

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

SPECIAL MEETING MINUTES
April 16th, 2015 6:00 PM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 6:00 PM.

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

Committee members present: George Brandt, Michael Nelson, Wade Britzius, Jeff Bawek and Kathy Zeglin. Jon Schultz arrived at 6:34 PM. Curt Skoyen and Rick Geske were absent.

Staff/Advisors present: Kevin Lien, Virg Gamroth and Jake Budish.

Others present: Bill Vachon – Environmental Consultant with Foth Infrastructure and Environment, Karen Vachon, Jeanne Nutter, Julie Dick, Jim Schwartz and Ken Schreiber.

Adoption of Agenda - Nelson made a motion to approve the agenda, Britzius seconded, motion carried unopposed.

Adoption of Minutes - Zeglin made a motion to approve the March 5th, 2015 special meeting minutes, Nelson seconded. Bawek made a couple of minor amendments. Motion to approve the amended minutes carried unopposed.

Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining Brandt started out by suggesting the Committee discuss a recommendation that has been forwarded to him in regard to how it is the Committee runs the public hearings. Some of the general recommendations that come out of the report are for continued public input, citizen participation and finding ways to educate the citizenry as well as to expand participation in the decision making process. Brandt was approached by someone who wishes the Committee to consider, (It is part of the prerogative of the Chairman to decide how it is the public hearings are run based on our Ordinance but Brandt said he wasn't going to make any decisions until he brings it before the Committee and we make the decision together), allowing a "group" presentation. In the past, some of the public present has been organized with three minutes on one topic, three minutes on another topic, etc. If there is a representative of a group of people (i.e. neighbors) with interests in the application, the request would be to give 15-20 minutes for a "counter" presentation of information and opinion related to the project. Brandt stated we haven't done that in the past, it has been three minutes for whoever wants to speak. Brandt asked for Committee thoughts. Lien commented that if the Committee decides to do that, he would prefer it be after the applicant gives their presentation as many times that answers a lot of the questions. Lien suggested limiting it to one group presentation per hearing because if we have multiple groups we are going to be sitting here for hours listening to different presentations. Lien definitely wanted to have people air their concerns/issues but he doesn't want to hear multiple presentations on the same issue. Discussion took place amongst Committee members. Britzius thought generally speaking it is a real good idea. We tend to think of all of us as isolated individuals and there are people who have opinions as a group and that is a good thing in our society. Britzius felt it would be really good to allow that and to encourage that. When Brandt was approached with this concern, his thought was that there is

an emotional component (as we have discovered). Every individual has a story and sometimes the emotional component can't be communicated by a spokesperson. Brandt told a brief story of a landowner who had testified and stated the ability to see what was happening to them helped the Committee to make a decision in terms of a CUP that might not have otherwise been made possible. Zeglin told of her experience with public testimony at a public hearing she attended in Buffalo County last year. Bawek stated he comes to the meetings to sit here as long as it takes so anyone that comes with something to say should be heard and they should be given enough time so that we get their message as sometimes one cannot express their thoughts in three minutes. An expert would be beneficial if that expert is here for one side or the other to help the Committee make a decision. Bawek felt the more time that one is given to explain to the Committee, the better. If one looks at the packet for the up and coming meeting that is a group of peoples' presentation and we will go home and study that for 15 or 20 hours and an individual living next to one of these things doesn't have the opportunity to present the Committee something like this to take home so for them to be given time at this meeting is their right. Britzius thought it was something well worth trying and if it doesn't work we can change the hearing process. Zeglin commented the companies that make the presentations don't have a time restraint. Gamroth commented that the company/applicant pays for the hearing. Zeglin responded that the Committee has often heard four presenters (people representing the mines) say the same thing but just as a contrast in time allotment they have no time restraint and the people opposing it do. Brandt stated we have a significant responsibility and the more information that we have in our decision making process, the better the decisions are going to be. Jeanne Nutter commented that the public pays as well as we are taxpayers so we are paying everyone's salaries. Nutter knows that the mining company's pay for the hearing but we as taxpayers pay for all of the county's work as well. Brandt added we are required to listen and hear and take it all into consideration. Britzius asked what the technical process was here, if Brandt as the Chairman has the ability to establish those rules? Brandt pointed out that it is within our Ordinance that the Committee can set rules of the public hearing. Bill Vachon made a comment from the engineering standpoint that if the individuals around the property would like to have an assigned speaker he thought that would be fine and if individuals after that would like to speak that is their prerogative and from Vachon's perspective that is what he would want to happen – that everyone gets a chance to speak. The last thing we want to do it to have somebody go home and express their concerns and everyone knows what happens after that. From a presenter point of view, Vachon thought it important to give everyone the opportunity to speak. Brand read aloud from the Comprehensive Zoning Ordinance, "at a public hearing any party may appear in person or be represented by an agent". At this point Jon Schultz arrived at the meeting. Brandt informed Schultz that the Committee was dealing with the question of whether or not groups of citizens could request that they be represented by an individual to make a presentation, i.e. up to 15 minutes and if that is appropriate. Lien read from the Comprehensive Zoning Ordinance, "Public hearing procedures – Zoning Committee or Board of Adjustment may adopt any formal or informal public hearing procedures". Brandt stated it is clear that the Committee has the ability to create its' public hearing procedures and we have done that with time constraints, i.e. 3 minutes, etc. We have a notice at the head of every agenda which says if we feel we need to take a break we are going to. Brandt reiterated that he was approached with the decision to allow it and Brandt said he would not make a decision without Committee input. Brandt noted that, if not in the spirit of one of the recommendations from the Final Report of the Health Impact Study, it was specific that there be more public input or as much public input and citizens involved in the decision making process as possible. A lengthy discussion took place on this issue. Jeanne Nutter commented that she thought the Committee has to think about a person and when you give them those three minutes to talk about something that may drastically change their life, their lifestyle, their livelihood or where they live, it is a big deal. She thought people are coming more prepared to public hearings because they are more educated, they're learning more about their own environment and how this industry may impact where they live and they are doing a lot more research. People are much smarter now. She reiterated that for many people these decisions are life altering and life changing so three minutes to say

why you need to respect their opinion and their little piece of heaven is not very much time. Jim Schwartz commented that it occurs to him that when a corporation comes before the Committee with a proposal they have unlimited time to present a very comprehensive, logical approach to why this is a good thing. When people with alternative views get three minutes, you're going to get a lot of scattered thoughts and Schwartz thought we need to provide time for a logical, sequential counterpoint, the comprehensive rebuttal to what has been proposed. We are at a disadvantage, as citizens, to have three minutes to throw one thought at you when these other people have hours to put together a methodical approach for a very logical argument. Schwartz stated it behooves the public to have the opportunity for a longer presentation. Bawek thought there needs to be some type of limit stated as we don't want a filibuster. We do need to have a limit, but it could also be at the Chairman's discretion as to whether they can go on or not. Brandt mentioned we are here to gather information and to gain insight as a Committee because, as was stated, we make decisions that change peoples' lives and that affect the County for decades to come, so we need as much information as possible to make the most educated decision. More discussion took place. Britzius made a motion that at public hearings the E & LU Committee allow representatives of groups to have extended periods of time (20 minutes) and that the Chair has discretion to ask people to stop or to allow extra time if it is perceived valuable to the process, Zeglin seconded the motion. Bawek asked if the individual time frame would stay at three minutes or would it possibly be extended to five minutes. Brandt thought in the past the three minutes has been extended quite often. Britzius suggested the pre-registration as Buffalo County has for expert testimony. Discussion took place on the issue of what is considered a group, etc. For the new members present, Lien stated it is not a "tic" count of the number of people that register which makes the decision, because we had a mockery of that process a few years back where we had received stacks of registrations from almost every state and we had to read all those sheets into the minutes. Lien reiterated it is not the number that makes the decision but it should be based on the application itself and where it is located. Brandt commented he read Judge Levin's decision related to the cerciary review which points that out as well and that was one of the issues that the litigant had raised and according to Brandt, Levin had said the number doesn't matter. Schultz commented that is why we want to hear good information because the information that we hear, that is in the minutes, and is of course what our decision is made on and what is going to be looked at. Bawek questioned if you have the right to speak for 3-5 minutes as an individual and to talk longer if one says they are representing a group and that one should identify who they are representing or who is in the group. He also thought the Committee had to set a time limit on the time allotted for an individual speaker. Nelson thought Lien did a good job keeping time. He doesn't cut anyone off and if someone isn't quite finished he lets them speak a little longer but he will warn them. Bawek responded that we have been told that we have allowed someone to speak longer than three minutes so it almost has to be a stated time or state that it is at the discretion of the Chairman. Brandt said concerns about fairness have been raised and that is an issue that has been raised a number of times. Zeglin saw a problem with a group presentation not registering in advance as we would have no idea who is coming and what group they are representing. The day of the hearing we could have 10 or 20 individuals sign up as a group which could be a problem. More discussion took place on this. Brandt asked Zeglin again to elaborate on the public hearing procedures in Buffalo County for speakers. Zeglin stated there was a deadline and they had to register two weeks ahead of the hearing and those applications were reviewed by the Department to be deemed legitimate and then they were notified that they should come and present. Lien voiced that he was thinking of how to let the public know of this process and that it would probably have to go into the newspaper ad. Lien suggested anyone wishing to testify as a group would have 20 minutes and that they submit their request two weeks prior to the person and identify the spokesperson or who is in the group. Britzius and Brandt suggested they register one week prior. Britzius amended his motion to say, "Groups or expert witnesses can have up to 20 minutes and they have to pre-register at least a week in advance with the DLM". Britzius stated if anyone would walk in at the last minute with an expert witness that could then be allowed at the discretion of the Chair. Zeglin agreed to the amendment of Britzius' motion. Budish

questioned how the Committee was going to justify an “expert” from a person who just read a bunch of “expert” information on the internet and is self-educated. Consensus was that would be at the DLM staff discretion. Lien thought we could perhaps try this a couple of months and amend things as needed. More discussion took place. Brandt stated we have a motion and a second to “change up” our public hearing procedures. Gamroth read back the motion as, “Britzius made a motion that the E & LU Committee allow the opportunity of groups to have an extended limit of time and the opportunity to present extended testimony. The Chair has discretion to ask people to stop” or allow if it is valuable to the process, Kathy Zeglin seconded. Britzius amended the motion to add that groups or expert witnesses can have up to 20 minutes and must register at least one week in advance. Lien stated that would be in the public hearing notice when it is sent out and in the letters sent to neighbors. Upon Bawek questioning if an individual time frame would be mentioned, Lien responded no, everyone still gets the same. Motion to approve the motion as amended passed with no opposition.

Brandt was asked several weeks ago when the Committee was going to get to the “sustainable communities” aspect of this report which has the majority of the recommendations. We have been dealing with the air, water, light and sound issues and trying to figure out what is part of the CUP side and what is part of the Ordinance writing side. Brandt stated the Committee would continue in that process, but he is also going to entertain any sort of discussion related to how it is we approach the sustainable community side of this as well. Brandt noted a quote from Deller & Schreiber, 2012 that is on Page 18 of the Final Report, “Counties must take a long-term planning approach to minimize potential long-term negative impacts.” Brandt stated we have taken a long term planning approach in the past, prior to industrial sand mining, and we are in the process of reviewing that Comprehensive Plan. Lien suggested going back to the overlay district which everyone has been asking for since 2010 to distinguish where sand mining is going to be and not going to be. Britzius stated it seems we have been working on this technical stuff the last couple of meetings and it feels like rearranging the deck chairs on the Titanic. We have got a pretty good Ordinance already and as Lien said earlier, it has the latitude mostly and it could use a lot of tweaking with the latitude to address things specific at each site. We essentially have that, maybe we should tighten it up some. The real issue is the bigger one in the safe and stable communities; real economic vitality for our community and rural atmosphere. What is this rural county going to look like? We can make all the rules we want to but the big mines are going right past us and all the stuff we’re doing here doesn’t have anything to do with that. Britzius thought that is what we have to address. Right now the only tactical way that Britzius saw was the overlay district and that is a limited tacting because the town and the annexations can cut through that too. If we want to really address the important issues it seems like we should spend a lot of time talking about the overlay possibility and what its’ possibilities are and what its’ limitations are. But even if we do that, this annexation issue cuts through that so that is where Britzius thought the intergovernmental things comes in. We need to be working with cities if we possibly can. Brandt stated that process has begun. Britzius thought that seemed primarily important. Lien stated one of the things that is on the horizon is that every month on our standing committee agenda we have our Farmland Preservation Plan update. That plan is being updated this summer. Peter Fletcher, Mississippi River Regional Planning Commission (MRRPC), Meghan Wessel and Lien have talked about that. On top of that we are looking at doing a Smart Growth Plan revision/update by town. When the Land Use Plans and Zoning maps were developed it was done by town and DLM staff met with each one of them. It took approximately 12 years to do all 15 towns. This summer Lien stated we are going to be meeting with them again to: 1) look at the Farmland Preservation plan and 2) to update some of the Land Use Plans because there are some inefficiencies in the plans. At the same time the conversation would be brought up regarding an overlay district. Lien feels that if it isn’t a “buy in” by each individual town, than it is a process that isn’t going to work. Lien explained the process has always began at the town level as those are the people most affected. When it first started it was not a very welcomed process because they thought it was “big brother” telling you what to do with your land. There is no question that if one starts drawing

lines on a map as to where mining should be, because it makes sense and where it shouldn't be, people are going to be upset on both sides but those are the tough decisions that one has to make. By default, we are seeing where it economically makes sense also and where the viable sites may or may not be. Brandt stated Peter Fletcher challenged the Committee in his presentation a few months ago to do the hard work. It took 12 years to do the Land Use Plan and it was difficult but it was political will that has kept it in effect and got it through the process and has kept it in effect and that is the town level/board "buy in" as well as at the citizen level. Britzius asked how that happens. Brandt responded the way it started is that the Zoning Committee divided up the townships and each one or two of them was assigned or volunteered to go to a township. Brandt was in Ettrick, Trempealeau and one of the northern townships as well. Brandt's role was observatory but also to show the commitment of the Committee to the process and also whenever possible or necessary to say, "The County is not telling you what to do, we're asking you to tell us what you want to do" and that was our message. Lien explained that the process started in a very simple form, i.e. there were crayons present and everyone was presented with the different zoning classifications and asked to color their property as they thought it should be zoned for the future. Then the discussion began about transitional corridors, commercial corridors, R-20 zoning (residential development) and industrial zoning, etc. According to Lien for the most part landowners got the general idea. Lien clarified that every landowner in the town got a letter and was invited to the meeting. Lien stated the things that have changed over the last 10 years is that in 2006 was probably the biggest boom in residential growth so during those years of planning, everybody planned for residential growth. Today, in light of what has happened, there might be a whole different plan. One thing Lien could say is that Pat Malone has done survey's through UW-Extension and the goals that came out of the late 90's and the mid-2000's related to planning in Trempealeau County are the exact same goals that came out of the survey last summer where, #1 - people wanted to preserve the rural characteristics and aesthetics of the County, preserve agriculture, protect water and soil. All of those same goals that were in the original land use planning process were still the top goals that came from Malone's survey. Lien's guess is that people who live here still have pre-dominantly the same thoughts and feelings. Britzius questioned how or whether there was a way to include people who live in the cities in this process. Brandt commented the way we did it at the time (he thought it would have to change based on the intergovernmental meeting) was one representative was asked to attend from each one of the incorporated municipalities. Ken Schreiber mentioned that he and James Schwartz were both on the Town of Hale Planning Committee and he found the process very disappointing in that Schreiber thought they had a fairly logical approach to what they had planned and they had quite a few meetings but then when the public meeting came around, basically there were people there that wanted maximum ability to develop their property -high residential development throughout the township - and it was absurd because there isn't that much demand for development in our township. Schreiber questioned whether there was any way the County can impose some minimum requirements for this kind of zoning where they at least establish some logical level of zoning that considers things like infrastructure and factors that are needed for mining, so that you don't end of with people coming and saying, "Well, I'm just in it to sell my property to the highest bidder" and their own selfish interests might rule instead of logic. Brandt responded that in a sense it is a dangerous question because we can't, upfront, say "This is a town process- you guys make the decision" (because it came down to the town supervisors or Planning Committee to approve the plan) and then say, "Oh by the way, here are your maximums or minimums". Schultz clarified that what Schreiber was asking for from the County is or the kind of criteria Schreiber was looking for is, in example, that land zoned R-20 (Residential-20) must be within a certain distance to a County highway or sand mine processing cannot be within a floodplain. Schreiber added or be within a certain distance of rail lines or infrastructure. Schreiber stated there is something in the report about scenic beauty as criteria for developing this overlay. Schreiber thought the majority of the people do want to maintain some level of scenic beauty in the County. Schreiber thought it really important that the County develop some sort of criteria or at least some factors to consider and where mining should or shouldn't be. Brandt commented this is something that the planner brings. He/she brings the "menu"

and throws out the options. Lien voiced that in regard to Town of Hale's plan, when one looks at the County, Hale is the only one that is pink (Residential -8 (R-8)). When the planner came to Lien and said, "This is what they want", Lien thought there was something that the town's people were missing. Lien attended the next meeting and he was corrected real quick that the town's people knew exactly what they wanted and they wanted residential growth. Schreiber added or they wanted the ability to do that even though it never happened. Lien explained that the pink color represents Residential-8 which means on every 40 acre piece in the township, with the exception of where there is some green (representing Farmland Preservation contracts), one can have eight houses. Every forty could have eight new houses. Lien reminded the Committee that from 1972 through the mid-2000's it was adopted that we had general Ag zoning which had a density of 80 per forty. Every half acre could have a house on it so it was a density of 80 per 40 acres so R-8 was a significant reduction. Lien explained the light green color on the zoning map is Rural Residential with a density of 4 houses per 40 and a lot of people felt that was very restrictive when currently one could put 80. Lien stated 80 wasn't practical anywhere. In referencing the current zoning map, Lien stated predominantly there is some continuity between townships and we did kind of work in groups. We started out in the southern part of the County where the most growth or property splits were. Lien believed the public hearings for the Towns of Gale, Caledonia and Trempealeau were held one night and all three plans were adopted at the same time. Lien explained more of the planning process. Lien stated Chimney Rock has some unique topography compared to Town of Hale and they went with more Rural Residential zoning. Schreiber expressed that he is really concerned about leaving that final decision about what the overlay looks like at the local level because he felt the same thing could happen again where their primary interest is selling their property and they are not staying there and living there and having their kids live there. Their interests are different than Schreiber's. Schreiber wants to stay there and to maintain that beautiful area of the County and he wants to see it to stay that way. Lien stated the only positive by default, if you will notice, is that you never had an inquiry for an industrial sand mine because it is not even a conditional use in R-8 zoning, so someone would have to come in and apply for a rezone. Nutter reminded the Committee that they did do that and we have been waiting 3 years and two months now for something to happen. It is a mine which potentially touches 11 families and there are like 16 families within a two mile radius that ask Nutter at least monthly what is happening. They state that they have been living on the edge of their seats for three years and not a shovel of sand has emerged. Nutter received a call the other day asking what is going on, do we need to sell our property, do we need to tell people what is going on. That land was rezoned, but nothing has happened and that is one of the things that drives people insane and it has been three years. Lien responded that is why the Committee amended the Ordinance in December, 2013 that gave people twelve months to complete the conditions which that site has and now they have twelve months to be actively mining. Lien told Nutter to tell her constituents that in the next twelve months something is going to happen or nothing. Nutter added it is miles to the nearest railroad so it would be all trucked. One thing Britzius thought this might bring up is the notion of education. Somewhere in the literature it states that one of the Committee's duties is to educate so if we can let people know that this planning process is happening so that lots of people come out to the meetings in order to get a representation of different groups. Britzius stated if we don't educate and get people out there, the special interest groups (people who know one way or the other) are going to be the ones who come out. That is the way things work, those who are interested come out and make the decisions. Britzius suggested a serious task of educating; ads in the paper, TV shows, etc. Brandt suggested in jest splitting up the Committee into zoning and land conservation because we wear these multiple hats. As part of the conservation it is all about education and public information getting out. It is all about offering options, technical advice, etc. For the last five years we've been "off the map". People don't know that we do conservation anymore as we've been consumed with other things and now we're moving back into that planning process and trying to focus on that as well. Upon Britzius asking what the timeframe was on the planning process, Lien responded we meet with the Towns' Association on April 28th in Pigeon and that will be the start of

the process. Lien thought in June they will start meeting will individual towns. Upon Britzius asking how long Lien thought the process would take, Lien responded they really wanted to try to do it this summer and have it wrapped up by the end of the year. Lien added that they hadn't included the goal of an overlay district in that time line. Lien thought the overlay district is a little longer process, but it is one that will be started. Some discussion took place about instituting the overlay district. Lien commented we know where the rail is, where the scenic areas are so you start by putting buffers around them and start designating areas adjacent to the area and where the resources are. It doesn't take long to reel in what seems to make sense. Lien knows there are a lot of resources in a lot of other places, that are further away, but we have to really look at whether that makes sense. We don't have a lot of R-20's or transitional areas that aren't next to cities and that is for a reason and it makes sense. Lien added we have to start making the tough decisions that make sense. In relation to Britzius' question, Zeglin stated she remembered post cards and surveys that were sent out to each resident and landowner in each township (everybody got something) so whether they filled out the survey and sent it back, everyone did get that and had an opportunity to participate. Britzius commented they at least knew it was going on and had the opportunity. Bawek commented and everyone agreed that was pre-sand mining. Zeglin stated that their particular township didn't even want aggregate mines. Bawek reiterated that was pre-sand mining and it is totally different now. Zeglin responded it is different and it is time to update. Zeglin referenced back to Schreiber's question as to if the County can essentially tell the townships what to do and stated she didn't think that was our role. We can advise and suggest but ultimately it has to be up to the town landowners and residents and what they want their township to look like. Even though Hale did choose R-8, in actuality very little of that has been subdivided and it has been at least 10 years since all these plans went into effect, so regardless of the zoning it doesn't mean that a particular thing takes place. More discussion took place on the Town of Hale planning process. Brandt stated there is a strength that this Committee has, that only occurred to Brandt recently, and that is there are three town board members on this Committee; Zeglin, Schultz and Skoyen. Brandt thought the Committee would ask those members to take the message or be the front line carrier of the message of the work that is ahead of us. Not only the responsibility of, but the importance of, town boards to take this process seriously as well as getting the word out to the citizens. Nutter commented it was two years ago that the Town of Unity updated their Comprehensive Plan and according to Nutter they worked with Peter Fletcher and Pat Malone. They sent out surveys to every single person in the township and had over 50% return in their surveys which is remarkable. Nutter talked to Town Board member, Terry Koxlien and asked him when they were going to do something with it. According to Nutter, they are waiting to know what this Committee is going to do because the County's planning hasn't been submitted yet. Nutter stated they did not want to change the plan that much. It was pretty much even about mining but it wasn't even about where they wanted it to be because mining is great as long as it isn't in my backyard. Nutter continued that this was "post" sand and we were shocked at how many people responded to our survey. Nutter explained they had a couple of focus groups and people came and talked and it was amazing the feedback that was received back from the township. Nutter thought it almost shocking to get that much return. Britzius suggested a sub-Committee to sit down with Lien and staff to draw up some possible district or overlay lines to start stimulating the conversations. Schultz added just because we take a look at one doesn't mean we have to do it. Lien commented we have to make some good progress with Farmland Preservation and other things so he doesn't want that to be the "ice breaker". Lien suggested a softer approach such as talking to them and perhaps getting the town to start throwing some darts at the map. Nutter asked if the Town of Caledonia didn't have a mining district. Lien responded yes they do and that has worked well for Caledonia and they did it way ahead of time. They saw what was happening and that they were having these huge gaping holes in the township and that the town was leaving a truck at a time. They then said they were going to "reel it in" to this parameter with a growth area here and that was basically it. Brandt added that Fletcher has pointed out that it was the political will of that town board to commit to that is where the mining was going to happen. If someone came to ask about someplace else, they said no we want that to be developed for

housing and it was. Britzius stated it is simpler and clearer there as there is a lot of housing pressure there and the mines are limited in size and that makes it easier. Brandt wanted to “extend the umbrella” and talk about water resources and the recommendations that come out of this report. Let’s talk about protection of wetlands, surface water, ground water and the quality of life issue. Let’s talk about sustainable communities and the diversity of economy, increased housing and school issues in terms of population. Brandt stated those are the kind of issues that we also need to take into consideration when we are talking about an overlay district and protecting. Brandt knew that Square Bluff is an issue for Britzius as he is a bicyclist. It is one of the main bike routes that people come from all over the planet to see. Brandt recalled a ride in a car with Britzius over the top of it and according to Brandt, Britzius said, and “I don’t want this to go away. Can we draw a circle around this”? Brandt added that is what Lien is talking about. Nutter asked if the Committee knew that Wisconsin Public Radio does an ad and they have a guy (Taavi McMahon) who is riding his bicycle right now in Trempealeau County and one hears that information every time one listens to public radio. Lien is asking the Committee to hold back and ask the townships to define those areas that they would want to draw a circle around Brandt asked if the Committee should draw a circle around as far as protecting scenic views. Bawek suggested taking Schreiber’s suggestion and stated Lien talked a mining district already by default. Bawek thought it was the Committees’ job to layout an area, give it to the townships and let them start punching holes in it, as a suggestion. Bawek thought the Committee has to give the towns something to look at because otherwise it is going to be such a long process that by the time they get it done, it might be over with. Lien had Budish display an aerial map of the mining sites in the County. Lien pointed out that Budish has displayed, based on Conditional Use acreage, the mines that are located in that central area of the County. One can see that it doesn’t take much to connect them as they follow the rail corridor and also State Highway 95 from Blair to Arcadia. Lien stated it is following major transportation routes and the rail. Lien didn’t see it going back into a lot of the valleys because of the transportation issues in getting the material out. Bawek reiterated that the Committee should draw a line around it and send it to the townships and tell them to look at it, send out a township survey and see what everyone says. Lien added that because the County has LIDAR, it can be done by topography because we know where the resource is as well so we don’t need to draw lines of wetlands and flood plains and low lying areas. Talking generally, Brandt stated Lien had mentioned where mining makes sense. Brandt gave an example; if sand is between an elevation of approximately 850 and 950, then perhaps it is not such a good idea to do sand mining in elevations above 1,000 and there certainly isn’t going to be any if it is below 850 feet. Two factors to consider is; one is an economic practicality, the other is that there is just no resource, so one could say obviously the Trempealeau prairie is an exclusion because there is no resource. The Committee took a look at several mining sites on the map. Bawek stated what we would be doing is drawing a corridor as Lien sees it and then the townships in that corridor are “punching holes” in this district. Brandt added that the other townships outside of that corridor may come back with recommendations. Britzius suggested that for the common good it makes sense to have some kind of limitations so that individuals know where they can build houses and raise families. Brandt didn’t want it to happen that the Committee shirks their responsibilities related to the recommendations and just throw it all into Lien’s and Budish’s hands. We have some recommendations related to wetlands, scenic overviews, the light issue and surface water. In a sense the Ordinance already says we’re committed to protecting these things. Brandt has his notes related to this and it sounds like one of the recommendations to surface water was increased distance to exceptional water sources and increased distances to wetlands, trout streams, and lined ponds and more monitoring. There was a call in terms of groundwater to be testing more often, monitoring more often and mitigating where there was a known problem. Brandt read aloud, “In order to achieve the goal of a potable, sustainable supply of groundwater and to minimize the impact of potential harmful chemicals, the following recommendations. Brandt stated what they want us to do is commit to gathering information, monitoring and acting on the information that one has and that was part of sustainable community recommendations as well. Brandt continued reading, “gather information related to a healthy economy

and a diverse stable community” and check those things off on a regular basis as to who is buying what, who is improving, who is building and how are the school districts functioning, what is the tax base. The recommendations are to be vigilant not only now but commit to it in the future. Brandt agrees to that but he is not sure how it is that we satisfy what it is the committee is asking us to do. Brandt asked for suggestions but reminded the Committee this is what the recommendations are, that this Committee commit to being vigilant in watching and guiding these processes. Lien thought when one reads the Stable Communities, it really comes down to a lot of education – what is a stable community? Lien stated most of us attended the joint committee meetings with the cities and towns and we heard a mayor say, “If you’re not for industrial growth, you’re for stagnation”. Lien said that is the mindset of some people. Lien wondered if that same individual realizes that we are daily busing people into Arcadia to fill jobs that aren’t being filled, so do we need to keep creating more jobs when we are busing people in. Lien thought there needs to be education as to what the issues are of Trempealeau County. We can keep creating more jobs but if we don’t have housing for the working people or people to fulfill the jobs then why are we creating more jobs. Lien added that when one looks at stable communities it is really an education issue. Human Services Director Deb Suchla gave a great presentation on stable communities, and Lien suggested she give that presentation to the joint committee, but people have to be willing to listen. Lien thought if one listens in-depth to everything she says, it makes a lot of sense. We have one of the lowest unemployment rates in the State, but we also have the highest level of people on local assistance. We also have the highest non-owned housing market, so we have a lot of rental property. Lien questioned why that was as we have a lot of jobs. Lien suggested the income level is low so the real issue in stable communities is how we fix that. There are so many more pieces to the puzzle that Lien thought we just need to educate a lot of people. Lien thought the Committee should start with having Suchla talk to the joint committee. Lien explained she made the presentation to County Board and the people who have access to local cable saw that presentation. Brandt called on James Schwartz who was present and dealt with these issues in his former job. Schwartz responded that he dealt with poverty, homelessness and unemployment, etc. Schwartz commented that he thought unemployment was 4 ½ percent and with low paying jobs people can’t sustain themselves with the jobs that we have created. In some respects when we degrade the County, we degrade the attractiveness of the County, it tends to drive off employers that might be looking to relocate here. There is pretty good technology starting up in Eau Claire and those people are well paid, they like to bicycle and do other things and Trempealeau County would be a perfect place for some high tech company to set up jobs, but are they going to want to move to an area where sand mining predominates. Schwartz stated there is a disincentive when there is a lot of industrial activity taking over a beautiful rural area like we have here in Trempealeau County. Nutter thought one of the key words that Schwartz said was “sustainable”, not employment based on a boom and bust business and she thought that is what is important. Nutter mentioned the man who came and talked to the County Board about their Standard and Poor’s rating and according to her stated we didn’t have a diverse enough economy in this County. We have service and manufacturing and we have to figure out a way to entice the high tech companies. A brief discussion took place about technology companies in the area. Brandt recapped that the Committee is talking about diverse economy and making the County a desirable place to move to not only for individuals (Brandt noted a nice part of the report and Pat Malone had mentioned it as well) and the non-job related income, i.e. the retired people coming here with their pensions, their social security, etc. to create their dream place in retirement and that is not job dependent, it is environment dependent. Schultz commented that is important and he wishes those numbers (how much pension money leaves the Midwest or our state when people move to Arizona or Florida) were looked at. Schultz stated economies are resilient where people want to live. People follow money but economy follows people. Banks thrive where there are already communities. Typically your landscape shapes your economy. If you have a nice place that has productive landscape then people like to live there. We’ve already had pretty good growth to protect us for the last 20 years. Schultz thought a lot of people are paying attention to that. Brandt commented that the education of people who are going to be making decisions outside of this room, but also people in

this room is going to be key in the future. Schultz added that people are asking too (we've heard it at a number of town and county meetings), as people are starting to see some of the "bust" (with layoffs in Chippewa County) so it makes them reflect as to what were the signs of the "boom". Britzius asked what are the ripple effects of the "boom". Britzius noted that Pat Malone had said there were jobs here during the "boom" but the money didn't stay in the area. The money that comes in from industrial sand mining tends to go outside the County. In talking about diverse economies and development, Britzius heard the city people say we want industry, we want development, we want economy to happen and what has the County ever done for us. Britzius suggested developing some type of economic development group that is countywide and includes city's and our County government to look at these other ways of bringing economy to life that is sustainable and fitting to this area. Britzius was going to talk with Pat Malone about that as she has probably thought about that. Zeglin didn't know that it has ever been a county position to draw in industry, etc. Brandt commented in the past it has been voted down. Britzius added that Malone is probably the closest position we have to that. Lien referred the Committee to the hand out dealing with the recommendations from the Health Impact Study. Lien asked the Committee to turn to L-5 (lighting) and noted that Brandt had brought up stable communities. Lien noted it (stable communities) was applicable and it was not regulated by DNR or the County. Lien didn't think it was an Ordinance revision. Lien restated that we could start by doing some educating and have Deb Suchla do a presentation. We keep hearing again and again that we need jobs without looking at why we need jobs and what kind of jobs and so we need to educate people and be educated ourselves. Brandt heard a commitment tonight about pursuing the planning process and supporting the existing planning process and about beginning the discussions about a mining overlay district. We've looked at Budish's map and said more than once, "give the town something to poke holes in, etc." The other thing Brandt heard is that we need to involve the incorporated municipalities. We are related through Statute to the townships but the municipalities exist in every township except the Town of Dodge and Chimney Rock. Bawek questioned Lien if the Independence Mayor had said that the overlay district in the County was a good idea. Lien responded yes. Bawek stated even he (the Mayor) is in agreement that this overlay district is something that has been talked about. Britzius commented the City needs to be willing to buy into it. Lien thought that should be an agenda item for our next meeting along with the presentation from Deb Suchla. Brandt wanted everyone to think about what this would mean. If we start talking about an overlay district, a lot of what just went on in Whitehall (annexation meetings) may seem superfluous. We have to be careful what the message is. Lien continued saying we talked about stable communities and that this is something important and we also talked about the overlay district as a Committee and we feel this is something that should be considered. Brandt wanted to talk about staffing. The recommendations for collection of data and "crunching" of data goes throughout this report whether it is groundwater or an economic indicator or population trends, divorce trends, land ownership/changes, etc. This requires human hours and one of the recommendations was possibly a contracted person who actually hires a firm to track this and report back to us regularly or do we want to do it "in-house" and is this something we want to be committed too. We are talking about stable communities. We need to define what that means and what the key elements are and then what the indicators are for stable or unstable or diverse or not diverse. Brandt stated we were introduced to one new person on the DLM staff (Meghan Wessel) who is going to be taking on some planning as well as zoning responsibilities. Britzius commented there is a long list of data's that could be collected. Britzius thought that was a good research project for some university students. Brandt wanted to hear the Committee talk about what their Commitment is financially, what we think is important and what we are willing to fight for. Obviously staff would have to make these recommendations but would we be willing to fight for another position. Brandt stated Lien is doing three positions right now so he doesn't have time to focus his energy on any one of them. Brandt asked if this was something the Committee wanted to revisit – the recommendation of the re-organization Committee that there be a Director and then a Non-ag (zoning/planning) Supervisor and an Ag Supervisor. Brandt reiterated Lien is trying to do all three of them and asked if that was something the Committee wanted to start looking at. Zeglin

thought the Committee definitely needed to do that as supposedly the Department structure was set up that way and it never came to pass. Zeglin added that the current structure would be a Director and essentially two supervisors – one in zoning and one in conservation. Zeglin would like to see the Department get back to that and that would require two extra people on a very tight budget and that might be difficult to accomplish but it would be nice to pursue. Jeanne Nutter, County Board Supervisor, stated it was really great at the last County Board meeting when some actual conservation things were done and the three kids came and talked and when we allocated some funding for supporting families to get their wells tested. It was a good feeling to feel like we are back in the conservation business. Nutter would like us to get our feet more into conservation because that is what is going to sustain us. Schwartz asked if the Committee works with the Mississippi River Regional Planning Commission because they do projects and you can hire them to do projects. Brandt acknowledged that the County does work with Peter Fletcher from MSRRPC on the land use planning. Brandt stated Schwartz's recommendation is to contract with MSRRPC to collect that data that we're looking for and they do it efficiently. Schwartz agreed. Brandt stated that was a possibility. Britzius stated he wasn't familiar with the past, proposed structure for the DLM and asked Zeglin what type of positions were needed and if two were needed to carry out the work load. Lien responded we have been doing fine right now. Lien stated the work load for Budish and Verkuilen increases in the spring, so Lien tries to ask them weekly if they are doing ok or if they are overwhelmed. Lien explained right now we have a huge open records request that is taking up a lot of Budish's time. Lien said there are things that come up daily in the office that take precedence – walk-in customers and daily phone calls. Lien stated Budish's number one goal at this time of year is doing compliance checks, etc. Lien said DLM is doing ok right now. In answering Britzius question about department structure, Lien stated in the past when we were four different departments, there were four different department heads. When we did the merger in 2008, there was supposed to be a director, a supervisor of NR-151 duties (which are Ag) and a non-NR-151 supervisor. When the proposed structure got to County Board, according to Lien, the Board said Lien worked in both departments so they just put everybody under him. Lien said the one positive, if we went back to having an ag supervisor (Because of what Dept. of Ag, Trade & Consumer Protection did with funding as they feel we are a merged department and DATCP doesn't feel that 100% of the money that they give us is going into conservation since Lien supervises more than just conservation staff) is that person would get the title of Land Conservationist which would restore some funding. Lien explained staffing grant funding. Currently, Lien stated that wouldn't be a request he would come with. Budish added that when he was hired, there was no learning curve. One had to educate themselves to get caught up on the research and history, etc. Now Budish finally got to a point where he has a better knowledge of what is going on. Budish stated that was the biggest issue along with the most anxiety. Budish stated he now has a routine as to what he looks for when he goes out on an inspection and who to contact (he knows what DNR does, etc.). Once one develops a routine then one feels comfortable. Budish stated he was fine with his work load right now and he does zoning, mining, reclamation as well as other projects. Budish added he couldn't speak for any other staff. Lien stated he didn't have time to sit down with Budish and say, "This is how I have historically done things or here is how the person that left did things". It was just you have to do this. Budish stated the first two weeks of being in his job position, he was sitting right here in a public hearing. Committee members commented on how good a job Budish did. Upon Britzius asking what the other positions were underneath the director, Lien responded the position that was vacated was a planning position but Lien stated it would actually be like a zoning administrator position. Right now Mark Carlson fills part of that position but Carlson is also the Sanitarian. Zeglin thought it should be left up to the Department to let the Committee know when they need more help. Brandt recommended contacting MSRRPC to see what resources they have to do data collection and analysis.

Lien stated that at our first two meetings, Bawek had come up with a starting list of really key points to discuss. We had discussed GW-1(Groundwater), SW-5(Surface Water), AQ-1(Air Quality) and we

stopped before we got to GW-8. Lien read aloud GW-8, “All sampling and monitoring results shall be submitted to the DLM annually. Any results that show potential contamination will be subject to additional monitoring and mitigation as requested by the DLM following their review of the annual results”. Lien stated, historically, the processing sites related to industrial sites, we have required the condition that there be annual water testing. Now we have defined that a little more, under GW-4, what the parameters are that we should be testing for (They recommended quarterly but we’ve been annually testing for those). The applicants have all agreed that they would do the annual testing and that results should be sent to Budish and reviewed by Budish and kept in-house. In looking at the chart the Committee had been working on, Lien stated it is applicable, it is regulated by DNR and County. Lien didn’t think an Ordinance revision was needed but the conditions could be modified to make clear what we are testing for as Lien didn’t think it had been clear in the past. Budish commented there was a list developed of requirements which had been provided to the applicant. Lien thought it might have been inconsistent from the first applications to later ones, where now the recommendations here are to adopt something perhaps through a condition which would be more consistent for future use. Brandt restated GW-8 and noted it related to GW-4, “Once mining begins, monitoring wells shall be tested quarterly for the following parameters: a. pH, b. Hardness, c. Specific conductivity, d. Temperature, e. Total coliform bacteria, f. Nitrite + nitrate-nitrogen, g. Iron, manganese, and arsenic, h. Volatile organic compounds (VOC’s)” and that is a short list plus whatever Budish has out there already. Upon Bawek asking if that will be stated as a condition, Brandt responded yes. Budish explained the applicants ask what the parameters are for well and foundation inspections and we provided that and it has already been given out to a majority of them. Lien added the applicants have already agreed to the annual testing, but in some of the permits it was inconsistent as to what we were testing for. Additional discussion took place in which Budish was directed to make sure the items listed for testing were included in the condition given to the applicants. Bill Vachon wanted a clarification for GW-4 and asked if that was for monitoring wells or private water supply wells or both. Brandt and Lien stated it was for monitoring wells. Brandt asked Budish to clarify if we require annual testing of private wells. Budish thought that is what was being talked about as monitoring wells is something completely different. Lien referred to GW-5 and read it aloud, “Drinking water wells within 1 mile of the site shall be tested annually by the permit holder for the parameters listed in GW4”. Lien stated we have a whole list of things but some of the distances in the study are inconsistent for different things. Lien likes consistency with distances. Lien thought that was something the Committee needed to look at as far as air, water, etc. Brandt stated during the Health Impact Study presentation, the presenters were clear that as the deadline approached, acting as a group and doing a presentation of all the areas became impossible, so the inconsistencies would basically be that they consolidated around their area of expertise and just sort of put it all together and left it for us to make it consistent. Lien state “a mile” comes up quite a bit. Lien noted that Kathleen Vinehout has a couple of bills proposed out there which say a mile outside of the border. They are basically just looking at notification and it sounds like “1 mile” comes up consistently. Lien added that we publish the hearing in the paper as required and then as a courtesy the “adjacent” landowners are notified. Lien thought “1 mile” is a consistent number in other areas related to this industry. Brandt brought up another recommendation which is for drinking water wells. Brandt asked if the Committee wants to embrace this and questioned what the current requirements are for drinking water wells. Lien responded our requirement has been 2,500 feet and it has been required annually. Lien added we also have multiple sites with monitoring wells on them as well. In this recommendation, if one reads GW-3, it is both monitoring wells and drinking water wells (they want it to establish a background) and the requirement is within a mile. Brandt stated the question becomes it is a mile or 2,500 feet. Schultz asked what the largest number of wells (either monitoring or drinking water wells) that a mine currently has to keep track of. That information was not available. Vachon and Lien thought Winn Bay had about 70. Budish noted their (Winn Bay’s) testing parameter was 4,000 feet. Lien remembered that Winn Bay touched the edge of the city limits so everyone agreed to it (with no science behind it). After that there was actually some science behind the limit of 2,500 feet as far as vibrio-acoustics from blasting, noise, dust, etc., as that is where things seems to fall off the radar. Lien wasn’t sure where the 1 mile requirement came from and whether or not there was science behind it. Brandt again questioned the

Committee if the requirement should be 2,500 feet or 1 mile. Bawek clarified that the Committee is talking about testing the drinking water in wells within 2,500 feet or 1 mile. Lien stated the Health Study says one mile and what we have historically required is 2,500 feet. Zeglin thought the peace of mind for the general public would be better served if we did do a mile and that is essentially what we are looking at with the quality of life issue. Nutter commented that if Vinehout's bill becomes a reality then we would be consistent with what she is looking at. Lien noted that Vinehout's bill wasn't for water testing, her bill is for notification for public hearing. Bawek asked if the Committee would require GW-3 also so that there would be a background as to the groundwater quality. Lien responded they typically do, usually the first sample is done prior to any activity within 2,500 feet. Bawek asked if we go to a mile here are we going to a mile there to get the background information. Brandt thought one would have to do that. Lien's only reservation with going from 2,500 feet to a mile is that we maybe haven't had enough results or the industry hasn't been there enough so we don't know of any "hits" yet of any kind even at 2,500 feet. If we had any kind of a hit at 2,500 feet we would expand that area immediately. Bawek commented we have talked about this before and questioned if we would catch it in time. Lien wasn't saying we would catch it in time but we would most definitely do expanded testing. Lien explained we have had other contamination issues in the County. If we have contamination issues in one well, we immediately send out a notice to everybody around that well until we reign in that contamination. We would do the same if we had a hit within 2,500 feet. Lien thought we have the ability to have the applicant do that and pay for those tests in that area, if we have a hit in one of these areas. Without getting some numbers, Lien thought we might just be making hypothetical situations. Lien is 100 % supportive of doing repetitive, timely monitoring but Lien doesn't want to overtax the applicant if it is not justified. Vachon stated, with the operation, he firmly agrees that quarterly monitoring with monitoring wells on site (and those monitoring wells are identified by hydros where they need to go) is really your first line of defense. Before things even start the monitoring wells are done to establish base line. The private water supply wells, within 2,500 feet of the original boundary, were all tested and a baseline established on those and then annual testing will occur this year for those operations. Vachon added that quarterly monitoring with those monitoring wells is that first line of defense before it gets to any private water supply well. Again, those are done quarterly and the results are submitted. Bawek asked if we require quarterly monitoring. Budish stated he didn't think that was part of their (Rossa's) conditions, they are just doing it on their own. Vachon stated that is kind of a standard industry practice –quarterly water monitoring. Britzius asked what the standard was for placing monitoring wells. Vachon answered that it really depends on the hydrogeology of the area. In the case of the Rossa site, Turton Creek is directly to the north of the Rossa site so we know ultimately groundwater is flowing to the north towards Turton Creek so monitoring wells are set up (one is back on one of the southern high hills, one is to the east of Soppa Road on County Road T (there are three concrete poles around it) and then there is one right behind Shanna Rossa's house (that one is side gradient and down gradient) so we actually have two side and an up gradient monitoring well. Vachon stated it is one single well and based on the hydro studies we figured below 790 feet that we went down to be able to have water at all times of the year. Vachon stated we look at the sinkers and the floaters as far as potential contaminants like a VOC and gasoline's as those float right on the surface as something else may sink. Vachon added at the 2,500 feet that does work and that is a realistic number. You really start getting into the "nuts and bolts" of two-hydro as you have your ground water planes and you have your watershed basins so actually what we are doing on the south side of Turton Creek really never affects what happens on the north side of Turton Creek because the north side of Turton Creek goes to Turton Creek, the south side goes to Turton Creek and then flows along Turton Creek and ultimately to the Trempealeau River. Theoretically, Vachon stated what occurs south of Turton Creek (i.e. leaky gas tank) is never going to go underneath and flow up, it is going to head with the creek. Britzius asked if the creek itself was monitored because that is where a lot of things would show up. Vachon answered that they did talk to DNR about putting a staff gauge in on Soppa Road that would be for water elevations because that would be for documenting the high capacity well but DNR said based on our level we wouldn't need it. Vachon added there is always the possibility. Vachon stated that is a real tough snapshot – to take a surface water sample because if went out right in front of the Rossa's on Soppa Road, we would really be collecting contaminants from upstream to the east. To try those point solution sources on a creek like that is really tough. Vachon has done studies like that where you do dye testing and basically go every place where there might be a

discharge to the creek and those are really tough to do. Britzius commented the creek would collect everything not only stuff from the mine. Vachon agreed it collects everything; chicken waste, manure, salt from road maintenance. Zeglin stated one could make the condition standard of 2,500 feet and then, as we have done in the past, expand that if there is a need on that specific site. Lien thought, if we had a site come up, and down gradient at 2,800 feet there was a subdivision, we would want to expand that a little bit down gradient to cover the people in the subdivision or place a monitoring well between the two. Lien thought the Committee would want to take site specificity into account. Zeglin reiterated that there would be the standard condition of 2,500 feet and then if there was something that popped up on that particular site, the Committee would make an additional recommendation. In talking about the Rossa site, Lien noted if one went a little to the west, one would pick up a different watershed. Vachon agreed. Brandt stated the commitment is to 2,500 feet with staying on top of the monitoring and recognizing the site specific characteristics of not only surface water but ground water. Brandt stated we have covered GW-3, GW-4, GW-5 and GW-11. At this point the Committee took a five minute break.

Chairman Brandt called the meeting back to order. Lien referred the Committee to GW-11, "Water from any high capacity well permitted in Trempealeau County cannot be transferred or sold for industrial or agricultural use out of the county". Discussion took place on this recommendation. Brandt stated Corporation Counsel Rian Radtke was going to look into this but he was unavailable this evening. Lien stated that when he, Budish and Radtke had met with the DNR, Radtke had given them a list and questioned them as to what of these recommendations the Committee could enforce and this was one of the recommendations on the list. Lien reported that there hasn't been a response received from DNR yet and depending on what the use was, he wasn't sure it could be regulated especially if DNR issues the permit and they are not exceeding the gallons per minute. Schultz stated the high capacity well permit is for the volume withdrawn and not where it goes and what it is used for. Brandt commented the Committee is asking us to support this recommendation and if we support it, then we support it. If we can't enforce it then the point is moot. Schultz couldn't find anything that says we can't move forward with this. Schultz added the State does not have a policy on this and questioned whether that presented us with having the policy on this. Brandt talked about Nestle creating a bottling plant in northern Wisconsin and the application did not go forward and Brandt thought it was because the people in the area were upset that their groundwater was going to be sold in bottles all over the world. Brandt stated he thought the Committee was speculating as to whether they could enforce it and whether it is in our purview, but the question is do we support this recommendation. Zeglin stated she certainly does. When a high capacity well permit is issued for any use in the County it should be restricted to that use, plain and simple, be it Ag or industrial. Any well permit that is given out should be used for that specific purpose within the County. Britzius suggested maybe the words "agricultural" or "industrial" should be struck out so it reads, "Cannot be transferred for use out of the County". Schultz questioned what if someone does want to do a bottling facility perhaps it is the size of the container of water that we put some kind of limitation on. If someone is going to do liter sized bottles and employ people and build a facility here that discussion has been out there in terms of Ag, industrial and bottled water. Lien stated that automatically would come in as a commercial or industrial use so it would probably require a rezone or conditional use permit. In referring to the chart the Committee was completing, Lien thought it was applicable but we have concerns. The high capacity wells are regulated by DNR as far as issuing a permit, but it could also be the County with a question mark because we're not real certain how that could be done. Schultz asked if it has to say "high capacity well"? Nelson stated his neighbor bottles water and he wasn't sure they came through the county, he thought they dealt with DNR. Lien responded that they did come through the County. Schultz then suggested striking "high capacity well" and putting in "ground water or surface water resources". Lien thought that was a better suggestion as it takes out the DNR regulation of high capacity wells. Schultz stated this is not an attack on high capacity wells, we want our water that is withdrawn in the County to just be used in the County. Bawek asked what about a fire? Lien added he also knew of people in the county who have swimming pools which are filled by milk trucks bringing water from the city or wherever. Schultz added one could put an exception for emergencies. Schultz didn't know how shipping water from One County to the next addresses a fire. Brandt stated Glencoe and Arcadia are a combined fire district and there are others. Schultz commented a fire department

may already be exempt from any such ordinance. Nutter thought she heard that the other evening at the Parks Committee meeting that we are here and the fire department is there and they can take water in an emergency from anywhere. Britzius asked what the Committee was trying to restrict. Brandt responded that the Committee is trying to address the concept that the water that originates within the County stays here. Brandt suggested going with what Schultz had said, "Ground and surface water from Trempealeau County cannot be transferred or sold for use out of the County". Lien asked if Jade Springs would be in violation by bottling and selling their water. Brandt thought we were back to why they put in high capacity wells? Questions arose as to how this would be regulated/enforced. Lien stated he fully understands the intent of the recommendation but questioned how one regulates it without regulating something that doesn't need to be regulated. Brandt stated, for the minutes, that the Committee supports the concept that we protect our water resource by limiting its' use outside the County. Brandt added that we will consult with Corporation Counsel to see what our limits are in terms of regulating. Brandt suggested the Committee move on.

Lien referred the Committee to SC-10(Stable Communities), "Tighten reclamation plans to have fewer acres open at one time, as well as shorten the amount of time these mined areas can be open." In referring to the chart the Committee was completing, Lien stated it is applicable. Lien explained it is regulated by the County and DNR because NR-135 dictates that we cannot restrict the amount of acres they have open but we can encourage reclamation and as long as they're compliant they can have as many acres open as they wish. Budish added and if their financial assurance covers that much. Lien stated the things that we can do to encourage reclamation are having justifiable fees for open acres. Lien noted those fees per open acre haven't been changed since the inception of NR-135. Lien thought the other thing we can do is work better with the companies to minimize their impacts. Storm water issues and erosion control issues are all directly related to open acres so they are trying to keep them to a minimum as well. Bawek asked if the fees could be increased after a certain amount of open acres and would that encourage them to stay under their certain size. Lien responded that our limitation is that we can only charge a fee for what we can provide service for. Bawek stated that the answer is no. Lien responded not necessarily because as more and more mines come on board and we have less or the same amount of staff, we may need to recruit staff or move other staff into assisting Budish which would require more money. It just depends on the amount of open acres county wide as that is how the fee is established. Upon Zeglin asking what the current fee is, Budish responded \$170.00 per open acre and then it breaks down to:, i.e. – no disturbed acres - \$75.00, if disturbed but under 1 acre - \$100.00 or over 1 acre of proposed sized - \$170.00. These prices are across the board for all mining activity. Budish commented if we were to increase the fees, we would really have to justify/show why we are increasing these fees. Lien explained that each year DLM does a very extensive report to DNR that documents all staff hours for NR-135 purposes and one can only charge the services provided. Zeglin asked if the fees were for aggregate and industrial mines. Lien responded yes, they are uniform across the board. Nutter asked how many acres have been reclaimed. Budish responded there are some in progress but Budish would have to look at the report. Lien commented in the industrial sand mines there has been very little. Budish stated in the industrial sand mines in which the County has jurisdiction, there haven't been any acres reclaimed. Lien added that most of our funding has come from aggregate sites. Lien added there are two industrial sand mine sites that will be finished with reclamation this coming summer. Britzius stated that Lien claimed we couldn't restrict the amount of acres open and questioned if the County could ask for a voluntary agreement. Brandt stated all of the plans that we've seen talk about phased opening and reclaiming and it hasn't been. Brandt asked Vachon for his opinion as to why that doesn't happen. Vachon stated unfortunately reality outweighs the best laid plans submitted. According to Vachon usually the processing area is from 10-20-30 acres and that stays open through the life of a mine. Vachon didn't know if there was anybody who has come before this Committee since 2009 who has a detailed mine plan before they get approval because to do a mine plan is many thousands of dollars. Brandt questioned if what the Committee gets is the projected plan based on what they would like to see happen and then we make a decision based on that and our assumption is that will be guiding the reality. Vachon responded that is correct. Everybody has done drilling to identify if this is a valuable resource and where the resource material is. As Vachon had mentioned it is right around an elevation of 920 to 860-840 that is the sweet zone, no matter where you are in the County. Everybody does drill the document and that is correct but a detailed

mine plan has been put together using the best science and methodology and certain software where one is looking at GIS and other CAD documents to identify what we need to do, how much material does this plant need to pull out to operate its' wet plant and dry plant and to get it to market to meet its' contracts. Those range anywhere from (typically Vachon looks at a million ton a year) four acres to 12 acres as it depends on the physical constraint of that piece of property. Vachon explained that what happens is you start getting those open and then you have areas, especially all new mines operating, for your overburden and your fines and that is where some of that land reclamation doesn't get done, because there are those overburden piles that you have to open up five or six years before you really consider doing an adequate reclamation plan. Vachon stated on the Rossa project, it gets a little more innovative as we are able to "leapfrog" around to be able to mine, close, mine, close and go to another area. Some areas where it is just this large piece, that they are able to mine the whole thing, it is tougher to go in and start reclaiming. They are doing the best that they can but again when you get those areas open and you have an area, for example, that you can't mine because of a wetland or water, etc. that kind of screws up that reclamation plan that you identified for a bore when you first came in for a permit. Brandt stated the flexibility is built into the Ordinance and into the State regulations because we allow that things will happen so basically the operator pays for the stuff that is open and the assumption is that reclamation will happen. That flexibility is built into what the writers of the "stable communities" wanted to do and that was to commit to minimizing open acres because they understood it to be unattractive, potentially dangerous for runoff issues, etc. Brandt was inferring that from SC-10 – "Tighten reclamation plans to have fewer acres open at one time" and what Lien was saying is that is difficult because of state law. Brandt stated Vachon has just given us one more thing to consider because again we all went into this new five years ago and we didn't know what we were looking for and we've learned. Lien said that also the DNR was accepting "no-discharge" applications or basically "internally drained" applications and they (the mining companies) said that doesn't happen because it takes almost two years to get your site established where there is an area that can be actively worked in, that is not discharging. So the DNR said once you are demonstrating that you're internally drained then we'll do the exemption otherwise everyone is going to be a discharge. Lien stated it does take a couple of years, in some cases, to get a working area. Vachon added that if anybody in the sand industry has a site that is considered internally drained that is because they are a hole to begin with, but with the amount of fines that are naturally occurring in the sand, any infiltration basis that you design automatically becomes a water retention basin so that will have to discharge. That is just the facts of the soils around this area. At this point Zeglin asked that Vachon introduce himself to the viewing public. Bill Vachon stated he is an Environmental Consultant with Foth Infrastructures and Environment in Green Bay. Vachon said he has been instrumental in the permitting of a few non-metallic mining operations in Trempealeau County. Nutter thought it would be really helpful at public hearings, when people come to hear conditional use permits being presented, to know what Vachon has said. Nutter stated that, in reality, a mine is not going to open five acres, do it and close it. Nutter said it was an "ear opener" for her tonight to realize that in reality that doesn't happen or even what the Committee has before them may not be what the reality of the mine is. Nutter's assumption was that what you have there is what it is going to be so to know that was really helpful for her. Vachon added that is the best planning with the best information at the time that is presented. Nutter stated when people know the truth they feel better. Nelson stated Vachon was really thorough in the several presentations that he did here.

Lien referred the Committee to recommendation L-5," Photometric plans would be a requirement of CUP's. Plans would include the following components:

- A pre-construction analysis to establish baseline night sky conditions.
- An assessment of future light impacts from NMISM and related activities.
- Changes (with the exception of emergency lighting) must be approved prior to implementation.
- A photometric diagram showing lighting levels of proposed fixtures. The plan should include the location and limits of outdoor lights and a photometric diagram showing predicted maintained lighting levels of proposed lighting fixtures.

Lien stated we have limited lighting language in our Ordinance and we try to address it and enforce it as lights must be shielded towards the ground, no projecting lights, etc. and the issues have always been 100%

annexation. When a mine is annexed this isn't taken into account. Mines that are annexed do not follow any lighting requirements. Lien drives every day from Blair to Whitehall and it used to be somewhat dark and shielded over by the rail road out and now it is lit up and it looks like a landing strip over there. Lien's personal thoughts are the city is not affected by it and the cities are pretty well lit anyway so it seems pretty normal for city life. Lien stated we get a lot of complaints from people that are out there and we just direct them to the mayors. The people adversely affected are the people in the township next to annexed land. Bawek stated this is important. Lien agreed and reiterated that we do try to address it through the County. If the County does get complaints, we try to make them shield the light. Lien thought there was a simple remedy as if there is something on the side of a tower and it is shielded toward the ground, the light is still there for the employees but not every neighbor needs to view it. Bawek stated the County tells you to shield it but you're not doing an assessment of future light impacts and related activities nor is the County requiring that changes must be approved and you're not saying a photometric diagram showing the lighting levels and proposed fixtures is in place. Lien agreed and explained that what DLM staff does is give them the section of the Ordinance on lighting and if we get complaints we tell them they have to shield it as we can't have it pointing out across the neighbor's property and we've addressed them in that manner. Lien stated this is asking for what is real similar to the screening/ aesthetic requirements for commercial sites so that is doesn't impact the neighbors. Lien voiced that what they are asking for up front is that we want to know where your lights are going to go on every piece of infrastructure, where it is directed and how it is not going to impact people. Lien stated we don't require that now, it is more of a complaint driven issue. If we get a complaint we enforce the Ordinance. Lien suggested asking Vachon but Lien didn't think these types of things are addressed in plans as far as showing where every light is going. Lien thought lighting issues can be planned for. Bawek stated better planning on the applicant's part also comes into play because when they have something like this figured out then you know there is law behind it also. This is just encouraging better planning. Lien agreed and added that when he and Budish have a pre-construction meeting with a mining applicant they emphasis planning and more planning. Lien always uses the Alpine site for an example as a lot of noise study testing was done there by DLM staff and the Committee. Had that site planned for noise issues and tucked it around the corner a little, the decibel level would have been a moot point outside of that site. If one goes outside of the berm they were below 45 dba. If one went back to the highway it was 50 dba and up to Winey's it was 60 dba because the area worked like a megaphone and no one thought about that in the planning phase. Lien added it all really comes down to planning. In referring to the chart, Lien said the recommendation was applicable and the County is going to regulate it, with the exception of once it reaches 200 feet it has to be lit and above that FAA requirements apply. Budish asked if this recommendation wouldn't come into effect if one wanted to do processing at night because that is the only time it gets dark. Budish stated our Ordinance says one can process from 8:00PM until 6:00 AM but no excavating so if one wants to do processing they would have to do the lighting plan and the noise study at the same time. Lien stated there is a lot of security lighting which is on all night long even if there is no processing going on. Lien added that the Sand Products Wisconsin site isn't even running yet and every morning when one drives by the hillsides are lit up like a Christmas tree and those are security lights. Budish replied that is the city. Lien responded he was aware of that and they are not processing but it is still lit with security lights. Gamroth said the sand mine lights near her were on all winter long and they never shut them off. Lien thought the lighting was a year around issue regardless of processing and that it shouldn't have to affect the neighbors. Vachon stated, as Bawek had made mention of detailed plans, another one of the issues is that most lighting companies will not do your full 100% or 80% design plan until a favorable recommendation comes out of this Committee as again they don't want to spend those additional resources, which is substantial for a wet and dry plant, until they know they have a positive outcome from the Board. Vachon stated the Committee approves the general process but then there is the requirement for the detailed plans to be submitted at a point in time. Lien suggested it could be very similar to how DLM staff does the commercial sites. Lien explained that after the commercial rezone goes through and if we required some screening, that is a separate plan that they come back with because no one wants to spend the money unless they know the rezone is going to go through. Lien suggested that after the preliminary approval of a site then a lighting plan could be submitted and reviewed by DLM staff to make sure it is compliant. Zeglin made a motion that a photometric plan (diagram showing lighting levels of proposed features) be submitted after

approval of the conditional use permit as part of one of the preliminary conditions to be reviewed by DLM staff. Lien stated the Committee could make this an Ordinance revision or just a condition. Nelson seconded the motion. Zeglin commented that lighting is a big issue as one expects dark and expects to see stars. Zeglin lives near the top of the ridge and they could always see the haze of Independence and the haze of Whitehall and now it is just one big ball. It has about tripled and one cannot delineate the two cities anymore because of Hi-Crush. Zeglin knew that the County doesn't have any control over that but she will say, "Shame on Hi-Crush for not addressing that issue with their mine". Zeglin reiterated that lighting is a big issue and it does keep people who live out in the country awake at night. Brandt recapped that there is a motion and a second to approve, basically at this point, the fourth bullet point under 15, "a photometric diagram showing lighting levels, proposed features, etc.", and that would happen after they approval of the CUP. Motion carried with no opposition.

Confirm Next Regular Meeting Date – Brandt reminded Committee members of the next regular E & LU Committee meeting on Wednesday May 13th, 2015 at 9:00 AM in the County Board Room.

At 9:15 PM, with the consensus of the Committee, Chairman Brandt adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary