

**ENVIRONMENT AND LAND USE COMMITTEE**  
**Department of Land Management**

**REGULAR MEETING MINUTES**  
**November 9th, 2011 9:00 AM**  
**COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:05 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 and Virginette Gamroth.

Others present – Mark Brave, James Bjorge, Jr., Tom Lydon, Cynthia Ellenbecker, Stephen Doerr and Kyle Slaby.

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** – Vold made a motion to approve the October 12th, 2011 and October 17th, 2011 meeting minutes as presented, Nelson seconded, motion carried unopposed.

**APHIS-USDA Wildlife Damage & Claims** – DeWayne Snobl was present. Snobl handed out a list of 2011 WDACP recommended crop prices for consideration. The recommended crop prices are as follows:

<u>Crop</u>	<u>Price/Unit</u>
Alfalfa	\$141.74/ton
Mixed hay	\$ 89.73/ton
Haylage	\$70.87/ton
Corn, field	\$ 5.66/bu.
Soybeans	\$12.39/bu.

Snobl stated as part of the damage program prices are specifically set for that program. Snobl gave an overview of how he determines the recommended prices. Snobl mentioned that he wasn't going to include hay, but since prices were passed in other counties, Snobl has had complaints of bears getting into haylage, so he felt he would include it. Bice inquired if the program pays on harvested crops also. Snobl responded about 7 -8 years ago the state included harvested crops still on the property as eligible, prior to that they were not. Snobl added mixed or ration stuff is not included, but corn silage or haylage has been included as eligible. Bice stated he would be tempted to try to cut these prices 10% to save the state taxpayers and the state some money as he feels these are fairly lucrative prices. Quarne responded the suggested prices are conservative. Dregney added one can sell corn for more than that today. Snobl added these are prices that the Wildlife Services can defend to the farmer, hunter and DNR. The prices may be higher now, but the prices do represent an average. Bice asked how many farmers in Trempealeau County take advantage of this program. Snobl stated there are fourteen or fifteen in the program. Three have requested formal appraisals where Snobl actually goes out in the field, takes references and damage samples, walks the field and comes up with yields. Bice added he was sure on his farm there was \$1,000 in damage but he feels that is the cost of doing business and it is not a big issue for him. Vold made a motion to approve the crop price recommendations presented by Snobl, Dregney seconded, motion carried unopposed.

Snobl explained that State Statute requires that once 90% of the corn crop is off in the County, that is considered the cutoff so no more damage appraisals can be conducted for crops in the field. The reason behind that is because the program doesn't pay for "over winter" crops. It is a bad idea to leave crops in the field because in certain areas there will be nothing left come spring. The other part is that it is a year to year program so at some point a line needs to be drawn. State Statute requires that this date be set. Last year, the date set was December 1st. For those people that are claim eligible, Snobl has appraised everything they have and should be all done. Brandt asked if Snobl works with UW-Extension to set this date. Snobl responded at times he does, but he didn't think he needed to this year because those landowners that are eligible have already been appraised. Snobl felt a reasonable recommendation for a cutoff date would be December 1st as he assumed 90% of the corn crop would be off by that point. Nelson made a motion to approve December 1st as the cutoff date for 90% of the crop harvest, Bice seconded, motion carried unopposed. Snobl stated Wildlife Services will publish the cutoff date in the newspapers and Lien will be copied on the publication.

Snobl mentioned the first survey, as to how many deer have been donated, won't be completed until after the gun season. The final total has been very difficult to get until the Governor's office signs off on letting the information out. Therefore, Snobl doesn't have any information on what people are donating. Strum is the only processor in Trempealeau County.

Snobl mentioned there is a proposal in the legislature to add cougar to the program. There have been sightings in a number of areas in Wisconsin including Ettrick and Taylor. On October 26<sup>th</sup>, the Assembly of Natural Resources Committee had a hearing, it was discussed but no action was taken. The bill to eliminate Earn-a-buck and Zone-T hunts, with the exception of the Youth Hunt, is on the Governor's desk awaiting his signature. More discussion took place on the cougar sightings.

#### **Public Hearing – Conditional Use Permit - Duplex – Mark L. & Jennifer A. Brave – Town of Arcadia**

Brandt called the public hearing to order at 9:27AM. Nelson read the public hearing notice aloud. Brandt explained the public hearing process to the public in attendance. Lien stated the proposed site is located south of Independence on Woychik-Sonsalla Lane. Brave built a new home on the site and had to do extensive work to get the land out the flood plain. Lien explained the site was an elevated "peninsula". Brave's home has no basement but it does have a four foot crawl space. Brave's father-in-law had lived in the other side of the home which was considered a single family dwelling but has a 730 square foot apartment on one side. Lien explained for the home to be considered a duplex, Brave needed to apply for a Conditional Use Permit. Lien stated this hearing was published in the newspaper two consecutive weeks. Lien received no responses from the public for or against the request. Lien added because this is a Conditional Use Permit, the Committee can place conditions. Some of the things that have been conditioned in the past are parking area and/or screening. Lien mentioned Brave is on a dead end lane. Lien inquired if Brave owned the property behind him. Brave responded there is a neighbor across the street and Schank's own the farmland at the end of the road, but he wasn't sure if anyone occupied the house or not. Brave stated, basically, about 10 years ago, he had built a 730 square foot apartment with a one car garage onto the house for his father-in-law to occupy. Unfortunately, Brave's father-in-law passed away a couple of months ago and Brave would like to get a little income out of the apartment. Brandt inquired if this was adjacent to Brave's house with a separate driveway. Brave responded it was attached to the north end of the house with a separate garage, but there is one big driveway. The only attachment between the two houses is one door in the garage, other wise it is fully separate. The heating systems are separate and there are two meters for electric. There is one gas meter and one septic system which were designed for the number of bedrooms in the home. Brandt called for any public testimony. Lien read from the Town of Arcadia Board of Supervisors which stated they passed a motion at their September 29<sup>th</sup>, 2011 board meeting stating they have no objection to the E & LU Committee rezoning the property from agriculture to duplex on the Brave property. Lien commented the letter had some miss-information, because it is not a rezone, it is a Conditional Use Permit, but the Town supports it either way.

Brandt closed the public hearing at 9:33AM. Quarne made a motion to approve the Conditional Use Permit for a duplex on the Mark and Jennifer Brave property, Nelson seconded. Bice asked Brave what brought this to light – did someone approach Brave or did Brave approach the County. Brave responded that he had approached the County. Bice commented from everything he has heard, he didn't see any reason at all that he shouldn't be able to do this. Upon Brandt's inquiry, Lien verified that this is a Conditional Use Permit on the building but the agricultural zoning stays the same. Brave stated his intention was to stay living there. Motion to approve carried with no opposition.

**Public Hearing – Conditional Use Permit – Circle B Custom Creations – home business – James C. Bjorge, Jr. – Town of Preston.** Brandt called the public hearing to order at 9:35 AM. Nelson read the public hearing notice aloud. Lien stated Bjorge is proposing a home business in which to build log furniture. Lien shared a photo which shows the business sign and two chairs which Bjorge builds in his business. This site is located just south of Blair on State Highway 53. Bjorge is proposing a wood working shop in an accessory building on the property. Lien added the hearing had been publicized in the newspaper for two consecutive weeks and letters were sent to all adjoining property owners. Lien stated there was an inquiry from a gentleman who has land just to the east of Bjorge but is an absentee owner. Staff had taken his call however Lien has not gotten any inquiry or response from him up to this time, so apparently his issues have been resolved. Brandt asked Bjorge to describe what he is doing. Bjorge replied for about ten years he has, as a hobby, been building log furniture. Bjorge also builds log homes and has done all the log work at Cabela's, Great Wolf and Wilderness water lodges all over the United States. It became more of a passion for Bjorge as he didn't want to be "on the road", he wanted to be home with his family. As orders came in, he realized he had to become a legitimate business as he could make a living off of it. Bjorge is just trying to take all the steps to make the business legitimate. Bjorge has a 30 X 30 foot pole shed that he will be using as the main facility plus he has two other outbuildings for the storage of materials and a temporary show room until he can afford to build a bigger workshop. Right now, Bjorge has everything he needs. Lien stated at some point, Bjorge would probably have to look at a rezone to Commercial depending on how big his business gets. Lien reminded the Committee this is a Conditional Use Permit so the Committee could place conditions on it. Brandt called for public testimony.

**Tom Lydon** – Registered to appear and testify for information only. Lydon stated he owns the property across the road from where Bjorge's business is going to be operated. He has no opinion on the Conditional Use Permit. He would like to say that he owns a small piece of land on that side of the road and Lydon pays for it and he doesn't want anything built on it. In viewing the aerial photo, Lien measured the parcel at being 70 feet and commented that because most of the land was in road right-of-way and the setback (110 feet from State Highway) could not be met, nothing could be built in that triangle which is just west of the road.

**Cynthia Ellenbecker** - Registered in favor but not testify.

**Stephen Doerr** – Registered to testify in favor. Doerr wanted to testify in favor of Bjorge being able to go forward with his entrepreneurship. The self employment that he is creating is commendable. Doerr hopes that the County would encourage this type of stuff to go forward.

Lien read a letter from the Town of Preston Board which stated the Board met on October 10<sup>th</sup>, 2011 and gave its approval for James Bjorge, Jr. for a Conditional Use Permit for a home business.

Brandt closed the public hearing at 9:44 AM. Vold made a motion to approve the Conditional Use Permit, Bice seconded. Brandt asked Lien to clarify the agricultural zoning classification with regard to a home business. Lien stated if Bjorge had been utilizing a smaller portion of that shed, it would actually have been a permitted use as a home occupation, but because he is using a larger amount of square footage, then a Conditional Use Permit is required. Lien explained if Bjorge begins to do more retail sales with a show room then it would transition more into a commercial type zoning. Lien reiterated that right now he falls into the parameters of a Conditional Use Permit. Lien added the area is pretty rural, there is good visibility and he has

adequate parking area for the amount of business he is presently doing. Quarne asked what the parameter was for going from Conditional Use to Commercial. Lien responded it is a percentage of the building and how much expansion takes place. Upon Vold's inquiry, Lien responded when one has a lot of public accessing the site and a showroom, etc. then Commercial zoning would be required. Brandt asked if the Committee felt there was any need to attach conditions to the site. Committee consensus was there was not. Motion to approve carried with no opposition.

**Appearance – Real Property Lister – Nick Gamroth** - Lien stated Gamroth would not be attending the meeting today as Gamroth was instructed by the Department of Revenue not to speak to the Committee on the subject of property values at this time. Lien commented he has received an e-mail which contained a lengthy study from Purdue University about property values in relation to gravel pits. Upon Smick's urging, Lien summed the report up by saying basically if one is next to gravel pits, within a set distance there is an escalating scale of percentages – the closer one is, the more the property value is decreased. Lien noted the study was specifically done for gravel pits.

**Conservation Aids – 2012 Application** - Lien referred Committee members to a handout (on file in the DLM office) in their folders. Lien stated there are two applicants this year for the Conservation Aids money. The Ettrick Rod & Gun Club and the Elk Rod & Gun Club have both applied. The allotment for Conservation Aids is \$1,971.00. Both projects were submitted by Rob Herman who helped in completing the applications. Lien stated the projects are very similar except for estimated total cost. Ettrick Rod & Gun Club is estimating a total cost of \$10,000 and Elk Rod & Gun Club is estimating \$14,000 for their project. Lien noted the money has gone to the Elk Rod & Gun Club for many years previously simply because no one else had applied. Lien made note of the trout stream class as the Ettrick project was affecting a Class II trout stream (which was a higher class) than the Elk Rod & Gun Club which affects a Class III trout stream. Lien added the location of the Ettrick project is right in the Village, immediately downstream from the bridge. Lien mentioned that Vickie Stalheim had talked with Bob Pietrek, President of the Elk Rod & Gun Club, who mentioned they would actually support Ettrick getting the funds and they would not be upset if the money got divided up a little bit. Lien reiterated that the funds are not levy dollars, it is State grant money and the club needs to match the same amount of money which the State provides. Since Elk Rod & Gun Club had received the Conservation Aids funds for the past several years, Quarne made a motion to give the entire amount of \$1,971.00 to the Ettrick Rod & Gun Club for improvement to the North fork of the Beaver Creek, Vold seconded, motion carried with no opposition.

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

<b>LWRM</b>	<b>Type</b>	<b>Amount</b>	<b>New CSA Total</b>	<b>Reason for change</b>
Steve & Amanda Killian	Contract	\$2,299.92	\$2,299.92	Nutrient Management
Steve & Amanda Killian	Pay Request	\$2,299.92		
<b>TRM</b>				
Steve & Amanda Killian	Contract	\$101,430.00	\$101,430.00	Barnyard, Fencing & Roof Certify Barnyard, Fencing & Roof
Steve & Amanda Killian	Pay Request	\$ 60,587.04		
Johann Bragger	Pay Request	\$ 30,173.77		Certify Manure Storage
Frederick Schaffner	Contract	\$ 97,020.00	\$ 97,020.00	Barnyard, Manure Storage, Diversion Sed. Basin
Frederick Schaffner	Pay Request	\$ 51,520.00		

Lien stated the Bragger project took a little more time than anticipated because there was a bridge that was dilapidated and needed repair before cement trucks could cross, so the project ran later in the year, but it is now certified complete. Lien noted these are two year contracts, they can wait until the second year to complete the project, but after that if the project is not implemented, the money is forfeited back to the State. Thompson made a motion to approve the TRM and LWRM payments as presented, Nelson seconded, motion carried with no opposition.

**Review of Conditional Use Permit – Multi Family Dwelling – Herb Brasda – Town of Hale.** Brandt inquired if Brasda was present. Lien responded Brasda was not present. Lien stated Emery Palmer has been working with Brasda. Lien reminded the Committee that Brasda came before them for a rezone and a Conditional Use Permit for a property in Hale where he wanted to do a quad-plex. However at the meeting he was somewhat undecided as to how many units he was going to create. Once Brasda goes beyond a 1 and 2 family dwelling he no longer deals with the County as that is considered a commercial property and he deals with the State agency for inspections. Lien read the following timeline aloud:

October 14<sup>th</sup>, 2010 – Stop work order issued for building and well permits.

November 2<sup>nd</sup>, 2010 – Another stop work order was reissued and still no permits or contact.

November 11<sup>th</sup>, 2010 – He applied for a rezone and Conditional Use Permit

December 8<sup>th</sup>, 2010 – Conditional Use Permit was granted – Brasda was told he needs to work with staff on which way he was going to go – either commercial code and work with Leonard Alexander from the State or limit the structure to a 1 and 2 family dwelling and work through the County.

April 5<sup>th</sup>, 2011 – The County received a call from State Inspector, Leonard Alexander, that no plans have been submitted to the State.

April 6<sup>th</sup>, 2011 – A stop work order was re-issued as some work is being done on the property. The County requested plans and sanitary information. No response was forthcoming.

September 14<sup>th</sup>, 2011 – Confirmed with Leonard Alexander that no plans have been submitted to the State.

September 20<sup>th</sup>, 2011 – Stop work order is still in place and once again plans for septic and building are requested.

October 31<sup>st</sup>, 2011 – Spoke with State Inspector, Leonard Alexander, and still no plans have been submitted to the State.

November 1<sup>st</sup>, 2011 – Brasda was sent a letter stating that the Conditional Use Permit will be recommended for termination under Section 10.047 since applicable codes had not been complied with.

Lien reminded the Committee that this was the property where a time line was given to have the trailer house removed. The trailer has been removed. Brasda hasn't submitted any plans and hasn't followed through with anything. Palmer's recommendation is that the Conditional Use Permit be terminated and it remains a single family dwelling until he is going to work with the County or State. Lien asked the Committee, with all the staff time that has been expended and communication that has been sent, how they wanted staff to proceed.

Brandt stated Lien had quoted a part in the ordinance and questioned if that was the part that states a permit is good for one year. Lien responded by reading from the Ordinance aloud, "Expiration - all Conditional Use Permits shall expire twelve months from the date of issuance when no action has commenced to establish the authorized use or 24 months from issuance if the authorized use is not substantially completed or in operation. If a time limit has been proposed on a condition for the permit, the permit shall expire at the end of the time limit. Brandt restated that basically when Brasda got the permit he understood it was good for a year, unless he started something, then it would be good for two years. Lien reminded the Committee of testimony they received in which neighbors stated he has been working on this project for twenty years, so then we stopped him from working on it stating that he needed to get permits for working on it and we need to know what the plans are. Lien stated we can't have a four unit structure with a 50 year old septic that was designed for a single family. Lien stated the County has no records of what the septic is like, so Brasda has been asked to bring in information as to whether the septic is good or it needs to be replaced. We need to know if the

structure is going to be a 1 or 2 family dwelling or a quad plex. Lien reiterated that no response has been forthcoming from Brasda. Lien verified the CUP was granted December 9<sup>th</sup>, 2010. Nelson stated he doesn't see anything going on there. Lien responded he felt any work was being done inside the home. Brandt clarified that Lien's recommendation was to let the CUP lapse; therefore the building must remain a single family dwelling as it always was. Bice asked if Lien had any idea why Brasda doesn't respond. Lien stated he didn't know. Bice stated a lot of the people he talks to think the government doesn't have the right to tell him what he can and can't do on this property. Bice made a motion to table this issue, so that Bice could research the situation to make sure that this gentleman is being treated fairly. Nelson seconded the motion. Vold stated the CUP is going to run out whether it is tabled or not. Dregney commented Brasda has had multiple times to talk with somebody. Bice commented that Lien had stated, for the record, that he didn't know what the problem is. Lien added it is like 5% of the public that DLM works with; they just hope if they avoid the subject it is going to go away. Lien stated Brasda's last message to Palmer was that he hasn't been working on the home so there shouldn't be a problem. Lien reiterated that if Brasda is going to have more than a 1 and 2 family dwelling that requires state approved plans and inspection. Brandt stated there actually is no violation. Lien responded that Brasda has not followed through with his plans so there is a stop work order on site. Neighbors have told Lien that Brasda is working on the structure. Gamroth stated she had talked to a neighbor near there and she has expressed that he will never get the project done and if he does get it done, they are concerned as to what type of occupants will be there and that it will become a neighborhood sore. That neighbor had also claimed that someone was living there and had lived there all last winter. Lien had copies of the letters which were sent to Brasda and stated it was evident what the County was asking for. Brandt clarified that Bice's motion was to table this to keep the Committee from making a decision on whether to take staff's recommendation to allow it to lapse. Bice voiced that he felt the County has nothing to gain by clamping down on this guy. Bice is a believer that people have private property rights and Bice didn't see that the County would gain anything. Bice acknowledged that Lien and the Dept. think they have a job to do and they need to follow through, but Bice would prefer to call this guy and ask what it would take to get him to comply. Bice felt we owed it to him to at least give him another month as the County gains nothing by being forceful and saying "that's it". Bice has a real hard time telling this guy what to do on his private property, so he would like to give him additional time. Bice will call Brasda and find out what the issues are and why he doesn't respond to the County as he may have a good reason. Brandt called for a voice vote on the motion to table this issue: Smick – yes, Quarne –no, Vold – no, Thompson – no, Nelson – yes, Brandt – no, Dregney – no, Bice – yes. Motion to table failed on a 5-3 voice vote. Thompson commented it is going to expire in three weeks anyway. Vold suggested just let it expire. Discussion followed on landowner compliance. Lien stated if Brasda doesn't contact the Dept. or get the needed information to the Dept., the CUP will expire and Brasda can keep it as a single family residence in which the only thing Brasda would have to do is maintain a compliant septic system.

**Wildlife Habitat Tree & Shrub Program Summary** – Gamroth presented a handout to the Committee which was a summary of the program (on file in the DLM office). Gamroth referred the Committee to the income amount of \$4,871.23 which was deposited into the E & LU Committee checkbook. \$3,500 is then transferred to the DLM budget for use on the Information and Education Programs. Brandt commented one can see over the past fourteen years how consistent and popular the program has been. Lien referred the Committee to the breakdown by County and State of orders filled and commented that there are a lot of landowners serviced by this program. Gamroth commented this program is very well received, people like it and DLM receives a lot of compliments. Gamroth explained that getting program information out to the public is getting tougher because the newspapers are tightening up as to what they will publish for free. Smick asked if the 4-H clubs have been involved with this program at all. Gamroth responded she thought that the 4-H clubs have their own type of tree program. Upon Smick's inquiry, Gamroth responded the local schools have ordered trees through this program to give out on Arbor Day. Nelson made a motion to accept the money into the E & LU checkbook, Dregney seconded, motion carried.

**Survey Report** – Lien presented a survey report and bill for T20N, R7W which is Ettrick township. Lien stated he and Nelsen had talked this morning and there is one monument which needs to be completed. Nelsen

will get that completed and the Committee will probably look at adopting/approving the entire township at the next meeting. Therefore CSM requirements on parcel splits less than 20 acres would take effect in that township on January 1<sup>st</sup>. Lien also presented Nelsen's bill for T20N, R8W which includes Arcadia, Ettrick and Gale. Lien commented Nelsen is making a lot of good progress and each month we're getting closer to that end result. Nelsen is trying to meet the proposed timeline, but terrain is getting pretty tough plus the wind damage from 1998 makes it difficult to set monuments. Thompson made a motion to approve the bills as presented, Quarne seconded, motion carried with no opposition.

**Director's Report** – Lien stated that Corporation Counsel Rian Radtke was unable to make the meeting today; however Radtke had asked Lien to discuss a conversation that Radtke had with Quarne regarding grain versus sand in a rail load out. Lien referred to Section 2.05 – Table of Uses in the Comprehensive Zoning Ordinance which considers mining a light industrial use as a Conditional Use in agricultural zoning districts and does not permit mining in an industrial zoning district. Lien stated there are exemptions throughout the whole ordinance for ag because historically the county was mainly agricultural when all the ordinances were drafted. As far as having a grain load out facility there were no conditions or restrictions ever put in the Ordinance for that? Attorney Bill Thiel's recommendation, several years back, was that anything associated with mining activity should be a Conditional Use because the Ordinance states specifically, "any and all processes associated with non-metallic mining shall be a conditional use. Lien added that Michalak (former Corporation Counsel) and Radtke both back Thiel's interpretation of the Ordinance that the County should keep it as a Conditional Use. Quarne had called Radtke because there is potentially a rail load out going to be put in on the Jackson-Trempealeau County line – it is just a matter of which side of the road it is going to go on. Quarne added it would be a grain and sand load out. Bice asked if Quarne had a preference as to what happens here or if Quarne needed something from the County. Quarne commented he would rather see any tax come to Trempealeau County. Bice asked if the Committee could have any influence to make that happen. Lien commented that this Committee is the writer of the rules – the decision makers, all Bice has to do is stop listening to the public. Lien stated he does what the Committee decides. This Committee changes the Ordinances and makes the decisions. If this Committee wants 24 hours of operation, and the Ordinance does not comply, this Committee makes the decision to change it. Quarne responded it comes down to hours of operation of 24/7. In Jackson County they can run 24/7. Lien referred to the Jackson County public hearing meeting minutes as that is not for sure with Taylor Frac because that is a zoned township. Quarne added he thought they might not be able to turn them down simply because Badger Mining has been running 24/7 in the same township. Bice asked if the Committee could use industrial zoning to make this happen. Lien responded the Committee writes the rules. Bice stated Lien needed to give the Committee advice as they are amateurs. Lien replied the Committee had an opportunity and the Board of Adjustment had another. In both cases, the Committee/Board listened to the public. Bice's understanding was that the Board of Adjustment is given a set of rules and they have to try and interpret that and make a decision on that, so Bice wasn't sure they have the ability to make any changes. Bice asked Quarne if the Committee should talk about industrial. Quarne asked if steel or anything else was being loaded, would it be allowed 24/7 or is it just mining operations in particular that is restricted. Lien responded that because we have a Non-metallic Mining Ordinance in our County, those rules apply to non-metallic mining. We don't have ordinances that regulate the ag or steel industry. Quarne inquired if there is any other industry that would be affected by this, other than mining. Upon Vold's inquiry, Lien replied that the County cannot control railroad picking up and dropping off cars, but the County can regulate the mining activity associated with that. Discussion followed on the railroad cars. Lien reiterated that this is coming back to hours of operation and if that is the Committee's wish, the Committee has the power to change it. Smick commented that the Board of Adjustment took care of that. Lien responded that was not so, that particular hearing was for a variance in hours of operation from the Ordinance. Lien added this Committee, the elected people, are the drafters of the Ordinance and Lien enforces what has been adopted. Bice stated Lien had told the Committee that if they wanted to change the Ordinance, there would have to be a public hearing and a group of people would have to convene to come in and establish that. Lien commented this Committee has been listening to the people who elected you, but you could make a decision that is contradictory to the public. Bice rebutted Lien stated "contradictory to the public", what about "contradictory to the people that approach us" which is a tiny part of

the public. Lien responded we had a 100 people that showed up at the hearing, 58 testified in favor of the Ordinance and against extending hours of operation, 2 testified for it, so that is the public. Bice stated one would be amazed at the people who were approached to show up at that meeting, individually, and told to come to our meeting, because if you don't the public won't be truly represented, but we will have a group of people that will show up and plead with incredible emotion against making any changes. Bice wanted to know if the Committee can designate or give someone industrial zoning. Lien responded not under Section 2.05 in the Comprehensive Zoning Ordinance, the Ordinance would have to be amended or changed. Brandt commented Radtke was interpreting the Non-metallic Mining Ordinance to say that loading sand into rail cars is part of the operation. Bice responded that was interesting as he didn't see that. Quarne commented there would be no "mining" per say in the area. It would be hauled in, put on a car and shipped out. Lien commented that perception of the ag industry countywide is rural impact twice a year. A farmer plants and if the weather is good he might plant all night long then he is out of that field usually until fall harvest at which time one might harvest all night long. If a rail load out or mining facility is put in a rural area that has the potential to run twenty four hours that is completely different uses and when one looks at the chart in the Zoning Ordinance it reflects that – it implies that use in a rural area is not the same use for all the neighbors around it as agriculture. Smick commented there seems to be a blaring inconsistency as Ashley Furniture has a rail spur in Arcadia and in Whitehall there is a miniature version of it so why are the complaints/reservations about noise usually from the rural area. Smick questioned why the noise is any lesser/greater for those people who live in the country. Lien responded when one lives in the city they know they are going to be subjected to noise 24/7. People move to the rural area to get away from those noises and that is common knowledge. Smick replied that what Lien identifies and says is what is frequently said, but Smick doesn't know if that really holds that much water – that they move out there just so it is going to be quiet. Brandt commented he enjoys being on this Committee because they deal with the big questions. Brandt stated what Smick is referring to is (an area of study that has been done since the industrialization of whatever area of this country we are dealing with) the trade-off between what is the value of living in the city versus living in a rural area and it has changed over time. Urban areas have a lot to say for themselves as there is access to work, services, water and sewer, entertainment, the social scene, etc. Rural areas have other things to say for themselves but the question about the nature of the economy of the rural area is, is it for extraction of natural resources or food production or strictly for enjoyment. These are things people in the State of Wisconsin have been talking about as long as there has been a state here and our history reflects the changes in people's attitudes. Brandt stated this subject is for discussion, it isn't for Committee action. If the Committee wants to revisit the Non-metallic Mining Ordinance, it can be put on the agenda for action next month. Feel free to communicate with Lien if someone wants to do that. Bice pointed out that the State of California was once a great state; it is soon to be a failed state. One thing in California that they did was not allow things to be done in their backyard. Bice continued in our area we have the highest quality electrical power of the entire United States and it because we have enough power plants here. California kept saying "no" to different types of energy and now California industry is suffering because they have low quality power. Bice stated that is an example of what we're doing in Trempealeau County. We have an opportunity to keep some business in Trempealeau County versus Jackson County but because we are a little bit afraid of a few people being exposed to a little noise, whatever. We have to have revenue. We will shrivel up and die if we don't come forward and allow this. If we have the ability to encourage that in Trempealeau County versus Jackson County, we should take it. This ridiculous nonsense over industrial zoning – if that is what it takes, we should do that as long as they are not trying to do it in an area where there are 100 people or something.

Nelson inquired how it is determined that someone needs a permit as he had a gentleman who was replacing boards on his deck and someone drove by and put a stop to it. Nelson got bombarded with calls from people around him as to what was going on. Lien stated two things apply. If someone is doing general maintenance (siding, roofing, replacement of windows, painting) than a permit is not required, but when structural changes occur, rafters/roof pitch are changed, any small addition to a home or a porch or deck is removed and replaced with a new one, a permit is required. Lien explained there are a lot of legal, nonconforming structures (to close to property lines, cannot meet road setbacks, etc.) out there so a permit is needed to make sure things are in compliance. There was an instance, in the town of Gale where the road was widened and the road changed

use/designation over time so there is a whole row of homes which are now legal non-conforming, therefore they need a variance to add on, to the home, closer to the road. For a freestanding building a permit is needed for any structure 150 square feet or greater and that has been in affect since 1972. Lien commented when he took the Zoning Administrator position, originally, he told the Committee that he was not going to patrol the County, but if the public complains DLM has to follow through on that complaint. Lien added he has passed that information onto DLM staff. Discussion followed on different circumstances regarding permits.

**Community Friendly Government** - Bice preferred the agenda to read “People Friendly Government”. Bice felt generally we are community friendly, but it is important that when people approach Trempealeau County that we treat them with respect and understand that they are tax paying people and that we are all human and none of us are perfect. This is a complicated subject and Bice wanted to be careful that no individual names come up. Bice stated Lien had just mentioned that we don’t want our county employees going out looking for issues, lets not look for issues, all it did was waste time, cost that individual some money if he was just replacing the footprint of his deck, we don’t need to go bother that person. That person pays a fortune in property tax, he is on his own private property, we need to leave those people alone, and we don’t need to bring those people in here. Bice’s personality is, the people that we brought in here today and paid a fair amount of money to get permission from us to make a little change on their property, he honestly thinks that is some level of abuse, but Bice can live with that because he has come to the point of getting used to it. Bice stated a lot of the Committee is aware of the situation he had, that an individual was building, and apparently not following all the rules just right and when Bice approached Lien and asked if this person was a troublemaker, Lien told Bice no. That was all Bice needed to hear, at that point, it would be Bice’s opinion that we as government should work with these people (kind of whatever it takes). If they need help filling out paperwork, it is not their paperwork, it is us that caused them to have this paperwork so we need to be very patient, help them fill it out, work with them, understand that they are private citizens on private property and that we are here to represent those people. Bice knows Lien’s job is to enforce the rules, but in Bice’s opinion, we need to be people friendly. When Lien deals with these people, unless they’re troublemakers, whatever we need to do let’s do it. Otherwise if they’re just trying to get by like all of us are, let’s work with them and be flexible. If someone wants to get building and they are not done with all their permits, Bice feels it is important to say, as long as they agree to work with us and get this information in, go ahead and work on your project. Bice is very people friendly and government exceeds its authority time after time, so while Bice understands the need for government, he realizes it is very important that we realize that people pay taxes here for multiple things that we need to have promoted. Without people paying taxes and willing to build and work in Trempealeau County, we will have no revenue to supply the things that we need to do. Having said that, Bice would like to make it clear to Lien that Bice doesn’t not want staff to go out snooping around. If Lien gets a call from somebody, about some kind of violation, Bice wants the name of the person, if DLM doesn’t get the name, just throw it in the trash. Lien informed Bice of the Whistle Blowers Act which allows people to make anonymous complaints (because of possible repercussions). Bice would like to press that issue to the Supreme Court if he could. On private property, Bice didn’t understand why someone has the right to tell someone that they didn’t like something. It is terribly unfortunate that government is encroaching on our constitutional rights because someone doesn’t like something. Bice knew about five different people with the same “deck” story that Nelson had mentioned. Bice knows about people in his district who basically put up a little structure as a monument to someone deceased. It was one foot closer to the road than it should have been, someone complained about that and this poor person had to pay to come in and ask for a variance to leave this little building there. Bice actually feels that if he hadn’t been there and spoke up, the Board of Adjustment would not have approved of the people keeping it there. Bice thinks we need to be flexible and reasonable. Lien had made the point after that meeting that if somebody wanted to protest this issue it could end up in court and those people wouldn’t be able to keep their building there. Bice felt that was an outrageous abuse of private property rights. Bice is somebody who just can’t stand abusive government and that example (had those people been forced to move or take down that shed) would be an abuse of government. Bice thinks that is very wrong and he is glad that they were allowed, in that case to keep the building there. Bice thinks it is a shame that they had to pay money to ask to keep the building there. Bice has this job because he believes that it is important that somebody stand up for the people – government is

clearly abusive and we need to be more people friendly. When someone comes in the door and asks us for something, work with them unless they are troublemakers. If they're not then don't. Bice instructed Lien, when someone comes in and say's they don't have all their things in order, but they want to get building, to negotiate with them. If they promise to have all their stuff in, give them a deadline/date and then work with them and tell them to go ahead and get started as the weather is nice, etc. and they don't want to be building in freezing temperatures and wind. Bice thinks we need to be people friendly. Quarne inquired how Bice defines a "trouble-maker". Bice responded someone who has been in and violated the rules time after time and then begs for forgiveness. Someone that comes in and makes a stupid mistake. Bice added if I am on my fourth building and I still haven't found the rules, then ok. Bice stated Lien could probably list ten troublemakers in Trempealeau County. Lien sited two gentlemen in the room which Lien has worked with during work, taken calls from them at his home, during vacation days and weekends and evenings to help them in their quest. The Committee's opinion of their personalities/good and bad may differ, but Lien stated he doesn't treat people that way – everyone gets treated the same and that is how Lien has to administer these programs. Vold stated the Department had worked well with him when he built his shed. Dregney commented he doubted if anyone was treated without respect. Bice continued that the Department has an Early Start Permit and asked Lien to explain how that works. Lien explained that is something that the Uniform Dwelling Inspector initiated. An example given was, at this time of year, if sanitary, zoning, etc is done, but perhaps the Department is waiting for "res checks" or Rod hasn't had a chance to review building plans, a early start permit is issued that allows them to at least get the footings and foundation in and then the applicant needs to stop at that point until the building plans/permit are approved/issued. Bice stated that gentleman paid \$50.00 for that and if we're going to acknowledge that situations come up where weather is a factor and allow them to basically break the rules for \$50.00 then the least we can do is work with them to be as flexible as possible. Bice asked Lien if he had the ability to say someone can start a project if they come into Lien and say, "I don't have this, but I would like to get started and I promise I will get that to you within two weeks". Lien responded we could bend rules by trying to do that with the exception of sanitary permits – as statutorily the Department cannot issue a building permit without the sanitary permit being issued (when it applies). In answer to Bice's questions, Lien stated the Department would be hard pressed to do that because the minute Lien would say it is alright for one landowner, the next landowner would come in and say we allowed the other landowner to do that now we better do the same for him, so we just don't start that. We don't tell anyone to go ahead even though they don't have everything in. Dregney commented Bice would be getting some calls then. Bice has done a lot of construction in his lifetime and he understands the logic that if we do it for one, we have to do it for all. Bice didn't want to sound arrogant, but stated he is the government and it is our job to treat people fairly, to work with these people. We need to be people friendly. Bice generally feels Lien does a good job and he has a hard job. Bice wants Lien to be in a position where he can work with people who are not troublemakers and thinks we owe it to the public.

**Next Regular Meeting Date** – Next regular meeting date was set for Wednesday, December 14th, 2011 at 9:00 AM.

At: 10:44 AM, a motion was made by Nelson to adjourn the meeting, Dregney seconded, motion carried with no opposition.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michael E. Nelson, Secretary