operation has a target date of opening September 25th, 2011 and plans to complete 200,000 tons per year. Many conditions may play a role in reducing the target production, therefore they are asking for a twenty year permit. With all variables being optimal, the mining should be completed under ten years. Doerr shared that Mr. Lien had stated that the townships have not weighed in. Doerr wanted the Committee to know that it is not on the part of the applicant's that the towns have not weighed in. Doerr had started back in July requesting to be at their meetings. At the Town of Trempealeau, Doerr had asked one week prior to the meeting to be on the agenda, but he was refused. The town told him the reason being they didn't have enough detail in their plan. Before going to the Town of Trempealeau, Doerr came to the County Dept. of Land Management and asked if he could view some of the existing plans. Winn Bay does washing, drying, sieving and separating into three different products and puts the material into rail cars. Winn Bay is a completely different "animal" than what Doerr is asking to do here. Doerr then asked for other plans and he was given Ottawa Sand, LLC which was a big binder, another complete operation. That not being what Doerr is asking to do, asked for a plan that Reglin and Hesch might have done as that is similar to what Doerr is doing. The Dept. provided him the Duane Suchla file, Dave Hesch Operator. Doerr claimed it was two pieces of paper, an application and a map and the labeled neighbors. Brandt expressed his appreciation for the detail that Doerr had gone into on the plans. Doerr stated when the Committee is considering the issue later, in remembering what Doerr said, he wanted to respond to the detailed information and is almost finished. Brandt allowed Doerr to continue. Doerr stated in the CUP application there are ten specific items and Doerr has responded to those particular items. Doerr claimed that when he turned in the application, Lien told him that he would need more information and that ten questions within the application would need to be answered. Doerr worked with Lien on a weekly basis to make certain that Doerr met all the requirements. In July, Doerr did a study in Trempealeau County on what the standard was and he has been to all the meetings leading up to this. Doerr was told that everyone was going to be treated equal. Doerr was told that answering those ten questions would be adequate. Doerr found out later that was inadequate, before July 18th, 2011 when the E & LU Committee had a special meeting. Doerr had gone to the Town of Trempealeau with that data, which was more than what Suchla/Hesch had turned in to the County, and the town would not put Doerr on the agenda, but told Doerr he could speak during the comment section for two minutes. Doerr did that and told them what the plan was and asked to be on the August meeting agenda. Doerr stated Town of Trempealeau did allow him to be on the August meeting agenda. Doerr presented a plan similar to what he is presenting here today with four different

maps for each part of the plan. Brandt stopped Doerr at this time and told him that this Committee is dealing with his specific request and what the Town of Trempealeau does is up to the Town. The Town has their reasons for what they do and it is something that this Committee does not control. Brandt reiterated that he appreciated the work that Doerr had put into the plan. Some questions have been raised in Brandt's mind that hopefully they will get to today. At this point, Brandt wanted to open up the hearing to the public and allow anyone who wants to speak to this issue to do so. Doerr asked to address the issues as he has gone out to all the neighbors in the area and gathered their concerns starting back in July. Doerr stated one of the immediate neighbors is the Ratacjek's which to the north. Brandt intervened stating the Committee would now do the public hearing part and then deal with the issues as they arise afterward. Brandt thanked Doerr. Brandt announced that Doerr had requested two different public hearings today, so if Brandt calls on someone and they wish to speak to the other hearing, let Brandt know as this hearing is specifically on the Konkel/Lilla property.

Jim Kampa – Registered to testify in opposition. Kampa stated he wanted to testify regarding all mines in general. Kampa is looking to have some sort of property protection plan in place for adjacent landowners. Kampa would like the County to look at something like that. The Town of Howard (Chippewa County) has done a mining agreement, which Kampa had found online. Kampa didn't have a lot of information on that, but he knew it was possible as others have done it and he was sure it was with the blessing of the County. Kampa felt it was the County's position to implement something like that.

Margaret Olsen – Registered to testify for information only. (The ability to ask questions without expressing a definite stand for or against. Olsen asked two questions; 1). If the Committee did a "yes" or "no" vote to allow these permits and 2) if a permit is granted, are the conditions of those permits up for further discussion. Olsen wasn't sure how the rules of order worked.

Lien referenced Table of Uses - 2.05 in the Comprehensive Zoning Ordinance which lists the non-metallic mining as an industrial use. Mining is allowed by conditional use in an agriculture zoning district. Lien explained that means there is a set of conditions/criteria in the Ordinance that the applicants must all meet. The Committee has the ability to add "site specific" conditions that would apply to that site. The Committee could deny the site based on environmental issues. There is a whole list of criteria in the Ordinance which the Committee must review and they make their decision on the criteria as it pertains specifically to the site. If the Committee does decide to move forward with the permit, they do have the ability to add standard and specific conditions to that site. Lien added the Committee does also have the ability to deny a permit based on that information.

Olsen asked, when the Ordinances are referred to, and there are requirements such as water testing, monitoring the wells, etc., does the Department of Land Management have the capacity, budget and staffing to keep up with the required inspections/conditions especially if two more mining sites are added. Lien responded that the State has a mandate (the County doesn't have a choice whether they want to do it or not) NR-135, which is a Reclamation Ordinance which is Chapter 20 in the Comprehensive Zoning Ordinance. Part of that program requires the County to do annual inspection and review of mining sites and also review sites after mining activity is completed. The County is allowed to charge a fee for that which is currently \$170.00 per open acre and that fee offsets staff time. Lien added the staff is at "full capacity" as everyone is very busy. Lien stated the Department did lose a staff member, but hopefully that position will be filled in the near future. Lien added he would review with the Committee, in the future, if it gets to be too big of a workload and hopefully the funding will allow additional staff if it gets to a point. Lien reiterated that there is a mechanism in place, that the County can charge the mining companies. Upon Brandt's inquiry, Lien commented that the well testing and foundation inspections are done by a third party and the fee is paid by the mining company. Those annual inspections nor the water testing will be done by staff. They are done by a third party independently, DLM staff reviews the information and that cost is paid by the mining company. Olsen asked if the mining company hires the third party to do the inspections. Lien acknowledged that some permits had gone through with minimal conditions attached and we cannot change that. Lien added that

DLM used to hire a third party inspector, however after the Committee held a meeting and decided to ask for more information/details things changed. Corporation Counsel had suggested that DLM give the mining company the criteria, let them hire the inspector and then DLM reviews the information. Lien stated in order to do the well testing and foundation inspections, one does have to be a licensed engineer. Corporation Counsel had felt this was a better route, legally, than DLM picking the engineer and then billing the mining company.

Olsen asked if there is a history with the existing mines, when reclamation is talked about, is it required and if that is being done. Brandt asked Lien to explain the staging process. Lien replied, typically, like the one being reviewed today, they have mining phases that are projected in the plan. The phases can vary depending on market, need and demand. For instance, in 2011, there will be a certain phase they are going to do and then in 2012 will be another phase. Lien stated, it behooves them to reclaim the phase that they mined in 2011 because DLM is going to charge them for every open acre, so the more land that is open, the more money DLM will receive. The miners try to reclaim behind them because of financial reasons and also they are bound by State Storm water Management plans. Doerr had alluded to his storm water plan, but he doesn't have that back from the State, yet, so Lien added they have to insure against run-off - not contributing sediment to waters of the State or neighboring properties. So even though the property is open they are bound by those requirements. To answer Olsen's question, Lien stated they still could have many acres open but they still have to control erosion, sediment, water run-off and all those things that go with open acres and they will have to pay to have those acres open. Lien reiterated, typically, the miners are reclaiming behind them because if they are not utilizing the land, it serves no purpose to not reclaim it.

Olsen asked if she could reserve the right to ask more questions as the discussion goes on. Brandt chided he would rather she asked them right now. Olsen stated she had no more questions at this point.

Kyle Slaby – Registered in favor but not testify. Brandt inquired if Slaby wished to speak. Slaby stated he went out and visited with Mr. Konkell and Mr. Lilla. Everyone's main concern was route of truck travel, noise, dust and property devaluation. Slaby believed that all these things could be accomplished if they are well planned out. Doerr is putting his "best foot forward" and complying with all township and county standards. Brandt acknowledged that what Slaby was saying is that dust, noise and property values can be addressed by appropriate mining. Slaby agreed with that.

Robert Walski – Registered to testify in opposition. Walski introduced himself and stated his farm sits directly between these two proposed mine sites. Walski has dairy cattle. Walski stated this is where he lives, this is his home. When talking about all the concerns, good or bad (mostly bad), he and his wife and family will have to put up with it, if it passes. Walski didn't know all the specifics of the plan, because it seems to him that they change, but he understood, that if the life of the mine is 20 years, he would be living with it for 20 years. Walski had heard that approximately 180 truck loads per day could be going directly past his place and they are going to be blasting. Both sites are easily within a quarter mile, one is possibly within 10 feet of Walski's property line. Walski was quite certain that his cattle wouldn't like the blasting. Walski has several reservations about where this is located. Walski asked that this request definitely be denied.

Claire Ratajczek – Appear and testify for information only. Ratajczek introduced herself and stated that their property borders the Konkell property. Approximately 1000 feet from there, she and her husband live and operate C & C Machine Shop which is zoned, commercial property. Ratajczek continued they do C & C fabrications. They have mills and lathes that are very sensitive. Ratajczek had done some research and contacted companies that they purchase their machines from and also people who do work on these machines. Ratajczek passed a handout to the Committee. On one of their machines, the Hurco mill, it states that there are no specifications that they have for blasting, so they are not saying this little shock wave might be ok, it is zero that it might be ok. Ratajczek added this is their livelihood and she is really concerned how the blasting will affect them. Ratajczek pointed out that the proposed mine site goes right up to the property line. Ratajczek also brought it to the Committee's attention that the current property line that is standing is incorrect

and has been acknowledged by the Konkel's, and is something that needs to be looked into. Ratajczek also questioned the ten feet. Ratajczek would leave it up to the Committee as to what is fair. Ratajczek added there is also a slope to the hill, so she is concerned what type of drop off there would be. Ratajczek hoped that she had explained everything so that the Committee understood her points. Brandt responded that he understood her issues with the sensibility of the machinery and the legitimacy of the property line and the setbacks. Ratajczek stated it was listed in Doerr's plan as farm buildings. It is commercial property and should be listed as such. Ratajczek's main concern was the blasting.

Kathleen Walski – Registered to testify in opposition. Walski stated her husband had already said a lot of her concerns. Walski's farm in Bear Coulee and they have Ted Konkel property on both sides of them. Walski's actually pasture their cows right up on the hill, before the chicken coop, where they would be blasting. Walski stated she was at the meeting, last Thursday, at the Town of Trempealeau and she hasn't heard anything positive about these sand mines except that there are water quality health issues and dust. There are quite a few families that live there and it is a short road. In addressing that many trucks, Walski stated we don't have an interstate, that is why they call it a coulee. Walski doesn't want their quality of life to be ruined because of the mining.

Doerr inquired of Brandt if he could finish his presentation. Lien stated he had two other letters that relate to the issue, but are more general in nature. Lien read aloud the letters below.

David & Delores Vind - Concerning the Public Hearing – Conditional Use Permit – Nonmetallic Mining – Theodore Konkel and Roman Lilla – Landowners; Stephen J. Doerr – Operator – Town of Dodge and Town of Trempealeau and Public Hearing – Conditional Use Permit – Nonmetallic Mining – Dennis Rossa – Landowner, Stephen J. Doerr – Operator – Town of Arcadia. It was refreshing to attend the Town of Trempealeau public hearing on the first sand mining operation. The town board placed a moratorium on sand mining, actually listened to the public concerns and want to take as much time as needed to protect the citizens and get it right. It was interesting that the town attorney reported that there is a 30 -50% decline in property values near a mine. Quite a loss to any home owner. I ask the Land use Committee to place a moratorium on any future mining applications till they can actually study the issue and protect the citizens, the county's greatest asset.

Jeff Halvorsen - First of all, I would ask that special meetings of Trempealeau County be held in the evenings. 7:00 p.m. would be a great time. I am sure there are reasons why you meet in the mornings but please think about this. I am writing this letter as a taxpayer in the Town of Arcadia. The Town of Arcadia has opened at least two sand mines, with more to come. I would really like the County to put a hold on these permits. Please take a long look at the possible health issues, and environmental issues. I think the county should step back, and take a long look at this issue. Noise, dust, etc. Please take into consideration the neighbors. The county needs a good neighbor policy. Please protect the neighbors....at least has a policy to look at the Property values of adjoining neighbors. If sand mine comes in, and I had to sell my property, I know my value would be down. There are a lot of issues, and I am sure there are people here that will address them.

Brandt inquired if there was any communications from the towns. Lien responded he did not have any communication from the towns either for or against. Brandt asked for anyone else who wanted to speak to the issue.

Dennis Bortle – Bortle stated he is a supervisor for the Town of Trempealeau and is speaking on the towns' behalf. Bortle wanted to clarify a couple of items. In July, when Stephen Doerr approached the Town, it was the day before their July meeting. Doerr was told that the agenda was already posted for the next day. Bortle stated that was the reason that Doerr did not speak in July. In August, Doerr was put on the agenda, and he came to the meeting with one sheet of paper plus two maps that were hand drawn. Bortle explained that the Board could not make any decisions until they received all the information. The Town has been getting

the information “dribbled in”, but a lot of the information they don’t have time to look at, if they get it at the time of the meeting. When this moratorium was put on, it was to listen to the people and get their opinions and make sure that the town is making the right decisions. Not that the town is for or against it, but it is to find out what other people thought and that is where the town is sitting right now.

Brandt called for anyone else who wants to speak to this issue. There being none, Chairman Brandt closed the public hearing at 10:15 AM. Bice stated that under the circumstances, he is making a motion to table this until we get final approval from the township, Vold seconded. Bice added this is a very difficult situation and subject for the Town of Trempealeau and the Town of Dodge. Bice stated the Town of Trempealeau, very clearly, got thrown into this, they didn’t realize this sand was expanding and is a huge opportunity for certain people. There are so many unknowns to this. Many people may not know this, but before Bice was on the County Board, Bice actually worked quite hard to maintain local control and several years back, we lost some of the local control in Trempealeau County. Bice is a firm believer that local control begins with the town and the towns should have the ability to make their decisions and policies. Bice knows that they have put a fair amount of effort in to it and they did have a hearing, they certainly have not made an opinion one way or the other, but they are working on this, so Bice felt it was very important that the Committee step back and let them get all their details ironed out before the Committee takes a position on this. Brandt asked if anyone else wanted to speak to the motion to table. Smick commented that Lien had read several letters into the record. Smick requested copies of those letters for everyone. Smick stated the letters are read where statements are made and they are just that, and only that – statements. People estimates of what impact will or will not be to adjacent property owners because of what is going in next to them. Smick thinks it is a very dangerous situation to be accepting information like that and then it becomes restated/repeated by all kinds of people like it indeed is fact and the Committee has no basis for knowing that. Smick dwells on this, because several members of the County Board have specifically asked the Tax Lister, Nick Gamroth, to present a series of questions to the Dept. of Revenue addressing these exact issues and a lot of allied ones as to what happens to property value and they are kind of waiting for that information to come back from the Dept. of Revenue to find out whether they have any true track record, based on sales and whatever one wants to call it, so that we have some objective information when people say that if “x” goes in a specific property “y” is going to happen. Smick stated we don’t know that and until such time as we do, we have to be very careful as to what we accept as so called “gospel”. Smick doesn’t have any problems if this issue is tabled and what Bice identified as local control, as the people that are the closest should be making the decisions. And for whatever reason it is, that the Town of Dodge and the Town of Trempealeau didn’t take a position that is fine and understandable. Smick would like the Committee to know, whenever the Town of Trempealeau gets their information and chooses to act, and their concerns as well as the neighbors have all been addressed, that he hopes that the Committee does not have to come back to this bloody issue again and what is decided today is final and the Committee does not have to go through another hearing process because then we become part of the problem as well. Brandt clarified this is the public hearing. Smick restated that if this gets approved he does not want to have another public hearing on this application again. Brandt commented it wouldn’t be necessary. Smick responded, fine, and he wanted that clearly understood by everyone. At this time Brandt stated that he had a motion and a second to table the CUP application.

Doerr stated he knows he is not on the Committee, but he pleaded for someone on the Committee to let him finish his presentation. Doerr added he has some very important things that he would like to share as far as economic security as well as a response to the document that was presented into evidence by the Ratajczek’s. Bice and Quarne both voiced the opinion that Doerr should finish his presentation as it is his hearing. Doerr commented he had been insulted by Brandt at other meetings that he doesn’t get to the point, but the point is all about economics. Doerr stated this Board has met and visited with a Canadian company and it was about economics. Doerr continued that Bice had brought forth a petition, which he later withdrew, but it is about economics. If one watches the news, they can see that the United States economy is on a downward turn and the oil prices are something that have brought about this demand for sand because they have done a bunch of exploring, they have more domestic oil and now they need to get it out of the ground. The Chinese have already been called in because the United States couldn’t respond promptly. Doerr then passed around a

sample of an imported, Chinese fracturing proppant not derived from sand, but allegedly from ceramics. It is very costly in U.S. dollars at this time, because they need to open the wells up and they have to order it from China, because we as a country can't organize and move product, to help our neighbor in North Dakota and south Texas where we primarily get our oil and natural gas. Doerr stated this is something that we can create (He showed the Committee a bag of sand) It doesn't have any chemicals in it. Doerr personally had been washing it for about four weeks, until he took a different job within the company. Doerr, referring to the sand, stated this is what his company makes down in Winona. They literally take the raw sand right out of the ground. That is all Doerr is asking to do in Trempealeau County. Doerr commented that the neighbors do not want them to wash it, the neighbors and townships do not want them to put in a high capacity well for the volunteer firemen to use as well as the mine site, to refill their tanks, so Doerr is not asking to wash the sand or dewater it. Brandt asked Doerr to restate what he had said about the fire departments. Doerr explained that when he had initially visited the townships, he encouraged them that if the townships would invite them to do a wash plant on site, they would have less trucks hauling. Ted Konkel had also volunteered to let volunteer fire and rescue trucks back into and have access to the high capacity well, if they would have one. Doerr stated that was not currently part of the plan because the townships had denied it. Doerr pleaded with the Committee, if he could have preliminary approval with a condition of getting a letter from the Town (like the Committee treated Duane Suchla and Dave Hesch as they did not have town approval for Duane Suchla's permit). Doerr reiterated that he hoped that the Committee would go forward with a preliminary approval with a condition of getting a response from the town, which makes sense. For Doerr to have to come back here again, because the application has been tabled, and go through all of this again would be large waste of resources for all parties involved. Doerr stated there is a company that has spent a large amount of money, not only on Doerr's labor bill, but also in hiring an engineer to do studies to prepare this plan. Doerr proposed that if the County can be forward thinking and allow them to create the jobs (30 plus people have responded in coming to work for the mine company), Doerr would propose and accept a condition that they would only mine behind the chicken coop on the Ted Konkel/Roman Lilla property and they would not do phase 1, 2, 3, 4, & 5. Doerr is asking the town to please consider the people that are involved in this and have a job because of this sand mine operation plus the other 6 to 8 people that will be working in Bear Coulee. Doerr asked the Committee to please allow them to go to work behind Ted Konkel's chicken coop which is already an open wall and has been for fifteen years. Doerr continued to ask for allowance to work from there into Roman Lilla's property - Phase 1B or sometimes called Phase 6. If the Committee would allow them to work that one phase and put a condition on them not to work in Phases 1 through 5, Doerr would greatly appreciate it and Doerr knowing that there is economic independence for the United States, by not having to send the Chinese to Texas and North Dakota sites as often, instead send our product, Doerr would invite that condition that they no be allowed to work in Phases 1 through 5 until Ratajczek's and Mr. Dan Lila are satisfied or at least there are enough hearings in the Town of Dodge where Doerr can bring a level of satisfaction to them, if that is possible. Doerr requested that the Committee please approve this and place conditions if necessary of where they cannot mine. Doerr stated Ted Konkel and Roman Lilla are farmers and that is why they are not here today, because they are trying to get their harvest in. Doerr explained that Ratajczek had submitted a document from Hurco Machine. Doerr turned the Committee's attention to engineer 1 on the bottom of the document. The document indicated (in their second statement) "whether seismic affects of the blasting could induce the machine to move from the leveling pad". Doerr stated not only does he invite the Committee to approve this with the conditions that they cannot work in Phases 1 through 5 until the Town of Dodge and the Town of Trempealeau come together in agreement, Doerr also invites that the Committee to place a condition of no blasting until Doerr can assure the Ratajczek's that the seismic affects will not move their machines on their leveling pads. Doerr stated he has worked in a machine shop, and has actually worked in some of the companies that Ratajczek's have equipment from. Doerr knows what these machines are doing and has already visited with the blaster. The blaster had also visited with the Ratajczek's. The blaster knows that he can blast without affecting them and he needed to know some of the specifications. Doerr asked again for the Committee to approve the application and place the condition that they don't work in Phases 1 through 5 as they will be a couple of miles away from Ratajczek's and also give the condition that they cannot blast until Doerr can assure the Ratajczek's that their machines will not be moving from their pads. Doerr was very confident that could be accomplished. At the same time, Doerr could begin work on leveling that sand wall

without blasting until they meet the conditions. Doerr knows there are questions from the Town of Trempealeau regarding trucking. Doerr has answered those questions and is working with Lien and the DOT to answer those questions. Doerr is also going to put a large part of their mining safety into the trucking. Doerr added that Bice had brought forward that there are so many unknowns. Doerr stated tell him the concerns so that the company can answer it. That is what Doerr has been doing for the last two and one half months. Seeking out the concerns and bringing in the experts that will be working on the site. Doerr felt he had answered all the questions, but then more keep coming and there are statements like, “we just don’t know”. Doerr stated we do know that the Canadian company is here and they are making money for Canada. For 39 years Badger Mining has been over in Taylor, Wisconsin within an eye shot of the city limits of Taylor. We can work together, but if we keep getting tabled, they will be forced to not be able to sell this material because of contracts and the Chinese will overrun us or there will be another company. It is a reality as to whether Doerr keeps his job and the truckers who would like to work with them keep their jobs. Doerr stated if the Committee tables this for another month they are literally saying that they don’t want to create these jobs. The same night that the Town of Trempealeau had there meeting, President Obama addressed the nation and said, “Put the politics aside and let’s create these jobs”. That is what Doerr is asking the Committee to do today. Doerr finished by saying, don’t table the application and stop these jobs from coming forward. Brandt stated he had a motion and a second to table the application for a CUP until such time that the Town of Trempealeau and the Town of Dodge communicate their wishes. Lien wanted to clarify, because of what Smick stated earlier, that if the Committee tables this CUP, Doerr would have to come back because the Committee is not taking action, it is being tabled. Lien added we don’t have letters from the town; we don’t have any conditions they might propose. Brandt verified he would have to come back, but there would not be another public hearing. Lien stated that was correct, but he would still have to come back to take action and address those issues. Bice confirmed that there would be no additional fees. Lien responded there would not be when the CUP is tabled, however if the Committee would deny the CUP, then Doerr would have to re-apply. Smick thanked Lien for clarifying that and stated we need to dwell and separate those processes out. Smick stated, from a practical standpoint, that Mr. Doerr needs to understand that before he is going to get some type of “green light”, he is going to have to meet with the Town of Trempealeau and perhaps Dodge and hopefully they can all get on the same page, addressing what might be the towns’ concerns which are the neighbors concerns and that in itself is probably going to take another month. From a practical standpoint, it really doesn’t matter if the Committee tables this now, and it comes back next month for what might be a concurring with whatever conditions the Town of Trempealeau might put on it and whatever conditions the E & LU Committee puts on it, the timeline might be the same regardless. Smick stated there is nothing the Committee could do right now that would change the time line, because Doerr still has to deal with whatever the Town of Trempealeau has for requirements. Smick stated they would not be acting in any kind of manner, certainly final until the town makes their recommendations to the Committee. Smick stated he didn’t think he was advocating for preliminary approval as Doerr said he had, all Smick was saying is that Smick doesn’t want the Committee to add any more unnecessary time erosions in this whole process. Regardless of whatever the Committee does today, Doerr would still have to deal with another month minimally in order to meet what the Town of Trempealeau might require. Lien stated (and Ron Tuschner – Town of Arcadia Chairman was present to verify the information) what had happened in those other two cases, is that the Committee had verbal approval from the town, but because of meeting timelines, the town had not met to get those letters to the Committee, so the CUP was approved contingent upon getting a written letter from the Town. Smick responded the verbal word from the town, be it Trempealeau or Arcadia is certainly good and we do get the formal letter sooner or later. Brandt stated he had a motion and a second to table the application for a CUP until such time that the Town of Trempealeau and the Town of Dodge communicate their wishes, motion carried with no opposition. Brandt stated to the Town of Trempealeau representatives that the Committee would probably be revisiting this issue on their time table and that the Committee looks forward to hearing from the Town, one way or the other.

Public Hearing – Conditional Use Permit – Non-Metallic Mine - Dennis Rossa, Landowners/Applicant, Steven Doerr, Operator – Town of Arcadia. Brandt opened the public hearing at 10:38AM by stating the Committee would now move on to the next public hearing which was also requested by Stephen Doerr for a

CUP on the Dennis Rossa property located on Joe Rossa Lane. Brandt stated this hearing will also meet the requirements of DATCP (Dept. of Agriculture, Trade & Consumer Protection) and number #11 on the meeting agenda which addresses changes to a Farmland Preservation Agreement. Nelson read the public hearing notice aloud. Brandt stated this hearing is different in the sense that it is in one township and there is only one landowner. This property is along Highway T in American Valley. Lien explained this is approximately a forty acre site based on the application. It is located in the Town of Arcadia off from Joe Rossa Lane and County Road T. Lien stated Mr. Doerr has a completed application which is in front of each Committee member. There are other issues that need to be met such as storm water issues, etc. which is in the process and is typical. Lien added this hearing was published in the newspaper for two consecutive weeks prior and letters were sent to adjoining landowners, based on information the applicant gave the DLM. Lien does have a couple of letters from the public which need to be read into the record. Doerr was present to elaborate on the details of the operation. Brandt stated the overhead aerial map is up and the materials are in front of the Committee, so Brandt allowed Doerr to proceed with describing the nature of the plan, equipment, haul routes and things of that nature. Doerr once again introduce himself and stated he is acting as a representative for himself and for the Rossa's. Doerr explained this was a site where there is going to be extraction only, no dewatering, no washing, simply just extraction. Doerr stated Beth Killian shared with him that she didn't get a chance to view the plan. Doerr directed the Committee to Section 2, Page 6, and instructed them to add Beth Killian's name to the page of neighbors as she lives back on Joe Rossa Lane. Doerr apologized for the omission and thanked Killian for bringing it to his attention. Doerr reiterated that this plan is simple extraction. Doerr acknowledged that the Town of Arcadia has been very helpful in working with them to make sure that they know the concerns of the community and the different neighbors. Doerr explained it is a forty acre sight and any trees that are there would be removed and their value be used for lumber or firewood. Doerr stated a big concern has always been a blind spot to the right where Joe Rossa Lane approaches County Road T. Doerr has been in contact with the County Highway Department who has given Doerr some authority to trim some trees and remove some sand and sandstone for the purpose of visual safety before the mine would even start operation. Lien intervened to state that he did take some pictures of that exact spot that Doerr was referring to so that the road visibility issue could be discussed. Doerr referenced the front cover of the plan noting that it lists that there are several different phases of the plan. Specifically, Doerr stated they did change the order of the Phasing. Instead of following the sequential order of Phases 1 through 9, they will mine Phase 1, (behind Shanna White's barn) and then go to Phase 4 which would give them an opportunity to use County Road T. By using County Road T, they will be able to increase the safety of truck traffic. While viewing the site photos, Lien explained that Joe Rossa Lane is an existing town road which intersects with County Road T. Lien explained that there is language in the Comprehensive Zoning Ordinance that any new proposed driveway must have site distance on either side of the driveway. Lien stated that is measured in a four foot height increment because the average roof line of a car is about four feet. Lien explained a picture of him standing on the road, therefore the line of site is probably 5' 6" or 5'7" of Lien's eye height. Lien added one would be looking either east or south on County Road T. Lien explained (he has discussed this with the County Highway Commissioner -Jim Johnson) it isn't so much the hill or the trees, but that the road rises and somewhat obstructs visibility. Lien had several different photos; one which showed a hillside that would be potentially extracted to open up visibility and is listed in Doerr's plan. Doerr stated, in the plan, there are photos showing County Road T from both directions (Phase 4). Rossa's actually have two existing driveways, in the pasture, that come out on County Road T which would be possible access in Phase 4. Lien inquired, in the current plan, what would be the timeline as to when Doerr would be using that particular exit. Doerr responded Phase 4 could take place within as little as a year and a half and out as far as two and one half years - approximately two years. Lien inquired if the phasing signifies one year. Doerr responded they do not, the phases have approximate volume. Lien asked if the phases are based on annual harvest. Doerr referred Lien to Section 1, Page 4 (Engineer Section) where there are nine phases listed and with all things being optimal, the approximate volume of product per year would be 200,000 ton, therefore Phase 1 could potentially be completed within a twelve month term and then move into Phase 4. Phase 4 in itself is in excess of one year. Lien stated 200 tons per year that would be three year minimum for Phase 4. Doerr responded he didn't think Phase 4 needed to be completed entirely in order to move a truck safely across to County Road T. To answer Lien's questions, Doerr estimated two years (give or take six months).

Doerr asked the Committee to make note of this, as the Town of Arcadia wants to have the final plan, and they have been made aware of the Phases being 1, 4 and consecutively 2, 3, 5 etc., as listed on the front cover. The only other thing that wasn't in there is to possibly access County Road T within two years. Brandt asked if there was any more detail that Doerr would like to go into before hearing public comment. Doerr stated he has placed ads in all the surrounding papers and there are in excess of thirty people interested that are in need of work and jobs that Doerr would be able to create with this mine. There are people wanting and needing these jobs as we sit in this meeting today. Brandt instructed the audience that if anyone wished to testify, they would need to fill out a registration form and hand it to a Committee member.

Beth Killian – Registered to testify and appear for information. Killian thanked Doerr for correcting the omission. Killian had sent Lien a list of concerns which she had also forwarded to the Town of Arcadia previously and the Town of Arcadia had a lot of discussion on those concerns. Killian would like some of those concerns to be added into the conditions, she thought some of them had been.

Jeff & Carol Bawek – Registered to appear and testify for information. J. Bawek stated he had requested some additional bonding placed on the Rossa sand mine. J. Bawek believed he has some unique concerns and wanted Lien to read the letter that he had composed to the Board of recommendations. In regard to the issue of the road, J. Bawek believed the real issue was not being addressed which is, what are we going to do for the two years, before Phase 4 kicks in to address safety with trucks coming out on Rossa Lane.

Lien read the following letters aloud.

Jeff & Carol Bawek letter – Central to my property located on Joe Rossa Lane is a year-a-round spring. Carol Bawek, Co-owner, can testify to the springs year-a-round flow and ability to maintain a herd of cows and calves for the past fifty years. Please consider attaching the following conditions to your approval of the Rossa mining site: Should the water table change with a sand mine operating on the fringes of my property, I ask the board to post bonding to protect my springs water flow should it become intermittent or cease altogether. I feel a seventy-five thousand dollar (\$75,000) bond would be appropriate to establish a system of a well, pumps, year round water cups, and a ground level flow area for calves to drink. Further, we request members of the board view the spring and confirm it's existence, which in turn gives power to the board to view the spring, at my request to confirm a lack of flow or intermittent flow, thereby forcing the bond to be paid in full with in thirty (30) days or less. Additionally, we request a one hundred thousand dollar (\$100,000) bond be posted for loss of property value, also to be paid in full thirty (30) days or less for lack of water flow or intermittent flow of said spring. These bonds should include a five percent (5%) per year increase in pay out to keep up with inflation. Finally, we ask for a fair market value condition to be applied to the proposed Rossa mine. As a joining landowner, if my property is for sale and at the end of a twelve (12) month listing I do not receive a fair market value offer and still wish to sell, I expect the sand mine owners to (a) make up the difference to me in thirty (30) days or less from what the purchasing party paid or (b) to purchase the property at fair market value. I am not asking for anything more than I already have. Please forward such request to the Environmental Land Use Committee of Trempealeau County with Town of Arcadia Board approval.

Beth Killian letter - First of all let me say that I am not against sand mining, but I have some concerns that need to be addressed. This is a fairly new adventure for the Town of Arcadia and Trempealeau County. We cannot see into the future, but our future needs to be protected. Are these parts of the conditions in the conditional use permit?

1. How does the sand mine operation affect the water table, the neighbors' wells, and the springs that feed our creek and cattle?
 - a. What happens if the water table drops or changes and/or the springs change or dry up due to blasting or other events in the mining processes? How do I continue to water my cattle? What will the water quality be? The mining company will provide a well and the necessary watering equipment to water the cattle in place of the springs and provide a new well for my home at their complete expense.

2. How does this affect my property value? The mining company will either buy my property at market value or will make up the difference if my property is sold below market value.
3. Does blasting or other events affect the foundation of my home? If there is a problem, who fixes it?
4. What are the time limits for sand blasting and trucks hauling? Do I get notified before blasting? Will a seismograph be placed at my home? I am requesting one.
5. Will the noise levels from the site not be more than 60 decibels at the boundary of the property? How does the noise get monitored?
6. How and will the air quality get monitored?
7. I am concerned about the traffic on Joe Rossa Lane and especially the intersection of Joe Rossa Lane and County Road T.
8. Do I need to have a bond for any of these issues/concerns? Who pays for any litigation if there is a problem? I don't fee that I should have to pay for lawyer fees, since I am not doing anything different. Thank you for taking the time to answer my questions and concerns.

Margaret Olsen – Olsen is not directly involved as the other property owners are, it is just a very traumatic thing when one reads all the information out there about the sand mining. Olsen questioned how long the frac sand mining was going to be viable or how long before the market it saturated and the value of that sand starts to decrease because the frac mines are going to have all the sand they need so that money is going to be gone. She asked this, because she has learned in the past, that sometimes there are business strategies to get into a hot market fast while it is hot and then after that has dried up, it is common practice to claim bankruptcy every seven years. It is just a pattern that they get into. In order to protect the property owners present, is that something that the Committee considers as Olsen felt the Committee is the last line of defense for those property owners as well as herself. Olsen worries about the water tables and the environment. Olsen added Mr. Smick had commented the Committee needed facts and not just blank statements and Olsen thought at the August 17th meeting there was testimony regarding the affects on a home (walls cracking, well walls cracking, etc.). There are concerns about what the blasting is going to do, even if it is just a washing operation. Olsen felt, that as Bice had suggested, there are a lot of things to consider and when these miners are no longer in business, these property owners will still have things to deal with.

Upon Brandt's request, Lien described the bonding issue. Lien stated a bond is required on all these sites and these bonds are continually monitored so that they do not lapse. The bonds purpose is so that if a company were to go bankrupt or default, the County could utilize the bond to reclaim the site. Lien added it will never restore the site to what it once was, but it will reclaim it to a stable site. Lien stated the County has never had to exercise that option as the companies have always reclaimed on their own, so Lien didn't know how well that will work, but the potential is there. Lien added bonds have been required on all mines even small ones, in the County. Brandt, in jest, commented that Vold was the expert on the Committee regarding the future of mining and Olsen could talk to him after the meeting.

Kyle Slaby stated he personally talked to a man who owns an oil and gas company in Texas and North Dakota and he told Slaby that just in the last month alone there were 25,000 permits to fracture wells in Texas in the Permian Basin where he owns wells. This gentleman also applied for 88,000 permits in North Dakota. It takes around 15, 100 ton cars to do one well. And to give an idea of how much is consumed in one year, Slaby stated one could stretch a train from New York State to California and that is still not enough. Slaby added this practice has been going on since the 1920's.

J. Bawek asked to explain the reasons why he asked for the things he did. Bawek stated Slaby had stated earlier that the sand mines are concerned and he hoped that was true as Bawek believed everyone could get along that is why we're here discussing this. Bawek would like to see the water and air protected and the neighbor's rights as it could be either one of us and our grandchildren to farm the land after we are all done. Mining it would be another plus and then comes the community which is, in the end, what this is all about. J. Bawek wanted to go through his letter line by line. To Bawek, a spring is priceless on a property. It can be

like having a house without water, if you lose it. Bawek explained where the \$75,000 figure came from. Bawek stated once the blasting starts, it is his understanding that a spring is a little more susceptible to change with the water table. Bawek will now be required to check that spring on a daily basis. That is going to take time and a 12 mile drive that Bawek is not going to get paid for. Bawek commented did the Indians check the buffalo if they had water – no they didn't, they had springs and rivers come from springs. Bawek felt the \$75,000 is not even going to cover his time. If anyone has had someone come out to their place, they know that they charge anywhere from \$45-\$100 just to diagnose a problem, so now he is going to be required to do this on a daily basis to see if there is water or if the spring is lost. Maintenance, pump, pipe, frozen cups, generator, wiring, concrete and daily cup care because there is a smell in the drinking cup that one wouldn't have with a spring. There is also the loss of the natural minerals that are in the water. Bawek stated the 30 days is a point where other business's start to charge interest at 1 ½ % and that wouldn't be necessary if the payment is made within 30 days. Then there is the problem of the cattle that are there, having no water, so one has to either haul water or move them. Bawek thought 30 days would be a long enough time for him to haul water. The reason Bawek wanted a Board to come out and look at the spring is to see what Bawek has, in order to get away from litigation costs. That is why there are Town and County board meetings. We sit down with each other and "hammer"/ talk things out because in the end it is for all of us. Bawek explained the \$100,000 figure. Bawek has yet to bring someone on his property that doesn't comment on how beautiful the valley end farm is and then they see the spring and comment how nice that must be and that there must be a lot of wildlife. So the figure is the loss of the wildlife factor, the loss of a possible development site for 15 houses (Bawek could charge \$15-\$25,000 more for a house lot because of the spring and the beauty it brings with it) and the loss of bottled water sales from that farm. The farm is certifiable organic, 60% of it has never had chemical on it, 40% has been from 12 – 18 years and that is the criteria to start out with bottled water. If the spring is taken away, that option would be also. Bawek stated the township, under advice from legal counsel, stated that they really can't do anything about property values, that it has to come from the County Board, so that is why Bawek addressed the property value issue as he did.

Doerr interjected to help Vold with his expertise on frac sand mining. Doerr stated he is an employee of a company that buys sand from different sites and they wash it and sell it to someone from Texas. Based on the need and in order to keep the Chinese from coming in at a higher rate, three to five years is the window of opportunity. This landowner, his children and grandchildren plus the people who will receive jobs in the area have a 3 to 5 year window to be able to sustain their life. In regard to blasting and the requirements prior to any blasting on the site, Doerr suggested postponing blasting as much as possible. Perhaps Doerr wouldn't even need it, but it is in the plan just in case it is needed. Doerr would like to be able to go forward with the Rossa property and work, without any blasting and then prior to blasting, Doerr would be required to meet whatever the Committee decides for blasting conditions. This would allow for Doerr to open the site, which would probably take a month and start Phase 1 plus do the improvements on Joe Rossa Lane (install 60 foot pipe at the entrance, tire cleaning pad, etc.) plus employ 6-8 people. Doerr reiterated that some of the conditions would be such that they are prior to blasting rather than prior to doing any work, because if the entire mine is held up, based on blasting, then it holds up the entire project plus it makes more requirements because of the blasting.

Brandt asked if there was a letter from the Town. Lien stated there were a couple of letters and asked Ron Tuschner, Town of Arcadia Chairman, who was present if Lien was to read both of the letters or just the most current. Tuschner responded Lien should read the most current one. The letter stated that the Town of Arcadia Board of Supervisors passed a motion at their August 29th, 2011 board meeting to submit the enclosed conditions for a non-metallic mine on Rossa sand mine. Lien stated there were conditions in his possession dated 8-19-2011 and then the town amended Condition #4, so Lien has the new conditions that Tuschner gave Lien today and is the one that was passed out to Committee members today. Lien stated Palmer has the conditions typed on the overhead screen for review.

Brandt called for anyone else who wished to speak to this issue.

Darlene Rossa stated she is aware of the neighbors concerns. We are talking about a creek. Rossa stated the creek also feeds their cattle and is important to Rossa's, but if that creek level drops, due to the fact that we don't get any rain for three months, is our bonding issue going to say the creek is dry, now we have to do this. Rossa commented that J. Bawek goes to that farm just about everyday, anyway, to take care of his cattle, etc. Rossa continued on the bonding issue as far as the value of the land that if we're sand mining and the value of Bawek's land goes down, Rossa could understand that and their concerns completely, but if their value goes up then does Rossa benefit because she is mining, no – that isn't an issue. Rossa just wanted them to consider that the Rossa farm has been in their family for over 100 years. They too are concerned about assets. Rossa stated her daughter lives in a brand new house right next to this mining site and she is not as concerned as people who live a quarter of a mile away. Rossa stated she is concerned about her daughter and their other daughter lives on the other side and their son lives less than one quarter of a mile away. It is not a problem for Rossa or to them, but it appears to be a problem to everybody else.

Doerr commented about mining being a new thing, it really isn't. Over in Taylor, for 39 years, Badger Mining has been mining with the use of blasting and working 24 hours a day, so this is not a new thing. The city of Taylor, Wisconsin still has the water for their people; the neighbors are still in existence. There is a dairy farm, right next door to Larry Soppa's site, and Ted Konkel has visited with this farmer who stated he had no problem with his water or cattle. The only problem that farmer had is that sometime when they blast, the rocks go into his cornfield.

Carol Bawek responded that if there is no problem, then the bonding should not be an issue either as it is just a safety net. As far as the spring, or droughts or the storm that went through in 1998, Bawek can attest that the spring (which is not a creek, it is a spring on Bawek's property, but it is a creek when it hits other properties) has always maintained a flow for 50 plus years.

Doerr interjected that if there is going to be some type of County decision about money, as long as it goes both ways it might make sense. Brandt intervened stating, we're moving into territories that are not the Committee's business.

Brandt closed the public hearing at 11:15 AM. Bice made a motion to approve the Conditional Use Permit with additional conditions being added, Quarne seconded. In reviewing the past months' minutes, Brandt stated in the past the Committee had approved the CUP and the moved into the conditioning issues. Brandt wanted to discuss specifically the approval of the mine site and then move to the conditions after that. Lien stated typically all the conditions were stated first and then approved. Because it is a CUP, the conditions are part of the approval process. Smick stated it is all part of the same process, how can one "divorce" the approval from the conditions, the effect is going to be the same. Thompson commented if there is blasting the conditions are going to be a lot different. Bice didn't see any issues at all. If Doerr is willing to move forward without blasting, Bice felt that would be acceptable, but at the point where he might have to blast then he would need to come back and discuss those issues. Bice felt that because landowners who are close may have their land values affected, in value and the aesthetics, the Committee had to give them some credibility. This is all happening very fast. Bawek's and Killian have asked for some additional conditions, so Bice felt that the Committee should try to work so that those are met. Smick was impressed with what he thought were well thought out, very legitimate concerns and that they were expressed well in writing and in public. Brandt inquired if there were some issues relating to the permit request and the paperwork so as to keep the Committee informed on the status of the air permits, air quality monitoring, DOT and DNR requirements, etc. Lien responded, typically, because some of these things are costly and time consuming the Committee has made approvals contingent upon receiving certain things, first and foremost a bond. No one ever submits an application with a bond amount that is something that comes afterward. They cannot start mining activity until DLM has the bond for reclamation "in house". Kurt Rasmussen, DNR has received the Storm water permit; there is some missing information, so he is working with Doerr on that, so it could be approved contingent on that. Lien added if they were going to do blasting, they would need a blasting plan. The Committee has historically/recently required the 2500 linear foot inspection of wells and foundations by a

third party reviewer. We require an archaeology letter being provided to DLM stating there are no known hits in the area. The DOT recommendation has been submitted. Lien had talked to DOT, yesterday, and they do not have those recommendations for the Committee, so any decision should be based on recommendations from DOT. Lien stated we do have a list of town conditions as well as the Bawek and Killian conditions, so those are all things that can be addressed. Doerr has requested to postpone blasting; Lien stated that had been done on the Soppa site. The Committee conditioned it that there would be no blasting and then when the contractor needed it, they came back because it is a review of a condition. They would need to re-apply to amend conditions and that is in the Zoning Ordinance. Lien stated not everything is complete but the ball is in motion. Lien added because they would get preliminary approval today, they would not be able to start until all those things are met. According to Nelson, the Town of Arcadia had nineteen different conditions which need to be met. Nelson hasn't heard anything about a third party engineer. Lien stated we typically had not gotten them involved when it is strictly an extraction process, because they review the environmental aspect of it and the things they can review and regulate don't pertain as much to this site. This is similar to the Soppa and Patzner site. If the Committee wishes, the third party review can be done on every site. Brandt asked Palmer to bring up the Town of Arcadia conditions on the overhead. Brandt stated we assume the standard conditions will apply. In addressing condition #3 from the Town of Arcadia; Doerr pointed out that the opening of the mining pits, depletion of those pits and reclamation of the areas shall occur in the order presented to the Town of Arcadia by Rossa Nonmetallic Sand Mine. Brandt clarified with Tuschner that the Town understood that mining Phases would be 1, 4, and 2356789, with number four containing the new access road to County Road T. Quarne inquired if Phase 4 could be completed first so that they could get access to County Road T. Doerr replied it is something that can be looked into, currently; there is not enough open space in Phase 4 in order to avoid any staging of trucks on the road whereas Phase 1 an entire valley would be opened up. Quarne stated that would eliminate another place for something to happen. Doerr stated if the County were to give him that option, he could visit with the engineer and planning people to see if Phase 4 could happen first. Quarne inquired about the removal of trees for visibility on Rossa Road. Brandt commented they were going to remove trees, however, Lien had stated the visibility issue comes from the rise in the road. Doerr reiterated if he was given that option he would look into it with his engineers. Upon Lien's request, Doerr stated the staging map was in Section C-2. Lien asked, if the Committee conditioned it, instead of going in to the left, going straight across Phase 4 would get them quicker to the road access and alleviate some of the town and county issues. Doerr clarified that Lien was saying start with Phase 1, but go directly to Phase 4 to get the access. Doerr stated that could be done or Rossa's also have a farm road that is parallel to County Road T that would just have to be modified to fit the trucks. They would definitely like to be able to not complete Phase 4, but work Phase 1 into Phase 4, so that they would be able to navigate to Phase 4 and County Road T. Lien inquired if focus could be emphasized on that versus Phases 2 & 3. Doerr added they could definitely start in Phase 1, get set up and concentrate the effort to go into Phase 4. Doerr reiterated that if they go into Phase 4 first, the area of open space is not permissible for all equipment and operation to happen immediately whereas Phase 1 has an open enough area to allow moving in the equipment to begin working immediately but without question that is one of Doerr's goals is to get out through Phase 4, but they could leave part of Phase 1 to go to Phase 4 to get the truck traffic to County Road T. Based upon the annual yardage, Lien stated Doerr was still looking at a year and a half time period. Doerr stated they wouldn't have to complete the entire yardage in Phase 1 and concentrate on a truck route through Phase 1 and 4 and then continue to work Phase 1 and 4 with harvest. Thompson commented he thought Quarne had asked if they could start with Phase 4. Quarne added his thought was they could start on County Road T and work their way in. Bice asked if the Committee worked with Doerr would he be able to make that happen. Doerr responded he thought he could. Doerr recollected that in the pictures that were shown earlier there is a huge open space even before one gets to Rossa's pasture fence along County Road T. Dennis Rossa commented one would have to go through another hill to get to it. Doerr asked why that open space was there. Dennis Rossa answered that years ago they used that for sand for the road as that was an active sand mine at the time. It was private property but Rossa's just let them take the sand. Palmer showed the area on the aerial overhead. After some discussion, Lien stated he has been out there and to start on County Road T and come into it, there just isn't enough room and it would be very difficult. Lien commented they almost have to come into the back side to allow for equipment, etc. and still not have staging on the road. Quarne commented Doerr could get started

on Phase 1 so they would actually have a road to County Road T through Phase 4. Lien added basically it would be creating a valley through the hill and initially focusing on that before going the other direction so that route would be out there. Lien has said it before, that the face of this industry will be changed when the first person gets killed by one of the mining trucks. The more permits that are issued on poor visibility on back country roads; it is going to happen, so the public safety issues really need to be looked at. Doerr inquired if Ashley Furniture trucks have had a fatality in Trempealeau County. Lien responded Ashley Furniture trucks leave Sunday night and Monday morning and they come back Saturday. There are not 180 loads one way or 230 loads one way. The amount of volume and traffic is nothing close to Ashley Furniture. Doerr inquired how many trucks they do have. Lien wasn't sure of a number as they have a lot, but they make a trip out of town and later they make a trip back. There are a few local load routes, but it is not the volume, weight or kind of use that this industry is looking at. Doerr inquired how many trucks Wilber Lime moves through their pit. Lien replied there is a lot, but again not nearly the volume. Brandt commented that this is mute because we require a Traffic Impact Analysis and when the DOT comes back with that information, they will give us the numbers and tell us what is necessary in terms of site line as well as other conditions including recommendations for intersection changes, if necessary, and reminded Doerr that the operator will be responsible for not only hiring the engineers, but making sure the improvements to those intersections will be made. To elaborate on the DOT issue, Lien stated the DOT has been asked to look at the Traffic Impact Analysis and that was it. Lien wasn't sure who brought it to his attention, but the need to look at the quality of the road was mentioned and so the DOT had been asked to do just that. (For example, \$11 million dollars in taxpayer dollars was put into the portion of County Road J when that was done and there is only four inches of blacktop on that road). DOT' response was that they couldn't do that; it would have to be a third party consultant. DOT has some information that is how we know that County Road J is only four inches thick, however other roads we have no idea, the use of the road usually determines the surface. Lien commented Winn Bay just gave money to the Town of Preston to add extra blacktop onto that road. If one reads the Town of Howard's proposal, they added extra blacktop, upfront so that is something that this Board and the County needs to look at also. Tuschner received a call, last evening, from Alpine Sand Mine and they asked if they could do borings on the road from the point of entry onto Soppa Road out to State Highway 95. Tuschner asked them why and their response was that they would like to know what the condition is now before any of their heavy equipment is on it, so that they may want to (if it is inadequate) redo that portion to be able to sustain the type of equipment that is ingressing and egressing out of there from that point on. Tuschner felt that was a good thing and Alpine had initiated that at their own cost plus it gives them a baseline to work with. Vold commented, that years ago, a lot of these roads were gravel or shale roads and the black top was put on basically to keep the dust down and they haven't really been upgraded to any great extent. Brandt is grateful that the DOT will give us their expertise on any needs that the Committee/County might have. Vold replied that would be on any State roads; however County or Town roads a third party engineer would have to be hired. Brandt replied what they will do is look at any intersection upgrade and tell the County if that is appropriate and oversee the construction. Vold commented on what Tuschner had mentioned and that information would either come from the town or a third party engineer would have to be hired. Brandt commented the Committee has seen many of the Town of Arcadia's conditions (A copy of these conditions is on file in the DLM office), in fact, the town almost has a template that they use. Tuschner commented they are specific to bond, length of road, bridges, etc. Palmer inquired if the Committee was leaving condition #3 as it is stated. Brandt replied it appears that the condition will stay as presented. Brandt asked if there was anything the Committee members might want to change to the conditions that the Town of Arcadia submitted. Doerr brought up that he questioned whether Condition #2 should read "before any blasting" as opposed to "before anything occurs". Quarne commented on the spring issue that if they dig in the right spot, they can drain a well or a spring even without blasting. Upon hearing the conditions that have been discussed, Bice asked the applicants if they could live with those conditions from the Town of Arcadia plus the other conditions put in by the Bawek's and the Killian's. Doerr mentioned again that in #2 he would like to see "commencement to any work on the site" to read "commencement of any blasting" there fore it encourages us (the company) if you specify commencement to any blasting, it will encourage this mine to not blast. Doerr has seen operations where there has not been any blasting and they have been able to back tooth and claw out the material. It will cost more money as blasting is approximately \$1.00/per ton as opposed to a back tooth and claw which is

approximately \$4.00 - \$6.00 per ton. Doerr reiterated if the Committee were to specify "before any blasting", it would encourage this mine not to blast because it would put them to work sooner and also would save the neighbors from any blasting. Brandt responded Doerr is addressing two issues simultaneously; one has to do with the affect excavating has on groundwater and the other is the Committee has a permit in front of them that includes blasting as part of the overall plan. Brandt stated the Committee will deal with the issue of #2 and what they require of Doerr but the Committee also wants to know up front if Doerr is going to change the nature of his plan right now. Brandt asked if Doerr was taking blasting out of the plan completely. Doerr responded they were not taking blasting out, but they are inviting agreement of all of the Town of Arcadia's Conditions and inclusive of the Bawek's and Killian provided that those be conditions wherein it says "prior to the commencement of any blasting". After some discussion, Brandt stated to Doerr that the assumption Doerr is making is that blasting is the only thing that affects ground/surface water. Doerr responded if one looks at the site plan one can see that the Bawek property is separated by a large distance (1/4 to 1/2 mile) and valleys. Whereas to take Mr. Quarne's comment seriously, the material on the Rossa property is separated by valleys and they wouldn't be anywhere near his property nor the elevation at which Bawek's springs are. At hearing Doerr's request, Vold commented that these are the Town of Arcadia's conditions and the Committee really shouldn't alter their requests. Brandt asked for Tuschner's opinion on Doerr's request. Tuschner responded, that obviously, the Town has not had a chance to discuss the request, but it was Tuschner's opinion that the Town of Arcadia's conditions stay as they are. Smick voiced his agreement with Vold's and Tuschner's opinions. Doerr interjected that he was just trying to be responsive to Bawek's and Killians' requests. Smick commended the Town of Arcadia for presenting those conditions to the Committee which in effect, makes the Committee's job easier and it is appreciated. Palmer had a staff recommendation that the Committee take a look at what "periodically" means in Condition #2, as it is somewhat of an ambiguous term and perhaps the Committee would like to look into defining that. Tuschner responded he thought it was further down that the Town of Arcadia will request inspections if there is a problem semi-annually and then after a period of time. Tuschner added they have a time table set in. Palmer with Tuschner agreeing clarified that the time table in Condition #10 was also referring to the periodic inspections. Upon Brandt's inquiry, Gamroth verified that there was a motion to approve conditions. Discussion followed. Bice asked when the Committee was going to address the idea that they would like to do some additional stuff and try to move into this project without any blasting. Brandt responded that the Committee has been addressing that and his specific suggestion regarding Condition #2 has been rejected by the town. The Town of Arcadia wants their conditions "as is". Vold made a motion to approve an amendment to the original motion to include the standard conditions plus Town of Arcadia conditions and any other conditions deemed necessary, Nelson seconded, motion carried unopposed. Palmer had the conditions of the Bawek's and Killian on the overhead in a combined format for all to view. Brandt commented that the conditions remind him of what the Town of Howard in Chippewa County came to with its agreement with the sand mine which has to do specifically with the fair market value and the property that was for sale. Brandt went through the conditions; fair market value of adjoining property shall be protected via a bond of \$100,000. Darlene Rossa commented that this Committee is setting a precedence now by doing this and bonding this land because Jim Kampa, right here, is going to ask the Committee to do the same thing if any mine comes in by his house and Wygel's will have the same opportunity. When the Committee's goes back to Hesch, he will have to bond Wygel's property if they can't sell it for what it is and that is the precedence that the Committee will be setting right now. Brandt stated this Committee has set precedence every time they have met and it was up to this Committee to decide whether it is appropriate for this particular site. Because it is done here, Brandt stated that doesn't mean it needs to be done on every other one. Brandt added things have been developing on a month to month basis here in Trempealeau County and the Committee is probably six months behind the curve on what is actually happening out there. Brandt thanked Rossa for reminding them, but they are aware that everything they do is for the first time. Doerr commented that he hoped the Committee would consider that if the price increases because of the mine that they are prepared to put the money in the hands of the Rossa's as well and also the Canadian company that is coming in here and taking our sand out of the United States of America and not leaving us with any money besides their jobs. Smick commented we're all in sort of "uncharted waters" and it should be made clear that what the Committee has truly been doing is very deliberative and a thought out process and have not been doing things "knee jerk" or "haphazardly" as some people want to "potshot" at the

Committee all the time and write letters. We really take our time and do the best job possible some of the criticism that is received is totally “out to lunch”. It may be a political statement but should sure be said for the record. Brandt reiterated what Smick mentioned and added the Committee has made great strides in terms of making the process easier not only for the applicant but for the Committee to deal with it. The town boards are also struggling with this. The Town of Arcadia is kind of out in front because it came to their back door early on and with more intensity. Bice stated Lien was going to explain to the Committee their rights and responsibilities and obligations under a Conditional Use Permit. Lien explained because this is a CUP, there is a set of standard conditions that always apply then the Committee can take the towns’ recommended conditions, public citizens recommended conditions and specific ones. There is also Section 13.03(2) – Permit Modifications, in the Ordinance and Darlene Rossa had alluded to the fact that the Committee was setting precedence today. Lien stated if the Committee feels that the issue with the Bawek’s and Killian is a precedent setting scenario or this Committee feels that because of the information that happened in the Town of Howard and public testimony in Trempealeau County that we need to address the property valuation rights, the Committee has the right and ability at any time to bring any applicant back in and place those conditions on them. Because it is precedent setting today, doesn’t mean the Committee can’t go backward on some issues. The Ordinance clearly states, if information is brought forward or the conditions need to be modified, the applicant or the zoning administrator can bring anyone back in here at any given time. From the beginning, starting with Winn Bay, the Committee has heard the public talk about property values and assessment and their rights. So if this Committee wants to do bonds or some other agreement through a conditional use process, they do have that right and/or ability. Brandt reiterated the conditions as having to do with fair market value, water for cattle, and an invitation as staff or as a Committee to view the spring how it currently exists. Palmer verified that #2 and #3 are the same but the parcel numbers are changed to reflect the Bawek or the Killian properties and who would be payable for the bond. Palmer verified there are seven proposed conditions. Brandt read that #4 is a 50 foot wide berm and an undisturbed tree canopy shall be maintained in the perimeter of the mine. As per the Ordinance, the conditional use permit holder and their operator shall place seismographs at home of adjoining property owners during times of blasting. An air monitor shall be placed at the Rossa’s property line nearest the northeast quarter of the Killian property line and a 5% annual increase in water and property value bond shall accrue annually to compensate for inflation. At Brandt’s inquiry, Quarne requested that the conditions be voted on individually. Vold questioned if the statewide blasting ordinance doesn’t require seismographs. Lien answered Trempealeau County did adopt that in the Ordinance as a standard. They must follow those state requirements, so they must place seismographs. Lien asked if Doerr doesn’t do blasting, would he be required to post the bond for the spring and would he have to do the 2500 foot inspections on septic and wells. If he doesn’t blast then he could move forward with those processes, and then if he needed to blast, he would have to initiate those items. Brandt stated he had asked Doerr, up front, if he was taking blasting out of his permit application and Doerr had responded, no, and it is still in the plan so then it is part of it. Bice wanted clarification because Doerr had told him that Doerr would like to move forward hoping they don’t have to blast, but they want to reserve the right to come back and add that back in. Doerr responded we now have all these conditions that could potentially, financially shut this operation down because of the possible costs as the conditions are written (Doerr felt the conditions could total up to as much as \$1,000,000 dollars), however if the Committee would identify the conditions as “prior to blasting” then they could at least get to work. Bice asked if Doerr wanted to proceed with the idea that he may not have to do blasting, but reserve the right to come back in and set up these other conditions or does Doerr want to proceed from this point that he not need blasting. Doerr responded that he would like to move forward that they have blasting in their plan, but the conditions are stated as such, that they are allowed to work and not blast and the conditions would specifically state “prior to blasting”. That would encourage the company to not blast and that would help all the parties (not just the vocal ones) in the valley. Doerr questioned, if the Committee does vote these conditions in, will they have backed the owners into a corner and shut them down therefore forcing them to seek an attorney in order to look for reasonable compensation. Tuschner commented instead of sitting here for another three hours, it is either “blasting in” or “blasting out” and that tells us yes or no. Vold commented other than the amount of money involved; the Town of Arcadia’s condition #2 covers the same thing. Brandt commented that three people have tried to get the point across, so if Doerr was not going to take blasting out of the plan, then it makes no sense to say that something

is going to be done and certain conditions aren't going to apply to the site until blasting starts. Doerr said they pertain only to blasting. As soon as Doerr does start blasting, Brandt stated all those conditions are going to apply so it is either upfront or two or three months from now. Doerr stated the owner has just requested that blasting be removed from the plan because they can come back. Quarne commented that is correct, but it will be another public hearing cost. Doerr stated the property owner and operator are requesting to remove blasting from the plan. Nelson inquired if they will have to check the wells or the footings, etc. Palmer commented it is in the conditions that the Committee has already passed. Lien added that Doerr is not gaining a thing by removing blasting and still being required to do all the inspections. Doerr will have done all the work and still won't be able to blast. Doerr stated the orange plan is the official plan but Doerr couldn't understand why "prior to any blasting" couldn't be placed in the conditions which would encourage them to not blast unless they could come up with several hundred thousand dollars. Brandt responded that Doerr has spent a lot of time and money on the plan which included blasting, so Brandt assumed that blasting is something that Doerr thought about from the beginning. For Doerr to change his mind now, makes it hard for the Committee to know exactly where Doerr is going with this. Brandt added the Committee wants to work with Doerr on this and Doerr has done a good job already on which Brandt has complimented him several times, so let's just work with the plan that Doerr has and don't change it every time a condition comes up. The conditions are to protect the health, safety and welfare of the citizens of Trempealeau County and that is what the Committee is here for. Brandt addressed condition #1, the fair market value issue – this is something that came up at the Town of Howard it has to do with an agreement where if the adjacent property owner wants to sell their property and can't at fair market value that their be a bond put aside by the operator and the landowners to make sure that the difference in what they can sell it for and the fair market value is covered or that they will purchase the property at fair market value. Brandt reiterated this would be a precedent as this is something that hasn't been done in the County before and as Lien stated, it would address issues that have been raised a number of times. Smick made a motion, Dregney seconded, to accept the recommended Condition #1, relating to fair market value of adjoining property owners. Lien stated the Committee could confer with Corporation Counsel as he felt it needed more clarification such as who is in care of the bond, or who the bond is for. Lien added NR-135 gives a list of criteria for a mining applicant. Rossa's or Doerr have a set of criteria. They can submit a bond, an irrevocable letter of credit or cash. They can do all these things to secure their bond amount. Lien commented this clearly states the applicants have one option of a bond. Lien wondered who is going to be entitled to that because it doesn't really state that. Lien stated the intent is good, but it opens up the applicant and the neighbors to civil action or litigation because it is not spelled out clear at all. Bice asked if the issue could be addressed specifically for Killian or the Bawek's since they are the ones that expressed concern. Nelson inquired if there are any others close by. Lien stated the condition says "adjoining property owners". Smick mentioned Lien had listed several other options and asked if Corporation Counsel wouldn't be comfortable just incorporating that in. Lien responded he was referencing NR-135 and what the state has allowed the County's to do. The County's can have a bond, Winn Bay wrote the County a check or they can do an irrevocable letter or credit – there is a whole list. This condition states clearly this is a bond so there is no other option. When it says adjoining property owners, Lien claimed legally an adjoiner touches. An adjoiner isn't across a road, however a stream is still considered an adjoiner but properties have to physically touch to be an adjoiner. Lien added it makes a difference when one gets into court as language has to be very specific. Lien felt it was good the Committee and the public are having this type of interaction. Lien stated the Town of Howard took a year to resolve what is being talked about today. Darlene Rossa asked if this was adjoining to the property itself or adjoining property to the mining site. Lien responded we have a specific application for an adjoining piece of property so it would be immediately adjoining that. Lien stated that too was a good point and it should be clarified. Darlene Rossa added their property only adjoins Shanna Rossa's and Jamie Rossa's for the mining site it does not adjoin Killian's or Bawek's on the other side because of the town road and because of the distance. Brandt stated there are a number of conditions that have to come into the office before the applicant would be allowed to start the operations such as blasting plans, storm water plans, archeological issues, DOT feedback, etc., so if this needs to be clarified in legal language, Brandt suggested that the Committee hold off on this condition until it is known what the Committee can actually do. Smick withdrew the motion with the hope that all these things can be addressed by the next meeting. Smick didn't think that would sabotage Doerr's project as he is pretty

much getting the green light anyway. Bice didn't have a problem addressing this for the Killian and the Bawek property and moving forward Bice felt the Committee needed to address any residents around it. Bice wasn't going to say it didn't affect hunting or agricultural lands, but it may affect residential property and Bice clarified residential property as being a house where someone lives. Bice assumed there were not too many houses nearby that were affected by this (Killian stated there were two more other than the Rossa daughters). Bice had no problem that the Killian or Bawek properties are protected by some kind of bond or something. At this point, Dregney withdrew his second to Smick's motion. Brandt moved on to Condition #2 which stated a bond shall be provided to the property owner (Bawek parcel identification number) for the maintenance of water source for the cattle that are currently on that property. Quarne suggested putting the whole list before legal counsel before the Committee goes any further. Upon Brandt's inquiry, Quarne made a motion to take the conditions # 1,2, 3 and 7 (which relates specifically to bonding and property values) recommended by Killian and the Bawek's and send them to Corporation Counsel to get his opinion as to what, and in what language, might be appropriate in applying any conditions, Smick seconded the motion. Brandt stated this is not to say they are or are not good ideas, but the Committee is limited by their knowledge as to what it is the Committee can or cannot do. Smick clarified that it is expected that Corporation Counsel should provide the Committee with an opinion so that this can be acted upon next month. Motion carried with no opposition. Brandt then referenced conditions 4, 5 & 6. Discussion on setbacks took place with Lien reading the Town of Arcadia condition #13 which stated a 50 foot setback adjacent to the property line reclaimed fill at a 4 to 1 slope. Committee consensus was that the Town of Arcadia setback as mentioned in Condition #13 was sufficient. Brandt addressed condition #5 – Conditional Use Permit holder and their operator shall place seismographs at the homes of the adjoining property owners during times of blasting. Lien stated the County has adopted the Dept. of Commerce standard that they are required to put out seismographs at the nearest residence during every blast. Brandt stated the nearest residences are the daughters. Lien commented they are asking for seismographs at adjoining property owners so again Lien would like Corporation Counsel to define that. Darlene Rossa commented they would still like seismographs on their daughters land to make sure that everything is safe. Upon Vold's inquiry of a distance involved, Lien stated there is a calculation and it is really a mathematical formula based on the size of the hole and the material, where they have to put the seismographs, so if they are not blasting very severe, they don't go out very far at all. Lien felt that was out of the Committee's hands as it is a Dept. of Commerce standard that the Committee adopted saying you will follow these guidelines. What is being asked for here is over and above those guidelines which again the Committee has the ability and right to do. Doerr reminded the Committee there are more details on the blasting plan in Section 3 submitted by Ahlgrimm Explosives, Inc. out of Appleton, Wisconsin. Brandt addressed condition #6- Air monitors should be placed at the Rossa's property line nearest the northeast corner of the Killian property line. Doerr reminded the Committee that in the plan that they have already submitted to the DNR, the plan is to follow the State of Wisconsin laws in the terms of air monitoring. Brandt asked if the request to the DNR was not to require air monitors. Doerr responded that providing they meet the criteria that the State has set, it would fall under the requirements set by the DNR for protection of air. Doerr expressed fear that at some point the County might be throwing out the validity of the DNR. Brandt stated that Doerr had a copy of the permit he requested in this plan, which is a request to not be required to do air quality monitoring because the operator feels that is not going to be necessary. The DNR will make a determination as to whether it is or isn't necessary to put up air monitors. Quarne asked if Hesch had an air quality monitor on his site. Brandt responded Hesch is under the same exemption that Doerr is applying for. Discussion followed on the different sites in the area and what their air quality requirements were. Brandt stated Condition #6 has no time or how often that the monitors should be checked. Brandt commented that in the Winn Bay conditional use, there was a committee that was created that was going to look into what type of air monitor was going to be used and where it was going to be placed and how often it was going to be checked. Brandt didn't know if the Committee had ever met or if the determinations have been made. Lien responded the Committee is meeting Monday. Brandt added this would be very difficult for the Committee because they don't have the expertise to determine which, when, where and how often. Brandt asked if they would be able to wait on this as the Committee would have a precedent once Winn Bay and the neighbors decide on the instrument and how often. Quarne commented it is a different kind of mine. Doerr interjected the DNR does have the expertise and that equipment. Brandt stated at this time we have a motion and a

second and an amended motion to apply standard conditions, the conditions from the Town of Arcadia, and not allow any operation until the storm water plan, blasting plan, archeological survey and the DOT information is back . Upon Brandt's inquiry, Lien responded his reclamation plan is part of his application and it has been approved. Motion to approve the Conditional Use Permit with these conditions in place (Brandt reminded Doerr that there may be more conditions placed next month as Corporation Counsel determines) passed with no opposition.

Dennis/Darlene Rossa Farmland Preservation Special Use Application – Judy Betker stated she has been listening to all the conditions that were placed on this mine site. Betker explained that Dennis and Darlene Rossa are in the Farmland Preservation Program. They signed up for the program and filed an application with the County back in 2008. The Rossa's have an existing agreement on their farm that runs until February 13th, 2019. For the record their contract number is 16072 which consists of 535.28 acres. On their application they have applied for 40.01 acres to be non-metallic mining. Betker added Farmland Preservation allows a Special Use Application Modification of Farmland Preservation Agreement and one of the uses that a person can do when filing one of these applications is non-metallic mineral extraction. Betker explained that meant, for this to be approved, they have to meet all the requirements that this Committee sets. The Committee needs to approve this application with the conditions the Committee set, it needs to be approved at full County Board, then it is sent to DATCP (Dept. of Agriculture, Trade & Consumer Protection) where they basically approve and release that land from claiming Farmland Preservation credits. The 40.01 acres that Rossa's mine, they will not be able to claim a credit on. The remainder of their 500 acres, they will be able to. DATCP's practice on this is that they have never, not approved one of these applications when it is approved at the County level. This Committee is where the conditions are set. Betker asked that the Committee approve the Rossa's Special Use application with the conditions this Committee set and forward it to the County Board once they meet those requirements. Bice made a motion to approve the Special Use Application - Modification to Farmland Preservation for Dennis and Darlene Rossa, Nelson seconded. Brandt asked if this limited their ability to begin mining after the County Board and DATCP approve it. Betker responded yes, because they have to meet the Committee's conditions before they can start mining anyway. Motion carried with no opposition. Discussion followed on the progression of the application.

Discussion on Property Cleanup in the Town of Trempealeau - Bice had gotten a call on this and there are about twenty people in Trempealeau that would like to see this property, which has an incredible amount of junk on it, cleaned up. Bice went and looked at the property and it doesn't look as bad as when the leaves are off the trees, but it is a mess. Bice's problem is that he is a strong believer in the Constitution. He is sworn in to be on the County Board. Bice had told all those people he was going to do this, but he is not. The reason he is not is because he doesn't believe that we as a unit of government, when there is no danger involved, have the right to tell a private property owner what to do on his private property, so while Bice has told many people/neighbors that Bice would push and resolve this issue. Bice is not going to do that as he doesn't feel he has the right and doesn't feel the Committee has the right. Bice knows that there is a law that requires this landowner not to have this mess. Bice stated we have the authority to do this. Brandt commented and we have the responsibility. Quarne inquired what type of junk it was. Bice responded it was lot of vehicles and junk and it is a mess and it is approximately 100 acres. Bice knows there are a few people here who would like this cleaned up. Bice thought this was going to be easy, but he cannot tell some private property owner that he has to take stuff off his property. Bice stated the Constitution very specifically protects private property rights so it protects people across the road and Bice understands that, but Bice cannot go against that individual who has been there a long time. He is only part of the problem as he has a son that is also part of the problem. While Bice would encourage the Committee to do what they need to do, legally we're supposed to do this. There is another issue coming up that Smick has on here for enforcement of these types of things. Bice doesn't believe that government has the right to tell this individual that he has to clean that up. If it were dangerous, Bice would say no problem, get it cleaned up today. It is not dangerous, it is an eyesore, it is unpleasant and it may cost the neighbors property value, but Bice can not personally go against this individual because Bice feels his property rights are protected by the Constitution. Bice apologized because he just decided that he needs to do this and he needs to call other people and apologize for not doing what he said he

was going to do. Thompson stated he has been getting calls about the same thing and that the Committee is not doing anything. Dregney commented if it is vehicles then it is dangerous due to the oil and anti-freeze. Brandt stated this is health, safety and welfare and a danger to the environment. Lien stated he wasn't sure how this came about because he has been working with these people for all of ten years. Lien had the record that he keeps in his desk with him which contains the agreement that the County made with these individuals after they were in court and the landowner had paid some citations. The parties had met with LaVerne Michalak, Corporation Counsel at the time, and it was agreed that this is definitely a problem. The County does have an Ordinance in place and the County has every right to require these people to clean up their property. A deal was made that if they show continual progress, that Lien would stay in touch with them, but the County wouldn't follow through with action that was recommended. Corporation Counsel had sent them a letter that either compliance is made or the County goes in, cleans up the property and assesses it on their taxes. Lien didn't believe the assessment was something that they could afford. It would be a quick fix to the problem, but is that something the County has to do. Lien has talked to this Committee as well as past Committee's about it. The agreement that was made is that they send receipts. Lien felt it came to Smick, Bice and perhaps Thompson's attention because there is an individual that calls Lien approximately once a week about this property. Lien has assured that individual that he can come in at any time and look at the receipts (this is public information) that progress is being made. The problem is that it is not being made fast enough. Thompson commented some stuff leaves and more comes back. Lien agreed it is an ongoing process, like Thompson stated which wasn't part of the agreement. The agreement was that things continually leave, not add to the situation. Lien went over some of the receipts. Lien reiterated that progress is slow, but it also took fifty years to accumulate this stuff, one doesn't get it taken care of overnight and in the public eye we're doing nothing because they are not seeing progress fast enough. Bice stated this guy is kind of running a junk yard there of which he is supposed to have a permit to do that and he doesn't. This is not a good situation, Bice says even though Lien says they are making progress, they aren't, as it would take a hundred years. P. Wier stated he goes to auctions as he is an antique dealer. Wier asked if the Committee had seen the show, American Pickers, as someone had told P. Wier that they are going to be coming out to their place. If one has seen that show there are some pretty terrible places where nothing is worth anything. P. Wier stated he has been working on it, but it is hard to get rid of something that means a lot to a person. There is lot of stuff that is worth something there, some of it is junk, but not all of it. P. Wier has been told he needs to get rid of all the machinery, etc. that his Dad has had for years. Someone came up to get one of the hay bines that Wier's are still using. Wier stated what he does is buy and sell, some thing's are sold on E-bay. Wier knows it looks bad. There are cars there and a lot of them are collector cars and there are collector plates on the cars. Wier stated there are other places in the County which apparently the DLM doesn't received calls on. Wier added there are some board members that have a bunch of trucks and stuff up in the woods. Quarne stated that is correct, but they are out of sight and out of mind. In response to Wier mentioning Quarne's neighbor, Quarne stated the neighbor is cleaned up. Wier commented that stuff wasn't worth anything but scrap however Wier's items have a lot of antique value. Brandt stated Wier had mentioned it is hard to get rid of stuff that is important to a person and that is the issue that we're dealing with here, but Wier needs to understand the Committee's point as well as the nature of the Ordinance, that if Wier, in fact, had a business, then Wier could be licensed as a business and that would come under a different set of rules. Wier would be regulated but at the same time have a bit more freedom. Lien stated Wier's have tried to talk to the Town about issuing a salvage license but the Town wasn't in agreement with that. Lien clarified that the farm machinery is exempt as they are an active farm. They have active farm machinery and they have spare farm machinery so that is all part of a farming industry so that is not an issue. It is all of the other debris that can be health related. If there are piles of what is viewed as garbage, or stuff that causes adversity for other adjoining properties, those are Health Dept. issues as well as zoning related. The cars can leak chemicals so those are an issue. Wier and Lien have had discussions about the "collector" part of it. Lien is a collector car enthusiast, but when they sit out in the woods/ground they are junk, there is nothing left to them anymore. The cars need to be in buildings to be preserved. At one time, Wier's got a permit for a shed. The problem is, sheds cost a lot of money and they weren't able to build it to get some of this stuff indoors. If things are indoors, Lien stated one can have as much stuff as they want and it is not an issue. The complaints being received from the public are health related and property value. Just like the mining, it is the same type of issue where someone feels if your

property adversely affects someone else there is a negative impact. Lien's staff deals with these issues everyday. This Committee has a unique role because it is not only Land Conservation but also the Zoning Committee which is not an easy position. These gentlemen are making an effort, but in the public eye it is minimal and if things are coming back that is not part of the original agreement with Corporation Counsel and the Judge. Things were supposed to leave on a continual basis showing progress of them leaving, not returning back. P. Wier stated he has brothers, they have cars that they leave on the property and Wier fixes them. Wier had mentioned having a site in Hixton. Lien inquired what kind of site that was. Wier mentioned it was an antique booth inside the school house mall. Lien suggested taking it all there. Discussion followed on some sites in Jackson County. Smick commented this may or may not be resolved here today, but this relates to the next item that Smick asked to have on the agenda. Smick has not got a call on this, however it relates to the next item. Smick is absolutely convinced we are being made a laughing stock and people are intentionally ignoring us on any type of zoning or other requirement we have because they know the message is out there that we don't do squat on it and that is a hell of a reputation to have and Smick is telling us we have got it and we have to do something about it. Wier asked if there are any other properties receiving complaints. Lien responded the DLM receives continual complaints about properties. There are several other properties in that township that have had to be addressed repeatedly. Discussion followed on other sites in the County. Lien read aloud the correspondence between the County Corporation Counsel and Wier's; dated July 1st, 2009 (on file in DLM office). Lien stated Cecil Wier came in, they met in the Corporation Counsel office and discussed that continual progress would be made and from that date on, Lien has received letters with receipts showing a small amount of compliance. October 11th, 2010, Lien sent Wier's a final letter stating they are still in violation of the County ordinance in regard to the condition of their property (Lien read the letter aloud which is on file in the DLM office). Steve Wier contacted Lien at that time as he was working for a salvage company and was doing some clean-up there. P. Wier added that dumpsters are expensive and they couldn't afford to keep getting them. Lien stated to Smick, that even though the public perception is that we are not doing our job, we have record of it, a lot of receipts; it is just not being done in the fashion that the public would like. Smick responded his point was, that the County has a lousy reputation and because of that the public is just snubbing us. P. Wier stated this is causing him emotional distress. Smick responded that he sympathizes with Wier but that doesn't take care of the problem. Wier asked if Lien could come out to show Wier what he can keep and what he must get rid of. Lien reiterated the ag items are not an issue. Wier is allowed to keep five unlicensed vehicles in an orderly fashion and if they sit for more than 45 days even they can be removed. Lien state the vehicle numbers need to be kept down and general debris is an issue. Wier stated if he buys anything at an auction it is an antique. Lien commented that stuff needs to be in an enclosure. Smick address Wier's question about Lien coming out stating Lien is not going to come out to the property and give Wier enough exemptions to solve the problems. Wier has to deal with them as Lien cannot cut Wier that much slack. Lien added he has been to Wier's and discussed the issue many times and they have made progress. Brandt suggested moving on to the next agenda item.

Code Violation Enforcement Strategy - Brandt stated Smick briefly touched on this issue in the last discussion. The County has a strategy which is complaint based and once a complaint is filed, staff acts on it and it ends up either being resolved either prior to going to court or in court. Lien stated his staff does not drive around the county looking for violations. When complaints are received, DLM is obligated to follow up but there are sites that have either not been addressed or complained about, that people may believe that we are not acting on, but if we have not had a complaint, we do not. Smick understood that, but asked what is "complaint driven". Smick asked if DLM gets a telephone call or does someone have to put it, formally, in writing and what happens then. Smick stated the frequency of the complaints certainly should influence what we are doing per location and its' severity so that we're doing something to the point of resolution, otherwise the reputation is still out there that the County isn't doing anything. Lien replied DLM has an internal policy that they address every individual complaint in the same way no matter how it is received. First, staff goes out to verify if it is even valid because sometimes the complaints are from angry neighbors or relatives and are not even a valid concern. If it is a valid complaint, DLM follows up with a letter stating what the violation is. The landowner is given a timeline in that letter, typically 30 days. The second notification gives a shorter time line. After that it is at staff discretion whether we keep working with them because the landowner is showing

compliance or if a situation is issued. If the first and second letters go out with no response being received, then a citation is automatically issued. Lien added that is what the Judge has asked DLM to do and Corporation Counsel agrees. With supporting documentation, DLM is very well covered when going into court. Smick thanked Lien for his information and suggested that if Lien needed some direction he should bring it to the Committee. Lien responded that is where we are at with Wier's. Lien gave a review of what has been done over the past ten years with Wier's. Lien will follow through with whatever action this Committee wants to take. Lien gave details on the issue that Palmer has been dealing with for over two years, regarding a well in Trempealeau, but to the public it looks like nothing is happening, but things take time. Thompson felt that the County didn't need to go to a big expense to get the place cleaned up, just send a "junk" down there and he would get it cleaned up and Wier's could get a lot of money out of it. Lien agreed and had suggested it to Wier's but they are not willing to do that. Lien asked Wier's to plead their case. P. Wier asked, if they're collector cars is all that stuff supposed to go to scrap. Thompson responded all that stuff in the woods is not collector cars; it is just junk because it is deteriorated. Lien added scrap is relatively high right now. Bice instructed Wiers that they might go out there and try very hard to decide what needs to be sold and what they can hang onto or get the items back where no one can see them. Bice added the bulk of it needs to go. There is no good resolution here unless Wier's decide to do this and do it on their terms because the majority of it could be removed and Wier's could be paid fairly well for it. Bice is afraid if they don't the day is coming where Wier's will lose the option and that wouldn't be good either. Thompson reiterated that Swanson would go in there and clean it up and Wier's could get a lot of money for it. Smick encouraged Wier's to listen to what is being said as some excellent solutions have been suggested. P. Wier responded it is hard, it is like an addiction. Smick replied Wier should listen as the Committee is trying to help. Bice advised Wier's to make a decision and move forward on it. Brandt felt that Wier's have heard the unanimous decision of this Committee that it is time to move forward with this and therefore closed the discussion. Roland Thompson left the meeting at this point.

TRM/LWRM Cost Share Payment Requests – Lien presented the following payments for approval.

LWRM	Type	Amount	New CSA Total	Reason for change
Steven Micek	Contract/Pay Request	\$ 4,098.78		Critical area (repair done to an Old rock chute)
TRM				
Laurence Cooper	Contract/Pay Request	\$129,000.00		Manure Storage

The only cost share amount was the \$129,000 and Lien believed that Cooper also received money from NRCS. Nelson made a motion to approve the LWRM payments, Bice seconded. Bice asked if any of the funds were County money. Lien replied that it is all state grant money. The County does receive engineering funds to offset some of the staff costs otherwise there are no levy dollars attached. Bice asked if Lien felt this was something that was very necessary. Lien responded from the information he received from staff, absolutely, because if this rock chute unravels any further (Micek has a manure pit with a grass waterway around it) and fails, it keeps eroding back and there was a pretty large gully there. This has stabilized control of the gully and secured the grassed waterway. Motion carried no opposition.

Survey Report – Lien presented the survey report and bill for T20N, R8W including work in Arcadia, Ettrick and Gale. Lien also presented a survey report and bill for T20N, R7W which is completed. Lien elaborated on how valuable this remonumentation is to landowners as well as the County. Quarne made a motion to approve the bills as presented, Bice seconded, motion carried with no opposition.

Discussion on CAPX220 Q1 Transmission Line Route - Bice stated that as a Committee, he hoped they could agree that there is one route that is best for Trempealeau County, Wisconsin and the United States and that would be the Q1 route which is the route that is pretty much used right now by the existing power line route. Brandt mentioned basically it runs parallel with State Highway 35. Bice added this is an expansion of

the existing line and most of it will be right down the existing line, it will have a wider footprint and more wires. Bice has been to several hearings on this and can say that the majority of the local people that are directly affected by it are fairly comfortable with the fact that this line is being expanded and coming through their area because they have learned to live with it. There are people that own property underneath it that will never be able to utilize it for anything other than agriculture uses. The reason the Q1 is so important is because it is the cheapest and in Bice's assessment plus many others it is the least intrusive and the most effective. In talking to Wally Geske, Bice claimed Geske feels it is the best route available. The other route comes into new territory which is very close to Arcadia and takes up a whole bunch of new land. Nelson asked if the other line goes toward Blair and then down. Bice responded that was correct. There is a new company, ATC (a private company that basically builds line and then rents them to utilities), that wants to bring in a new line. Bice is not completely against ATC and a bunch of this is coming in because they are generating wind power out in North Dakota and that area and they have to get that to an area where it can be utilized, especially during the day when the winds are blowing. Bice felt it would save everyone money if the Q1 were used. It will save Trempealeau County money and it will save on the environment. Bice felt it was important that the Committee pass a resolution (Bice will write it) and get it approved by the full County Board and get it sent off to the people involved in making this decision, the Public Service Commission. Bice felt it needs to be done very soon and it also has to be sent to Congress. Some discussion followed regarding utilities, eminent domain and the Public Service Commission. Bice made a motion to draw up a resolution for County Board to support the Q1 route for CAPX 220 Transmission Line, Smick seconded, motion carried with no opposition.

Establishment of Noise Level Reference Comparison Data Base - Smick stated we are dealing with all kinds of issues and he thought we had a minimum decibel noise requirement of 45 decibels. Smick thought, countywide, that we need to go out and take readings with equipment that we already have and establish a base line, at several different times of the year because foliage can absorb a lot of sound and different temperature conditions will affect sounds as well as atmosphere, humidity, etc. Smick felt we needed to establish a base reference line so that when people come in, we can say what the standard is. Right now we have no frame of reference. Smick alluded that it may take some staff time. Lien felt what Smick was talking about was a noise ordinance of which Trempealeau County does not have one. Lien stated we "stuck our toes in the water" on the mining and wind turbine issue saying we set this 45 decibel level at a property line. Every time this has come up to a Committee it has been thrown in the garbage because the minutes noise is addressed, it is addressed for everyone. (Lien referenced the combine running at 2:00 AM because the corn has to get off before the rain comes). Discussion followed on different noise events which happened in the County. Lien stated disturbance of the peace happens after 10:00 PM and prior to 5:00AM and the Sheriff will address it, but Lien cannot because there is no noise ordinance. Smick appreciated what Lien was saying but stated we do not need an Ordinance; all we need is a frame of reference. Lien felt Smick might get that reference at the upcoming Board of Adjustment meeting. Bice commented Lien probably has a pretty good handle on the 45 decibel level and it is not much noise. Smick responded that when someone comes in and complains it would be good to have a chart for reference/comparison. Brandt stated the science has been done on this stuff. Lien offered to bring the decibel reader down to a meeting and take some readings. Brandt added he does have readings for certain areas around the County. Smick replied it would add credibility to people who are complaining, be it legitimate or not. Discussion followed. Quarne suggested taking readings at the sand mines when they are running and not running. Brandt stated Smick's point was well taken. Hesch commented as a judge, in Arcadia, he deals with this all the time. Arcadia has a noise ordinance but what it comes down to is common sense. Hesch elaborated on the train noises. Hesch stated one has to realize that some things are noisy and one gets used to them and some things are not. It depends upon the complaint and how it is abused. If someone is abusing it then those are the people that will need to be "stepped on". Lien added someone once told him, if you don't put limits on what your neighbor can do to you, there are no limits to what your neighbor will do to you and that is what the heart of zoning is. It is that constant trade-off between property rights and regulating for one's own safety and their neighbors. It is very challenging. Hesch reiterated it comes down to common sense and one can also ordinance themselves into a hole. If there is a noise ordinance then the train whistle can't blow, then there are safety issues, etc.

Director's Report – Lien stated the Committee received a copy of the Land and Water Resource Management plan. This plan went out to the State in final draft form last week, so DLM is waiting to hear back from them. Lien stated the public hearing will be next month. The new Zoning/Environmental Specialist Position will be addressed by the Personnel Director in Closed Session.

Next Regular Meeting Date – Next regular meeting date was set for Wednesday, October 12th, 2011 at 9:00 AM. Bice requested that agricultural noise makers be placed on the agenda. Discussion followed.

Closed Session per WI Stat.19.85(1) (c) to consider employment, compensation and performance evaluation data. At 1:41 PM Nelson made a motion to go in into Closed Session, Bice seconded, motion carried unopposed.

At 1:58 PM Quarne made a motion to reconvene into Open Session, Bice seconded motion carried unopposed.

At:1:59 PM, a motion was made by Quarne to adjourn the meeting, Nelson seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael E. Nelson, Secretary