ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

REGULAR MEETING MINUTES
December 11th, 2013 9:00 AM
COUNTY BOARD ROOM

Chairman Bice called the meeting to order at 9:01 AM.

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

Committee members present: George Brandt, Tom Bice, Michael Nelson, Ed Patzner Kathy Zeglin and Jeff Bawek. Hensel Vold and Jay Low were absent.

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

Others present: Shane Begley –SBA/Verizon Wireless, Benjamin Sylla, Gary Bixby, Kevin Edison, Tim Zeglin Phil Lamke, Keith Edison, Linda Mossman, Dan Filla, and Lois Taylor.

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

Adoption of Minutes – Three Committee members directed Gamroth to make several changes to the October 9th, 2013 and November 13, 2013 meeting minutes. Brandt made a motion to approve the minutes as amended, Zeglin seconded, motion carried unopposed.

USDA-APHIS -Wildlife Services – DeWayne Snobl - Approve 5 year WDACP Cooperative Service Agreement and Endorse Resolution Snobl stated that most of the business was taken care of the last time he was here except for the approval of the Five year Service Agreement. Snobl explained there is a Five year Cooperative Service Agreement that the County signs. The current (old) agreement is expiring December 31st, 2013 so a new one needs to be signed for five years, 2014 -2018. Snobl sent out the document to the County November 12th for review. In talking with Stalheim, Snobl said it sounded like Corporation Counsel has reviewed it and there are no issues with it. Lien clarified that was correct. Snobl added it is basically a new agreement similar to the last agreement – the biggest changes are in the articles in the first portion of it, elk and cougar have been added to the agreement and there were some word changes in the main portion of the document however nothing subsequent. Snobl was basically saying that if the Committee likes the way things are going it is going to continue to go that way. Snobl reiterated that the current agreement expires December 31st, 2013 so they have to get the new Five year agreement signed by each of the County's. Bice clarified that this makes no financial commitment for the County. Lien responded that was correct. Upon Bice's inquiry as to if Lien has looked this over and feels it is a good agreement, Lien responded yes. Nelson made a motion to approve the Five year contract and resolution, Zeglin seconded the motion. Brandt asked Snobl to repeat what he had said about elk. Snobl explained that the old agreement, included at the time – deer, bear, geese, and turkeys. Since the last agreement was signed (every time the DNR changes something they don't require a new agreement to be signed) DNR has added mountain lion/cougar and elk to the agreement and are covered under the program. Snobl thought elk probably isn't a big deal in this County, but in Jackson and Clark where they put elk into the Central Forest, the Committees' there might be dealing with elk damage. Brandt shared some information that he had heard on public radio regarding huntable species and controlling crop damage. Discussion took place on the placement of the elk in Wisconsin. Motion to approve the Five year service

agreement and the resolution carried unopposed. Lien noted that the resolution would be forwarded to the December meeting of the County Board for final approval.

Appearance by Ben Sylla to Discuss Cap X-2020 Funds for Bugle Lake

Sylla stated he had brought several members of the Bugle Lake District Committee with him, LaVerne Michalak- Counsel for the City of Independence, Kevin Edison (also a member of the Elk Rod and Gun Club) and Keith Edison. Sylla thanked the Committee for allowing him to appear. Sylla stated he came to request a portion of the funding from the CapX2020 funds that are going to be disbursed to Trempealeau County. It is their understanding that these funds are available for environmental and conservancy types of projects. They feel that it is a good use of funds to potentially invest some of this money in the Bugle Lake project in Independence. They are currently, aggressively working to begin the project earlier in 2014. At present, the City has interviewed five engineering firms and the Committee has requested proposals to be due from them by next Monday, December 16th as they will be opening those bids publicly and the Lake District Committee will be making a recommendation to the City of Independence, hopefully to pursue one of these engineering firms and then ultimately bid out this project and begin work. Sylla gave a brief history on the project. Sylla stated this project has been ongoing and studied for the past eight to ten years. During that time frame Bugle Lake has filled in considerably. What they are looking to do with this project is restore Bugle Lake to its' original size and use – approximately 50-60 acres with an average depth of 8-12 feet. Over in Independence, they feel that this could be an added value to both the City of Independence and Trempealeau County in terms of recreation, fishing, and possibly snowmobiling (in the winter time). They also feel this would be a good way to clean up the lake in terms of health issues. Sylla explained that some of the core samples have determined that there were various items in the Lake that could be potential health hazards. Through this project they would remediate those issues from the Lake. Sylla had several drawings and documents of the Lake that he offered to either e-mail or pass around at a later date. Sylla was unable to print out the entire package for the whole Committee. Sylla stated the projected cost of the project, at this point, is a range of $1.2 – 1.7 million. The City of Independence is attempting to procure funding through a bond and proceed with the project. They would be requesting these funds from the County to either increase the size of the project (Option 1) or (Option 2) stay with the same size of project that they are currently looking at and make it more affordable to the City of Independence. Upon Bice inquiring as to how much of the CapX2020 funds Independence was looking for, Sylla replied, on December 4th, the Mayor of Independence sent a letter to the Trempealeau County Board of Supervisors requesting $500,000 of the CapX2020 funds. Bice asked if anyone has had a chance to look through the requirements that come with the CapX funds for environmental purposes to see if the project qualifies. Sylla responded based on what he looked at briefly, from the Wisconsin Statutes, he felt it qualifies. Sylla added he is not an expert in legal matters. He wasn't sure if Michalak wanted to comment on that as there was only a short time frame in which to work so they didn't have a lot of opportunity to review it but at first glance it appears as though the project would qualify. Bice called for any one present that wanted to address this issue. Patzner asked what they intend to do with the soil once it is removed. Sylla replied that at the present time, they have three fill sites around Independence - one is a farm in Traverse Valley, another is a farm about a mile away and the third one is another farmer that is a mile and a half away. All of these sites were old non-metallic mine sites and the soil from Bugle Lake would be used basically to reclaim those old mines and restore them. Bice responded that Sylla probably already knows this (in Bice's opinion, the whole project sounds like a great idea) but this Committee does not have the authority to grant Sylla any of those funds as that would be a full County Board decision. Bice encouraged Sylla to follow through with the full County Board and ask them for the funds. Brandt stated this is an excellent opportunity to start the discussion as this money coming to the County and various townships and municipalities in the southern part of the County was a surprise to everyone. It has never been part of the discussion through the CAPX2020 informational and public hearing/meetings. Lien was unaware of it. Brandt thought Vickie Stalheim had found something on the internet and passed on the information. Brandt stated it took a little bit of "hunting down" to figure out where the money came from and how the amounts were determined and so forth. It turns out that the State Statutes regulating high voltage transmissions line require that five percent of the cost of the project be sent to the Public

Service Commission (PSC) as a fee for the impact to the environment. Half of that money (50%) is then distributed to the areas that are affected by the transmission lines. The PSC or the Department of Administration determines how much of that money goes to which municipality. The County's are in line for a one time payment and the townships, villages and cities get an upfront fee and then an ongoing annual fee – Brandt understands that to be in perpetuity. Brandt felt it amounted to a significant amount of money. $538,000 annually going to the townships and the municipalities and the first, upfront money being $9.3 million dollars coming into Trempealeau County to mitigate the damage to the environment and to the aesthetics that the transmission line creates. Brandt suggested (and he's talked to Lien about this) this Committee, Property Committee and the Parks Committee work with municipalities to determine the best use of this money, upfront, as well as ongoing. Brandt thought it was a great opportunity to work with other municipalities in developing a certain vision about how conservation and recreation can be enhanced within the County. This is something no one knew was coming nor have we had a chance to talk about it. We don't talk about recreation and much about conservation because, among other things, we don't have the money to deal with it. Now there is a significant amount of money that is available and coordination and planning is a good idea and that is where Brandt would like to go with this. Brandt did have a chance to talk to Steven Hogden from the Town of Caledonia and according to Brandt they have not been communicated with in terms of even what amount of money is coming that way, but they know there is some money and they have a project picked out. Unfortunately, (Brandt quoted Hogden) he suggested that getting involved with the County might be detrimental to his township because "they get their fingers in the pot". Brandt stated it wasn't so many years ago that townships were cooperating with the County on planning and felt good. Brandt felt we have kind of slipped backward and hoped this would be an opportunity for all the municipalities to work together to benefit the people of the County. Brandt added this particular proposal is one that obviously could be part of it. They are not within the region of the CAPX2020 project – Independence and the Town of Burnside doesn't appear on the list but that doesn't mean they can't be part of the project, but Brandt thought it was important (because the money comes to the County for countywide distribution) that there was a large pool of people's input as to what the best use of this money can be. Sylla commented that Brandt had suggested $9.3 million dollars coming to Trempealeau County. Brandt responded that is to all the municipalities affected and Sylla agreed. Sylla added Trempealeau County is to receive $1.4 million and the Town of Caledonia, that Brandt mentioned, is to receive $123,000 – first time payment and $13,805 annually. Sylla wanted to make the point that Bugle Lake is basically an impoundment of the Elk Creek and the Elk Creek Watershed is a 72,000 acre watershed involving a large portion of Trempealeau County. Downstream of Independence (Sylla won't "hang his hat" that this project will have a large effect on flood control) it would provide some form of protection on the downstream areas, those landowners and property owners in particular in the City of Arcadia, which does have a lot of industry and property along the river. Sylla stated this isn't a project that would just directly affect the City of Independence. Sylla will say that it is quite obvious, being that Bugle Lake is in Independence that this project would most greatly benefit Independence, however there is a lot of residual affects throughout the County. Sylla remembered as a kid, the opening day of trout season in Independence was a very popular time and a lot of people travelled and stopped at several businesses and sport shops along the way to get there. The City of Independence, in some form or another, has spent approximately $280,000 over the course of the last ten years helping to improve the watershed and that has been a benefit for the entire county in terms of sediment that flows down stream and obviously, adversely affects the Trempealeau River, etc. Bice asked Lien, if over the years; we had distributed money and overseen projects in the Elk Creek Watershed. Lien explained that back in the late 80's, there was the Elk Creek Watershed, where a lot of barn yards, riprap and other improvements were done. In the mid 2000's there was some money available and letters were sent out to every landowner in the Elk Creek Watershed stating that we had money and engineering available and, at that time, we go zero response. Again this year, Lien thought we have been awarded a grant for certain projects in the amount of one million dollars for the Elk Creek Watershed. Lien stated the DLM will be sending out letters again to people within that watershed which will hopefully result in reduced sediment, stream bank work and perhaps some of the old barnyards (if still in operation) could use some updating. Lien thought that money would be available in 2014. Brandt noted that the Elk Rod & Gun Club has been the recipient of several

Conservation Aids grants which they used to do a lot of stream work. Lien added there has been a lot of time and effort put into that watershed. Bice asked if it was feasible to say that if they were to dredge Bugle Lake, a lot of silt on the Trempealeau River could be stopped there rather than silt all the way into Trempealeau. Bice asked if that wouldn't serve somewhat of a similar goal. Lien responded absolutely. Lien added some of the idea with those impoundments is that it would be dredged now and Lien guaranteed it would be dredged again as they collect sediment. Lien hasn't seen any plans but thought if it is planned properly one could make a sediment trap at the head waters of that lake in which most of the sediment could be collected there. That could be cleaned out more often than the whole lake. Lien thought it might be a little higher maintenance but it would trap the majority of the silt coming down. Lien added that almost all of the streams in the County are sediment bearing streams by nature because of our topography and soil types. It will fill in but Lien felt anytime one can create an impoundment like that, whether it is a small effect or a large effect during floods/storms it should help and it certainly isn't going to hurt Arcadia, Dodge and places downstream – it will be a benefit. Commenting on the idea of the sediment trap, Sylla stated that is something that they are working into their plans right now – approximately a 10 acre sediment pond and a sediment dam. Sylla knew, in his lifetime, the Lake was dredged out once and prior to that he believed it was dredged out two other times. There has never been a real commitment or real good plan of action on how to deal with the sediment and avoid this problem. The basis of design that they are using would allow the City, at a feasible cost, to clean out that sediment pond every year to three years depending on what type of rainstorms we have that would allow sediment to fill in. It would be a minimal cost that would assure that this time around the Lake will stay at that 50-60 acre size instead of slowly filling in. The idea here is to not get backed into a situation where one would need to have such a large scale project that is so difficult to swallow and obviously request funding from additional sources. Bice commented that several years back he was up on Brady's Bluff and it just happened to be a period after a huge storm in Trempealeau County and as one looked to where the Trempealeau River flows into the Mississippi, one could literally see a channel of fairly clear blue water coming down from the cities and the Trempealeau River coming in side by side, the parallel one was mud and one was clear water, so anything we can do to stop that sediment from coming down would be a great thing. Bice added if Sylla can figure out a way to put that trap at the head of that lake and then get an agreement to clean it out that would be a great thing for Trempealeau County. As far as Bice was concerned, he didn't really have anything further and Bice was looking forward to seeing this project move forward and he wished Sylla well on the funding. Bice called for any other comments. Lien added (he wasn't sure how much leverage Sylla had with the City) that a number of years back there was extremely high fecal coli form counts in that Lake. Lien and another staff member, in late fall, actually canoed that creek and the upper end of the Lake several times looking for any kind of steam or discharge from a failing septic. The Committee, at that time, didn't support flushing a dye tablet down the toilet in each home along that creek. Lien felt many of the homes along that creek have private septics but they are within the city limits. Lien stated they were trying to find a point of discharge because the levels were so high that he thought it had to be a failed system at some point. Lien and his staff didn't find anything and the dye testing wasn't done as some people felt it was an invasion of private property rights. Lien knew that since that time there were two septics within that stretch of the creek that voluntarily replaced their septics. Lien added if some water testing was done, there still might be some high levels in there and if one is talking about restoring the Lake, water quality is as important as removing the sediment. Sylla responded he would mention that to Mary Anderson as she has basically been spearheading the operation – working with the DNR and all the water quality testing issues, etc. Lien added if Sylla contacted the Health Dept., they had an intern that was doing that testing one summer and they went up through the creek at different points so it had been narrowed down as to where the levels were high, but couldn't pinpoint the source. Sylla asked the Committee as to what their recommendation was in terms of attempting to appear before full County Board and making a similar type request for funds or would this Committee be able to support a request such as that. Bice asked if the Committee would like to take a position on this, it will obviously go the full County Board, and feels that it is a good project to move forward on? Bice made a motion that we recommend that this would be a good thing for Trempealeau County and this should be forwarded to full County Board for consideration, Nelson seconded the motion. Zeglin inquired of Brandt (since he had all the materials) if he felt there would be funding available for this project from what he has seen.

Brandt responded the County's get a one time payout from the utility/transmission line builder. The townships, cities and villages get an annual reimbursement. The County's money is required and Brandt quoted, "according to Wisconsin law the one time fee is to be used only for park conservancy, wetland or other similar environmental programs unless the PSC approves an alternative use". In Brandt's opinion, the Independence project meets all of those criteria or it certainly would fall within that. Brandt reiterated that he felt it was important to create an overall plan for the use of the money, to work with as many entities as have a stake in it, as well as folks like the Independence people who have a vision related to their conservation park project, etc. Brandt does also remember the opening of Trout Season and what a cool thing it was to have people surrounding the Lake and all the stuff that goes on with that. At this point without meeting with the other participants involved in this, the other people affected by CAPX2020, Brandt would have a hard time supporting a recommendation. The only recommendation Brandt would have is that we spend some time deciding what the best use of the funds would be overall. Bice asked Brandt if it was a good project. Brandt repeated that they certainly fall within the preview of the requirements that the State puts on the use of the money. Bice asked why not send it on to full County Board, rather than drag our feet, and let the full board decide. Brandt responded he didn't see it as dragging ones feet, he saw it as involving as many people, who are affected, and letting them have input on the decision – this Committee can certainly recommend what they want. Sylla commented Zeglin had asked if there were funds available. Sylla stated the payment that Trempealeau County is to receive is $1.4 million and Independence is requesting $500,000 and obviously (to comment on what Brandt is saying) planning is essential to proper disbursement of these funds, but Sylla stated they have been planning this project for 10 years and based on the current financial situation in Independence and the amount of construction that is happening, the dam was recently just repaired and so that allowed them, through that project, to acquire the drawdown permit for the Lake and that is a time sensitive issue with the DNR. They were allowed to draw it down at this time and because it had been drawn down previously any of the smaller aquatic creatures that would normally have been there when the Lake was at its' original level, were not there and timing is somewhat essential on their project. Bice commented Trempealeau County just put into place a project that cost close to $170,000 so that we could have an early warning system if the potential for a flood existed. When Bice asked what the benefit was of knowing that it was coming, he was told the gates could be opened on the dams ahead of time and let a bunch of that water go so that it is not still there when the rain reaches us. Bice added this project will make a massive reservoir to hold water so it would be a huge benefit, in that respect, to Arcadia, Dodge and everybody south of the Lake. By the time this comes to the Board there will be time to research it. Bice has watched discussion on this project for a long time and now there is some funding available. Bawek stated Sylla has said they have worked on this for ten years. Bawek inquired if Sylla has worked with the City of Independence on this for ten years. Sylla responded he has not personally worked on this project for ten years; the City of Independence has worked on this project for ten years. They have acquired a consultant, Mary Anderson who has gone through all the steps with the DNR and the NRCS and preliminary plans have been developed with Ayres & Associates. The timeframe of those plans versus how much sediment could have actually filled in since that happened has made those plans noncurrent which is why we had to advertise for a new engineering firm to administer this project. Sylla has stated Anderson was working on this for approximately 10 years so Bawek inquired how the two got together. Sylla explained the City hired Anderson as a consultant for the Bugle Lake Restoration Project as part of their long term planning. Nelson commented she was working for Resource Conservation & Development (RC &D). Nelson voiced that to him this project met all the criteria as far as wetlands, waterway, etc. and is satisfactory. To quote our President, Sylla stated this is a "shovel ready project". It was clarified there would be approximately $900,000 left for other County use. Bice added there are certain communities that are affected by the CAPX2020 line and they will get additional funding but this is just money that Trempealeau County is getting for whatever project Trempealeau County feels meets the qualifications and is a reasonable project. Bice commented that over the last forty years tax dollars have helped fund hundreds of small reservoir dams, on private property, to do the same thing that this project is going to do, however they only hold 1,2,3,400,000 gallons. This project (12 foot X 60 acre) has to hold hundreds if not billions and billions of gallons. Sylla chimed in that it is 16 million cubic feet. Lien commented that perhaps what Bice might be overlooking is that the Lake isn't going to be empty. It

is the intention of the City to fill the Lake, so during flood events it is not a reservoir as to hold back, it is going to be full of water, so its' filling capacity is not going to be there during flood events. Bice responded that the experts have told him that when there is a big storm coming they are going to open up those gates and let that drain. Bice stated we can move half a million gallons a minute through there fast if we have to. Bice just sees it as certainly something worth looking into. Bawek questioned that the timing on this, because of the bridge replacement, if that is what the real issue is and why Sylla wants the Committee to recommend it? Sylla stated that was correct. Sylla added with the highway project that is coming into the area, the theory is that several excavators are going to be looking at that project on the DOT bid letting and it would make the most sense that because of that work happening, with the trucking and the excavating contractor being in that area, mobilization costs, trucking, etc. would be minimized because of the proximity of the two projects and that is why they would like to act on this project now. Zeglin asked when the money becomes available to the County. Brandt and Sylla agreed it would be available to the County in January. Zeglin commented although this is a great project and definitely worthy of this money, she thought it was only fair to the rest of the County to see what other projects may come forward. Bice commented that our Committee technically has no jurisdiction. Bice's thought was, the Committee has listened to the information, and there is a motion and a second to forward it to full County Board for consideration. Patzner commented that when the gates of the Lake would be opened up, all the fish would be gone. Bice responded that was a good point and that was ok because there are more fish and also when they sense the current moving, they will fight the current. Motion to approve the resolution being passed on to full County Board for consideration passed with Brandt voting in opposition. Michalak asked if it was too late to get it on December County Board agenda. Bice suggested the two stop at the County Clerks office and ask if it can be added.

Public Hearing – Rezone/Land Use Change – Primary Agriculture (PA) to Residential -8 (R-8)
Phillip J. & Donna M O Lamke, Applicant/Landowner – Town of Caledonia Chairman Bice called the public hearing to order at 9:50 AM. Bice announced that anyone present who wishes to speak on the issue needs to sign in at the table and fill out a registration form and return it to him. Nelson read the public hearing notice aloud. Lien referred the Committee to the overhead aerial photo of the area. Lien noted that the lots on the left side of the photo are a subdivision (by Prairie Wood Drive). Lamke is looking at the land just to the east of that to rezone. Lien has worked with Lamke in the past on a couple of different subdivisions in the County. Lien thought this is the first new one in possibly three or four years. Lien has a letter of support from the Town. Lien stated the proposed rezone is for 27.32 acres with a five lot subdivision. The reason for the five lot subdivision was the Residential – 8 (R-8) zoning which is in conformity with the property just to the west and was the wishes of the Town of Caledonia. Mr. Lamke has done his homework as he has worked and met with the Town. To Lien this seemed to be a good land use for the surrounding area because we do have one subdivision already in that neighborhood. Lien added staff doesn't have any issues or problems with the rezone request. Bice asked if Lamke wanted to comment. Lamke stated this was originally part of the family's Christmas tree farm and when Frank and Pauline Bulawa sold their farm directly south, across the road, Lamke was able to purchase forty acres of that. Because it was a much easier parcel of land to work they tied that in with the 80 acres of pine plantation that belonged to his parents. What happened is they made a land swap (a forty for a forty) because the forty acres they got from Bulawa's was much easier to work. Lamke has been slowly phasing the parcel that is under consideration today out of Christmas trees and it has just become excess property. Lamke felt it was not good land for anything but Christmas trees and it was kind of marginal for that. With the family business right now, they have moved across the road and it has just become excess property and they have been trying to sell it as a single parcel for the past two years without any luck. Lamke did sell a 13 acre parcel to Roger and Jennifer Seiling and 7 acres to Joel Von Haden to the north which tied in with his house and property. Lamke is just trying to divest himself with the rest of the property and this seemed to be the best use, with larger lots keeping the rural feel, it fits in well. Bice called for any public testimony. Lien read a letter from the Town of Caledonia which stated at the October 16th, 2013 board meeting, the Town of Caledonia board approved the rezone of the Phil Lamke property located in the SW1/4 of the SE ¼ and part of the SE ¼ of the SW 14/ of Section 24, T18N, R9W to R-8. The subdivision is to include five lots and a

standard cul-de-sac. Lien noted, in a phone conversation with the Town of Caledonia Chairman, that map indicates just a short dead end road, the town wanted to make sure it was a cul-de-sac. Lamke replied that the County Surveyor should have gotten that information the week before. Lamke provided Lien with a map of what was submitted to the County Surveyor. Upon Lien inquiring if it was a 100 foot radius, Lamke responded it was. Lien commented that is what the town was looking for. Lien stated the Town is supporting the rezone but wanted to make sure that was met for trucking, school buses, etc. Bice called twice more for any public testimony. Bice closed the public hearing at 10:57 AM. Brandt made a motion to approve the rezone, Nelson seconded. Brandt clarified that it is five lots encompassing 27.32 acres. Lamke stated that was correct. Lamke clarified that what was on the preliminary drawing has stayed the same with the addition of the cul-de-sac at the end of the road. Upon Zeglin inquiring about the approximate size of each lot, Lamke replied there are two that are a little over 2 ½ acres, two that are five acres and one that is 10.6 acres. Lamke added the township road that gets dedicated to them is approximately 1.2 acres. Bice called for any other discussion. Motion to approve the rezone passed with no opposition. Lien informed Lamke that this rezone would go to the County Board in January for final approval.

Public Hearing – Conditional Use Permit – Kennel – Jerome H. & Deborah A. Reincke – Town of Ettrick Chairman Bice called the public hearing to order at 10:00 AM. Nelson read the public hearing notice aloud. Lien stated he didn't see Mr. Reincke in the room but Reincke did send a written comment. Lien continued saying this is located right outside of Ettrick just north on State Highway 53. It is a farm that is back on a dead end road. If one is familiar with the area, at one time Hegg Milling was going to move the mill so there is a grain bin sitting there and the farm is directly behind that. Lien read Reincke's letter aloud, "I have been raising dogs at my farm since getting out of the Navy in 1982. Five years ago I put up a new pole building and included 20 concrete dog runs off the south side of the shed. They are all concrete and chain link. They are completely enclosed with sky lights and surrounded with windows. I also have a 200 foot by 50 foot fenced in, outside, exercise area. As of now I am just breeding and taking care of my own animals, but my plan is to do some outside boarding which would have my dog numbers increase. Retirement plans. I believe I meet all the qualifications/requirements. Thank you for your consideration". The letter was signed by Jerome Reincke. Lien clarified that letters were sent to all adjoining property owners. Lien has a letter from the town. Lien stated he meets the zoning requirements. The property is zoned Transitional Ag. Any time one has over five adult dogs or one is going to board/house dogs that are not owned by you, one should obtain a kennel license. Lien added this has come up at the Towns' Association meeting and at other times in the County. Lien thought there are probably a lot of people that have more than five dogs, whether licensed or unlicensed, and how the Zoning Ordinance reads is that once they are over the age of five months, they are considered an adult dog. Mr. Reincke came in on his own. Lien wasn't sure how many dogs Reincke has now but from his statement it sounds like they are his own dogs but he wishes to board and probably breed more for the future. Lien noted it does fall into the right category under the Trempealeau County Zoning Ordinance –Table of Uses. Lien reiterated he does have a letter from the town supporting it. Lien did not receive any calls for or against the proposal. Letters were sent to adjoining property owners. Lien read a letter from the Town of Ettrick which stated the Town of Ettrick Board of Supervisors has no objection to the issuance of a Conditional Use Permit that would allow Jerome and Deborah Reincke to operate a dog boarding kennel on their property providing all County and State requirements are met. Lien had a conversation with Reincke when he applied for the CUP and Reincke has fenced around his property with hog panels so that the dogs could run and have the large exercise areas and still not roam onto other people's property. The area is still being cropped but the dogs can roam freely there. Bice called for any other public testimony three times. Bice closed the public hearing at 10:04 AM. Brandt made a motion to approve the CUP, Nelson seconded. Zeglin asked if we know how many dogs he currently breeds and what type of breeds. Lien responded Reincke has yellow labs and wire hairs and he does breed a high bred wire hair, yellow cross for hunting. Lien thought it was pretty minimal and that most of the dogs are his own hunting dogs. Lien added that he did build a facility so he could have up to 20 with the pens that are there. Right now Lien thought he only had his own dogs. Lien reminded the Committee that because this is a Conditional Use, the Committee can place conditions or if there were complaints in the future,

the Committee could require the applicant to come back in. Lien stated that most of the complaints the Department gets are about barking and Reincke has had the dogs there and there haven't been any complaints. In referencing the aerial photo, Lien noted that there aren't really any close residences, the area is somewhat secluded and away from the highway, so perhaps that is why there haven't been any complaints. Lien added we are not limiting him to those breed unless the Committee wishes to do so. Typically, Lien stated we look at proximity to neighbor, fencing or enclosures (which he has done) and then possibly number of dogs. Lien explained the shed is pretty large as it was an old barn and on the south side the kennels are inside the building with outside exposure so the dogs can be in or outside while they are in the same kennel. Upon Zeglin inquiring if he has already built the runs, etc., Lien responded they are there for his own use (Lien referred to the letter which stated he built them five years ago). Lien knew Reincke got a permit to modify the old barn, put a new steel roof on it and build the runs outside. When Lien got the application, he visited the site and took a look at it and there were not twenty dogs there at the time. Brandt asked if there was an inspection regime and if that was part of the permit. Lien replied it would only be if we had a complaint or if the Committee would limit the number of dogs. Then Lien would have to do a follow-up visit in order to see whether Reincke has exceeded that limitation for some reason. Lien added there had been a property in Frenchville area where a property owner had a lot of their bear and coon dogs. They were causing a lot of disturbance in the neighborhood and when that CUP came through, Lien believed the Committee limited them to seven dogs. Brandt was talking about having enough space for the dogs to run. Lien stated we never have as he felt that was infringing more on a dog health issue. Motion to approve the CUP for a kennel passed with no opposition. At this time the Committee agreed to take a five minute recess.

Public Hearing – Conditional Use Permit – Communication Facility & Tower – SBA Towers/Verizon Wireless, Boca Raton, FL, Applicant, Daniel J. & Nancy A. Filla, Landowner – Town of Arcadia
Chairman Bice reconvened the meeting and opened the public hearing at 10:16 AM. Nelson read the public hearing notice aloud. Lien stated the site encompasses approximately 12,000 square feet. Lien stated Shane Begley was present. Lien pointed out the site on the overhead aerial photo and mentioned that it was located off of Church Hill Road in the Town of Arcadia. This is a Conditional Use in an Ag district of which it meets all the requirements. This hearing was publicized in the newspaper and letters were sent to all adjoining property owners. Lien did have a property owner to the south contact him and asked Lien to describe the location. He didn't have any more concerns beyond that point. Lien stated he didn't have the actual letter from the Town but we have an e-mail from the Town and a verified phone conversation that they do approve of the CUP. They have applied for and the Town Chairman has also signed the Land Use Zoning permit. Lien stated later today we are going to be discussing our Ordinance, which is on the agenda, but as of today the applicant does understand the Ordinance and the requirements. The applicant meets all those requirements for the current Ordinance language. Begley stated he didn't have anything further to add and wanted to answer any questions.
Bice called for any public testimony. Lien explained some of the criteria that staff looks at when they receive an application like this is whether they can co-locate on another tower or the need for the tower and co-location requirements (so that someone else can co-locate) are met. If one looks at the plans it shows the coverage area right now and where it is lacking and this will fill in the void. Ten to fifteen years ago when cell towers were first being implemented there were a lot of people that came to the meetings and didn't like them on the landscape and now that almost everyone has a cell phone, without cell towers, they are pretty much worthless. Lien thought cell phones pretty much work on line of site. If one is not in an area where it can project coverage, one is not going to get coverage and that is why there is a need for so many in the County. Begley commented that is correct and even more so now, going into the new technologies etc., everyone wants portable data and they want all their data. Those signals just don't travel as far so one is running into a lot more towers closer together. Realistically, Begley stated there are probably going to be towers every five miles. In some areas that are harder to reach they might be a little closer together but one could probably count on them being every five miles. Lien explained the County also requires a bond which is a $20,000 standard bond for a tower of this size. If technology would change someday and everything would be off of a satellite, the County needs to have the ability to remove the towers off the land. Bice made one last request for any public testimony. Bice closed

the public hearing at 10:22 AM. Nelson made a motion to approve the Conditional Use Permit, Zeglin seconded. Motion to approve carried with no opposition.

Review Draft of Communication Towers, Antennas and Transmitters Ordinance Revision

Lien stated Radtke has just come in with a draft Ordinance revision. Lien explained that one of the things that happens periodically, when we have Ordinances in place, is the State makes Statute amendments or bills that can require us to amend our Ordinance. This is one of those situations. Because of all the other Ordinance revisions that staff has been working on, this one has not had the attention and the Wind Turbine Ordinance is also being worked on. Lien stated Radtke has been working with Keith VerKuilen on the draft. Lien is also going to be picking up some Ordinances from other counties. Eau Claire is in the exact same situation that we are. They currently have an Ordinance that is very similar to what Trempealeau County adopted and because of the Statute amendments we have to modify our Ordinances to be compliant as far as to what we can regulate. Lien had a short conversation with Rod Eslinger, Eau Claire County Zoning Administrator and tomorrow he is going to receive the draft that Eau Claire has been working on. We probably should have had this adopted prior to today, but Lien stated the applicant has been very understanding as to where we are at. Radtke has a draft today but we will see the final amendment go through the proper channels of a public hearing and full County Board approval before we can actually make an Ordinance amendment. Bice questioned how much language was different from what the County had in the past. Radtke responded that it was entirely different. Lien commented the permit sort of becomes an "over the counter" permit rather than coming through the public hearing process, etc. Lien didn't think the Committee could attach a lot of conditions anymore. Radtke thought it could still be a called a Conditional Use. Lien commented he thought Conditional Uses are typically public hearings where conditions can be attached. Lien explained it is no different than the livestock siting in that we are required to do a CUP public hearing for a new livestock facility but we can't attach conditions and we can only determine whether or not it meets the requirements. As Lien read through some of the cell tower information, he thought bonding was something the County could still do and setbacks would change. Radtke commented there is a lot of information and suggested getting the copies to everyone to let them look at and review the changes. Radtke explained the base of the Ordinance is a lot of the statutory language itself and just putting it together in a way that is going to fit for the County's Ordinance. Radtke stated there are several (23) limitations. Radtke lined out our current Ordinance and then recreated one with definitions that are consistent with the State Statute and then there is a section on new construction, service and support structures for cell towers and it talks about how to apply and what has to be in the application. Radtke noted one thing that is going to be required for new towers is a sworn statement from the applicant that putting their service on a different tower is not within their search range which is the area they are trying to cover and would not result in the same mobile service, functionality, coverage or capacity; is technically infeasible; or is economically burdensome to the mobile service provider. So they are going to have to provide a sworn statement to that affect along with any application. Radtke believed the intent of the effect of that would be is to require mobile service providers to do some homework and to look and see if co-location is going to be available or feasible first, and if not, then look at erecting a tower, so that is one thing that the State Statute will require. Bice inquired if it was basically the State or somebody telling us these are the rules you are going to follow. Radtke responded the way it is written is that there are numerous limitations. Radtke went through some of the "high" points; the Statute does say the County still has the authority to regulate just not in a way that is inconsistent with the State Statute. Since there are such extensive limitations that regulation by nature is limited as well, so there is still room to do things. The way Radtke drew this up is that for new towers and for Class I co-location which is deemed a substantial modification to an existing tower site would be a Conditional Use Permit and this is based off of language in a model ordinance that the Towns' Association had put together. For a Class II co-location which would be basically putting new equipment on an existing tower that does not result in, what is defined as a substantial modification, that would just be simply a land use permit. Radtke didn't know if that is what the County wants to do but Radtke drew it up that way to kind of follow what the Towns' did. Brandt stated the history of our Ordinance goes back to 1996-97, 98. As cell towers started popping up without any conditions put on their location there seemed to be desire on the part of the Zoning Committee, at the time, to

see what kind of regulation could be done to avoid kind of cluttering, especially of competing cell tower providers. Very shortly after we started the writing of the Ordinance, the State decided that these were a necessary part of the future infrastructure of this State and that County's could regulate, but only to a certain extent. They really only limited us to not saying no. As Brandt understood it there were a lot of concerns, at the time, about electromagnetic fields and the possibility of ill health effects so what the State said is, you can regulate but you can't say no based on health concerns. The desire of the cell phone user now is to be able to access the internet, Netflix, etc. that is basically entertainment and information which is really different than what it was in 1998 where people were getting cell phones extensively for emergency use. Brandt thought every five miles was kind of scary but one can see that what has happened here is that an industry wants to basically be able to do what they want to do at the time that they want to do it. Brandt had to say there was a time when County's were given options to do what they thought was best within the borders of their County's and it has become usual, as opposed to unusual, for the State to put restrictions on what a County does. There was a time, up until about 2000 when the State regulations would be written as minimal language that County's had to adopt and now they write it in terms of the maximum. Brandt thought this was yet another example of that change. As a history as to where this current legislation is, Radtke stated 66.04040 is the State Statute if one wanted to know where this came from and that came from something that was inserted into the budget. There was no public hearing – it was just sort of snuck in as it was put in without a whole lot of discussion from the public. It was one of those things that after the budget was approved, it was there and we have to deal with it. Radtke touched on other high points as being when applications are deemed complete there is a shorter time frame to respond to those and within a certain amount of time if there is no response or decision made it will be deemed approved. As to a cell tower, Radtke went through some of the limitations as being the County can't have an active ordinance that limits the locations of towers, it cannot enact a moratorium to put decisions on hold. Radtke referred the Committee to the 2nd from the last page, part (e) 1, LIMITATIONS, which are things the County may not do; impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers, cannot charge a mobile radio service provider any recurring fee for an activity which would be for any new cell tower, the permitting of that or Class I or Class II co-location. Radtke commented if the Committee had any questions about what co-location is they should let him know as he had to look it up himself. Radtke continued that there is a restriction on allowing third party consultants to charge the applicant mileage. The County cannot disapprove an application for a new tower or a Class I co-location based solely on aesthetic concerns and for a Class II co-location, the County cannot disapprove of an application based on aesthetic concerns. The difference there is that a new tower or Class I cannot be disapproved based solely on aesthetic reasons and for a Class II which is a nonsubstantial modification to an existing site, basically a County can't include aesthetics at all in the decision. With that said, Lien stated that in the past we have had a lot of public hearings where conversations took place regarding color or skyline, so if someone came in with a proposal for their tower to be blaze orange or hot pink, the County couldn't discuss that. Radtke stated the way the Statute reads is that the County cannot disapprove of an application for a new tower based solely on aesthetic concerns, so that means in part it could be, but not solely. Begley commented that he thought the intent on that is that visual effect is what they are talking about more so of the tower itself. As far as the color of the tower and those kinds of things, Begley didn't think the State cared if the County said it had to be galvanized or red and white or whatever. Begley did think the County had a little bit of control on that portion of it, you just can't deny it on the fact that it is a tower sticking up – that's the visual effect. Lien stated FAA requirements are that anything over 200 feet must be lit and we have always had issues with, during the daytime it can be a white strobe, but in the evening it has to switch to amber. There have been a couple, that when they were first erected, the mechanisms were off on their timing and the white strobe was going at night. Lien's phone rang off the hook because people were being affected by the strobing effect. Lien asked if the County could regulate that. Lien understood they have to have lighting on it. Radtke responded the only restriction/limitation on lighting is that it has to be in accordance with the FAA. Begley stated the County can make recommendations that they use a dual lighting system rather than a white strobe. Begley said most of them are going to do that. Begley suggested the County research that portion of it because he didn't think it is a

clear "black and white". Begley thought there was a little bit of latitude as far as what you can require from that because it is going to be a lit tower. If you want to see a dual lighting system which is a galvanized tower, that is what you are going to have. If it is a red and white tower, you're not going to have the white during the day, you'll have a red strobe at night and that is it, so those are the kind of things that Begley thought the Committee would have a little bit of control over. Begley knew a lot of communities are scared by the way that this reads but it is really not as bad. Begley added the things that they have to go through on a particular basis before they even get here or if you've looked at any of the reports, there is a substantial amount of information and permitting and regulations that they have to go through regardless of what is done at this level. One of the things that they don't want to do is upset the communities with these towers even if they are lit. Begley believed there is a little bit of latitude but then again Begley is not an attorney and he didn't write the law. Begley's interpretation and in what he has been hearing, he thought there was a little bit of latitude for the Committee to say we'd like to see minimal lighting on there and typically that is a dual lighting system with medium to low intensity lighting which is pretty standard. Radtke mentioned that the only limitation out of the Statute that deals with lighting is that the County cannot disapprove of an application based solely on the height of a structure or on whether the structure requires lighting, so one can't just say it has to be under 200 feet so as not to have to deal with the lighting issue. The Committee can't do that. As Lien had also mentioned, Radtke stated we can still impose a surety requirement but there is limitation to that as the requirement has to be competitively neutral, indiscriminate and commensurate with historical records for surety requirements for other facilities and structures in the County which fall into this use. The Statute says there is a rebut table presumption that the surety requirement of $20,000 or less would comply with the Statute. Brandt understood what they were trying to say, however, unfortunately in a business that hasn't been around that long there is not a track record, so if we're supposed to take into consideration historical record for surety requirements, and there isn't any, that means we have nothing to take into consideration. It sounded to Brandt that what they are saying is we can put a bond up to $20,000 assuming it is going to be ok anyway. Radtke responded it is a rebuttable presumption that it is going to comply with the Statute which means somebody could argue that $20,000 is not consistent with the other limitations there. Brandt asked if Radtke was saying the County could put a bond up to $20,000 on it or that the applicant can argue that is too much? Radtke responded both. Lien added that the applicant could argue it but it has to be consistent with what we've done. Radtke added it is really going to depend on the facts. What Brandt had mentioned about the historical record, Radtke stated it says "the surety requirements for other facilities and structures" and Radtke read that to mean other than towers or if there are other facilities or structures in the County that fall into this use. Radtke didn't know if there were other facilities and structures in the County that fall into this use that require bonding. Lien thought if we would ever get a wind turbine then yes, but right now he didn't think there were any. Radtke stated basically it is saying that $20,000 is going to be an ok number unless there are some other facts that say otherwise. Lien commented that prior to our Ordinance adoption, as Brandt had said, in the 90's we had a series of people that came into the County, company's that were building speculative towers, to have people locate on them. As a good reminder, Lien suggested driving South on Highway 53 and right past Beaches Corner on the Brovold farm, one will see a half constructed tower that has been there for approximately 15 years. It has no lighting, it is not in operation, there is no bond for it, and so it stays there. That was some of the argument/reasoning for the bonding requirement. Brandt asked if the language precluded the County having a conditional use hearing. Brandt referred to the language, "if the application is complete, it is complete and it is done". Radtke replied he didn't read the Statute to say that we can't have a Conditional Use hearing or have discussion on some of the conditions. Radtke read the Statute to say that the County has that flexibility to put some conditions as to each unique situation but there is a long list of things that we can't do that we have to comply with. Radtke didn't read it that we can't do conditions and as to the limitations on when an application is in and deemed complete, there is a certain timeframe that has to be followed and if it is not, it could be deemed approved, if we do not act on it. Radtke didn't read it to mean there can't be Conditional Use hearings. Radtke asked Begley for his experience with other county's/municipalities who have adopted the new State Statute and if they are having Conditional Use hearings. Begley responded there is a mix out there right now. Some of them are treating them more as an informational meeting whereas others are just doing away with everything. For the State

Ordinance, you pay your fees and it is an administrative review. That is what a lot of them seem to be doing; they are just charging fees, as long as it is straight forward. Begley has been told on a couple of instances that they may "flip-flop" from that a little bit depending on what the application contains. If it is in a high traffic, contingent residential area, they are going to treat that as a Conditional Use Permit so they have a little bit of control. They have pretty much left it up to the Zoning Administrators, when the application comes in; they do the quick ten day review. At that point in time they decide what they are going to do, whether it will be treated as a Conditional Use Permit or an administrative review. They're leaving a lot of discretion up to the Zoning Administrators. Begley knew that in Eau Claire County they are going to pretty much be administrative review, no meetings but one has to have a certified engineer letter from the RF engineer who performed the analysis saying that there are no other structures or no other place, or other search area that would work. That is one of the requirements that they have passed which, as long as Begley has been doing this which is over 15 years, he has never put up a tower that didn't need to be where Begley said it needs to go. Any time Begley comes in he is bringing all the evidence forward, so there is really not a lot. Begley felt the Committee has a lot of latitude on how they might want to do that. Bice's goal, as he sits here and sees it right now, is that if we have an Ordinance that is very clear and we technically don't have a great deal of authority in the future to condition these things, Bice would just like to leave that at the discretion of the Zoning Administrator. Upon Bice asking for an introduction from Begley, Shane Begley introduced himself as an independent consultant working under Begley Wireless Consulting Service based in Gordon, WI. Begley used to work for Cellular One for almost five years and then he worked for AT & T for a year. They then asked him to move down to Schaumberg, IL. Begley said he wasn't leaving the great northern Wisconsin area, so he started a consulting firm and he has been doing that for quite some time. Lien was asked about current fees and he responded that the fee for a Conditional Use Permit is $225 - $200 for the public hearing and $25 for the permit. In addressing fees, Radtke stated for a new permit the fee cannot exceed $3,000 for a Class I co-location and for a Class II co-location permit the fee cannot exceed $500 and that is just a limitation that is in the Statute. Radtke noted that is why there is a blank line in the draft because it is really up to the County to decide what their fee is going to be and that fee should be related to what sort of costs of oversight or administration goes into it. If it is a simple review versus a more comprehensive review obviously we want that to relate to the amount of work that is going into it. Lien asked Radtke for clarification on letter "o" which stated, "impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures". Lien added we had always had the height of the tower plus 50 feet which seems contradictory to the Statute language. Lien and VerKuilen had held a discussion earlier in the morning as to whether or not it would be called commercial or not, but new livestock facilities in our County have to be a minimum of 100 feet from the property line so we already have some language that imposes setbacks greater than your typical zoning setbacks. Lien didn't know how that would relate or whether it is irrelevant there. Lien restated that the draft language says "a requirement that is imposed on other types of commercial structures", so we have additional setback language for chicken barns, livestock expansion or new livestock facilities. Radtke replied that he didn't know the answer to that but he viewed it as the restriction is just that the County cannot treat towers different than other commercial structures. Radtke wasn't familiar with all the different setbacks that may apply or what would be deemed as a commercial structure that is similar. It is just basically saying that the County cannot set a separate setback specifically for towers. Brandt thought that was interesting because what we talk about is height plus and Brandt is having a hard time coming up with what the other stuff is that is commercial that we regulate. Lien was talking with Begley during the break and the majority of the towers are supposed to be self-collapsing, that they kind of fall into their own crumble zone. Lien thought that was part of the reasoning so that it doesn't put undue hardship on increased setbacks because they typically don't fall like a tree although some older ones, guy wire supported, maybe could. Begley stated typically most of the towers that fail are going to be the guy wired towers and have to do with heavy ice loads and those types of things. Those typically don't fall like a tree they accordion/fall in on themselves. Unless one was to cut all the guy wires at one time it would be pretty hard to get it to fall like a tree. Begley noted that one of the things that is required by the State in 66.0404 is a fall zone letter if they're going to infringe on any of the setbacks, etc, so Begley stated you can have whatever setbacks you want to impose but as long as they come in

with an engineered fall zone letter it kind of supersedes that. That was Begley's understanding. Lien commented he did read that in there, so in theory the County could keep the setback language the way it is. If the applicant came in with a fall zone letter then that would just negate our setback requirements. Begley commented that most everybody is going to do it - pretty much everybody is just getting geared up to submit a fall zone letter in with the application anyway so typically half the height of the tower is what the fall zone although Begley has had to put them at 33% and usually they don't go any less than 33%. Radtke continued that we can't require that any tower be placed on county owned property. We cannot condition approval of the tower or co-location on the agreement that the County be provided space on a tower or at less than market rate. We cannot limit the duration of a permit that is granted. We cannot require an applicant to construct a distributed antennae system instead of either constructing a tower or engaging in co-location. We cannot disapprove (Radtke clarified in saying "we" he meant the County) of an application based on an assessment by the County of the suitability of other locations for conducting the activity so that it wouldn't matter if we felt that there was a better place for it. Radtke noted that we talked about setbacks and fall zone. Radtke was trying to hit the high points of the Ordinance. We cannot limit the height of a mobile service support structure to less than 200 feet. We cannot condition the approval of an application or require the applicant to agree to indemnify or insure the county relating to the County's exercise or authority to approve an application and we cannot condition approval or require the applicant to agree to permit the County to place at or co-locate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the county or an entity in which the county has a governance, competitive, economic, financial or other interest. Radtke explained that we cannot require them to lease space to us as part of our approval process. Radtke stated those are just the list of limitations and a brief summary of this proposed ordinance change. Brandt commented there is not a lot in here, if anything that makes it difficult for us to do what it is that we have done already in terms of requiring lighting, setbacks, and bonding. The one issue that Brandt wasn't seeing addressed, which is important to us in our Ordinance, was that if it is possible to co-locate that they do co-locate and be willing to supply up to three sites on their tower to other entities if they can use it. In other words, to minimize the amount of towers, that each tower builder allow at least three other entities to locate on that tower. The only thing that seems to limit that is some language which says the applicant decides what the best place is and that includes whether or not they can make more money off of that place or not. Brandt thought that will be the place where our Ordinance is most severely compromised is if somebody says, "I can't co-locate because I am going to lose some money if I do that, and then we will have to day ok, go ahead and build another tower. Begley believed the County still had the authority to require co-location, but if they show that it is not feasible, that is it. Begley stated we have to have a statement from the RF engineer saying that we need it in this location because of these things, so that is required under the State ordinance. The County can ask for that. Brandt responded yet we can't deny it once they say, "this is the case". As far as making that tower co-locatable when they build it, Begley didn't see anything in the Ordinance that he read through that doesn't say you can't require being a multi-tenant tower. As a matter of fact Begley would encourage that. One of the things Begley sees with this is that you can't limit it to 200 feet and if Begley comes in as carrier A and says I only need 195 feet, to Begley that is a problem for the County because the next carrier may come in and say I need 250 feet, so now you have a situation where I can come in as that second carrier that I don't have to co-locate on that tower because I need 250. If I can prove that I need 250, even if it is only a quarter of a mile away, now you're coming in with that. It is kind of a double edged sword for the County, but Begley would almost recommend throwing that out there as to whether the applicant would want to build a 300 foot tower instead of a 200 foot tower. That way the County is assured that there is room on that spot. Brandt stated that in the old Ordinance, #3 under "b" says, "A statement from the owner/operator that such tower will be constructed to accommodate at least two additional communication facilities, and that they will be made available to commercial users at competitive rates", so that goes to what Begley is saying that if one is going to build a tower, be sure you have room for two more people. Begley added that with a 195 foot tower you can have room on there, that is not an issue, but the issue is, what that next carrier is going to need. The way the ordinance reads from the State, and Begley being carrier "A", Begley is coming in and he only needs 195 feet for this particular area, so that is all he is building the tower to is 195 feet. It doesn't protect the tower owner so now, we just say tower owner "A"

versus carrier, and you have tower owner "A" who would maybe like to build this taller so they could have more co-location availability on there whereas the carrier only needs 195, so now, the way the State ordinance reads is that Begley needs to prove that he needs 195, not that I need 250. Now you have any issue where I am only building this to what this carrier needs rather than what the tower owner would like to have for future use. Begley thought that might be something that the Committee might want to see how that works in the ordinance because that could be an issue for more towers in the community. Lien explained that one of the issues the County has run into in the past is, i.e. you have a 250 foot tower in existence and somebody wants to co-locate on it, it is not just the antennae, it is the weight of the cable and other things that add to it. Some of these towers aren't built or designed to take additional weight so then it becomes a limiting factor, not on height but on the quality of the structure. If the Committee told Begley today that rather than a 200 foot tower, we'd really like to see you put a 250 foot tower up, but now you're going to have to also increase the quality or design of it to be able to take the weight, is that putting a new hardship on the applicant even though it is in the best interest of the County. Begley responded that would be as a request to the tower company rather than the carrier and you can ask whatever you want; you just can't make it a stipulation. Most of the tower owners are going to want to do that anyway because they are leasing that space out. Begley stated we will go back to where the ordinance was written and they were just throwing up a speculative tower, they didn't care if more than one person was on there, their deal was let's get these out there and get them built. Now your tower owners are to the fact that, we want one tower because that is less money that we have to spend on this tower and this tower, etc. and they would rather have one central location that meets the needs. Begley thought you're going to get plenty of the tower owners to do it and if it is a carrier application that comes in, typically within a year or two anyway, they are selling it to one of the tower owners, so if you are asking the carrier to do it, there you might have a little bit of a fight back, but if you're asking the tower owner to do it, now I think you are at a different spot, because you are approving it for Verizon or AT & T or whatever company that this is the height that you need, this is what you are proving that you need on the application, so that is really all we are allowed to build. Lien asked Begley, working as a consultant in the industry, what percent of the time does co-location really take place, because if one is working for Verizon, how willing are they, i.e. to put US Cellular on here, to take away clientele and coverage. Begley made a rough estimate, as he just had ten sites to do and two of those are raw land and the rest are co-location, so approximately 80% is co-location in this particular instance as Begley was able to find structures that were suitable for that. When Begley goes into an area, himself as a consultant that is, the first thing he does is look for a suitable co-location because getting them on the air, as fast as possible, is key because that is money in their pocket. The faster Begley gets them putting signal out there that is revenue for them. Realistically, most of the company's are looking to get on there, and if it is co-location, that is what they are trying to do. Lien stated, through our existing Ordinance, had you come in to co-locate , if you built an equipment housing structure greater than 150 square feet, we'd require a land use permit for $50.00. If it was less square feet than that, it is a permitted use, as long as you're not modifying the height of the tower. Begley commented that 150 square feet is small, so most of them are going to exceed that. According to Begley, Eau Claire County has a 250 foot and most of them are exceeding that even. Most of the buildings that are going at the base of the tower now days, unless it is outdoor equipment, are a 12 X 26 foot or 12 X 28 foot building and those include an indoor generator and those are just for emergency back-up. Begley recommended not limiting those types of things because it is a need for that carrier and by limiting those little things like that; it will create more problems for the County in the end because you're going to have more applications or more this or that. Lien commented the Land Use Permit is typically "over the counter". Bice stated that Begley's recommendation was to not limit that and to Bice it seemed like a reasonable thing and that it simplifies and streamlines and we have nothing to gain by limiting those. Bice asked if Begley and Lien agreed with that. Lien responded "no" and that county wide anything that is 150 square feet or greater should have a Land Use Permit because that is a foot print on the surface and there is a lot of applications and if one were in your back yard or blocking view, etc., there is a need for a permit for those. Begley explained what he meant by limiting it is that in Eau Claire County if one exceeds 250 square feet, they have to get a variance. Lien stated our County ordinance isn't like that. Begley stated what he meant by this that is as long as it is not limiting what one can put in there. Bice commented that co-location is a great thing – Bice can see a little bit of a problem with it, but

not really too much for this industry, but let's say, i.e. someone here has a painting business and put's a big sign up on Highway 53 and then he was required to have another painting business on that same sign, that doesn't work so there are situations where government mandating something like that might not make it really appropriate. Radtke stated he did a strike through of the entire ordinance but there are things that could be kept in there. Brandt added that seems not to be contradictory to the requirements of the Statute. Radtke replied that was correct and suggested things like security (base of site being fenced in) or requiring access (service road for emergency vehicles). In regard to the setbacks, Radtke would like to find what other commercial structures do we have setbacks set for and what are they, before he could give any opinion as to whether the 100 feet plus 10% is going to be consistent with that. Radtke felt there were other things in the ordinance that were covered by the new Statute such as requiring that they come back if there are any changes to the height of the tower. Also the receivers, transmitters, sheds, guy wires, lighting and fences shall be included in the application. Radtke thought what is required in the application would include a construction plan that describes all the components (antennas, etc.) so even though it looks like we're cutting a lot out, Radtke thought a lot of it is covered by the "draft" Ordinance that he prepared but we could also include other things in there as well. Bice's input was let's make sure it is real important to us if we start adding additional requirements because as we have seen in the past, if we get too restrictive the State will step in and say "that's enough of that and we're going to do it our way". Upon Radtke commenting that they just did though, Bice responded he knew that. In regard to access, Brandt's understanding from the beginning was that the intent was that the tower builder be responsible for maintaining the road as well as plowing it during the winter – whether that is a contract with a local snow plower or contracting with the town to keep that road open – there is no reason why that can't be in our Ordinance as well. Upon Bice inquiring if that was for emergency vehicles, Brandt responded that was correct.

LWRM and TRM Requests and Payment Approval - The following information was presented to the Committee for approval.

LAND & WATER RESOURCE MANAGEMENT (LWRM)

NAME	TYPE	AMOUNT	New CSA Total	Reason for change
David Jacobs	Contract	$5,932.50	$5,932.50	Stream bank Riprap
David Jacobs	Pay Request	$5,932.50		Certify Riprap
Debra Maliszewski Trust	Contract	$24,733.63	$24,733.63	Stream bank Riprap
Debra Maliszewski Trust	Pay Request	$24,733.63		Certify Riprap
LeRoy Sobotta	Contract	$2,100.00	$2,100.00	Waterway
LeRoy Sobotta	Pay Request	$2,100.00		Certify Waterway
David Daniels	Contract	$10,537.58	$10,537.58	Waterway
David Daniels	Pay Request	$10,537.58		Certify Waterway
Helstad Family	Contract	$4,130.00	$4,130.00	Streambank Riprap
Helstad Family	Pay Request	$4,130.00		Certify Riprap
Dan Olson	Contract	$7,411.60	$7,411.60	Streambank Riprap
Dan Olson	Pay Request	$7,411.60		Certify Riprap
Dean Helstad	Contract	$735.00	$735.00	Streambank Riprap
Dean Helstad	Pay Request	$735.00		Certify Riprap
Wayne Bautch	Contract	$1,724.00	$1,724.00	Nutrient Management
Wayne Bautch	Pay Request	$1,724.00		Certify Nutrient Management
Tim Byom	Contract	$4,695.00	$4,695.00	Nutrient Management
Tim Byom	Pay Request	$4,695.00		Certify Nutrient Management
Tom Lambert	Contract	$4,648.00	$4,648.00	Nutrient Management
Tom Lambert	Pay Request	$4,648.00		Certify Nutrient Management
Todd Neitzel	Contract	$3,984.40	$3,984.40	Nutrient Management

Todd Neitzel	Pay Request	$3,984.40		Certify Nutrient Management
Ryan Schwertel	Contract	$8,820.00	$8,820.00	Nutrient Management
Ryan Schwertel	Pay Request	$8,820.00		Certify Nutrient Management
Carl Wagner	Contract	$5,563.60	$5,563.60	Nutrient Management
Carl Wagner	Pay Request	$5,563.60		Certify Nutrient Management
Greg Wright	Contract	$5,563.60	$5,563.60	Nutrient Management
Greg Wright	Pay Request	$5,563.60		Certify Nutrient Management

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TARGETED RUNOFF MANAGEMENT (TRM)

NAME	TYPE	AMOUNT	New CSA Total	Reason for change
Kenneth Sonsalla	Contract	$858.34	$858.34	Critical Area & Riprap
Kenneth Sonsalla	Pay Request	$858.34		Certify Critical Area & Riprap
James Dabelstein	Contract	$18,662.00	$18,662.00	Stream Riprap
James Dabelstein	Pay Request	$18,662.00		Certify Stream riprap
LeRoy Sobotta	Contract	$31,177.97	$31,177.97	Riprap & 3 waterways
LeRoy Sobotta	Pay Request	$17,947.97		Certify riprap

Bice made a motion to approve the LWRM and TRM requests/payments as presented, Nelson seconded. Brandt noted that there is one person on the list that is deceased so Brandt assumed that was the family doing that. Bice stated he always gives the Department total credibility on this so he doesn't spend too much time on it. For information purposes, Brandt stated Lien had mentioned that he thinks we got the grant for the Elk Creek. Lien responded we did and staff has been working on some of the details of it. Lien added we don't have the money yet but we're getting it. Upon Brandt asking if it was a TRM or LWRM grant, Lien responded that grant is a little different because it was a large scale TRM application and for a designated area. Typically, Lien stated in the past one would see all the landowners on the report and these are individual grant applications which have to be applied for on an individual basis and then they get ranked. This time it was suggested to us to try for this large scale grant (this is smaller than a watershed yet it encompasses a large area.) because there are less people applying for those grants and we had a better chance and we were awarded it. Lien explained that it was somewhat discouraging the last time as we sent out letters to every landowner in that watershed and received absolutely zero response. If one drives around up there they have the same issues as everywhere else in the County such as stream bank erosion, etc. Lien thought that at the time the information was sent, the farm economy was poorer than it has been the last two years and the farmers still have to pay approximately 30 percent. Lien added the County is awarded the money but we don't receive it until it is spent. Some discussion took place on economic hardship. Upon Bawek inquiring as to what of the amounts on the report were 30% and which were 70%, Lien responded the amount on the report are 100% of the cost. Motion carried with no opposition.

Surveying Update and Payment Approval – Lien instructed the Committee to look at the reports and bills in their folders. County Surveyor Joe Nelsen has been working in Arcadia in Township 20 North, Range 9 West and Township 20 North Range 10 West. Nelsen also presented a report and bill for ongoing maintenance in the Town of Lincoln, Burnside and Hale in regard to damaged or lost monuments. Lien explained that sometimes if there is road construction or repair a monument has to be moved or replaced or reset (if they get damaged). Brandt made a motion to approve the reports and pay the bills as presented, Nelson seconded the motion. Upon Brandt asking if maintenance was part of the budget, Lien responded yes. Lien added that will be revisited when Nelsen is completed with the remonumentation. In talking with Nelsen, Lien thought perhaps half of the budget would go away when remonumentation is completed; the other half would still be needed for CSM review, maintenance requirements and things of that nature. Motion to approve carried unopposed.

Discussion on DATCP (Dept. of Ag, Trade & Consumer Protection) Staffing Grants and Formulas
Lien had asked that this be put on the agenda. Lien had received a memo on November 20th, 2013 stating that DATCP has some funding issues with County's that are "merged" Departments like we are. Historically, DATCP staffing grants were for Land Conservation, Land Conservation Committees where they are the overseer. Lien explained the County Conservationist was the first person that received 100% of their salary for reimbursement, the second staff was 70% and the third staff was 50%. To Lien's knowledge we have never received the full Statutory payments of 100, 70, 50. We have always received a portion of the 50. This year Lien thought we were down to a portion of the 70 from the DATCP. We have never received the full Statutory funding because the statutory language says they "will try" or some other legal terminology which doesn't obligate them to give us the 100, 70, 50, but they attempt to. Lien read aloud from the DATCP letter, "for grant year 2015 DATCP is proposing to establish criteria that direct funding to county staff who perform conservation activities full time, specifically DATCP will more carefully define which staff persons will be eligible to be listed as the County's first position in Table 1 of the grant application. As our first position, County's may only list staff person's working 100 % on conservation activities. Department Heads, technicians, engineers may be listed as a first position as long as 100% of their job responsibilities involve management of conservation programs such as Land and Water Resource Management planning, conservation practice design and installation, cost share grant administration, Farmland Preservation program administration and livestock regulating". Lien commented that when George Brandt was the Chairman, a few years ago, we presented our revised Land and Water Management plan which Lien believed was at five year intervals. Lien stated when we did that we had everything in there that our Department does, all the Land Management goals, nonmetallic mining, building inspection, and sanitation programs. Everything that we do through our Department was part of that plan and was approved. DATCP had questioned our funding mechanism at that time and we agreed that we would submit 90% of Lien's salary saying that 10% of Lien's duties, overseeing the building inspection program may not be conservation related. The reason why Lien would argue that is that Stenulson still does erosion control on one and two family dwellings and in Lien's mind that is still conservation related. Even though Lien's title is not County Conservationist anymore and we don't have a historic "Land Conservation Committee", he still feels the work that he and the Department does is conservation related everyday. Lien spoke to the Land and Water Board Committee last spring about that and they seemed to understand. Lien was asked to speak to them solely about nonmetallic mining and when he did that he took the opportunity to also address this funding issue as Lien knew it was a contentious issue and there are many other counties' like us out there. The reason there were mergers in many of the County's is because of staff cuts, funding reduction and increased work load. What we did in Trempealeau County, which wasn't a "knee jerk" reaction, is started out with a 10 year plan that was a Division of Land Management (four different departments working together). A Citizen Advisory Committee was put together which looked at how we could best serve the needs of the County in the future and created the Department of Land Management where all four departments were merged so that staff could be cross trained. DATCP is somewhat scrutinizing that. Yesterday Lien had the opportunity to log on to a phone conference with the WLWCA (Wisconsin Land & Water Conservation Association). We decided, as a whole, at the end of the meeting to ask DATCP to hold off with a decision because we can only respond to them by the 14th (the memo came out Nov. 20th and Saturday, Dec. 14th is the deadline) so Lien wanted it on the agenda so the Committee would have an opportunity to respond. Lien explained that how it affects this County is that 90% of Lien's wages are reimbursed from DATCP and regardless of what Lien is paid (they have no stipulation on what Lien gets paid) it is reimbursed at 90%. If we can't use that as a formula and we have to use another position's wages that might be clearly defined as 100% (Lien said "might" as entire staff is cross trained to do multiple tasks) they could argue that perhaps that person isn't 100% because his title might not reflect that or he isn't just doing conservation work. If that happens the funding gets reduced again to the County. Bice commented this is another problem with government and questioned what their goal is? Lien responded they just want to ensure that the money they are spending/sending out to counties isn't being utilized by zoning staff or sanitary staff. Lien felt sanitary work is completely conservation work but in their definition sanitary staff or a zoning administrator is not considered conservation staff (by DATCP's definitions). Bice asked if it is possible that they give Lien a title that satisfies their needs and then Lien can cross work with other

members of the Department. Lien thought we could do that and Lien's job description could potentially be rewritten but it is kind of the "shell and nut" game as it is really hiding the fact. Lien stated it was the feeling of most of the other county's that we take a stance on what really is conservation – define it. Lien stated yesterday during the meeting that we have been put in this situation – we didn't ask to be. Our farm land is being taken out of cropping production and being actively mined – there is still conservation work whether we are controlling storm water erosion control on farm fields or doing it on a mining site – it is still conservation work. Lien thought the argument needs to be made clear to DATCP that just because we are forced to "switch gears" doesn't mean we're not a conservation county and we're not a conservation staff. Our goals are still the same. Patzner added you have more work. Lien thought, in a worse case scenario, that if they don't listen, we can play that game or we can split the department back up and go back to the Land Conservation Department and a Zoning Department and split staff or create another division. Again, if Lien oversees duties that even doing so would make him ineligible for the funding, so it is a real fine line. Lien felt they were clouding the real issue. He understood they want to get the bang for their buck. If they are giving funding for conservation it should be used that way. Lien feels wholeheartedly that what he does every single day is conservation related. To make it public, Bice asked what DATCP stands for. Lien responded Department of Ag, Trade and Consumer Protection. Bice thought that covers much more than conservation and that they are playing games with us. Bice thought Lien was on the right track here, discussing your approach. Bice commented this is nonsense that we are even wasting our time on this. Lien explained that three years ago he printed out all of his time sheets for two years. Brandt wrote a letter, attaching Lien's time sheets, and sent it all to DATCP saying, "look at his time/log sheets". The majority of Lien's time is all Land and Water Conservation because in that plan it encompasses everything that we do, but again Lien only (because of feeling somewhat guilty) submits 90% of his wage because of the building inspection program that he oversees. Lien reiterated that the erosion control portion of one and two family dwelling inspection is still conservation work. Bice asked if Lien was looking for an ok from this Committee to approach DATCP or at least at this point say, "Give us some time to deal with this" and maybe have a little more input. Lien replied the Land & Water Conservation Board is going to do that. Lien referred the Committee to the attachments. Lien had a letter from Wisconsin County Planning and Zoning which is a very good letter as well as something from Waushara County. Lien was looking for something similar to what Waushara County did that would be signed by the Chairman of the whole committee or something along those lines. That letter states that this Committee still feels that they are delegated, statutory authorities of the Land Conservation Committee (that is why Patzner sits on this Committee) and that we are very much conservation minded and just because the Department is merged doesn't mean we have lost sight of our goals. Lien could draft something like Waushara County if the whole committee would be willing to sign it. Because of the deadline involved, Lien thought it would have to be e-mailed out by Friday afternoon. Bice suggested Gamroth get something ready for the Committee to sign. Lien stated Stalheim and Doelle are currently supposed to be drafting something up. Lien thought if he could get verbal approval from the Committee, something could be drafted up and e-mailed. Bice asked each Committee member if they approved of that, and starting by saying Bice personally will approve of it. Nelson stated if Waushara County guidelines were followed and just changed the wording to "Trempealeau County" that would be fine. Patzner agreed. Brandt stated they outline the concerns having to do with limitations placed on us by other circumstances. They basically did what we have done here which is found an efficient way to do what needs to be done even through funding and staff cuts. Brandt stated he agreed, just change the names and numbers and put our name on it. Bawek stated he thought it was an attempt to force us to hire part time people and split our departments back up which to Bawek didn't make a lot of sense. Bawek stated he is 100% behind what Lien wants to do. Zeglin stated yes, the template from Waushara County does seem to be good and she would like to do something similar. Bice announced there was unanimous consent from the Committee.

At this point, Brandt made a motion to remove Bice as Chair of the Committee. Upon Bice stating that Brandt couldn't do that as it was not an agenda item, Brandt responded that it doesn't have to be as he has consulted with Corporation Counsel and we can change our organization at any time. Brandt stated he was significantly disappointed in Bice's behavior and Bice's comments last week especially as they disparage this Committee. If

Brandt has a second he would like to speak to it. Bice declared this meeting over. Zeglin seconded Brandt's motion. Zeglin stated she agreed with him 100%. Bice stated we need Radtke to come down. Lien asked Bice is we should recess as Radtke wasn't answering at his extension and Lien could run up to his office. Bice stated we won't have a recess but instructed Lien to go ahead. (The Committee was silently waiting for Radtke) Lien announced Radtke was on his way. Lien asked if the next meeting date could be confirmed as January 8th – the second Wednesday of January. Bice responded yes. Lien asked Gamroth if there were any public hearings scheduled/pending. Gamroth replied not to her knowledge. Budish stated the next mine application has confirmed that he doesn't want to be on the January agenda either. Lien commented the only thing we would have on the next agenda is the Communication Tower Ordinance. Lien added that VerKuilen has been working on a couple of other revisions that are on the "back burner" now. The Shoreland Ordinance, that we have been working on for five years, has just been given a two year extension from DNR, to make amendments to that. Bice interrupted Lien and stated he was officially adjourning this meeting now. Bice stated to Nelson that while he was gone Bice had adjourned the meeting. Upon Nelson asking if Lien got in touch with Radtke, Lien announced he had. Bice stated the meeting is adjourned. At this time, Radtke entered the room. Bice stated to Radtke that he had adjourned the meeting a few minutes ago. Bice stated we did not have quorum when he adjourned the meeting. Brandt stated there was a motion on the floor at the time and asked if it was appropriate to adjourn the meeting when there is a motion on the floor? Bice stated when he adjourned the meeting we did not have a quorum. Nelson stated the motion was not on the agenda. Bice stated he would explain to Radtke if he was interested. Bice stated we were completely through the agenda, Bice had adjourned the meeting but Brandt made a motion to replace Bice as Chair. At that point Lien asked for a recess, Bice didn't grant one and several people left, we did not have quorum, at that point Bice adjourned the meeting. Bice's first questions for Radtke was, are they legally within the right to replace him as Chair if it was not on the agenda. Radtke responded the Chair can be removed at any time; it doesn't have to be on the agenda, and can be removed with just a majority vote, same with the County Board Chair. It can be done at that meeting and the concept behind that is if the body is dissatisfied with the Chair, they can have that person removed. However to vote to take nominations and appoint a new Chair, that would need to be on an agenda as that is an election of an officer. Otherwise, the Chair could control whether they are removed or not and that is really a decision of the majority of the body whether or not he serves as Chair. As to adjourning a meeting, a Chair does have the ability to adjourn without calling for a motion, seconding and a vote but that is usually because it is generally agreed by the Committee. If there is not an agreement to adjourn the meeting, you cannot do that, one person cannot do that, a Chair cannot do that, you have to have a motion and a second and vote on it, so ordinarily at the end of the meeting, when everything is done and there is no other business to be taken up, the Chair can say, "I adjourn", there is no point of order or a disagree then the meeting is adjourned, so that is how that process works. Brandt made a point of order at this point. Bice stated they asked for a recess, Bice did not grant a recess and the quorum left – we did not have quorum. Radtke questioned what Bice meant by "the quorum left" because Radtke sees everyone here. Bice stated they were gone, they stepped out, apparently to use the restroom, confer in the hallway or whatever, they stepped out. Bice added when we were below a quorum he adjourned the meeting. Upon Bice asking if the meeting could be called back into order if the Chair wants to, Radtke responded he wasn't sure if it was ever "officially" adjourned. Bice asked why it had to be officially adjourned when we lose quorum. Bice asked if Radtke was saying he didn't have the legal right to adjourn the meeting. If there had been a recess Bice stated he would understand. Radtke stated he was trying to figure out, since Bice stated there was no quorum and that people left, but Radtke sees them here and he see some people shaking their head, no, as if that is not how that went. Radtke was just saying that everybody is here, even if they step out to the hall for a minute, they are still here. Bice disagreed with Radtke stating when they have left the room we no longer have a quorum and we certainly couldn't conduct any business that way. Radtke asked at what point they came back into the room. Bice responded after he had declared the meeting over. Zeglin stated to Radtke that the motion was made prior to the Chairman calling for adjournment. Radtke clarified there was a motion and second as well and there was no action taken and no vote. Brandt stated there was no call for a vote and he was about to list his reasons when Bice declared the meeting over. Radtke asked how many people were in the room. Brandt responded all of us. Radtke stated it seemed to him that he didn't

think a Chair, one person of the body, can declare a meeting adjourned and he didn't think it was official. Bice announced that apparently the meeting is still on. Bice instructed Brandt to go ahead and give his reasons. Brandt stated you must be aware or we all are aware of the distrust you have in the Committee's ability to make rationale decisions related to, specifically, sand mining. You stated in a public record in a public hearing in Madison that you felt we were incapable of a rationale decisions related to these things because of the misguided fears that had been promulgated and believed by the public. Brandt has also had difficulty in the past with Bice's lack of support for some of the actions of the Committee either as a member of the Exec. /Finance Committee or as it relates to, in terms of budget, but also in terms of our projects, specifically the LIDAR project. Bice interrupted Brandt stating Brandt had made a point and we're going to do this point by point. Bice stated what he was quoted as having said, and he did submit this to the State, was that we need State regulation over the mining industry because small committees like I sit on are influenced by emotional pleas but I didn't say my committee, so your statement there is wrong, I did not disparage my committee but I did make it very clear that because, in the State of Wisconsin, we have so many people that testify emotionally, it is difficult to sort out the facts. Like Bice said it is difficult for us to weigh the information and make a decision. Bice didn't know if that really has much to do with it but instructed Brandt to go ahead and make his next point. Brandt stated through reading the really good minutes from last month, it was clear in our discussion at the time, Brandt's question was, if you feel like we're not able to rationally discern the facts are you also somehow compromised in your ability to rationally discern what is truth and what isn't and it has been your contention that you and sometimes you alone are the arbiter of what it is that is true and what isn't true. It has been Brandt's experience in that a Chair of a committee is a facilitator; a Chair of a committee is not the person who makes determinations. The Chair of the committee is the person who helps everybody else, not only to come to the conclusion but to bring out that part of the discussion that they hold. For instance, Patzner is our Ag person, we have the Town's person, we have the Producer person as well as the expertise that the Committee members have. It has been Brandt's experience that you have significantly made that difficult for us to do and that you have compromised not only the reputation of this Committee and this Department within the County but also the legitimacy of our decisions by your representations in the public and my conversation with Hogden is yet another example of the distrust that the townships have for this Committee and for County government as a whole. A trust that we have lost, that we worked hard to gain and have lost and Brandt feels that, though you certainly have an opinion to express, as the Chairman you are not doing your required duty and for that I would like to ask the Committee members to support me in removing you as Chair and to elect a new Chair next month. Bice asked Radtke if he would like to have closed session. Radtke commented he didn't think it was appropriate to go into closed session. Bice stated to Brandt he didn't know where to begin. Bice didn't think Brandt could name a specific time when Bice specifically said something that wasn't true, if it wasn't true, I can prove that and everything that I ever said because I look at things very, very carefully. I take emotion out of my decisions. There is no way I'm going to stop this I don't think so I'll just give you a little information. The first thing is that I happen to believe strongly that this Committee does not have the right to violate people's private property rights. Now when I say that – what that means is that we as a Committee, we have a job to do. They come in with an application, we are supposed to look at that application, make sure that it is suitable, we attach conditions to it and if they meet all the conditions that we carefully establish that we have to weigh it and determine whether or not it is a good thing or not. But when we do that we also have to understand that person owns that property. We have to give them a great deal of rights too, rather than just the people who oppose it. That is one thing that our Committee has failed to do is take into consideration the rights of the people that own the land. Almost 98% of the concern that we voice is for somebody who doesn't own the land. So when we get done with the conditions, in most cases, Bice feels that in most cases we should say it's a legal thing, they've come to use, they've gone through all the steps, we should do it. In regard to testimony Bice gave to the State, he would give it again, I will give it again because (Rian says we shouldn't go into closed session so I will keep a little bit of information to myself) I have observed we as a Committee have not always made the right decisions. We had several things happen today and all of them went through no problem. As far as replacing me as Chair, Bice offered a couple of personal things here. The Committee, probably two and a half years ago, begged me to replace you as Chair and I said that would be inappropriate, I'm not going to do that, I think you

knew that they wanted you replaced as Chair and I said, “We’re just not going to do that”. The fact that you stabbed me in the back doesn’t surprise me, but the other thing I will tell you is that you very carefully and very calculated worked with other people to basically undermine this Committee and you have been very successful and now you’re going to close the final chapter on that. I guess that is all I have to say. Bice stated we have a motion and a second. Bice asked for any more discussion. Motion carried 4-2 with Bice stating that he and Nelson were voting in opposition.

Set Next Regular Meeting Date as January 8th 2014 Lien went over tentative agenda items for the December meeting**.** The next meeting was confirmed for January 8th, 2014 at 9:00 AM in the County Board Room.

The meeting was officially adjourned at 11:48 AM.

Nelson stated his reason for his vote on removing the Chair as being we’re about four months from election; he felt we could just make the change then.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary