

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
November 14th, 2012 9:00 AM
COUNTY BOARD ROOM

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

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

Committee members present: George Brandt, Tom Bice, Michael Nelson, Roland Thompson, Dave Quarne, Rick Geske and Jay Low. Hensel Vold was absent.

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Jake Budish and Keith VerKuilen.

Others present: Buck Sweeney, Roger Osegard, Richard Marino, Bob Jewell, James DeLong, Mike Wall, Deb Lakey, Larry Lakey, Don Hultman, Rita Sosalla, David Sosalla, Mark Palmer, Emery Palmer, Travis Hempker, and Dale Fink.

Adoption of Agenda – Nelson made a motion to adopt the agenda, Brandt seconded, motion carried unopposed.

Adoption of October 10th, 2012 Meeting Minutes – Thompson made a motion to approve the October meeting minutes, Quarne seconded, motion carried unopposed.

Public Hearing – Land Use Change/Rezone — Residential 20 – (R20) to Transitional Agriculture (TA)
Donald Hultman and Lauri Munroe-Hultman, Property Owner/Applicant – Town of Caledonia

Chairman Bice opened the public hearing at 9:05 AM. An introduction of the E & LU Committee members took place. Nelson read the public hearing notice aloud. Lien referred the Committee to the overhead aerial photo. Lien stated this was the original farmstead where upon Dan McDonah developed a subdivision. This land is in the Town of Caledonia just south of State Highway 35 on McDonah Lane. The property is all zoned Residential -20 (R-20) but the particular piece being discussed has always had livestock on it. The Hultman's are looking at selling the property to the Lakey's. Lakey's want to make sure they can continue to have animals on the property into the future. Lien had explained to Lakey's that the property was considered legal, nonconforming because animals are not allowed in an R-20 district; however there has always been animals there. In order to make things clear, they were more comfortable proceeding with a rezone to Transitional Ag to be more consistent with other areas around there and it would also allow for the livestock to be there and be in compliance. Lien did receive a letter from the Town in support of the rezone request. The public hearing was publicized in the newspaper for two consecutive weeks and courtesy letters were sent to all adjoining property owners. Lien did not receive any calls or e-mails for or against the proposal. Lien stated the Hultman's and Lakey's are present here today. Hultman thanked Lien and the Committee. Hultman stated he has been living on the property for ten years. This issue only came to light when he decided to sell the property and discovered that the zoning was different than what he thought it to be. Hultman didn't think there was a problem with animals as he has had animals there since he moved onto the property. The prior owners also kept horses and cattle there. Hultman had five donkeys, four goats and up to 25 chickens so there have always been animals there and it is a wonderful farmstead. Hultman finished by saying the Lakey's would just like assurance that they can keep animals there and they can explain what kind of use they are thinking about for the property. If one doesn't have livestock there the buildings will continue to deteriorate and we will lose a little bit of that heritage that is throughout Trempealeau County. Hultman knows Lakey's will be good stewards of this small parcel and maintain the buildings and some of that cultural heritage. Bice called for public testimony.

Deb Lakey – Registered to testify in favor. Lakey stated she probably didn't have a lot to add as Hultman covered things pretty well. Lakey stated the five acre piece actually "butts up" to the Lakey homestead/farm which is on the north end of the farm. The Lakeys' intention is to have registered Guernsey heifers which include an elite group of "show" heifers that they show nationally, so they want to be able to just continue doing those things with them. They typically have a smaller number of animals. They do not intend to milk cows at that location (which was rumored). They would just like to continue with the heritage of the farm and be able to make improvements on the buildings. They would hate for there not to be animals present and watch those buildings fall into disarray like so many other farms around the county have done. Their plan at this point is to be able to purchase the farm and continue to raise dairy heifers and some smaller farm animals.

Mike Wall – Registered to appear and testify for information only. Wall stated he has property on the east, south and west side of the proposed property. If the property was rezoned would it be able to be divided and sold on a certain date with the Transitional Ag zoning? Lien responded the zoning will stay Transitional Ag and it will not be able to be subdivided any smaller under that classification. It can always be sold but the zoning designation will stay Transitional Ag unless someone brings it through this process again. Wall asked what size lot would be required if they were to sell a lot. Lien explained that because this lot is in a subdivision the lot cannot be subdivided because the parcel splits have been maximized for that, by forty. Because this is Residential 20 (R-20) subdivision that lot cannot be subdivided right now. Wall inquired if there was a certain kind of animal that can be placed there and what number. Lien responded this was not a Conditional Use hearing where the Committee can place conditions. Lien explained the towns' letter gave a specific number of animals they would allow. A rezone does not allow for conditions to be placed on it so once it is changed to agricultural zoning they could basically have any type of ag animal and the number really is irrelevant. The County cannot "lock" them into a certain number of animals. Wall inquired if, in the future, Lakey's stopped raising animals on the parcel, would the zoning revert back to residential or would it stay zoned the same way. Lien replied the zoning would stay the way it is until someone wanted to rezone it and went through this process again. Wall inquired, if the property is sold to someone else, would the zoning change at that time. Lien responded that if the zoning is changed today to Transitional Ag, it would stay that way until someone goes through the public hearing process again to change it.

Jim Delong – Registered to appear and testify for information only. Delong stated his home is nearby. Delong questioned how the animals would be housed. Are they going to be in a barn or will they be running on the open lot and visible at all times. Larry Lakey responded the current plan would be to have them use the back lean 2 on the barn. Lakey's have different ages of animals ranging from newborn calves (which might be in a hutch) to the older animals that would be in the lean 2 on the back so they would be divided. The larger heifers would be outside. There is pasture in the front of that lot and there is a lane along the side so those animals, during the summer time, will have free range in that pasture. Lakey added in the winter time they will probably spend most of the time around the buildings. Newborn calves would probably use the inside of the main barn. The cattle will be outside and visible most of the time. When Lakey referred to heifers, Delong asked if he was referring to breeding stock. Lakey responded yes and added typically there would be newborns to under a year and they usually end up selling them as bred heifers. They will have one or two cows that they do some embryo work on, but otherwise they are just dairy heifers of all ages. Currently, Lakey's have twelve heifers. Delong asked if the manure would be spread on Lakey property. Lakey responded it could go on the property to the North. Lakey stated he also has property which is about a mile away from this facility and he would more than likely spread it there twice a year, once in the spring and once in the fall. Delong asked if he would be stockpiling it. Lakey responded he has had a compost pile in the summer time and he does have neighbors who come over and get manure for their gardens, etc, so it hasn't been an issue. Delong asked if the feed, that would be brought in for these animals, would be stored in the barn. Lakey replied that right now the ground feed that he gets, every two weeks, come in bags. He may put in a feed bin with an auger that would hold it outside and keep it safe from rodents, etc. and maintain cleanliness.

Larry Lakey – Registered to testify in favor. Lakey had nothing else to add to what has been said thus far.

Don Hultman – Registered to testify in favor. Hultman had no further comments at this time.

Lien read a letter from the Town of Caledonia which stated Larry and Deb Lakey came before the board in regard to the property located at N10907 McDonah Lane which they would like to rezone to either Rural Residential or Transitional Ag. At this time the town board of Caledonia would like to go on record stating they have no problem with this zoning request. Steve Hogden made a motion to approve the zoning change with the condition that a maximum of twenty dairy animals be permitted on this property, Corey Feyen seconded the motion, motion carried unanimously. Lien explained because this is not a conditional use, the Committee cannot put conditions or a maximum on the animal numbers, nor enforce it. The town could try to hold them to that, but Lien wasn't sure what enforcement capabilities the town had. Lien added as long as there aren't any problems with manure runoff or issues like that which would be a violation of the Ag Livestock Ordinance, the County wouldn't be involved. The rezone allows for agricultural uses and livestock on the property with no limitations at the county level. The town has stated in their letter they would like to see the animal number at twenty, so Lien stated that was their issue and they should work with the applicant on that number. Lien received no other comments for or against the request. Bice called for any other public testimony. Bice closed the public hearing at 9:22AM. Nelson made a motion to approve the rezone as requested, Low seconded. Geske addressed the neighbors and stated he has known the Lakey's for years and if one looks at where they currently keep their heifers, they do an excellent job and the neighbors won't have any problems. Upon Quarne's inquiry about the fencing, Hultman responded it is double strand smooth – all electric and the entire property is fenced. There are various little small pastures divided off of that and that is how it was set up for the horses and donkeys. Motion to approve the rezone carried with no opposition. Lien announced because this is a rezone it has to go to full County Board for approval.

Public Hearing - Amend Conditional Use Permit and Reclamation Permit – NonMetallic Mine– Wash Plant - Donald J. and Karen J. Andre, Property Owner/Applicant, Fall Creek, WI - Town of Dodge.

Chairman Bice opened the public hearing at 9:24 AM. Nelson read the public hearing notice aloud. VerKuilen stated this is an application to amend the original Conditional Use Permit granted by this Committee last September. The mine site is located approximately 2.5 miles south of Pine Creek, T19N, R9W. The current zoning is Exclusive Ag 2 (EA2) and the mine site is currently 124 acres with approximately 46 acres being mined. The intent of the site is to wash aggregates with a three pond recycling wash plant system. Notices have been sent to all adjoining property owners and the hearing was publicized in the newspaper for two weeks. VerKuilen has received three public responses and has a letter from the town as well as the third party engineer review letter. VerKuilen provided an overhead aerial photo of the site for all to view. Attorney Buck Sweeney introduced himself as well as Bob Jewell, Dick Marino and Roger Osegard of the Kraemer Company and Donald Andre, landowner. Sweeney stated this is an amendment to the Conditional Use Permit that was granted back in September. Sweeney explained they felt at that time that they had a market for having sand that was hauled to and washed at another location. Kraemer Company has always had a high capacity well permit which was issued by the Wisconsin Dept. of Natural Resources because at one time they were going to do washing for a project over in Winona, Minnesota, so they have had a high capacity well permit for the washing operation for a considerable period of time. Sweeney continued that the frac sand company that was going to take the dry screened sand decided they wanted to have the sand washed. The original condition from the Town stated they did not want Kraemer's to haul other material into wash but it was somewhat silent whether they could wash the frac sand or not. Lien had looked at it and the town chair was consulted and it was decided that they should go back through the process to amend the Conditional Use Permit. Sweeney continued that last night there was a hearing and approval was received from the Town of Dodge. Lien has the letter which he will read later, basically approving the washing of the frac sand at the Whistler's Pass quarry. Sweeney felt it was kind of a clarification to make sure that everyone is "on board" and the material that is coming from there can be washed. Sweeney stated the high capacity well pumps into a pond and the sand is washed going through a wash plant process. The water is recycled as the fines go into one area and the water is recycled into the ground (pumped into the pond with somewhat of a silt). The sand will be washed on this site and they already have the high capacity well permit. Sweeney added that what they are asking for today is simply clarification that the sand to be washed is the frac sand that is at the bottom of the quarry on Whistler's Pass. It will be washed and

then shipped from there. A variance will also be needed from the Board of Adjustment for the forty five foot height of the wash plant. Today, they are just asking to get clarification on the condition that they can wash the sand. Bice called for public testimony.

Richard Marino/ Kraemer Company – Registered to testify in favor. Marino stated he was present to clarify any questions.

Bob Jewell/Kraemer Company – Registered to testify in favor. Jewell stated he was present to clarify any questions.

Buck Sweeney – Registered to testify in favor. – Sweeney had already spoken.

VerKuilen read some letters he received from the public.

Kara Wener letter - I am a life long resident of the Town of Dodge and reside on Whistlers Pass Road. I was surprised to see that two months after gaining a Conditional Use Permit (CUP) to mine frac sand on the Whistlers Pass Road that Kraemer Company is already seeking to amend the CUP to include a wash plant facility. Unfortunately, due to the timing of this meeting, I have not heard why Kraemer Company now needs to pursue a wash plant, nor have I heard any details about the wash plant. The first time this will be brought to a town board meeting will be Tuesday, November 13th at 6:30 PM. The E & LU Committee hearing for the CUP amendment is less than 24 hours later; therefore I have a few facts about the proposed wash plant. However, I would note that just two months ago, in the minutes of the meeting which approved the Kraemer Company's CUP for frac sand mining, in two instances a representative from Kraemer Company clearly stated that there is no plan to pursue a wash plant. At multiple Town of Dodge meetings, it was made clear by the Kraemer Company representatives that there was no plan to pursue a wash plant, therefore I am surprised that less than 2 months later, I saw a hearing notice in the paper to amend the CUP to include a wash plant. I was especially surprised as it did not appear as a topic on the Town of Dodge agenda until the notice of the November 13th meeting was posted. In any case, I would ask that the Committee hold firm and require Kraemer Company to follow all conditions outlined by the Town of Dodge in the original CUP including prohibiting the washing of sand extracted from other sites in the Whistlers Pass quarry. Additionally, I would like to ask that the variance, to exceed the county's height specifications for the wash plant which causes the wash plant to be partially visible, be denied. It seems that the intent of the County specifications is to protect the visual appeal of our hills and bluffs. Finally, I would ask that the Committee apply any and all appropriate conditions to assure that the quality and cleanliness of the drinking water will be maintained for all those who reside on Whistlers Pass Road and those whose water come from the same aquifer that Kraemer Company will use in and at the proposed sand mine washing plant. I thank the Committee for taking my input. I send my apologies for not being able to attend in person to raise these concerns; however my work schedule did not allow me to attend. On the bottom of Kara's letter was the following statement. I agree with the above and also want to note my opposition to the proposed wash plant. The statement was signed by Joseph Wener (Kara's Dad).

Daryl Kramer letter - I am writing to express my opposition specifically to the proposed Donald Andre sand mine location on Whistlers Pass Road in the Town of Dodge. This mining location is located in an area that has inadequate trucking routes in either direction and the proposed amount of trucking will render the roads near the mine site extremely unsafe for local traffic. This mine will also impose a decreased quality of life for the taxpaying citizens who live in the area for the peace and quiet that they deserve. These same taxpaying citizens gain nothing from putting up with blasting, noise, dust, diminished quality of road travel and road conditions. Generally speaking, I also believe it is time for our County to start representing its' long standing, tax paying citizens and stop rubber stamping the requests of a very small number of people at the expense of the rest of the residents. Other county's have gotten wise to the sand mining industry and have taken measures to assure that their citizens are protected and that both the citizens and the townships reap some benefits from the mining activity that is being done at their doorsteps. I finally understand the desire to make a lot of money off of a parcel of land when there is an opportunity to do so but there are some things that need to be put in place before

the County sells out their citizens to the sand industry. County personnel need to show smart leadership, exercise representation that is courteous of the citizens who are negatively impacted by this industry and start managing this process appropriately.

Dale Fink – Fink stated he was concerned about the trucking route and which direction it would be going. Osegard responded the route would be to the east on Whistlers Pass Road to County Road F and then to the State Highway. Fink asked if the route for loading would be to Lacrosse or Winona. Jewell responded the loading site was originally Winona, but they have to find a customer (which they are still working on) and once they reach the State Highway they can go either way. Fink inquired if they had considered going down Whistlers Pass and onto County Road G. Jewell stated they had worked with the County and they would rather have Kraemer's use County Road F. Bice noted that haul routes had already been determined in a previous CUP hearing. Jewell added this hearing is only to amend the permit for washing. Jewell stated that Kraemer's did a traffic impact analysis (TIA) which identified their route and limited their truck loads per day, etc. Fink stated the route affects him greatly as his farm has a split yard which is on each side of the road and no one had contacted him. Sweeney reiterated they are here today to amend the CUP. Sweeney explained that Kraemer's had a potential customer for screened sand. Now they have a customer that wants to have the sand washed, so this is an amendment which is limited to the wash plant. All the other conditions have been approved and they have a road agreement with the towns for the truck route. Fink asked when the board is going to take into consideration his lifestyle when he has to cross a road with trucks going by. Bice responded the Committee will definitely take that into consideration. Fink added that by going the other way they would be a mile closer and there is more dangerous road on F than on County Road G which is wider. Bice thanked Fink for his input. Bice called for any further comments.

Buck Sweeney commented that the wash plant is going to be down in the pit. It will not be up on top, but down in the pit so from a visual point of view (even though it is 45 feet high) it will be hidden. Bice called for any other public testimony. VerKuilen read a letter from the Town of Dodge which stated Kramer Company has come forth with a request for a modification to its' Conditional Use Permit to wash sand extracted from its' Whistler Pass Quarry in the Town of Dodge and a variance for a wash plant at its' Whistler Pass Quarry in the Town of Dodge at a height of 45 feet which is higher than authorized under Trempealeau County ordinances. The Town of Dodge Board of Supervisors have reviewed and considered these requests and writes this letter to advise Trempealeau County that it supports Trempealeau County's approval of these requests. Bice called for any other testimony. There being none, Bice closed the public hearing at 9:44 AM. Low made a motion to approve the amendment to the CUP to include a wash plant, Thompson seconded. Lien inquired if this site is going to be all internally drained. Jewell responded he has many conversations with Roberta Walls (DNR) who is the Stormwater Specialist based in Lacrosse. Jewell and Walls have been working on that storm water plan and this will be an ongoing process. Lien noted the sump planned in the mine and inquired where it will be pumped to (Lien assumed it was a drainage point). Jewell explained the sump is just to capture storm water so it isn't running down the road. Jewell stated there are no chemicals used in their process so that would be just natural storm water. Lien verified that is not going to be where the washed material is going. Jewell responded no, that there will be a separate series of ponds. Lien noted he has learned, with the first engineered plans that came through, that they all accounted for infiltration and the minute the washed material is put in there, and washing out all fines, it seals those ponds solid so there is zero infiltration. Lien stated and Jewell agreed that the sump is just a "catch all" so that things don't discharge out the access. Jewell stated the sump that is there is basically for storm water. Lien and Jewell discussed the drainage. Bice commented that any road travel resulting from this application has already been approved in a prior CUP, so if this is approved today; it will only improve the situation by creating less truck traffic than if the Committee didn't approve it today. Bice reiterated that they are already permitted to haul on County F out to the highway which took place in a previous CUP hearing. Lien clarified that Kraemer's had been working with the town and the county on a road use agreement. Marino stated they have worked with both towns (Trempealeau and Dodge) and the County and the whole package will be forwarded to DLM once the foundation inspections are done. Fink inquired why he wasn't notified since he lives along the road about the approval on this. Bice responded the reason he wasn't notified is because he lives on a County Road and he wasn't close enough to this application to have been

officially notified. It being a county road anyone that has a legal vehicle can use that road so that is why Fink wasn't notified. Fink commented that the traffic is going to increase greatly and the speed limit is 45 which is not slow. Bice stated at this point the public hearing is closed so the Committee would continue on. Brandt noted, from the engineering firm's analysis of the application, the same concerns that Brandt has in relation to high walls. Brandt read from the third party engineer's review, "also note in our review of the supplied documents is that the operator is using specifications for erosion control that reference the Wisconsin DOT standard specifications for highway and structure construction – 1996. Westbrook recommends the operator always refer to the most current edition of the DOT standard specifications as erosion control, best management practices have been updated through the years. As of today the specification they are referring to are outdated and will only become more obsolete in the future". Brandt noted he was reviewing the minutes from the last meeting and he recalls a conversation going back and forth with Kraemer's clarifying, rightly based on the information they were using, that highwalls are allowed, if approved by the regulating entity which is the E & LU Committee. Brandt recalls the Committee saying 3 to 1 slope is what we're about and it is going to be that. Brandt is hoping Kraemer's are still agreeing to that. Brandt stated the other issue that was raised last meeting was in regard to Managed Forest Law. In talking with the Forester, Brandt felt it was clear that any land in Managed Forest Law would have to be withdrawn and the money from any tax benefits potentially paid back. Brandt stated the issue of storm water management is critical as there have been failures in the past. Brandt understood that as a condition the DLM will need copies of all that information before any operations begin. Brandt added the DLM will need some evidence that the road use agreements are signed and in place. In regard to Brandt's comment that Jim Johnson had told him the day before that no road use agreements were in place, Marino responded the road use agreements are signed by Trempealeau County but the bonds have not been put in place yet. Sweeney responded that Kraemer's intend to work with the County on all the points that were brought up. Brandt wanted it understood that all the previous conditions will stay in place. Jewell stated they recognize that before any frac sand mining is done, they have to meet all the conditions prior to the CUP being issued. They are getting that packet of information together and it will all be submitted prior to any operation. Brandt noted one of the recommendations from the third party engineer is that a drawdown analysis be done, which has been done and DLM has received copies. Sweeney reiterated they already have a high capacity well permit issued by DNR plus it is important to note that the water is being recirculated and has a lot less use than the typical high capacity well. Lien noted to date no mining permit has been approved to have a high wall on any site. Everything is still 3 to 1 in all the applications. Upon Bice's inquiry regarding product being hauled into the site, Sweeny replied one of the conditions on the original CUP that the town didn't want Kraemer's to haul frac sand from any other location and wash it at the Whistler Pass Quarry and that condition remains in effect and Kraemer's have no plans to do that at all. Sweeney explained they thought they had a market for unwashed sand and then the market changed. Sweeney stated they are not going to have a large wash plant. The wash plant that will be there will only be for the sand that is coming out of this particular quarry. For clarification, Lien stated all the original conditions from the town stand and the town recommended no additional conditions. Not seeing the information in any of the paperwork presented, Bice inquired if the ponds were going to be lined. Jewell responded they are ponds that are put into the floor of the mine. They aren't lined; there is just water in there so there is no contamination potential there. Sweeney stated they will be cleaned out occasionally. Bice inquired if they intended to use any flocculants. Sweeney responded they will probably use some flocculants to make the material settle out faster. Lien commented he did not see that in the application. Jewell commented it is common practice that flocculants are used in a wash plant to make the fines accumulate and settle out faster. Brandt stated, in the past, the Committee has required applicants to line the ponds especially when using flocculants because of the concern of flocculants moving into the groundwater. Brandt continued that in the past the Committee has required a cement lining on the bottom and clay sides or cements sides. Brandt stated the concern is the flocculants. Sweeney responded they could live without using the flocculants however the flocculants can maybe even improve the water quality because the fines settle out faster on one side and then there is clearer water that goes away from that so the area can be cleaned out. Sweeney added if the condition is that the ponds must be lined if flocculants are used, they can live with that condition, but they probably won't use flocculants if that is the case. The flocculants basically allow the material not to flow across the entire area. The clean-up is a lot easier and that is the purpose for the flocculants. Brandt commented the purpose for the concrete lined ponds is that the soil is not disturbed thus making it

impossible for any water, potentially containing flocculants, to go into the ground. Sweeny reiterated they could live with whatever are normal requirements. Marino commented they didn't know there was a difference between flocculants versus not using flocculants and would like that differentiated in the conditions. Sweeny stated just recently RB Scott has been selling the flocculants to a lot of different companies. Bice responded the Committee has been told by a very respected geologist that if flocculants are put in a fish bowl, the fish will die. Brandt made a motion to add as a condition that, if flocculants are used in the washing system, the ponds must have a concrete lined pond bottom with clay sides as per staff recommendations (standard drawings are available) and if not using flocculants the unlined settling ponds are appropriate, Jay Low seconded, motion passed with Quarne and Geske abstaining from the vote. Bice called for any other discussion on the permit. Motion to approve the amendment to the CUP passed with Geske and Quarne abstaining.

Public Hearing – Conditional Use Permit and Reclamation Permit – NonMetallic Mine – Steve Schneider, Property Owner/Applicant, Arcadia, WI and Minnesota Frac Sand, LLC, Eau Claire, WI - Town of Arcadia Chairman Bice opened the public hearing at 10:04 AM. Nelson read the public hearing notice aloud. Lien stated he received a call from the engineering company yesterday asking that this permit application be pulled from the agenda. Because this is a public hearing it can be tabled for a later date, however the Committee has decided to only hear two public hearings per month. Lien informed the engineering firm, yesterday, that depending on the hearing schedule, it may be some time before they would be able to get back on the agenda. Lien stated they were alright with that. Lien made a staff recommendation to table this permit. VerKuilen stated this site is approximately two miles east of Arcadia off of State Highway 95. The current zoning on the property is Exclusive Agriculture 2 which it will stay for the permit. The size of the mine is approximately 157 acres of which 110 will be actively mined. The intent of the site is raw extraction with no processing or blasting on site. Notices were sent to all adjoining landowners and the hearing was publicized for two consecutive weeks, ten days prior to the hearing. VerKuilen has several letters from the public to read into the record as well as a letter from the Town of Arcadia. Bice called for public testimony.

Rita Sosalla – Registered to appear and testify for information only. Sosalla asked to see on the aerial map where the mining was going to take place in relation to their home. Staff measured the approximate distance as being 1,015 feet. Sosalla stated there is a city landfill (doesn't show on the overhead map) that they are concerned about. Sosalla inquired, as they are concerned, if whether moving soil that is close to that landfill will disturb their water or their home. Sosalla continued that Andre Lane is very narrow and they are not allowed to bring semi-s through there. Sosalla's are concerned about the traffic on Andre Lane. Sosalla knew they couldn't haul semi-loads of sand through there but they didn't want them to use Andre Lane as an inlet or outlet for any/all mining operations. Sosalla felt the Town of Arcadia was not able to restrict that type of flow when people were living on that road. Upon Lien's request, VerKuilen read the haul route as exiting directly onto State Highway 95. Sosalla was looking for the stipulation to apply to all employees from that mine company, no matter what they are driving. Bice stated the Committee would address and look at that issue however no commitment could be made at this time. Sosalla added they had spoke to Steven Schneider a few years back and he agreed to plant trees along a tree line (Sosalla's and Schneider were to agree on) on the property. Sosalla had e-mailed the information to Ray Burlingame who was a real estate agent working with Schneider. The agreement stated they agreed to plant evergreen trees along the dike from the North and South corner to control noise and dust due to the mining operation. Sosalla stated Schneider had agreed to it at that time. Bice asked Sosalla to provide him with a copy of that agreement. Sosalla and some of her neighbors typed up a document stating they would like fair market value for their homes (if they try to sell them within twelve months and there is no one interested). Lien recommended that Sosalla write up the conditions that she would like to see and formally submit them to the E & LU Committee as the Committee does have the ability to condition those things. The Committee could act on those issues when this permit comes back on the agenda again. Lien noted an easement on the site and felt they might exercise that easement for a haul route, but felt the Committee could condition that all traffic come in and out on the south highway. Bice suggested that Sosalla try and be reasonable with her requests and the Committee will seriously look at them however they are not obligated by them. Sosalla is willing to work with the mining company.

Jim and Ramona Kampa letter – Both homes that are on Andre Lane off of North Creek Road, Arcadia, WI will be looking at and hearing the sand mine machinery. We have many concerns about the sand mines including the following: air pollution, noise pollution, and lower property values. Dave and Rita Sosalla have written up an agreement with the Minnesota Frac Sand Mine Company, LLC./Steven Schneider for the fair market value of their home. In accordance with their agreement, we would also engage in the same type of agreement. This is what we brought forth at the town level during many meetings in the past. Thank you for your time in this matter. (This letter was actually read aloud during the Andre hearing but pertained to this particular hearing).

Bice called for any other public testimony. VerKuilen read a letter from the Town of Arcadia which stated Minnesota Frac Sand, LLC – Schneider property have applied to the DLM for the CUP for a nonmetallic mine with operations to be located on 157 acres. The Town of Arcadia Board of Supervisors passed a motion at their August 13th, 2012 board meeting stating they have no objection to the Trempealeau County E & LU Committee issuing a CUP for the nonmetallic mine to Minnesota Frac Sand, LLC-Schneider property as long as the conditions are met. At this time Lien stated anyone present could receive copies of the conditions from the Town but staff recommendation was to table the permit. Bice called for any other public testimony. Bice closed the public hearing at 10:20 AM. Low made a motion to table the Conditional Use Permit until further notice, Nelson seconded, motion carried unopposed with Quarne abstaining from the vote.

Revisit Amendment of Conditional Use Permit and Reclamation Permit – Nonmetallic Mine – James Guza, Landowner/Applicant, Arcadia, WI and Brannt Valley Excavating, Operator, Winona, MN - Town of Arcadia (Motion to approve tabled at previous meeting). Lien stated at the last hearing both Emery and Mark Palmer were present and there were some unanswered questions which they were going to clarify. E. Palmer understood there was a motion to approve the haul route (which was tabled) to either head north or south when they hit the state highway. The second part of that was being able to deliver bedding sand. E. Palmer felt there were concerns that with the multiple products, perhaps it would change the reclamation. What Palmer's have done is recalculated all of the cut/fill volumes and put together a map to show where everything is today as far as the phases. E. Palmer supplied the Committee with a copy of the map and gave a brief explanation. Brandt stated when the Committee permits a mine like this; one of the pieces of the CUP is knowing what it is going to look like when it is over. The discussion ranged around the reclamation plan and the potential for it changing depending on market changes as well as processing changes. Brandt questioned if the condition of the permit is that a certain amount of volume is to be left and reclaimed to look a certain way and then that changes, does it constitute not doing one of the conditions of the permit which would mean the permit could be closed/revoked. Brandt continued that we have seen the description change and then in a very short time what happens on the ground changes, therefore we have no way of knowing something is happening until it, in fact, does. The broader picture, Brandt stated, is that if you tell us you're going to do something how do we know you are going to do it. If it does change, how do we incorporate that so that it works for all parties and into the CUP? Bice stated, as he sees it, they would like to be able to have a few runs here or there with some bedding sand. Bice thoughts on it were, first of all, who will be harmed if they are allowed to sell bedding sand out of there – no one. Bice added we may be able to stop the opening of a whole additional mine if we can satisfy the need for bedding sand in that area plus we could keep the price down. For anyone who didn't know, Bice explained that bedding sand is used to bed agricultural animals. It serves as a pretty good type of bedding. It is easier to deal with than straw or hay. Bice did not see a significant negative impact from allowing them to haul some sand. As far as reclamation, Bice understood it violates part of the permit, but common sense would suggest that if they are able to sell another 1-2% of sand it is not our place to nitpick that application. As Bice has said before, it is governments place to work for the people rather than against the people. He doesn't understand why, not allowing them to sell bedding sand would be a logical accomplishment by the Committee. Bice called for input from the Committee. Geske responded he didn't mind if they sell bedding sand, except for two things: is it going to change the reclamation and what does one do when calls come in that the trucks are going the wrong direction. Geske stated if they sell sand it doesn't affect him, but when calls come in it is going to affect Lien. Lien intervened commenting that is where this all started because we were getting complaints about trucks varying from the haul route and traveling farther on North River Road

than what was conditioned in the permit for hauling industrial sand. Lien felt it was left at the last meeting that if any more than two loads are to be hauled to a given deviation route, Palmer's will contact the DLM. As far as reclamation, Lien felt this was a really a good site for this type of reclamation as they are taking off the dome of a hill so no matter how much they take off, the topsoil stripped back for it isn't really going to change a whole lot. Where it becomes an issue is where one is mining into a vertical face. If one continues too far into that property line then the need is there to come up with material that one maybe won't have. Brandt felt a bigger issue was the unknown – where are these trucks going once they hit the state highway. The DOT has concerns, as does the County, related to how much traffic goes on their roads. They want to know where people are going so they can make maintenance decisions. After some discussion, Brandt voiced that he felt the question the Committee needed to get a handle on was how we will know where the trucks are going if the CUP says they can go either this way or that way or it says to whatever load out facility or market that exists. This comes back to how staff and operators communicate with one another to say the conditions of this permit are going to vary throughout the life of the mine. How do we keep a handle on those things that we are responsible for overseeing? Lien commented that is why the Traffic Impact Analysis (TIA) is done. The state roads are capable of taking the weight and the amount of traffic but DOT is looking at cumulative impacts. If all of these trucks are going through the 93/95 State Highway intersection, that intersection is already “red flagged” by DOT for improvements. If this Committee says once they hit the state road it doesn't matter, then we are not serving our portion of DOT's requirements to look at public health and safety and that is what this is about. Discussion followed on the reason for TIA's and their impact on health and safety. Upon Bice's inquiry, Lien responded the Committee can move ahead on this issue as the hauling of bedding sand was approved last month however the other issue was how the reclamation changes by not putting the bedding sand back into reclamation. Lien felt Palmer's had demonstrated that and whether the bedding sand is there or not reclamation isn't going to change much. Brandt stated their reason for coming back to the Committee was to change/vary the haul route as they were going to travel on different haul roads plus they wanted to go either direction on State Highway 93 as opposed to going one direction. Discussion followed on the hauling of bedding sand. Lien added it was determined at the last meeting that the hauling of anything over two loads of bedding sand would require the mine operator to call in. Brandt made a motion to remove the motion to approve (made at last months meeting) from the table, Nelson seconded. It was determined that if over two loads of bedding sand are to be hauled the operator has to call/notify the Department of Land Management. Lien had talked to Brent Pickard, DOT about this issue. Pickard stated regarding the number of loads they are permitting, when they hit State Highway 93 he doesn't have a concern if they are going either North or South because they are not required to do an intersection improvement based on the number of loads. Pickard's concern was cumulatively how it affects other intersections down the road. Pickard had a little reservation about going through the intersection of State Highway 121/93 in Independence in the event that would end up being a haul route. Lien requested, if there is a definite haul route, that the operator notify the DLM so that the DLM can notify the Department of Transportation. E. Palmer agreed that they could certainly do that as he didn't know of any other destination they would be going to. They just wanted the option in order to pursue other contracts and be able to deliver product to other vendors. To refresh Committee members Brandt read from the previous months meeting minutes, “ Bice closed the public hearing. Thompson made a motion to approve the CUP, Nelson seconded. Lien asked if there was going to be a condition that they contact the county when one or more loads of bedding sand were being taken out, including going North or South as well as the request to contact staff when ever some other product is being taken out of the site”. Motion carried on removing the issue from the table with Quarne abstaining. With a motion and a second on the table from the last meeting to approve the amendment to the CUP, a motion to approve carried with Quarne abstaining.

Vehicle Purchase - Lien commented that this issue came up when he was working on purchasing tires for the Ford Escape. In the process of getting tires, he asked about trading the vehicle. Lien informed the Committee of the rebates and trade in value that would be received on the vehicle. The other two vehicles that would be scheduled next year for trade in would be two, 2006 F-150's. One of them is getting close to the mileage at where they are usually traded. Lien provided the cost, government discount and trade in value to the Committee for trading the two vehicles. There is nonlevied money in the vehicle account (programs that utilize the vehicles are charged back) for these purchases. Lien stated in reality, the vehicles are in good shape and could

be run for another year but they would lose more value. The plan that was set up more than 15 years ago was to have nicer vehicles that have good quality trade in. They are traded before 60,000 miles in order to maximize value. Upon Brandt's inquiry, Lien responded he was suggesting trading in two vehicles simply because Lien wasn't sure that the rebate on the truck would be there next year. These rebates that come out of Ford Motor Company/Dodge or GM, etc. vary all the time. It was a poor year for selling vehicles so they have pretty high rebates. Upon Bice's inquiry, Lien replied the one model to be traded is a 2006 F-150 extended cab and the other is a 2008 and the new vehicle would be a 2013 F-150 extended cab. Discussion took place on the gas mileage obtained by the new vehicle. Lien noted that there is a signed agreement with Human Services to use the DLM vehicles and they pay the same mileage rate back to DLM. Discussion followed. Lien reiterated that the two new vehicles would be 2013's. Quarne made a motion to get bids from two dealers and approved making the best deal, Brandt seconded. Upon Low's inquiry about vehicles next year, Lien stated money will be put in the vehicle account again this year and next year we should only have to trade one vehicle. Lien added they come with a "bumper to bumper" warranty, new tires, brakes, battery, etc. Motion carried unopposed.

Office Space – Lien had talked with Steve Okonek from UW Extension office about the possibility of switching offices. There is money in the DLM budget for remodeling. Lien had gotten estimates from two different contractors regarding that remodeling. After meeting with Okonek, Extension staff came up with a "square foot per person" map and according to their calculations they would be reducing their square foot per person therefore they were not in favor of making the office switch. The Real Property Lister, Nick Gamroth will be merging into the DLM office as of January 1st. If no switch is made the DLM office probably doesn't have room for Gamroth so he will stay in the office he is currently in. Discussion took place on the proposed remodeling. Brandt commented the Chair of the Ag & Extension Committee is on this Committee. Brandt felt the communication should be between the Committees not necessarily with staff persons. Bice commented if this would make things more efficient for the DLM he would like to see this happen. Lien suggested the two Committees' have a meeting without staff and let them decide. Bice and Nelson agreed. Bice stated this Committee has already agreed to support the switch so Nelson can take that to the Ag & Extension Committee and talk about it. Lien reiterated that the Committees' should have a joint meeting and discuss it. In discussion, Lien stated the issue is on this month's Property Committee agenda pending what comes out of this Committee. Bice commented it is this Committee's job to look out for the public and if the public will be served more efficiently this would happen. Nelson stated the Ag & Extension Committee has addressed the issue; the staff had some opposition to it so no decision was made. Lien commented if it doesn't happen the DLM will still function but it would make things more efficient and provide a better environment for everyone. Bice added that government is in a rut, very few people will say this is what is appropriate and needs to be done, but everyone is afraid to step on somebody's toes so nothing happens in government.

I & E (Information & Education) Purchase for Youth Education – Lien felt that one of the shortfalls of the DLM, because of the lack of staff, has been information and education provided, especially with the youth. A couple of staff people used to go out every year to the high schools and provide information on what the Department does, demonstrations of the GIS mapping, etc. Lien felt those were great public service things to do. Lien presented a video on a Ward storm water/floodplain simulation system/model which is an innovative "hands on" model designed to clearly demonstrate the critical role of flood plains and the impact of human development on storm water runoff and severe flooding in many areas. The model offers a real opportunity to educate children and adults about the dangers and impact of unplanned development and human activity in the flood plain. Lien stated he thought it would be a real effective teaching tool. Lien has the money in the I & E budget. Bice stated public relations are a great thing, but looking at it from the taxpayer's perspective, Bice didn't see what the taxpayer would get out of it. After some discussion, Nelson made a motion to approve the purchase of the storm water/floodplain model, Brandt seconded the motion. Motion carried with Bice voting in opposition.

TRM/LWRM Cost Share Payments/Requests – Lien presented the following (LWRM) Land & Water Resource Management and TRM (Targeted Runoff Management) payments for approval.

Land & Water Resource Management (LWRM)

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>New CSA Total</u>	<u>Reason for Change</u>
McAdam Kensmoe	Contract	\$3,500.00	\$3,500.00	Manure Storage Closure
McAdam Kensmoe	Pay Request	\$3,500.00		Certify Manure Storage Closure
Gary Weisenberger	Contract	\$8,610.00	\$8,610.00	Streambank Protection
Gary Weisenberger	Pay Request	\$8,610.00		Certify Streambank Protection
Todd Smith	Contract	\$4,550.00	\$4,550.00	Streambank Protection
Todd Smith	Pay Request	\$4,550.00		Certify Streambank Protection

Targeted Runoff Management (TRM)

Michael J. Boberg	Pay Request	\$43,000.00		Certify partial Barnyard
Michael J. Boberg	Pay Request	\$36,230.00		Certify remainder of barnyard & heavy use protection area

Nelson made a motion to approve the payments as presented, Quarne seconded, motion carried unopposed.

Surveyor's Report – Lien presented a survey update on T20N, R8W in the Towns of Arcadia, Ettrick and Gale. Lien also presented a survey update on T20N, R9W in the Town of Arcadia. Nelson made a motion to approve the survey bill as presented, Thompson seconded, motion carried unopposed.

Set Next Regular Meeting Date – The next regular meeting of the E & LU Committee was scheduled for Wednesday, December 12th, 2012 at 9:00 AM.

At 11:32 AM, Nelson made a motion to adjourn the meeting, Bice seconded, meeting adjourned.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary