

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

**REGULAR MEETING MINUTES**  
**February 13, 2013 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, and Ed Patzner. Jay Low and Hensel Vold were absent.

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Jake Budish and Keith VerKuilen. Mark Carlson, Vickie Stalheim, Corporation Counsel Rian Radtke and DeWayne Snobl-APHIS Wildlife Specialist were present for part of the meeting.

Others present: Ken Kulig, David Berger, Roger Osegard, Chad McEver, Beth Killian, Paul Winey, Ben Quackenbush, Cristeen Custer, Tim Zeglin, and Jeanne Nutter.

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

**Adoption of Meeting Minutes** – Nelson made a motion to adopt the meeting minutes from January 9<sup>th</sup> and January 15<sup>th</sup>, 2013(Special Meeting), Brandt seconded the motion. Motion to approve the minutes passed unopposed.

**Wildlife Damage Abatement – DeWayne Snobl**

Snobl stated the first item on the agenda is the Shooting Harvest Permit Exemption. Snobl explained that any time a landowner is issued a shooting permit there are harvest quotas that come with them to maintain claims eligibility. For a standard permit there is 50 % and 80% harvest quota. If it is a WM-40 permit those landowners over a \$1,000 in the previous year have one quota at 80% by September 15<sup>th</sup>. Steven Ravnum is under a WM-40 permit. The 15 tags were issued in January 2012, so his harvest quota was 12 deer by September 15<sup>th</sup>. Snobl reported Ravnum had 11 deer so he missed the quota by one deer. Snobl and another DNR representative reviewed the harvest information and past performance and the fact that he only missed the quota by one deer. In the past Ravnum had a lower quota but he kept shooting more deer so DNR bumped his quota up. Snobl stated there were instances where Ravnum shot 26 deer with very little huntable land. He has always done very well. Snobl's recommendation to the Committee is to grant the exemption. That will basically allow Ravnum to get paid his claim. If it is denied as an exemption, then the claim is automatically denied. Brandt made a motion to grant the Shooting Harvest Permit Exemption, Quarne seconded, motion carried unopposed. Snobl reported there were four individuals who requested formal appraisals. In 2011 there were three. Snoble reported Fred Boe had deer damage on corn, Dave Nelson had damage on corn and soybeans, Steven Ravnum was corn and soybeans and Greg Tollefson was corn. Snobl noted that Nelson's claim was up considerably from the previous year. The guy that was harvesting Nelson's beans got there before Snobl was called and Snobl was unable to get to him. Snobl noted the claims are actually up to appraised loss and part of that is because of the price also. Snobl stated these are all state funded dollars, no county funds. Thompson made a motion to approve the payment of the 2012 Deer Damage Claims as presented, Nelson

seconded, motion carried unopposed. Upon Brandt's inquiry regarding turkey damage, Snobl stated it was just deer in Trempealeau County, but in Buffalo County there was one bear damage claim. As far as deer donation, Snobl stated deer donation totals are not totally out yet, because normally the season ends on December 31<sup>st</sup>, however this time, they keep extending the seasons so people continued to donate up until January 31<sup>st</sup>. The State keeps their number confidential until all the totals are in. Snobl gave updated numbers which showed that Trempealeau County donations were up by 12 deer. Snobl noted there was enough money budgeted for that. There is only one processor in Trempealeau County. Brandt questioned, in Snobl's opinion, if the reduction in processors in the County has to do with how much money the state is willing to give to process each deer – that being \$55.00 currently and if some of these other processors might be willing to come back if it were \$60 or \$65? Snobl responded that in Trempealeau County, the two processors in Arcadia were lost because they were bought out. Snobl noted that the deer that are shot in Trempealeau County can be taken to an adjacent county and donated, but the costs are then run through that County. Snobl didn't think the cost was the case in this County as the other processors appear to have enough other business. Lien stated that these numbers don't really reflect any deer that may have been donated in other counties. Lien inquired if there were any more cougar sightings. Snobl responded he wasn't aware of any recently – the last one he had heard of was in Price County, but nothing here since July/August of last year. That animal came from Buffalo Co. into Trempealeau County. Discussion followed on more bobcat and wolf sightings in the area. Bice requested that Snobl look into what happened to all the whippoorwills.

**Public Hearing – Land Use Change/Rezone — Industrial (I) to Commercial (C) - David J. and Nancy J. Berger, Property Owner/Applicant – Town of Albion** Bice opened the public hearing at 9:16 AM. Nelson read the public hearing notice aloud. Lien stated David Berger was unable to be present today, but he did send someone to represent him. Lien continued that Berger runs Classic Super Sports right outside of Eleva. He has had that business there for quite some time and the area is zoned Industrial. Berger came into the DLM office and wanted Lien to sign a form from the State for a dealer's license. When one looks at the Trempealeau County Comprehensive Zoning Ordinance, Section 2.05 under Table of Uses, it states the only place an automotive dealer or any kind of retail sales are allowed is under Commercial zoning. Berger contacted the Town of Albion and got a letter of support and is requesting to be able to revert some of the industrially zoned area to commercial to be able to sell cars. Lien added he fixes up cars at his place, plus he can buy and sell through a dealer, etc. The State limits one to three cars per year and Berger was meeting or exceeding that limit thus the reason for his request for a dealer's license. Lien stated the property is located just south of State Highway 10. He has a building established and a parking area and he pretty much meets all of the requirements of the State but the property has to be zoned commercial. The request is to rezone 1.9 acres and the use isn't really going to change. The representative present for David Berger stated he had no other comments to add. Bice called for any public testimony. Lien noted this public hearing was publicized in the newspaper and letters were sent to all adjoining property owners. Lien did not receive any calls for or against this request. Lien read a letter from the Town of Albion which stated the board considered a request made by David Berger of Classic Super Sports on December 11<sup>th</sup>, 2012, for a zoning change from Industrial to Commercial on a 1.9 acre parcel. The Board considered the following facts and circumstances; no adjoining or neighboring property owners appeared to object to the change in zoning, a county area parcel map was submitted to the Town of Albion to demonstrate the parcel boundaries, and the Berger's also own adjacent property to the east, west and southeast of the subject property. The Berger's are requesting the change in zoning to facilitate the application of David Berger/Classic Super Sports, LLC for a motor vehicle dealer license. No substantial changes to the business as operated in the past are anticipated. No plans to build any additional buildings were submitted and no changes are necessary for a commercial driveway on US Highway 10. There is currently a driveway being used for Classic Super Sports, LLC on US Highway 10. Any further change in use would require approval and upgrade of said driveway for such use. The change in zoning is to facilitate the further operation of Classic Super Sports, LLC. The Albion Town Board is amiable to change in the zoning back to Industrial, if in the future; the operation of Classic Super Sports, LLC is changed or terminated. After careful consideration of the facts and circumstances, the Board passed a motion in favor of the granting of a zoning change from Industrial to

Commercial for the parcel. All future property usage, including driveways shall meet the requirements for developing and conform to the current zoning rules and regulations as administered by the Trempealeau County Comprehensive Zoning Ordinance, the Town of Albion Land Use Plan and subject to any other applicable regulations by the State of Wisconsin, County of Trempealeau and Town of Albion. All signage shall conform to current zoning rules and regulations of Trempealeau County. Please contact Sheree Nelson, Town Clerk with any questions. The letter was signed by Verle Deetz, Town Chairman. Bice called for any other public comments/input/testimony three times. Bice closed the public hearing at 9:23 AM. Quarne made a motion to approve the rezone as presented, Brandt seconded the motion. Brandt asked when this parcel was zoned industrial and for what purpose. Lien responded it was zoned industrial many years ago. Lien stated part of what Berger does is to go down south, picks up classic cars and then dismantles and restores them. Lien explained the dismantling of cars is very similar to salvage which requires an industrial zoned area. Upon Quarne's inquiry, Lien stated the old salvage yard is still there. Motion to approve carried with no opposition. Lien noted that the rezone will go to County Board for final approval in March.

**Public Hearing – Conditional Use Permit – Farm/Home Business/Machinery Sales – Kenneth E. Kulig, Property Owner/Applicant – Town of Lincoln** Bice opened the public hearing at 9:25 AM. Nelson read the public hearing notice aloud. Mark Carlson stated the way Kulig's current parcel is zoned; a CUP is required to have that type of business on that parcel. Carlson clarified that the public hearing was published for two consecutive weeks and he received no comments from the public for or against. Carlson does have a letter from the Town of Lincoln in support. Someone from the public had notified the DLM that there was an active business going on and the DLM had to act upon it and did so by requiring the Conditional Use Permit(CUP). Bice called for testimony from the public. Carlson read a letter from the Town of Lincoln which stated they held a special meeting on January 23<sup>rd</sup>, 2013 for the purpose of considering a special use permit for Kenneth E. Kulig to allow a farm/home/machinery business. Paul Coburn made a motion to allow the Conditional Use Permit with a second by Donald Johnson, motion carried unanimously. Lien reminded the Committee that because this was a CUP, the Committee could place conditions if deemed necessary. Carlson suggested that perhaps the Committee might want to place a condition limiting the size of the business - keeping it to the current area. Upon Lien's inquiry, Kulig responded he did not have any plans to expand, build or landscape, etc. Kulig stated the driveway was already in place. Carlson added there are no buildings, office or anything, it is just parked machinery. Bice called for any public testimony three times. Upon Susan Faber's question (she had come in late to the meeting and did not hear the intent) if this was anything to do with mining equipment, Carlson responded it was not, it was farm machinery only. Bice closed the public hearing at 9:31AM. Nelson made a motion to approve the CUP, Thompson seconded. For clarification, Brandt inquired what makes this a Conditional Use Permit and the previous public hearing a commercial rezone. Lien responded that was a really good question and that he and Carlson had gone through that. In the Ordinance it allows some agricultural exceptions because we are predominantly an agriculture community, therefore this is allowed as an accessory home use for agriculture purposes with a CUP. Motion to approve the CUP carried unopposed.

**Discussion and possible action on Trempealeau County Zoning Ordinance - Chapter 13 (NonMetallic Mining) Revisions** Lien stated, at the Committee's request, he and Radtke sat down and went through the Ordinance keeping in mind the intentions of the Nonmetallic Mining Advisory Committee. Lien thought they had done that successfully. Lien has sent the changes out to the Advisory Committee and a couple of them had commented back to Lien. Lien stated there really weren't a lot of major changes. Lien did receive one e-mail and was asked to read it to the Committee. Lien read the following e-mail aloud.

**Margaret Olson, Galeville, e-mail** – With reference to item #8 on the agenda: Discussion and possible action on Trempealeau County Zoning Ordinance –Chapter 13-Nonmetallic Mining revisions. I would remind the Committee, especially the Chair that your duty is to represent and protect the masses of the County. As an official on this Committee, it is your responsibility to put your self interest aside and consider the well being of the people who have to cope with the living conditions created by the frac sand industry. It was a bi-partisan

collection of private citizens and industry representatives on the Advisory Committee who nearly unanimously made the recommendations you are considering. It is not your duty to make it easy for frac sand industry to avoid violations. All private landowner's rights are tempered by the needs of the whole. As a landowner myself, I respect the overall wellness of my community. I accept our ordinances because they are in the best interest of my community. We are all part of a whole. That is what makes us a civil society. It is in that spirit that you hold your seats on the Environment and Land Use Committee. Please do your duty.

Brandt suggested consulting with Corporation Counsel on the matter. The agenda states, "Discussion and possible action" and Brandt was wondering if the Committee could discuss and then take action or if a motion needs to be on the floor before discussion begins. Radtke responded that even though the agenda states possible action there really is no action that can legally be taken except toward adopting any proposed amended ordinance that would be to have a public hearing so perhaps that would be the only action that could be taken. Brandt stated it seems that one action the Committee could take is to recommend a document to be considered at the public hearing. In other words, we currently have two draft documents out there, the cleaned up one from Radtke and Lien and then the one that came from the Nonmetallic Advisory Committee. Brandt felt it was this Committee's responsibility, to say there is going to be a public hearing and this is what we will be talking about. Brandt is wondering if one of the actions that could be taken would be to recommend a document to be sent forward for public hearing. Radtke responded that was correct and also any recommendations for change proposed here. Brandt inquired if it was appropriate to discuss before any action is taken. Radtke advised that typically one should have a motion on the floor before we start discussion because then it keeps the discussion narrowed to whatever the motion is. In this particular circumstance Radtke didn't know if that was something that may slow things down in the sense of that what this Committee is trying to do is hear and learn what this proposed amendment is and then maybe discuss from it. Radtke thought a general discussion could be had without having a motion. Brandt expressed appreciation for what Radtke and Lien have done in terms of cleaning up the Ordinance. Brandt felt they did an excellent job. Bice asked Radtke and Lien to go through the changes and bring everyone up to date on what the revised Ordinance actually states. Lien referred the Committee to Page 90 and noted that the existing language is highlighted in red and then lined through so that one can still read it. The new proposed language,

- 1) "Hours of operation for nonmetallic mines should be limited upon the defined activities of extraction and processing:
  - a) Extraction – extraction shall be allowed Monday through Friday between 6:00 AM and 8:00 PM during daylight savings time and between 6:00 AM and 6:00 PM during standard time. Extraction shall be allowed Saturdays between 7:00 AM and 3:00 PM. No extraction shall be allowed on Sundays or holidays as defined in Section 13.05 of this Ordinance.
  - b) Processing – processing shall be allowed between Monday at 6:00 AM and Saturday at 3:00 PM. No processing shall be allowed between Saturday at 3:00 PM and Monday at 6:00 AM and no processing shall be allowed on holidays as defined in Section 13.05 of this ordinance.
  - c) Emergency Extraction: If a nonmetallic mine operator conducts nonmetallic mining Extraction outside of the stated hours of operation due to an emergency and at the request of the Governor of the State of Wisconsin, Sheriff of Trempealeau County, Emergency Management Director of Trempealeau County, Zoning Administrator of Trempealeau County, Highway Commissioner for Trempealeau County, or any Chairperson of a Town in Trempealeau County on behalf of their respective Town, then such operator shall give notice to the Zoning Administrator within 48 hours of the emergency Extraction. If the Zoning Administrator is unable to verify the emergency requiring the Extraction outside of the stated hours of operation, the operator shall be deemed to have violated the conditional use permit. If after a second occurrence when the Zoning Administrator is unable to verify the emergency, then the conditional use permit may be revoked by the Zoning Administrator.

Tim Zeglin questioned if it meant all of those people can declare a disaster or any one of them. Bice responded it meant any one of them.

Lien read aloud

(2) Noise. Audible noise emitted during any Non-metallic Mining is limited to the standards set forth in this provision:

a) Processing During Extraction Hours. Noise due to Processing during Extraction hours of operation is not limited by this ordinance.

b.) Processing During Non-Extraction Hours. Noise due to Processing during Non-Extraction hours of operation shall not exceed forty-five (45) decibels (dB) measured at any property boundary, unless the owner/operator of the non-metallic mine obtains a written waiver from the affected property owner(s). Affected Property Owner(s) shall be defined as the fee owners of real estate where noise at such real estate's boundary is measured exceeding 45 dB and the non-metallic mine Processing contributes to the measured noise.

c.) Phase-One Noise Survey. If the owner/operator of a non-metallic mine or applicant thereof, desires to conduct Processing at the non-metallic mining site during Non-Extraction hours of operation, then a phase-one noise survey shall be conducted. Processing during Non-Extraction hours shall not commence until a phase-one noise survey is complete and the survey indicates that the proposed Processing during Non-Extraction hours will be compliant with the noise limitations in section (2)(b) above.

1. Phase-one noise survey shall be conducted by an independent noise consultant contractor at the expense of the owner/operator of a non-metallic mine, or applicant thereof.

2. A phase-one noise survey shall duplicate the level of noise that will be produced by the Processing during Non-Extraction hours of operation. While the duplicated Processing noise is being produced, the phase-one noise survey shall measure the noise levels, in decibels, at the property boundary of all properties that may be affected by the duplicated Processing noise. The party conducting the noise survey shall obtain consent from each property owner to enter property to measure noise. The phase-one noise survey shall also determine whether duplicated Processing noise contributes to the measured noise levels.

3. The purpose of the phase-one noise survey is to identify any potential Affected Property Owner(s), and to afford the owner/operator of a non-metallic mine, or applicant thereof, the opportunity to mitigate the measured noise levels to achieve compliance with the noise limitations in section (2)(b) above.

d.) Phase-Two Noise Survey. Within 24 hours after commencement of actual Processing during Non-Extraction hours of operation, a phase-two noise survey shall be completed. Processing during Non-Extraction hours shall not continue until a phase-two noise survey is complete and the survey indicates that the actual Processing during Non-Extraction hours will be compliant with the noise limitations in section (2)(b) above.

1. Phase -two noise survey shall be conducted by an independent noise consultant contractor at the expense of the owner/operator of the non-metallic mine.

2. The Phase-two noise survey shall measure the noise levels, in decibels, at the property boundary of all properties that may be affected by the actual Processing noise. The party conducting the noise survey shall obtain consent from each property owner to enter property to measure noise. The phase-two noise survey shall also determine whether the actual Processing noise contributes to the measured noise levels.

3. The purpose of the phase-two noise survey is to measure the actual Processing noise and to determine whether the actual Processing noise exceeds the limits in section (2)(b) above. The Phase-two noise survey shall identify any Affected Property Owners (s).

e.) Waivers. The owner/operator of the non-metallic mine may obtain a waiver from an Affected Property Owner(s). Such waiver shall be in writing and shall be signed by all fee owners of the affected real estate. Such waiver shall state that the Affected Property Owner(s) is aware of the

noise limitations imposed by this ordinance and that consent is granted to allow noise levels to exceed the maximum noise limits in section (2)(b) above.

- f.) Noise Complaints. Any complaint of excessive noise due to Processing during Non-Extraction hours shall be made in writing and shall state the name and address of the party complaining. Any complaint shall be forwarded to the Zoning Administrator. The Zoning Administrator shall immediately forward any such complaint to the owner/operator of the non-metallic mine. Within 72-hours of the owner/operator of the non-metallic mine receiving the noise complaint, the owner/operator of the non-metallic mine shall install a decibel meter at the property boundary of the property of the complaining party at the sole expense of the owner/operator of the non-metallic mine.
1. If the measured noise at the property boundary of the complaining party exceeds the limits stated in section (2)(b) above, then all Processing during Non-Extraction hours of operation shall immediately cease. The owner/operator shall conduct a phase-one and phase-two noise survey prior to re-commencing any Processing during Non-Extraction hours of operation.
  2. If the measured noise does not exceed the limits stated in section (2)(b) above, then the installed meter shall continue to measure and record noise levels for a period of forty-five (45) days. If after forty-five (45) days no noise violations occur, the meter may be removed.
- g.) Extraction. Noise due to Extraction is not limited by this section, but may be regulated through the conditions of the conditional use permit.

Brandt stated it appears that the language is considerably more technical than it was in the original revised ordinance. Brandt questioned Lien and Radtke if they had been in contact with sound engineers or if they had found other language somewhere else? They both responded “no” . Lien stated he, Jake Budish and Keith VerKuilen had met with a professional noise consultant and discussed all of these things and that company stated all of the things listed were “very do-able”. Lien explained that was the intent behind the Advisory Committee as to how this process would be laid out. The reality is that there might be some existing sites out there that exceed sound limits. We know that and that can be duplicated by shutting off the processing plant and taking measurements, etc. Brandt was impressed with how clear the Ordinance was, in terms of the process and the options of the Operator has to how to approach it. Brandt continued that “may” has been used as opposed to “shall” which also indicates a level of flexibility when it comes to the regulations. Lien stated that through the process, this gave the people involved in the industrial industry the tools and flexibility so they have an avenue to achieve more, if they wish to. It also gives the neighbors around some comfort or some say in these things being met. Bice inquired if any other county has this Ordinance or something like this (specifically the sound levels, etc. and all of the testing, etc.) or if this was a proven concept? Lien responded that even in our own communities we have cities and villages that regulate noise and enforce those regulations. Lien didn’t know how well these noise regulations hold up in court. Lien personally strayed away from noise because of the ongoing issue in the County that has been a noise disturbance. Lien felt this was a more scientific way of addressing the issue in relation to mining. There are many variables with this and Lien felt he and Radtke have done a good job of “spelling out” how those things are done but without any question (whether it is industry or staff) that a professional will have to be involved. Radtke stated he wasn’t aware of any other Ordinance and that they didn’t model this Ordinance language after any other county ordinance. The phase-one and phase-two language is just something that Radtke came up with. In looking at what the Advisory Committee was trying to do and in talking with Lien as to what the Advisory Committees’ intent was, Radtke tried to create something that was a step type process. Radtke added he didn’t meet with any consultants or look at any other draft ordinances. Radtke went strictly off of what the Advisory Committee was recommending and also what the E & LU Committee had discussed. If Radtke had any clarification questions he asked Lien as to what the

Advisory Committee desired on certain things. There were a few things that Radtke had put in himself and he wanted to disclose that. He doesn't have any personal opinion on the end product here or the content here, but to make certain things work he had to add some information in the Ordinance. Radtke stated one of those things was, on Page 92, (d) Phase Two Noise Survey. Radtke continued that to do a Phase Two Noise Survey, it has to be done at a certain time. Radtke had just inserted the time of "24 hours". Radtke wasn't sure, from the industry perspective, if that is do-able or from the neighboring property owners if that is timely enough. Radtke just put the number in there because there needs to be a certain time when this has to take place, after the commencement of the actual processing. Radtke wasn't sure and questioned how long this survey was going to take to get a true picture of the duplicate sound or how this was going to work. Obviously there are a lot of things that can impact noise levels such as weather, time of year, temperature, etc. As was talked about at the last meeting, averaging decibels if that is even scientifically able to be done versus saying we need to have a phase-one take one years' time or is going to take one month. Radtke stated those are things that this Ordinance is not clear on and may result in some issues. If one does a fairly short Phase-One you may result in more noise complaints, but there is a noise complaint section to deal with that (and make them start over). Those were just some thoughts that were going through Radtke's head when creating this process (Ordinance) and trying to make an air tight process to deal with a situation as it arises. The other number was in the noise complaints – that within 72 hours of receiving a noise complaint that a decibel meter is installed. Radtke didn't know if that was do-able. He wasn't sure if a decibel meter would need to be ordered, how long it takes or if it is able to be installed at someone's property, but there needs to be a certain deadline. If a complaint is received there needs to be a meter installed. What that time is, Radtke wasn't sure. Radtke asked the Committee to hear from "all sides" on that. Radtke continued by saying those are the two number(variables) that Radtke had essentially inserted just because there needs to be some sort of time frame there.

Bice stated there are people here, raising their hand, that would like to ask questions or comments and asked if the Committee would be interested in letting those people comment or ask questions. Committee consensus was that was alright.

Ben Quackenbush had compliance questions. The first one that stood out was that in order to do these surveys, the owners' consent has to be obtained to do the measurements. Quackenbush asked what happens if one gets an unreasonable neighbor that doesn't want anyone near them or won't allow anyone on the property? Radtke responded that getting the consent of the property owner was something that Radtke put in at the end. After Radtke had reviewed it and thought about it, in essence what we are asking is a third party to enter somebody else's property to do some measurements. If one is doing a Phase-one study, Radtke didn't want to create an ordinance that says that they have some sort of special authority to go on somebody else's property – because they don't. Radtke thought about that and he doesn't know how the Committee or how the Ordinance would want to resolve a complaining party who also won't let a noise consultant on their property to measure noise. Radtke wasn't sure how to deal with that. Radtke felt it was fairly unlikely to happen but he wouldn't say that it won't happen. Cristeen Custer stated it was at the boundary, so couldn't one be at the boundary and measure it without entering the property? Lien felt because it was stated at the property boundary, the problem is, for example, in Winey's case, if you have permission from the property owner down below, but Winey doesn't give permission (his property is upper higher on the hill) so one can't get to his property to perhaps measure that boundary, in that case the applicant would have to bring that to the Committee and just state that they have tried and access was not allowed. Lien felt if it was documented as close as one could get that would be taken into consideration. Chad McEver stated we are talking about a Phase-One survey where one literally goes out and puts up a speaker and take noise readings from various points, wherever they are. McEver's sound engineers said the best way to do that is by modeling – so all the computer program modeling gives one the most accurate readings- which he would accept that rather than a physical voice survey. Lien thought that modeling was a type of noise survey, but suggested when one gets to phase two and the plant is up and running (and physical field readings are taken) that the duplication be very accurate. Lien stated that is why it is in the Ordinance that a noise consultant should be used because the gentlemen that was here and talked to Lien said that noises can be

duplicated and there are many ways of duplicating it. Brandt felt McEver raised a really good point that the computer model is going to identify where the problems will be, so instead of just “throwing a net” one is able to focus on what the computer model says is going to be the area where there is an issue. Upon Lien’s inquiry if McEver had done this in the past, McEver responded no. Although Lien has limited knowledge of this area, he thought LIDAR would be a benefit as far as knowing the topography in an area. Thompson commented they could do the Phase-two noise survey during extraction time by just shutting that down for a little while and get the reading on the processing plant before they ever ran after hours. Brandt agreed that it wouldn’t have to be after 10:00 at night. Jeanne Nutter had a question regarding Page 90 (b) – Hours of Operation – Processing - Nutter read aloud “Processing shall be allowed between Monday at 6:00 am and Saturday at 3:00 pm”. Nutter inquired if that meant 24/7. Brandt responded and Lien agreed that only if it meets that 45 decibel level. Custer added if it meets the decibel level beyond extraction hours. During extraction hours there is no requirement. Nutter inquired if during the processing time the lights will be on all night, etc. Custer responded that was correct. Lien added only if it meets the 45 decibel level and trucking is not included in that time for extraction. Bice commented that he has thought about this a long time and as he has mentioned in the past he has gone to visit, with the Advisory Committee, two operating sites that were completely finished. While noise was a huge issue when visiting those sites, Bice’s observation was that people were pleasantly surprised that the noise level was not quite what they expected. In Bice’s opinion, the biggest improvement that this industry has seen as far as noise is the new low tone back up alarms because a distance away from there one doesn’t hear the high pitched beeping. Bice thought that was a huge improvement as far as this industry. Bice commented (he feels very strongly about this and feels this is very important) that he read through this and we are going through it again. Bice stated it is, flat out impossible, at a reasonable cost and a reasonable situation to enforce this. This is going to be an enforcement nightmare. One way that it would be enforceable would be to raise the level to 55 decibels. It was Bice’s opinion that 45 is what we are listening to in this room right now when no one speaks. 55 is a little bit noisier but at least that gives a little bit of a cushion. A lady had written in and said that Bice should do what he thinks is best for the health, welfare and safety of the people of Trempealeau County. Bice honestly believes that for the very few that will be impacted by this, and there won’t be many, that this brings an incredible opportunity to Trempealeau County. If we look at places like California where they have said, “not in my backyard”, California has some serious issues now because there are so many things they cannot deal with anymore there. It has not been a good thing for California. While Bice thinks 55 would be a reasonable approach on this sound ordinance, Bice believes that this Ordinance, basically since we, Trempealeau County, and our citizens committee, along with our best help we have available have created a document that is somewhat unproven, and may be challenged and again very hard to enforce. To go from 45 to 55, in Bice’s opinion, it gives a little bit of cushion. Most people in here, if you don’t accept that 45 is extremely challengeable to operate anything, we can go out on the highway, right next to Kwik Trip, and we will read 50, 60 70 decibels and even higher at times and we will never get to 45. Bice stated some people are disappointed that he is making these points, but we had a citizen committee, with people from the public and the industry that tried very hard to work out a reasonable, good ordinance, yet it is part of Bice’s job to represent everyone in the County and that includes the welfare of the people in the County. Welfare means we need jobs. If we end up like some community where we just don’t have enough jobs to pay our bills that is not a good thing. What is being asked here is just a slight infraction to a very few people. Winey is a person in a situation where he is clearly impacted by this. Bice is a real believer that we should encourage, and have the ability as a county zoning committee and as a department to go out and say, “we encourage you to build a shield here and plant some trees or anything possible”. Bice has looked at the 45 decibel limit and tried very hard. The mining industry could possible, probably, maybe do this, but the catch is that we open ourselves up to constant litigation. Bice talks to lots of people and asks these questions and while he understands the people that live right next to one of these and that they will clearly be impacted, many people think there are lots of things by living in society that we have to deal with and they are not all convenient. Bice does not know how we can put this into place, with follow-up enforcement, as he doesn’t see how that is possible or reasonable. Nutter made the following statement. Sometimes Nutter gets confused in these meetings whether or not we are a Land Use Committee or an Economic Development Committee. Nutter really thinks that this is a Land Use Committee

and that is where our focus should be, not how we can make it better for the mining companies. We have to pay attention to the land and the reason that we live here and how the land sustains us. If we don't have land, we don't have water and we don't have air and none of us are going to be alive. Nutter thought the Committee needed to remember what their focus is and it is not economic development. Brandt stated Bice was confusing him with his comments. Brandt understood that with all the voices in this conversation that Bice is the one that is talking about 55. Brandt stated 55 is not a little more than 45 it is twice as loud as 45 or more than that and we have heard that a number of times. Brandt stated the other thing is that Bice's criticism is based on two not necessarily matching things – one being that it is not enforceable and Brandt felt we could get an opinion on that. The other is that it is not do-able for the manufacturers/miners and Brandt suspects that if we were to talk to the sound engineers we could get a pretty good sense that there is some sound modeling that is available. Another issue is the fear that Bice expressed about litigation over the difficulty of enforcing this. Brandt stated in all three of those cases he felt Bice was on shaky ground when it comes off to reasoning of the issue that Bice thinks it will be easier for companies to create more jobs if they have less financial demands based on a sound reading at a property level. Bice responded that was not true and he feels we need to be able to operate within a reasonable sound limit because Bice doesn't think it is our place to try and stifle business. We aren't supposed to and shouldn't be doing that unless we can see some danger. Everyone who runs some type of business contributes some way or another whether it be good or bad. Brandt asked Radtke if this Ordinance could be defended in court. Radtke responded he thought it would be enforceable. The decibel issue will vary from person to person as to what is reasonable or not reasonable. Radtke recommended that this Committee find a way to have either a noise consultant or somebody to duplicate noise decibel levels, stand outside and listen to a constant sound of 45, listen to a constant sound of 55 so that we all have a frame of reference as to what that noise is. When we talk about a conversation or read what it is comparable to someone talking versus that constant noise. Radtke thought that is going to vary from person to person as to what is reasonable. Radtke thought it would be good for this Committee to actually hear that sound and that noise so that it can be firm in its' recommendation to the County Board as to what these amounts should be set at. Radtke thought that would really help the Committee with their frame of reference to know what that sounds like and to think about that, for those periods of non-extraction that sound could be constant that entire time. Radtke added that can't be done today but instead of arguing what that number should be, Radtke thought that should be considered. Brandt felt the issue that he is asking Lien and Radtke to talk about is the enforceability and the defense of this Ordinance. Lien considers the Advisory Committee a very highly diverse group of professionals and that Committee spent seven months debating this same issue. 45 was not some arbitrary number that was pulled out. Staff had demonstrated the average decibel level at Alpine Materials was 40. A number of measurements were done all around Preferred Sands and the decibel level was 45. It wasn't an arbitrary number. The Ordinance gives the flexibility because in all honesty Lien stated if there is a mine in his backyard and he can live with 60 why should anyone in this room care. If Lien wants to sign a waiver that states 60 decibels doesn't bother him then that is what the focus really is. Radtke had stated that everyone's level of tolerance is going to be different and this Ordinance allows for that. Lien agreed with Bice on a couple of things – as far as enforcement capability Lien is not looking forward to that. It is very enforceable and it is as enforceable as 45 as it is at 55 decibels. At 55 decibels the same exact process would be followed where they are going to have to put out a monitor, they are going to have to collect data and if it is challenged one will have to go to court, so whether it is 45 or 55 really is arbitrary because the process is the same. Lien added, if on the street in Whitehall the average ambient noise is above 45 then across the railroad tracks is an ideal spot for a processing plant. Lien stated downtown Whitehall at Kwik Trip is a lot different than Liens' backyard or someone else's backyard in a rural area, so we have to really look at the diverse community and everyone's individual situations. If Lien is ok with living with a 60 decibel level than it should be ok with this Committee and this Ordinance allows for that flexibility. Thompson added all the manufacturers didn't have a problem with meeting 45; they said it was do-able and they were quite a few of them on the Advisory Committee. Thompson stated if they are going to stretch 45, they are going to stretch 55. Bice responded the advantage to 55 would be that, at 45 they are struggling 100 percent of the time to accomplish that – which is quite a challenge – at 55 they exceed then we have kind of got them – there is a little room for leeway there. Bice thought that was a good idea. Winey

passed information out to the Committee. Winey stated one of the points Bice made is that this going to come down to a discussion of 45 or 55 – which will be twice as loud and is very subjective noises. Winey noticed that earlier in the meeting Budish had gotten up in the middle of the meeting to open the door and close the boiler room door because of noise. Several people were asked to step up to microphones to speak so that things could be heard, so even in this environment accommodations/adjustments are being made to better serve the people here. When talking about going out on the street to listen to the noise, Winey would take that a step further and go to someone's home and put that same noise and replicate it when they are trying to sleep as that is really what we are talking about. We all put up with a lot more noise during the day but it is during the night time hours that we are talking about. That is why this doesn't keep business out. Winey and Bice had spoken after one of the meetings and we need to encourage business, further that and prosper it. This Ordinance allows a significant amount of business. If it didn't, you wouldn't have the number of applications coming into the County that you have, so there is something here that they want and need and they are willing to put up with those hours now. Would more be better? Winey stated for them, yes, for others, no, but it seems the hours that are set now don't seem to be impeding people coming in. Bice also mentioned that this would affect few people and that is why Winey brought this handout. Using some of the tools that are available to the County, this is Winey's rough estimate. These are the 13 mines that have been permitted in the area of Arcadia, Independence, Whitehall and down to Ettrick. Not all are operational, but the circles on the handout represent a 2,500 foot radius around each one of those mines as located by the epicenter of it. It doesn't constitute what the mine boundary's are, 2500 foot from that. When Bice talks about it affecting a few people, Winey would take exception to that. Winey would say a few are mining, many would be affected. Winey can count within the circle of his location, from the Alpine Mine, approximately 25 -35 people that would be affected by that one mine within that 2500 foot radius. Winey was at the Town of Arcadia board meeting Monday night where KAW Valley is applying to amend their current permit for a wash plant and high capacity well. The hydro-geologist there is saying he is going to have to send out information to 20 well owners to get them inspected. Winey thought those were probably private wells. When you start to take that number of people within each one of those circles and figure out what the total count is, Winey didn't think one was dealing with just a few people. With the number of mines that are coming on there are going to be more and more people affected. The sound levels are very subjective and we've had to make some adjustments here because of that and we are not even trying to sleep. Hopefully this handout will give an idea of the impact. It is not a few, it is many. One asks why aren't those folks here. Winey felt they were frustrated and they feel as if their voices aren't being heard. Winey has become more vocal about this. It is challenging but Winey feels it is something he needs to stand up for. Winey just spoke with an individual this week over by Blair (it did include the two mines that have been annexed in- but were permitted by the County) with Preferred Sands running 24/7 and they stated the noise is just almost unbearable and that is what they are putting up with, so there needs to be limits. Winey didn't know that this Committee would be the one to set that actual decibel limit, but getting outside information or taking that forth to the public hearing to really let them say what is going to be tolerable or where the balance is. We may hear from a few or many, but then it really acts in the best interest of the people. Winey stated the hours that we have has not slowed down the number of mines. As Brandt was reading through the minutes of the last meeting, in Lien's presentation he said, "the main issue or the issue that was the most important to everybody at the table was hours of operation". As Thompson said there seems to have been a universal appreciation that 45 decibels was reasonable and do-able. Custer has mentioned several times of both sides giving and losing some ground, but this becomes the document that everyone is willing to live with. Brandt reminded the Committee that the Advisory Committee was looking at the hours of operation as their main concern and that the sound had been agreed upon. Bice commented what they saw at Preferred Sands was that they had a very challenging or felt they could not live within County rules and so they annexed to Blair and pulled that off and now we have/no one has any say whatsoever. We saw that down in the Arcadia area, we are going to see that throughout the County because we are trying to put into place an Ordinance that is very people friendly, we are totally destroying County zoning. Bice stated we are creating a mess. Bice's take on it is, and Radtke has told him that is not our place, we are not geared to try and preserve County zoning but if

we are trying to do what is best for the health, safety and welfare of the people of Trempealeau County we have got to see if we can work with them enough so that we don't destroy county zoning.

Quackenbush questioned if one gets a waiver from a neighboring landowner that says they are fine with it and then we operate for a year and then the landowner has an issue with it, then what happens. The question ultimately was is a waiver revocable. Radtke thought they would have to be revocable especially with property sales, or renter/tenants. Radtke would think it is revocable. Radtke added the one thing that was in the last proposal was a noise easement and while those are either required or accepted in large airport areas, there really isn't any use of them. Right now they are not being used for this type of industry, but obviously a sand mine company could obtain a noise easement from somebody which would then be more of an irrevocable type setting. Radtke thought that is up to the sand mine company if they want to pursue that, but otherwise just a written waiver would be revocable. To clarify that it would just be written in there as revocable. Bice stated what you would need to do is when you get a signature, if they are the legal landowner, go for as long a period of time as you can. Maybe even attach it to their deed in the event they sell their property. Bice added this is not going to be an easy ordinance. Quackenbush inquired, when they initially do their first survey and create the noise that we're going to create and it is not above 45 decibel levels at any of the boundary's, does the County still want them to complete the Phase-one survey to figure out what it is at all the neighbors around? Lien thought that was correct and good documentation. That way if it comes up later, Quackenbush would already have that documentation. When they have it set up and the processing in place and they have done whatever measuring they need so that it is not at 45 decibels at the boundary, then at the Phase-two study would they do the measuring at the neighboring landowners again. Lien didn't think it would hurt but again it is reassurance for Quackenbush as far as accountability. As in Winey's case, Lien stated around the existing Alpine Mine, they were at that level, but they were not at the neighboring property because of elevation. Quackenbush clarified that the original measurement is at our boundary and at the neighboring, then enforcement thereafter is measured by the decibel level at the neighbors. Lien stated Phase-one should include all the neighbors and that is part of the noise study. You are going to determine if you are in a "bowl". On the backside of the hill one probably has no chance of ever exceeding those levels but if there is a "megaphone" out in front that is going to be the focus area. Whether it is computer modeling or one actually sets up and duplicates the noise, one is going to see all those potential conflicts. Quackenbush stated after we have done both studies and made it so that they are able to stay below 45 decibels, then enforcement after the fact (done after they have done everything up front to be able to process) is based on measurements at the affected property owners boundary line. Lien responded that was correct and if there are waivers from people, along the way, then there aren't enforcement issues with those waivers. Quackenbush and Lien agreed that the properties that they don't have waivers from is where there will be regulation and the applicant has to stay before 45 decibels at their property boundary. Bice clarified that this Ordinance basically says that this 45 decibel limit extends to multiple properties (could be 40- 40 acres parcels away)? Lien stated depending on site location that is very possible and we realize that as one gets out there could be contributing noise from other things that has absolutely nothing to do with that mine but the noise study is going to document that. There may someone that has pre-existing conditions that are 55 decibels already and in reality they shouldn't be affected. If the mine has demonstrated that they are operating below 45 decibels (and someone has document, pre-existing conditions at 55 decibels) they are unaffected, basically, by the mine operation. Thompson added that is where the preliminary study comes in. Thompson made a motion to forward the Ordinance revision on to public hearing as printed, Brandt seconded that motion. Gamroth clarified that the motion referred to the copy in front of everyone, Lien and Radtke's version. A voice vote was taken with all Committee members voting in favor except for Bice who voted in opposition and Quarne abstained. Discussion then took place on when the public hearing should be held. Bice asked Radtke to do as much research on this as possible and come back with an opinion as to whether we should move forward on this or not. Bice stated he personally cannot see any way that we should do this. Brandt stated the Committee just voted to take it to a public hearing. Bice understood that but just wanted to make sure that we get legal opinion/information before we move forward/for next month. Jeanne Nutter asked if it was possible to have a public hearing when the public can come and not at 9:00 AM

because this is such an important thing that if we are going to have a public hearing, she thought landowners who work, etc. need to be able to come. Nutter suggested a meeting in the evening when people are not working so that they can have a voice in their government. Lien commented that for years this Committee met at 6-7:00 PM and there were many people who stated their kids were in sports or they had to milk cows and requested a day meeting so the Committee switched their meeting times. Nutter responded there are a lot of people who are interested in the nonmetallic mining that can't get away from work. After some discussion, Committee consensus was that the public hearing should be a separate meeting. Upon Winey's inquiry as to whether the Committee had ever entertained having more than one public hearing, Committee members responded no and weren't sure if there would be a need for that.

**Discussion on LIDAR (Light Detection and Ranging) Resolution** – Lien stated he put this on the agenda because on the September 12<sup>th</sup>, 2012 E & LU Committee meeting we talked about LIDAR. At that time, Brandt made a motion to support the resolution from the towns' and requested that \$100,000 of Trempealeau County's budget for 2013 be budgeted for LIDAR, Thompson seconded, discussion followed. Lien stated he talked to Radtke and we really didn't need a resolution, it just had to go to the Exec/Finance Committee. On July 17<sup>th</sup>, the towns' had a resolution that came before full County Board for LIDAR which stated that the Town's Association supported the purchase of LIDAR. Lien was unable to attend that County Board meeting, but Ann Seymour, from Land Records was there. The County Board minutes state that after much discussion, Chair Vold referred it back to the E& LU Committee to consider and bring back to County Board. Lien stated our Committee made the resolution to transfer \$100,000 from the General Fund into the LIDAR fund in either Land Records or the Land Management budget. Lien has met with Exec./Finance for three or four months in a row and after much discussion, it is tabled until after budget time, with a lot of debatable issues as to whether it is needed or perhaps the government/USGS is going to give it to us at some time. Lien felt that probably wouldn't happen in the next fifteen years. Lien wanted to bring that up before moving onto 2012 DLM Budget.

**2012 DLM Budget** – Lien stated each year the DLM has had money that has been turned back to the General Fund. This last year we lost two staff members, Emery Palmer and Tim Brueggen and it was a long period of time and a grueling process until we found two new staff members. Lien wanted to clarify that at Exec./Finance, Dave Suchla stated he is watching what Lien does with money and "shuffling" because at budget, a year ago, Lien had hired two new staff to be completely funded by mining. Lien clarified and stated Nelson, Brandt and Bice were present and heard that is not what Lien had explained to this Committee and that is not what was done. Lien stated even though their job is a lot of mining activities they are not completely funded by mining nor did we hire them completely for mining as they were hired to replace existing staff. With that said, for multiple reasons; no health insurance for those two employees for a period of time, no newsletter was sent out, mileage and fuel for two less vehicles for a period of time resulted in money that wasn't spent. Lien continued that TRM (Target Runoff Management) engineering was up so we received additional state grant money. Carlson put in quite a few ag structures so the department received engineering fee money for that. Nonmetallic mining fees were up – which is probably a one time thing because revenue was collected from the mines in the Town of Arcadia and Town of Preston which are now annexed to the cities. Lien noted the storm that hit the Blair area this past year caused a lot of damage which resulted in increased permit revenues. Lien stated last year the Committee put half the overrun money in the LIDAR fund and the other half into the General fund. This year the DLM again has a large amount (\$125,904.00) of overrun. As Department Head, Lien recommended putting all of the money into the LIDAR fund, so that no request would have to be made from the General Fund for LIDAR. Lien stated we did provide services as much as possible with two less staff, so it was the existing staff that pulled the extra weight of those two vacancies. Lien would love to be able to use some of the money to give staff raises. Discussion followed on whether bonuses could be given or not. Bice stated they are working on giving good employees some kind of financial benefit. Bice stated he believes that money belongs to the taxpayers and the safest and most appropriate place for the money is in the General Fund. Brandt stated the tools (technological, remonumentation, and everything related to land management and records) that we put into place has benefited everybody and made it possible for everybody in

the County to access that information in a really easy and usable way. The standards change. When Brandt went to UW-L in the late 1990's they had just put in a GIS lab and what Brandt learned there basically means nothing because technology has come so far beyond that. Brandt was talking with a friend that he had gone to UW-L with and that friend stated it is all about the digital information that is available through LIDAR and how much more information is available to people when that is used. We have hired people to deal with this information and learn how to use it. It will be available to everyone (business and individuals) in the County, so Brandt is all about getting this added technology. Brandt started to make a motion then retracted it stating he has some sympathy for Bice's argument. In the past we have split those funds, in terms of what we give back to the General Fund and what we keep. Brandt then made the motion that the Committee approve putting \$100,000 into the LIDAR fund and returning the balance (approximately \$25,904) to the General Fund. Brandt added this is very close to what we have been giving back every year anyway, Thompson seconded. Brandt added that extreme circumstances brought that money into our coffers (some was tax money and some was fee money). Bice interjected that 100% of the money belongs to the taxpayer. Brandt responded he understood Bice's position but if we are going to progress as a county and follow through with our modernization of land records and availability of tools, they can't be bought without paying for them and you can't have things without buying them. Lien commented on the increase revenues due to staff quitting and the flexibility of permit fees that result each year. Lien stated these aren't necessarily levy dollars they are service fees/dollars. The money that is coming in from permit fees isn't really tax related as they are getting a service from the Department. Bice responded if there aren't enough service fees then it has to be levied so this is taxpayer money. Bice doesn't believe that this Committee should be taking money and putting it where the taxpayers did not intend it to go. Bice stated Lien had indicated that Exec./Finance is leaning against LIDAR. Bice thinks LIDAR is going to happen but they are just making sure that we get the most for our money and that is why Exec./Finance put this on hold. Lien commented we had 100% support from the towns' association which are taxpayers. Lien added Thompson was at that meeting and this is what the Towns' asked for and that is why this came up. Bice responded the town asked for LIDAR they didn't ask for us to put money into that fund. Bice suspected LIDAR is going to happen, he is convinced it is a good thing, he is just not convinced that it is worth the money we're talking about right now. Nelson understood that it helps people in the floodplain but does it help everybody and inquired what the advantage of LIDAR is? Lien responded that Surveyor Terry Kerwin was at the Exec./Finance meeting and, in example, if Kerwin goes out and surveys a house, he wouldn't have to do a topographical survey if the County had LIDAR because at one foot intervals one can do "cuts and fills" right from the map. For the sound studies that have been discussed LIDAR would be a great tool because that is all related to topography. The air photo updates would be related too because the topography helps but if one doesn't know there is a residence on the ground, etc then it limits the use of the database that we have. Lien stated the air photos have been budgeted for and part of keeping up the Land Records is to have that aerial flight done. The next air photo flight is scheduled for 2014. Lien added we are trying to plan ahead and save ahead so that it isn't a tax burden when we get to that point. Lien continued in designing waterways or dams using LIDAR it could almost be done "in house". We used to have six engineering staff, right now we have one and he is also the Sanitarian, so the more efficient we can be, and the better services we can provide for the future is how this Department needs to be run. Unfortunately, sometimes one has to spend a little bit of money to be able to provide those good services. Nelson commented he was glad that Brandt made the motion the way he did, because being on Highway Committee it is a struggle to fix roads. Nelson stated a previous County Board was taking money from the Highway Department and putting it into Law Enforcement. That is why that budget kept growing. Highway had dwindled and the roads show it. Nelson stated they want to step forward and move ahead again in fixing roads. Highway Committee is going to take some money out of the General Fund providing money comes back from the other Departments like it did last year so more fixing can be done, but they need the support of all the Supervisors. Discussion followed. Bice repeated the motion which was to take \$100,000 of the DLM budget overrun and put it into the LIDAR fund and the balance into the General Fund. A roll call vote was taken; Quarne – yes, Brandt – yes, Nelson – yes, Patzner, - yes, Thompson – yes, Bice – no. Motion passed 5-1. Brandt stated he looked forward to Bice's support on this issue at Exec./Finance

representing the Committee. Bice responded you will get it as long as we can get it at a reasonable, competitive price and Bice expected we could.

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

**Surveyor's Update** - Lien presented a survey update and bills for T20N, R9W and T20N, R10W, both in the Town of Arcadia. Lien noted Nelson is probably working in the most difficult terrain of the County. Lien believed the storm damage in that area from 1998 was some of the impediment in that particular area so they have to basically cut their way in and out of these sites. Mike Nelson made a motion to accept and approve the reports and payment of the survey bills as presented, Thompson seconded, motion carried unopposed. Upon Bice's inquiry, Lien responded he thought Nelson was still on track to finish remonumentation at the end of this year.

At this point, Vickie Stalheim reminded the Committee that there was a copy of a 2012 Budget Revision resolution on the back of the agenda that should have been addressed under the 2012 DLM Budget agenda item. Stalheim stated it was a standard resolution that the County Clerk had set up for all the Departments to use. It clarifies the accounts for the year with final budget amounts, etc. and balances everything out. Brandt made a motion to approve the 2012 Budget Revision resolution as presented, Quarne seconded. Radtke stated the \$100,000 to the LIDAR fund and the other money to the General Fund would need to be done by resolution. Stalheim stated last year when the money was set aside, the County Clerk had only required a letter from the E & LU Committee showing the meeting minutes because it was a transfer within the Department. Radtke stated he would talk to the County Clerk about the issue. Radtke thought that diverting money from the General Fund, essentially the same thing as a budget revision, would require a two-thirds vote. Thompson stated this is not taxpayer money this is just a transfer. Motion to approve the 2012 budget revision resolution passed unopposed.

**Set Next Regular Meeting Date** – A special meeting of the E & LU Committee was scheduled for Thursday, March 14<sup>th</sup>, 2013 at 6:00 PM to hold the public hearing for Trempealeau County Comprehensive Zoning Ordinance Chapter 13 Non-metallic Mining revisions. Committee consensus was that a larger room would be needed for the public hearing. Quarne made a motion that the public hearing meeting be moved to the City Center, Brandt seconded, motion carried unopposed. Due to staff conflicts, the next regular meeting of the E & LU Committee was scheduled a week later than usual, that being Wednesday, March 20<sup>th</sup>, 2013 at 9:00 AM. Nelson reminded the Committee members that there is a Joint Committee Meeting on February 26<sup>th</sup>, 2013 at 5:00 PM included the E & LU Committee, AG and Extension Committee and Property Committee regarding the office space issue. Lien commented he wanted it to be a Committee decision as he didn't want any hard feelings between office staff. Brandt commended Nelson for organizing that meeting.

At 11:04 Thompson made a motion to adjourn the meeting, Brandt seconded, motion carried unopposed.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary