

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

**REGULAR MEETING MINUTES
March 20, 2013 9:00 AM
COUNTY BOARD ROOM**

Chairman Bice called the meeting to order at 9:00 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, Ed Patzner and Jay Low. Hensel Vold was absent.

Staff/Advisors present: Kevin Lien, Virginette Gamroth, Jake Budish and Corporation Counsel Rian Radtke. Mark Carlson was present for part of the meeting.

Others present: Susan Faber, Mary Lee Hegenaur, Jeanne Nutter, Robert Tenneson, Eugene (Larry) Soppa, Amber Soppa, Bill Vachon, Dennis Rossa, Carl LaPrairie, Ron Tuschner, Beth Killian, Kathy Zeglin, Joel Dregney and Nancy Horton.

Adoption of Agenda – Quarne made a motion to adopt the amended agenda, Nelson seconded. Brandt asked what the amendments to the agenda were. Lien responded Bice had asked that the discussion and any decision regarding the revision to the Chapter 13-Nonmetallic Mining Ordinance be moved to the April 10th meeting agenda and LWRM/TRM grants were removed. Motion to approve the amended agenda carried unopposed.

Adoption of Minutes – Brandt made a motion to adopt the 2-13-2013 meeting minutes, Thompson seconded. Brandt noted on Page 4 of the minutes in Hours of Operation 1 (b) Processing, the minutes state processing shall be allowed between Monday 6:00 AM and “Monday” at 3:00 PM and that should be “Saturday” at 3:00 PM. Gamroth noted the change. Motion to approve the minutes with the noted change passed unopposed.

Bice reminded the audience that any one who wishes to testify at this hearing needs to fill out a registration form and present it to the Chairman. Bice limited public testimony time to 3 minutes.

Public Hearing –Land Use Change/Rezone – Eugene L. Soppa, Jr. - Property Owner/Applicant – Transitional Agriculture (TA) to Residential – 20 (R-20) – Town of Arcadia. Chairman Bice opened the public hearing at 9:04AM. Nelson read the public hearing notice aloud. Mark Carlson stated Soppa wants to rezone this property for the purpose of building duplexes. Carlson received no input from the public regarding this rezone. Carlson has a letter of support from the Town of Arcadia. Eugene (Larry) Soppa and Amber Soppa were present. Upon Carlson’s inquiry, Soppa stated the Committee should have a map of the layout of the area. Lien stated Soppa had asked him about the density requirements. Lien stated it is currently zoned Transitional Agriculture and Soppa is asking to rezone to Residential-20 (R-20). When one looks at the Town of Arcadia Land Use Plan that is what the area was planned for, that being transitional to grow into other areas. Lien explained that density in R-20 is a ratio. If one has a 40 acre parcel in R-20, one could have 20 lots. Soppa has 16 acres so using that same ratio; he is allowed to create 8 additional lots unless he wanted to transfer densities from other acreage/properties. Lien added that is how one determines how many lots can be obtained from a parcel. R-20 is the densest residential population that we have in our Ordinance right now. Lien thought that with the current Town of Arcadia Land Use Plan, at a minimum, one acre lots would be allowed. Upon Lien’s inquiry, Soppa responded some lots are 1 ½ acres or even two acres. Soppa would like to get that changed with the town. Lien stated if Soppa only looks at developing the 16 acres and he wanted to transfer density that is something that could be talked about. It wouldn’t affect the rezone as the rezone only applies to the 16 acres.

Lien and Soppa briefly discussed the transfer of density. Lien stated this would allow Soppa to build on an acre but Soppa would be limited to eight duplexes on sixteen acres unless a transfer of density took place. Bice called for any public testimony. Lien clarified that through the Ordinance, one must first rezone to R-20. Duplexes require a Conditional Use Permit also, so if the Committee approves the rezone, Soppa's CUP is also the next agenda item. In the past the Committee has set conditions such as parking, etc. on a CUP. If the rezone is not approved the Committee would skip over the next agenda item. Carlson read a letter from the Town of Arcadia which stated in regard to the rezone for Eugene Soppa, Jr. from Transitional Ag to Residential-20 for the construction of duplexes, the town has been informed and passed a motion at their February 11th, 2013 board meeting stating they have no objection to the E & LU Committee approving the rezone of the property. Bice closed the public hearing at 9:12 AM. Low made a motion to approve the rezone, Brandt seconded. Brandt asked for verification of where exactly the 16 acres was and if all access was going to be from County Road T. Carlson responded that was correct and pointed out where a road would be built. Soppa commented the town has already widened the road. Upon Brandt's inquiry, Soppa clarified that all the setbacks from the flood plain/wetlands have been addressed with Soppa's surveyor. Carlson stated Soppa would have to take into consideration those swales where the water runs. There is no setback from that but one has to observe the minimum setback from creeks and waterways. Lien added when one does a subdivision like this a storm water plan will have to be done and that plan will address those issues. A culvert or something will also have to be put under the town road so that the water will make it to the creek. Motion to approve the rezone passed unopposed. Lien stated the rezone will be forwarded on to full County Board in April for final approval.

Public Hearing – Conditional Use Permit – Eugene L. Soppa, Jr. – Property Owner/Applicant –

Duplex(s) – Town of Arcadia Chairman Bice opened the public hearing at 9:15 AM. Nelson read the public hearing notice aloud. Carlson stated now that the rezone has been approved, a Conditional Use Permit (CUP) is required for the duplexes. Carlson had received no correspondence from the public regarding this CUP. Carlson has a letter from the Town of Arcadia, but it is not stated specifically as a Conditional Use Permit. The letter is a mirror image of the letter Carlson read earlier but it needs to be stated more clearly. Carlson didn't feel that was an issue. Ron Tuschner, Chairman from the Town of Arcadia was present at this hearing. Upon Bice's inquiry, Lien stated we can move forward without any more information from the town. Lien suggested Bice ask Tuschner about making a condition on this permit regarding the number of lots. Soppa has proposed eight. If he were to transfer density, etc. now would be the time for that. Lien stated, through the CUP, the Committee should limit the number of lots that can be duplexes. Soppa is asking for all eight and that way he would have the option of selling some lots for single family dwellings or a duplex. If one doesn't get the CUP for the duplexes, one cannot put a duplex on it. Lien clarified we are talking about sixteen acres and the Committee can condition the number of lots on that sixteen. The only thing that would vary that is if Soppa transfers density from other lots. Lien reminded the Committee that some conditions that have been placed, because of previous issues in the past, are limiting the number of outside cars and screening. Soppa will have to do a storm water plan. The town road has been worked on with the town. If Soppa goes with the minimum one acre lots, that one acre is outside of area that is in road right-of-way, so there is a net and gross area for each lot. The net area has to be a minimum of one acre. Bice inquired if Soppa was interested in bumping the number of building lots to ten? Soppa responded at least ten or more. He would like to make one acre lots if possible. Upon Bice's inquiry, Soppa stated he hasn't paid for the survey yet. Lien stated Soppa will have to decide that now as it would be impossible to put sixteen on one acre lots when one has to put in a road, a right-of-way and other things but Soppa might be able to get ten or eleven. Lien inquired of Tuschner if the town had any opinion on the number of lots. Tuschner responded they did not discuss it and the reason they didn't is because Soppa already agreed to a road going in (there is a partial one there already). Tuschner added since the town really doesn't have any power to approve or disapprove it, under County zoning, they just felt it was best left up to the County. Upon Bice's inquiry, Lien stated this Committee should limit the number. Lien reminded Soppa that he would have to transfer density to go beyond the eight lots. Amber Soppa inquired if he could take the density from the pasture. Lien responded he could, but the problem is that is not being rezoned to a higher density, so right now that area has a density of one. Discussion followed. Soppa requested thirteen lots. Lien stated Soppa could try that but he would still have to meet the subdivision requirements as far as

minimum lot size and frontage. Lien added the Committee could condition that thirteen be the maximum number of lots and then Lien and Soppa could work on it after the meeting as to whether that could be worked out. Lien commented Soppa may have to rezone additional land to be able to transfer the density. Lien asked Tuschner how this land will be zoned once the town completes the Land Use Plan revision? Tuschner responded that when the Land Use Plan revision is completed, there has been an area set around the City of Arcadia for condensed/multiple housing and his area is in that. Upon Lien's inquiry as to what the density would be after the towns' Land Use Plan is adopted. Tuschner's opinion was, depending on the type of soil, etc., to get as many as possible, about one to one and a half acres. As far as lot size, but Lien asked about density and if it was going to be Residential 20 or Transitional Ag. Brandt commented, in looking at the Town of Arcadia Land Use Plan revision map provided, it is described as a residential growth area but it doesn't have minimum lot size or density. Tuschner added that Peter Fletcher, the planner, has some revisions to make to that plan draft yet so that may change. Lien added if that plan changes Soppa may not have to come back if the town Land Use Plan allows for more density, then Soppa could transfer based on what they adopt. After some discussion it was determined that Soppa's property currently is not in, but borders the commercial multi-family housing overlay district in the towns' Land Use Plan revision. Brandt suggested Soppa talk to the town and have them include his property in that district. Soppa agreed that he is asking for thirteen maximum lots if he is able to transfer density and if the density transfer doesn't work out he would have eight for sure. No staff or town conditions were presented. Bice called thrice for any public testimony. Thompson made a motion to approve the CUP with a maximum of thirteen lots, Quarne seconded. Brandt stated since this could be up to thirteen wells and 26 septic systems, is an acre going to be adequate. Carlson responded there will probably be a septic system for each duplex and not two, one for each side. Carlson felt an acre was "pushing it" as there are issues with lots being three quarter or half acre as some of those sites require a mounds system and there may not be the room for it. Carlson commented one should allow a little bit of green space for things like that. Carlson thought things should be alright but if the township allows for smaller lots then you may run out of room. Soppa felt he could have a well for more than one duplex. Brandt commented that Soppa has a mining pit, Patzner mine is nearby and Rossa's is down the road. Brandt's concern with this location has to do with the possibility of children, school buses and truck traffic. Brandt understood that his Conditional Use Permit could not be used to require the other mines to limit their hours of trucking based on school bus traffic, but Brandt wanted everyone aware that was a potential issue. With the mines in the area, there are also the blasting and wells issues, etc. Bice inquired if the Committee wanted to add any additional conditions noting that Soppa does have all the regular codes that need to be followed. Quarne asked, if there were issues with multiple cars, if that could come back to the Committee later. Lien responded it could if it became an issue. Upon Bice's inquiry regarding the County Ordinance on vehicles, Lien responded if they are licensed the Ordinance states that they should not sit for a period of more than 45 consecutive days otherwise one is allowed up to five unlicensed vehicles which should be parked in a neat orderly fashion screened from the public. Bice asked if Soppa intended to own this property for a few years into the future. Soppa responded that his daughter would own it but there could be lots for sale in the future. Motion to approve the CUP carried unopposed.

Public Hearing – Land Use Change/Rezone- Jeffrey & Patti Dregney – Property Owner/Applicant - Exclusive Agriculture 2 (EA2) to Rural Residential (RR) – Town of Albion Chairman Bice opened the public hearing at 9:35 AM. Nelson read the public hearing notice aloud. Joel Dregney (Jeff and Patti's son) was present. Lien stated Dregney's would like to sell their son approximately 3.39 acres on which to build a residence. Under the current zoning, it allows for one home per thirty five acres so one can't subdivide smaller. The County Surveyor had caught this and recommended that Dregney rezone to a smaller lot size. Rural Residential zoning would allow for the lot and give the Dregney's some possibilities in the future. Lien stated we do have a letter in support from the township. Lien did receive one call from a neighbor asking why we notified them. When Lien explained the policy of sending a courtesy letter to adjoining landowners they were alright with the rezone. They were concerned that this would be a subdivision or mine. Lien had a letter from the Town of Albion. Upon Bice's inquiry, Joel Dregney responded that information was all correct. Lien read a letter from the Town of Albion which stated they considered a request made by Jeff and Patti Dregney during their regular monthly meeting on March 12th, 2013 to approve a zoning change from Exclusive Agriculture 2 to Rural Residential on approximately 3.39 acres for home construction. No objections to the change in zoning in

order to construct a home were presented. Bice called thrice for any public testimony. Bice closed the public hearing at 9:41 AM. Quarne made a motion to approve the rezone of 3.39 acres, Nelson seconded. Brandt stated Lien had mentioned that Dregney's could create more lots. Brandt inquired if that was on the 3.39 acres or on the whole forty. Lien responded on the forty, if they wanted. Discussion followed on what was being rezoned. Joel Dregney responded only the 3.39 acres would be transferred to his name and that is all he was concerned about. Lien commented that on the application it states 3.39 acres and when the resolution is sent to County Board it will state "future CSM(Certified Survey Map)" as is required for an acreage under twenty acres. Lien is assuming that in this case the CSM is for 3.39 acres. Upon Bice's inquiry to Radtke, Radtke stated the motion should be clarified that it is for the 3.39 acres. Lien added that if the Committee approves this rezone it will need to go to full County Board for final approval. Motion to rezone the 3.39 acres carried unopposed.

NonMetallic Mining Permit - Transfer of Operator to Canadian Silica Industries for Dennis & Darlene Rossa – Town of Arcadia Lien stated this is not a Conditional Use Permit public hearing but the Committee had made a policy months ago, that whenever an owner/operator of a Conditional Use Permit-Nonmetallic mine site changes they would like the owner/operator to come in and go through the conditions with them so that it was clear to the new owner/operator what conditions have been placed on the site. Lien clarified that this is not an opportunity to amend, add or delete conditions as that would have to happen through a public hearing process, but just a clarification of conditions. Lien assumed Rossa had gone through these conditions with the new operator and wondered if the operator had any questions/concerns or if anything was not clear. Carl LaPrairie responded he did not. Jake Budish displayed the Rossa CUP condition checklist on the overhead screen for all to view. Budish stated he and Bill Vachon have been working together. Budish pointed out the conditions (some submitted by the Town of Arcadia) and the response listed below. Due to the fact that there were ten pages of conditions, the Committee consensus was that the reading of them be waived. Lien mentioned this is the type of rapport that goes on, as this hearing was held last August 2012 and they are still going through the process of getting permitted and no mining has taken place. Lien stated of the 25 permits that have been issued in the County, they are all going through this process to come into compliance. Conditional Use Permit preliminary approval is what is given at the meeting, providing they meet all of these conditions, so this permit is not signed and issued as of yet because they are still going through those conditions. Brandt asked Budish to highlight some of the conditions that Rossa's are still working on. Budish stated Condition #9 is being worked on (still pending) as to the financial assurance amount. Budish and Vachon have been discussing and working on the financial assurance and came to a conclusion of an amount. Vachon commented that based on their discussions it was roughly \$12,500 per acre. Vachon stated Carl LaPrairie is here from CSI (Canadian Silica Industries) and is waiting for the Highway Use Agreement to tie both of those bonds together to have one bond for everything. Budish added that is to include the new language that Radtke is requesting with all the bonds. Upon Lien's inquiry about the Road Use Agreement Vachon responded that is almost complete. Vachon believed that their legal counsel has had discussion with Radtke. Radtke stated they had provided a draft of which Radtke made some modifications and sent it back. Radtke has not heard anything else. Radtke was anticipating that once today happened he would get a response. Vachon continued that the bonding amount that Jim Johnson came up with was \$875,000 and that amount has been agreed. There was also some clarification of language as far as length and accessibility by the County. Budish continued the staff recommendation #1 from the August meeting is being worked on. There is also clarification on recommendation #6 – reclamation slopes to be constructed at a 4 to 1 slope and that was for agriculture slope which is what has been agreed upon. Budish stated he has the letter of approval from the Town of Arcadia that was received June 28th, 2012 by the DLM office. Vachon clarified that the original permit, when they had originally applied, was under Dennis and Darlene Rossa. In the application itself, it did identify Canadian Sands as the operator, but it wasn't official, so the official ownership still remains with Darlene and Dennis Rossa and CSI would be the operator. Budish noted that he has the Nonmetallic Mining Permit transfer of Operator sheet with him and it is signed by LaPrairie on January 16th, 2013. Budish received it February 7th, 2013. Brandt commented that Vachon, at the time when the Committee approved Conditional Use Permit, stated that the phasing of the mine was going to take place as per the plan. We have experienced a number of mines in the County where phasing goes out the window as soon as the CUP is approved and that basically

means reclaim as you go. Vachon stated when the additional documents were submitted, they did revise the phasing a bit, but once they came in with the design for the roadway coming up County Trunk T and the initial site area and the storm water retention basin, they basically had about six to eight acres tied up with that so it changed the phasing between years 1, 2, and 3 so then they reconfigured the phasing. They did supply the town and the County with that updated plan. Vachon added it really didn't change too drastically just the orientation of the first two years. Bice commented there is no public comment allowed on this. This is not a public hearing so there won't be any public comment. Bice clarified with Radtke that the Committee was basically just restating the transfer/change. Radtke inquired if it came in the form of an application for a transfer? Lien responded there is a transfer form that is signed and signatures received, but we typically don't require Committee approval for that transfer. Lien explained that the Committee had requested that the new owner/operator come in to go through the conditions with the Committee to make sure everything is clear. Radtke stated he didn't see the need for a motion. Bice called for any other information. LaPrairie offered to explain his background to the Committee. LaPrairie stated we have a group of companies called the LaPrairie Group and have been in business since 1955. LaPrairie is the fourth generation that has been involved in the mining industry. They have four main Canadian businesses: LaPrairie Crane – heavy lifting company, LaPrairie Works – a highway maintenance company in British Columbia and Northern Alberta (where LaPrairie is from). It is a privatized source but they perform the same functions as a public entity would do. They maintain about 3,000 of primary highway in Northern Alberta and 700 miles of highway on the Alaska Highway, so LaPrairie is familiar with all the road use and all the road maintenance from one of their other companies. Canadian Silica Industries is an operating mine and a mine development company. They have a producing mine in Peace River, Alberta which has been operating for about 10 years supplying the frac sand industry. The fourth company, LaPrairie Works - oil field services is a frac sand distribution company. They have terminals in Dawson Creek, British Columbia which is at mile zero on the Alaskan highway to put it in geographic perspective, one in Fort Nelson which is on the Yukon/British Columbia border. Their product mainly goes into two places up there, one called Munday and one called the Horn River Basin so Northwest Alberta and British Columbia is where their market place is and that is where they intend to ship this product. It is a family business and they totally understand all the requirements and the conditions of this permit and the phasing. Vachon stated one of the key points with Canadian Silica Industries is (one thing Vachon has heard over and over again at public hearings is that applicants that are coming before you are requesting CUP's for LLC's that were formed within the past two or three years), that CSI has been around for awhile and they know what they are doing. They are a substantial company that does have substantial revenue. Upon Brandt's inquiry, LaPrairie stated they would ship the sand to Northern British Columbia by Canadian National Rail. Bice thanked LaPrairie, Rossa and Vachon for coming in.

Discussion and Action on Livestock Producer Member recommendations to forward to County Board Chair for appointment to Environment & Land Use Committee Lien stated we are discussing Quarne's position as the active Livestock Producer member as appointed to the E & LU Committee and next we will be talking about Roland Thompson's position. Lien explained the two positions are alternating terms from the other E & LU Committee members so that we don't experience a possibly, complete turnover, on an annual basis of this Committee. Lien explained in the past, this Committee made recommendations to the County Board Chair; the County Board Chair selects the person and announces it on County Board floor. Lien stated he has two people who are willing to serve; Jeff Dregney who sat as the FSA Chair on this Committee a number of years ago and is an active livestock producer and also Jeff Bawek who is an active livestock producer in Trempealeau County. Lien inquired if Quarne was interested in the position. Lien felt it was a very active role in the County. Even though the 3 ½ years we have been dealing with industrial sand operations, they are all located on agriculture land and by ordinance language, it has to be on ag land. Lien felt that group of individuals needs to be represented. Lien explained Trempealeau County had one of the first livestock ordinances in the State of Wisconsin, unfortunately that ability to regulate was taken away from the County by the State, but Quarne was heavily involved with that over the years and he saw the pros and cons to that whole process and has always been a good member of the Committee. Lien stated both the Livestock Producer and the Towns Representative term is an alternating two year term and it is up in April. Bice inquired if Quarne was interested in that position. Quarne responded it was up to the Committee. Bice commented that Quarne wasn't

on the list. Lien commented that it was up to Quarne whether or not he wanted to be added to the list. Quarne commented it is up to the Committee whether or not they want him on the Committee. Bice stated if Quarne wants to he can stay. Lien stated the Committee should take action and forward them onto the County Board Chair. Radtke asked to address the Committee on this topic. Radtke stated that as mentioned the non-board member terms start in April and go for a two year term. They are staggered to what the County Board members are. The County Board Chair will appoint those members and that appointment would be confirmed by a majority vote of full County Board, so it is not just the County Board Chair who makes that decision. Radtke added there is no requirement that this Committee provide a recommendation to the Board. Historically, this Committee has provided recommendations to the Board as to who should be appointed. When one says, “we have to do this”, Radtke is saying we really don’t have to do this. It is a recommendation and if this Committee feels it wants to recommend someone to the Board, they can recommend someone. If it doesn’t want to recommend someone then Ernie Vold, the County Board Chair would have to make a decision that way. With regards to Quarne continuing to serve on this Committee, Radtke stated one thing this Committee should consider is the fact that he is involved in sand mining and cannot vote and cannot participate in sand mining applications. Lien talked about the tie of agricultural land to sand mining, this is an individual who can’t currently vote or discuss these topics, so Radtke felt that is why Quarne was being asked if he wanted to be added to the list to be considered. Radtke continued that this is something that Quarne should decide as to if he wants to be added to the persons to be considered. Radtke is just telling the Committee, (when making a recommendation or anybody on the list) they should be looking at if this person is going to have any conflict of interest in serving on this Committee. Are they involved in the sand mining industry in any way, since a high volume of sand mining industry issues are before this Committee? Radtke stated those are the things that need to be considered. Our Ordinance simply and only requires someone who is involved in/or an agriculture livestock producer. Radtke stated a representative of the town has to be someone who is involved in town government. Those are the only requirements but beyond that, Radtke is suggesting that the Committee consider those things – whether they have a conflict of interest – ahead of time so that you don’t make a recommendation to appoint somebody who may not be able to fully participate in this Committee and the important decisions that it has to make. Radtke clarified that the terms actually run until a subsequent person is appointed. Lien agreed that Radtke is correct and the Land Management Plan states what we should do and that is just a recommendation but the County Board Chair, in the past, has made some changes. Lien had talked to Rick Geske who was interested, but had a potential conflict, so he declined. Bice inquired of Radtke, if the Committee doesn’t recommend anyone then the County Board Chair definitely is going to? Radtke responded that was correct, the County Board Chair will appoint somebody. Brandt stated that Bawek and Dregney are both experienced in community involvement and Dregney has served on this Committee previously. Brandt made a motion to recommend Bawek and Dregney to the County Board Chair for appointment. Motion failed for lack of a second. Bice stated this is a very unique situation. Lien commented that for Agenda item #9, historically, Lien asked the Towns association for nominations. At the Towns’ association meeting they nominated two people, Ron Tuschner, Town of Arcadia Chairman and Fred Boe, Town of Burnside Chairman. Historically this Committee has made recommendations based upon the Towns’ association’s recommendations. Lien stated the Chair doesn’t always select one of those persons. Lien stated the DLM plan states the appointee must be an active livestock producer and the other involved in the Towns’ association which could be anyone at the town level. Bice stated he has never heard of Boe and asked what Lien could tell him about Boe. Lien stated he is fairly new as Town Chairman – approximately 2 years. Boe was involved in Burnside’s Land Use Plan. Boe has dealt with some of the mining issues (10K- Bork, Bragger) over there, so he has some knowledge/experience with that. Lien stated Tuschner is well known, has a lot of involvement in the mining issues and has been Town Chairman for 15 years. Bice stated he was certainly going with a recommendation and working on that one. Bice gave his thoughts on Quarne, those being that Quarne does clearly have an issue with sand mining but he has been a terrific member of this Committee forever. Upon Bice’s inquiry as to whether Quarne will continue to be involved in sand mining issues, Quarne responded, “very much so”. Bice called for any other suggestions from the Committee. Low commented he is not comfortable recommending someone that he doesn’t know and Quarne is the only one of the three that he knows. Quarne commented that he is told he can’t vote on sand issues but then when other agricultural issues come up that would be a conflict how does one do that. Radtke asked Quarne to expand on what it is he is

asking. Quarne responded that every time one deals with another producer one is actually in a conflict of interest because one is competing against him as an ag producer. Radtke responded that the situation and why it is a conflict of interest from Quarne's perspective is Quarne has a rail load out site that is open (Quarne interjected he rents the rail load out to a railroad). Radtke stated Quarne is correct but Quarne owns a rail load out site that is open to any hauling. Quarne stated it is only to one mine. Radtke responded in Trempealeau County but asked if Quarne had one in Jackson County. Quarne replied no, only one in Jackson County can load out of that site. Radtke stated the last information he had was that Quarne's site was potentially open to any mine. Upon Quarne stating, "not at this time", Radtke stated he didn't know what that meant. Quarne responded he has a fifty year contract with Taylor Frac. Radtke clarified that was for Quarne's load out site in Trempealeau County. Quarne responded yes. Radtke inquired about Jackson County. Quarne stated Jackson County is not being developed at this time/yet, but there is potential as they have a permit to build one in Trempealeau County. Radtke asked if that site was going to be open to any loading. Quarne replied that it could be. Radtke stated that is where the issue lies. Radtke continued that if Quarne is approving permits for sand mining companies anywhere in Trempealeau County they may be looking to truck their sand to your rail load site. Where the conflict comes in, is the more mining sites and more people who want to haul sand on rail actually increases Quarne's potential for future business and that is different than competing with a livestock industry by someone on the other side of the County who now has a dairy operation or has a beef operation – that is not a direct conflict to your operation or where your outfit is. Whereas, in regard to the mining, Quarne could be making business for himself, by granting permits and that is where the conflict of interest is. Quarne responded that is why he has abstained from doing that and Radtke agreed that was the legal way of doing it. Thompson inquired if Quarne is not doing business with anyone in Trempealeau County if that make a difference? Radtke responded yes because the potential to have future business with people is there. Radtke added they might be from Jackson or Trempealeau Co. and use either site but that is unknown yet, but Quarne is developing a rail load out site. Quarne withdrew his name from consideration but Quarne wanted to recommend someone that is younger, Shane Goplin, as he is very involved in the dairy/livestock industry. Bice commented he knew Goplin extremely well. Upon Bice's inquiry as to whether Quarne had contacted Goplin, Quarne responded he had not. Quarne added Goplin is very open minded. Patzner commented perhaps Goplin won't want it. Quarne replied Goplin is very involved and those people that are involved, find time for these kinds of jobs. Quarne stated that is what we need on some of these committees, some of the younger people. More discussion continued. Bice commented he knew Goplin very well, as Bice is on the Farm Bureau Board of which Goplin is the president, and Bice felt he was just a terrific fellow. Patzner added Bawek is a young fellow too with a beef herd and Bawek follows the happenings in the Town of Arcadia. Patzner felt he would be a good candidate. Quarne had mentioned someone from the dairy industry because there is an awful lot of stuff coming down. Bice didn't know if Goplin would be interested in the position but if he was, Bice's opinion was that he would be his first choice – he is just an excellent fellow. Discussion followed on contacting Goplin. Radtke could see the Committee struggling on who to agreed to recommend for a variety of reasons whether it be familiarity with the person or whether they are interested in the position, and his suggestion was to give names of persons who fit the criteria and offer a "handful" of people for the Chair to consider, not necessarily just one person. Radtke continued the County Board Chair can maybe interview these individuals and make a decision from there. Brandt made a motion to recommend Goplin, Bawek and Dregney to the County Board Chair for consideration in the position of the Livestock Producer Member of the E & LU Committee, Bice seconded. Gamroth reminded the Committee members of Nancy Bergman's suggestion to consider a female for appointment to the Committee. Motion to approve carried unopposed.

Discussion and Action on Towns' Association Member recommendations to forward to County Board Chair for appointment to Environment & Land Use Committee Lien stated he went to the Towns' Association meeting and the appointment of the Towns' Association Member was on the agenda. Lien added two persons were nominated, Ron Tuschner, Arcadia Town Chairman and Fred Boe, Burnside Town Chairman and they were recommended by the Towns' Association to this Committee. Lien commented again they are only recommendations and the County Board Chair and the County Board can do as they wish. Lien felt Thompson would have been elected again but has declined. Lien felt Thompson has been a great asset to the E & LU Committee for a number of years. Upon Lien's inquiry about Thompson being on the Committee,

Thompson stated he was done. Brandt made a motion that both names be sent on to the County Board Chair for consideration in the position of the Town's Association Member of the E & LU Committee, Quarne seconded. Bice asked for some background on Boe. Lien stated Boe is fairly new to the town board, but he has an active, fairly good sized farm in the Town of Burnside. Lien thought prior he had worked in industry. Tuschner thought Boe was currently working part time at D & D Farm Supply as a sales person. Bice stated he didn't see why the Committee should pass on the opportunity to recommend Ron Tuschner as he has been around a long time, he is very knowledgeable on the subject, clearly fits the application. Lien inquired as to what subject. Bice responded he is an ag producer. Lien reminded Bice that this was for the Towns Association member and we aren't talking about just mining, we are talking about general committee input. Lien preferred the Committee give more than one name to the County Board Chair so that he can interview them. Lien understood the County Board Chair could do whatever he chooses – even appointing someone else. Bice added Tuschner clearly has a great deal of experience. Bice has seen Tuschner at perhaps ten of this Committees' meetings. Motion to approve sending both names to the County Board Chair revealed three in opposition. Bice called for a roll call vote on whether or not to forward both names to the County Board Chair to make the decision on his own; Nelson- no, Thompson – yes, Patzner- no, Quarne – yes, Low – no, Brandt – yes, Bice – no, motion failed 4-3. Thompson made a motion to forward Ron Tuschner's name on, Low seconded, motion carried unopposed.

Surveying Update and Payment Approval - Lien referred the Committee to the Surveyors report of Township 20 N, Range10 West. All of the positions are controlled and a few of them are finalized. Lien presented the Surveyor's bill. Nelson made a motion to approve the Surveyors report and approve the bill payment as presented, Brandt seconded. Motion carried unopposed.

Set Next Regular Meeting Date as April 10th, 2013 – Lien reminded Committee members that there is a special meeting for a public hearing on March 28th, 2013 in the Whitehall City Center gymnasium starting at 9:00 AM. The regular scheduled E & LU Committee meeting will be on April 10th, 2013 at 9:00 AM at the Whitehall City Center Community Room. Lien stated the location was changed to accommodate what is anticipated to be larger crowds in attendance. Gamroth suggested Committee members watch the agendas for meeting locations.

At 10:31 AM Chairman Bice adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary