

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

SPECIAL MEETING MINUTES
July 22nd, 2015 6:00 PM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 6:19 PM. The late start was due to lack of a quorum.

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

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

Staff/Advisors present: Kevin Lien, Jake Budish, Virg Gamroth and Corporation Counsel Rian Radtke

Others present: Karen Geske, Linda Mossman, Michael Chitko, Darlene Rossa and Julie Dick

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

Adoption of Minutes - Britzius made a motion to approve the May 27th, 2015 special meeting minutes, Bawek seconded. Motion to approve the minutes carried unopposed.

Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining. Brandt suggested the Committee start with the real property value guarantee discussion. After the County Board meeting, Brandt stated to Radtke that he had a strong sense that this Committee wants to see something come out of this discussion that we can use regularly when CUP's come before this Committee in regard to the issue of property values. Brandt said Radtke has given his advice a number of times which has been fairly clear. If one thinks property values are going to be negatively affected that might be a reason to deny a permit. There are issues related to that which Britzius has brought up a number of times specifically how much weight we should give to the property value issues when one is making a decision. There was one more property value guarantee document that Radtke had looked at that we didn't get an opportunity to discuss at the regular meeting. Radtke began talking about the property value agreement that was presented by Attorney O'Flaherty who represented property owners near the mine site at the beginning of the Canadian Silica public hearing. Radtke stated this agreement says that the operator shall identify all landowners within one mile of the proposed operation area including haul routes. Radtke's first question was about "including haul routes within one mile of the proposed operational area or within a mile of all haul routes". Radtke said that was something he hasn't seen in other documents. That is potentially a very large area if the haul route goes in any direction out of the County. Radtke read aloud, "upon approval of the CUP or amendment for renewal, the operator shall by certified return mail, notify all landowners that, at the property owners request, an appraisal of the property be conducted for determination of the property's fair market value without taking into account a future mining operation. The landowner shall have 90 days to respond in writing to the requested appraisal. Failure to respond may limit recovery". Radtke wasn't sure what "may limit recovery" meant. Radtke continued reading, "Upon approval of the CUP, amendment or renewal", it is asking the operator to send a letter basically to landowners saying they can request to have their property appraised. There doesn't appear to be any time limit on it so Radtke questioned how

long a person has to request. It seems clear that the landowner has 90 days to respond in writing to request an appraisal but there isn't any time limit on there as when that time terminates. Radtke again questioned what "may limit recovery" meant. Radtke read aloud, "The appraiser shall be appointed by the town board to maintain neutrality". Radtke thought that is one issue that if the County were to propose this as a requirement, by this agreement, we would be requiring the town board to become involved and become a party to this. We are telling the town, "You have to do this" and Radtke didn't think we had the authority to tell the town they have to do anything. If the town volunteers that is one thing but to require the town would be a problem. Radtke continued that the question would be so this goes to the appointment of the appraiser, if not the town board then who, is the County going to be involved, is that going to be a Zoning Administrator appointment of an appraiser and what sort of criteria is there to appoint an appraiser. Radtke read aloud, "The operator shall provide the town clerk copies of the property owners signed receipt confirming deliver and copies of all responses by landowners to operator's notification. All requests for an appraisal by landowners shall be sent to the town clerk to the appraiser again. Radtke said it was the same issue again, the town board or town clerk is named pretty much throughout this document. The appraiser will provide a full narrative appraisal report to the landowner within 90 days of appointment. The operator pays the cost for the appraiser. The landowner may make a written offer to sell the property to the operator at the appraised value within 90 days of receipt of the appraisal. The landowner may elect not to offer to sell his/her property and instead wait to evaluate the impact of the mining operation on property values". Radtke stated one thing there is that it says the landowner can make a written offer to sell the property at the appraised value within 90 days of the appraisal but the could also just wait, so Radtke didn't know why there would be a 90 day restriction on there. Radtke continued reading, "In the event the operator fails to accept the offer by the property owner or the landowner elects not to offer the property for sale then the property owner shall have four years after the commencement of operations amendment or renewal of the permit to file a claim in writing with the operator and the town clerk. The property owners' claim shall meet the following requirements." Radtke stated before we get into that, what Radtke thought it was saying is that basically if the landowner offers it for sale at the appraised price and the operator says "No, I'm not interested" then the property owner has four years to file a claim or if they didn't decide to put it up for sale at all, then they still would have four years and that is from the commencement of operations. (Again there is the issue that Radtke raised about a lot of these terms needing to be defined, i.e. what is commencement of operations) One thinks that is pretty easy to figure out but Radtke questioned what that actually means. Does that mean when they break ground, start excavating or when they actually start producing sand or when the wash plant is up, etc. As this Committee knows or perhaps Lien can tell you, a lot of time goes on between getting the permit and actually being operational. Radtke thought Lien would agree that the term "operational" is pretty gray. Again, Radtke stated if we don't have a start date, the potential problem is the start date of this four year time limit. In going back to addressing the agreement, Radtke read aloud, "The property owners claim shall meet the following requirements; a) the appraisal by a qualified appraiser setting forth the fair market value as of the date within 90 days of the date of filing a claim. (Radtke wasn't quite sure what this means) Radtke thought it meant that it is saying one needs to get a second appraisal, but it says, "The property owners claim shall meet the following requirements and it says an appraisal by a qualified appraiser setting forth fair market value as of the date within 90 days of the date of filing a claim". Radtke said this is confusing because if you are filing a claim it has to meet this requirement but it is saying you need an appraisal within 90 days within the date of filing the claim. Radtke added that it doesn't talk about who pays for it, it doesn't talk about who appoints it. Those are going to be some areas that we would have to address. b) An offer to sell the property to the operator for the appraised value determined by the appraiser appointed by the town (in paragraph 2 so Radtke is going to call that the first appraisal) if accepted by the operator within 30 days, title and closing requirements shall be those of a standard Offer to Purchase form for residential property and been approved by the Realtor's© board. Radtke gave the following scenario where they offered to sell it and the operator says no or they decided to hold off and now they want to file a claim. The

agreement says #1) you need to get a second appraisal, #2) you need to have an offer to sell the property to the operator, so it seems to make sense that when the operator fails to accept the offer, but what about the scenario where the landowner elects not to offer the property for sale. This seems to say that you still need to make an offer to sell to the operator for the appraised value determined by the appraiser appointed for the first appraisal. Radtke continued with c) In the event the operator fails to accept the offer referenced above then the operator shall be obligated to pay the difference of the two appraisals to the landowner. Under this scenario, Radtke explained that if you don't sell, or if the operator doesn't want to buy it you get a second appraisal then the operator would be obligated to pay the difference between the two appraisals. Radtke's thought it would depend on whether the operator actually wants the property or not, but if they are not looking to actually own the property, it wouldn't make sense that the operator would ever want to buy it after the first round because one could always just pay the difference between the two appraisals, whatever that may be, and most of the time it would be cheaper than just purchasing it outright per the first appraisal. Radtke said that kind of goes to the question, is this actually going to work like you think you want it to. d) Then the agreement says if the operator fails to pay within 60 days of service and filing of the Notice of Claim then the landowner shall have the following remedy. In the claim requirement (referring back to "a") it says "you need to have an appraisal done within 90 days of filing your claim" but now you have "d" that says "if they fail to pay within 60 days of the filing of the notice of claim" Radtke said that is almost impossible and doesn't make sense because you have 90 days to get your appraisal for your claim (to have that second appraisal done) but the timeframe there just doesn't make sense. Radtke stated that would have to be addressed. Radtke added the remedy would be, if one gets to that point where the operator fails to pay the difference as put in your claim, then the landowner would have the right to (i) follow a lawsuit and claim compensable damages for decrease in value after commencement of operations, amendment or renewal of the Permit, for the difference between the two appraisals or (ii) if landowner prevails on claim and the Circuit Court enters judgment equaling seventy percent (70%) or greater of landowner's difference in the two appraisals in the Notice of Claim, the landowner shall be awarded actual attorney fees, all court and costs of the action; and interest of eight (8%) from date of the service of the Notice of Claim. Brandt asked if this was something that we could require of the court to have them give attorney's fees, etc. Schultz commented it goes back to the comment that we are looking at telling people how they sell their property or we're getting into the business of telling people how to sell their property. For Schultz it was hard to see how we could do a good job of this. Britzius commented he is getting the sense or hearing that this is sort of an undoable thing that we are trying to do and that it isn't legal and creates more problems than solutions and that we may need a whole new approach. Britzius asked if the Committee could move on to a more general discussion rather than the details of these problems because they seem to be repetitive. Radtke stated he was at the end of the document. Radtke thought Britzius has summarized the question because Radtke has looked at a lot of these and he hasn't found one yet that he would recommend that this Committee say, "Yes, let's go ahead and use this as a format to address an issue, because Radtke sees a lot of future problems for the County, DLM staff and this Committee as all of these things would be brought back here because these issues are not clear. Radtke added there are real questions about imposing on other landowners and restricting them as to how they can sell or when they can sell and on what terms and who is paying the legal fees. Radtke stated that last wording in the document is language that people can agree to. Radtke stated if you and I had a land transaction together we could agree on who is going to pay attorney's fees or we can agree to what the legal remedies are going to be for costs, etc. That is fine in those sort of "arm's length" transactions between two individuals but for the County to impose that as a condition, Radtke thought we would definitely be going beyond what the authority is that this Committee would have to impose a condition. Radtke isn't saying that there isn't a way to do this, it's just that what Radtke has seen isn't anything that would work. He has gone through this in his own head and he hasn't been able to put anything together that really deals with the issues. Radtke stated it keeps coming back that he thinks it best that the County stay out of these types of agreements for a variety of reasons and view it more as is this a proper site for

what is being applied for or is it not and weigh that as opposed to how can we work this. Schultz commented it is essentially the land use decision. In referencing previous meeting minutes, Schultz believed Attorney Luethi during one of the extension application discussions had gone out in the hall, with Nelson taking the lead, and actually reached some agreement. Schultz asked how that was worded again and asked if that wording came from the town or the County. Lien commented we have had a few like that where we just had the condition that the landowners must have an agreement. Lien added this conversation has been taking place for six years now and this is something the County doesn't necessarily want to get deep into but we've got these things like property value guarantees that we need to consider. In the past, this Committee has said, "You must have an agreement, you need to work this out". Lien stated this County doesn't want to be in the middle of that and it shouldn't be in the middle of that but if the parties can't work it out, perhaps it is not a good site because Lien thought there (and even the industry has proven this) adverse effects as to what we do to properties. In regard to Schultz's comments about not wanting to tell people how to sell their properties, unfortunately that is what we did today. Zoning does that a lot. The towns do that with fencing. If the landowners can't agree, the town comes in and says here is where it is going to be and each party pays their own half. Lien stated we have all kinds of items in the Zoning Ordinance that tells people what they can do with their property. We also have been doing it long enough that we realize what one person does with their property can definitely adversely effect another property. Lien agreed with Radtke, in regard to having something detailed, as both of them and neither one of them have found anything in which they would say here is the model and we're going to use that. Lien thought the current document being reviewed mirrors what the Town of Howard did with EOG. Lien wasn't sure if it is working well or if they've had to exercise it at all. Some of the parties that have been instructed by the Committee to "work it out" have done just that in the final hour or in the middle of the meeting. Lien thought that parties realize, when it comes right down to it, that if this Committee has to make a decision, there is going to be a winner and a loser and there is no meeting in the middle whereas if they work it out themselves ahead of time they are both happy and the County won't have to enforce it except that they have an agreement and they've acknowledged that in some way. They will have to deal with the agreement. Schultz was grateful for the discussion in order to refresh his memory in terms of whether that was coming from the County E & LU Committee and not the town because we are all learning and we are considering a legislative consideration of property value guarantees and we are also quasi-judicial and it sounds like, as a CUP, it is kind of judgment (judicial determination) that a company and that a specific landowner would have to work out an agreement where ever it was this Committee decided this potential project is certainly going to adversely affect this landowner/property. Having that flexibility to make that judgment, Schultz feels that is our responsibility is making those determinations and not having, in necessarily all cases, the idea of a strict structured property value guarantee. Schultz thought it sounded good. The three words sound really good "property value guarantee" and Schultz thought we all want that, so it obviously is something we will get to. From Schultz's experience, he feels like that worked, in an awkward way, at that moment. It is our responsibility to find a way to make some of those instances work. Britzius liked what Schultz was saying and the mind always looks for the exception, but Britzius questioned, i.e. What if the Committee wouldn't give a CUP unless there is an agreement, then the landowner could just say, "I'm never going to make an agreement" and there will never be a CUP. Brandt commented what the Committee had done is to put a time limit on it. As Brandt recalled, the Committee would hold its' decision until the agreement is made, i.e. 30 days, 60 days, etc. and if there is no agreement, would still make a decision. Lien elaborated on some of the circumstances surrounding some of the agreements that were made previously between property owners and miners. Lien commented on the Bork/Bragger/10K site where that agreement may not work out but the applicants sat here in front of the Committee and stated they had an agreement worked out. Lien said the onus is on them and Lien felt the Committee has done their job. If the agreement falls by the wayside then that is why we have a court system as the two parties would have to go into court to resolve that issue. The County wouldn't be involved. Bawek questioned if basically we are defaulting to a denial if there is not

an agreement in place? Bawek questioned if that wasn't basically unfair to business. Lien responded it has to be very site specific and he hoped the Committee exercises good judgment for these when looking at site specific. If there is someone that is on the back side of the hill or four miles away that the Committee makes a decision as to how much this adversely impacts something. Lien said the Committee needs to do that when they site manure storage, chicken barns or any of those things, so it isn't something new to this Committee. After Radtke and Lien talked, Lien called an assessor in our County that does a lot of the townships that deals with sand mining. He was unavailable today, but he said he would come at another time and that he fully understands the adverse impacts that can happen to adjoining properties. The assessor would be willing to talk to the Committee about that and he also understands the unique topography that we have and that one cannot plop down rings and say if you're 200 feet your affected by this, if you're 400 feet your affected by this, etc. as that doesn't work with our topography. Bawek stated what he did is he took the average citizens point of view, as Bawek sees it from the information that continues to come up at our meetings and he referenced back to the May 27th E & LU Committee meeting minutes and also the May 13th meeting minutes and he wrote a little summary of how he thinks the average Trempealeau County citizens sees a property value guarantee. Bawek read from the May 27th, 2015 meeting minutes, Page 13, "We're hearing from the public constantly and the Town of Arcadia pushed hard for the reclamation of inactive mines if they have been inactive for twelve months that reclamation be required. The town and the citizens also pushed saying if you have a permit we want to see you operating so we know for our future. Budish and Lien had a meeting last week with an applicant that has a permit in the County and unfortunately there was a neighbor next to them that, once the permit was issued, sold their property for a huge loss, moved out of the area, and there is the potential that the site may not get started for a long time, so that person would have probably lived there another five or ten years. The cries that we were hearing from the public is that we want to know our future, is there going to be an active mine or isn't there. That was part of why the Committee amended the Ordinance and required the reclamation if a site is not active for twelve months. If you do have a permit it requires the applicant to complete all their conditions and actively be mining. We now have a scenario where the applicant maybe doesn't have plans to operate that mine until sometime way down the road unless we force them to and we have a known property owner that sold his property for a loss and bailed because he was certain a mine was going in there. Lien thought that was irony that we don't want to put on our citizens. Those are economic hardships and those are things this Committee can prevent. Lien thought that was the intent of the Ordinance amendment saying that if you have a permit you are going to be actively mining so your neighbors know you're going to be actively mining or you're not. Lien thought that issue would be coming before the Committee sometime in the future to address". Bawek stated my response to the stated irony of the Ordinance changes is to go a step further and enact a property value guarantee for affected properties from an industrial sand mine siting. Just a few short years ago the thought that anyone living in an agricultural district would have an industrial sand mine as a neighbor was unheard of. Rural property was bought and improved and preserved under a feeling of continuing rural atmosphere. Today, Trempealeau County residents are faced with the fact the unheard of is now possible. Image the painful realization that property purchased for oneself with generational intensions may forever be changed. This painful realization transpiring through no fault of ones' own personal action. Sounds unfair doesn't it? Touted as individual property rights, that is the right to mine ones' own property seems innocent enough until 30 mined acres turns into 300 and five years mining times turns into 25 years. Deceive and receive seems to be the order of the day when it comes to the often, "We're going to be good neighbors" at mine permitting time as spoken of by affected Trempealeau County property owners. Bawek questions when neighboring property rights begin and/or supporting monetary value ends. Truly the right to mine 50 feet from a neighboring property line or a mere 250 feet from their front door steps is quite inadequate to protect a supporting monetary property value, and yet this is possible. Consider further, shared infrastructure and or connected natural resources that are impacted. Will personal property rights, the right to mine, protect one owner and yet destroy the other. Trempealeau County residents were here

first, before any industrial sand mine was permitted in the County. Rural residents chose to live in a rural agricultural landscape, never thinking the neighbor was going to blow up and haul away the surrounding landscape. The rural lifestyle choice has been changed. The original choice has been changed. This rural lifestyle choice is supported by a consensus of its citizenry. Recent elections of both city and town support this fact. Putting choice back into change, stopping the degradation of both cultural and natural resources is what is requested by the citizens to their governing bodies. Protect our property, our resources, and our lifestyle. These are repeated on a continuing basis at public hearings for industrial sand mine siting's. There may be irony in an attempt to do what is correct but is that worse than a debate that expresses concern by governing bodies, yet is hesitant to put pen to paper, or fails to go far enough for those most affected. Those most affected stand as David against Goliath with often no recourse. Their life savings, their life's work is often left undefended while governing bodies hide behind a "may pertain" or "in the vicinity" phrasing in the written law. Wording that only leads to a discussion by legal authority as to what is really being said, while private individuals continue to suffer the so called unintended consequences. If I as a citizen was given the choice, I would choose to protect David from Goliath. As a member of the E & LU Committee, I also choose to protect David from Goliath. I believe our citizens continuing request for property value protection is valid and should be directed and enforced by the governing body that allows the mining concept to take place. Distance and value now become an issue. Who is affected? A resident's suggestion states to consider a distance of up to five miles. Bawek read aloud from the E & LU Committee meeting minutes of May 13th, 2015, Pages 38 and 39 which contained Scott Leonard's (Arcadia) letter, "Why should the residents have devaluation on their property, just so a single property owner can reap the benefits. The Committee should seriously look at guaranteeing property values for anyone living within 5 miles of a sand mine. Make the owner or sand mine company do this". Bawek returned to his own notes and read aloud. 2,500 feet is a required condition for well and foundation inspections. We now have a range of 2,500 feet to five miles to consider. One has to also remember that an air shock wave from a mine blast can be felt well beyond the five mile property value guarantee suggestion. Animals, especially man's best friend will show signs from such a movement of compressed air. I have personally felt the shock wave at a distance greater than five miles. Maybe a distance similar to what is currently set as a wind turbine siting setback distance is in order with greater distances allowable at the discretion of the governing Trempealeau County Standing Committee for mine permitting. The guide post distance and value assessment issue isn't our greatest hurdle. Our greatest hurdle is the resolve to right a continuing wrong to better protect David from Goliath. Once again, as stated in the May 27th, 2015 minutes, Page 13, "Those are economic hardships and those are things this Committee can prevent". Bawek stated that he thought we should and that is why he thinks we should pursue this. Brandt stated there is a feeling with the Committee that is here that there are those who recognize the difficulty in doing this and those who are committed to finding a way that the issue be identified and addressed. That is the struggle that we're having right now. Brandt thanked Bawek for his message. It seemed to Brandt that we are transitioning as a County/as citizens of the County, again, thinking about ourselves and how we see ourselves. We've gone from a time when we have lived in a place and perceived it to be a certain way. We have now discovered that may not be the place we're living in and that the people we thought we knew, including ourselves, are not the people that we really thought and the place really isn't the place we thought it was, yet we are in a position because we're involved in the comprehensive planning and zoning aspect of local government to look at the issues that have risen and try to come up with a decision or a way to go forward with what we know to be true now and to create a future way of looking at the County. Brandt thought Bawek's comment was elegant about the idea of people coming to this County, living in this County, buying, improving and preserving land generationally, in other words, thinking scores of years into the future and how the rural life style choice has been changed. Brandt wasn't going to argue that point, but Brandt's question was, if that is true, how do we move forward. It is bigger than just the property value guarantee, it's what is it that people who come to live and do live in this County do now with their land. How do they see their land, what is the relationship with that land or property. It has

never been uniform or homogenous. Not everybody has agreed on everything but we didn't know that until now. We figured that out because we see it every time we sit down and talk about it or people come to us with permits. Brandt questioned how the Committee moves forward to make it possible for the people who live in Trempealeau County to define and then to live the way they see themselves wanting to live. Brandt reminisced about the gentleman who came over from Alma and had lived in Kentucky and came here to testify. He said they promised jobs and prosperity and now the jobs are gone, the water is gone, the land is gone, the people are gone and there is nothing there, so it is possible that is the future where there is nothing there anymore. Brandt didn't think the people of Trempealeau County want that future. Brandt questioned what the future was that we could help them perceive and then to work for. Not to give them or tell them what to do but how do we work together with everybody to have a future. Lien stated he thought that question has been answered by the people as UW-Extension and the towns' have sent out surveys. We've gotten repeated surveys back (Lien thought Pat Malone has three of them that have been done in the last couple years) and every one of them says protect the rural characteristics of the County, preserve groundwater, and preserve the natural aesthetics and beauty. People do that by elections. There was change in government because of the wishes and desires of the public. Lien thought it was clear what the public wants, the question is how does this Committee get to that point or back to that point. Britzius thanked Bawek for his comments. Britzius commented the words that stand out for him are "Protect one and destroy the other". Britzius thought that is what they talking about and that tension that somebody gains and somebody loses and it is much bigger than property values. Let's say we want to guarantee property values, but how do we guarantee sound and light and community and agriculture, etc., it is just a subject that is bigger even than just Trempealeau County. One can't get away anywhere. You can give them all the money you want but where do you go or where do you buy a piece of property that is never going to be invaded by something, somewhere. It is a kind of world where we have to learn to work these things out. Britzius questioned what we can do that is realistic. One idea that was brought to Britzius, was that perhaps we should have some kind of referendum. Britzius knew there were state laws that address that and so we are limited in perhaps what we can do. Maybe we will find out what the people want and we'll see if people say we really want to protect our lifestyle and we want to take some serious measures to do that. The Moratorium Committee made a recommendation that there not be any more mines permitted until we have some time to see. Britzius thought it would be difficult to word a referendum but that is the only idea that he has to offer. Zeglin thanked Bawek for his thoughts and expressed her appreciation. Zeglin stated the County is, without a doubt, in transition and the solution that we have before us is very, very difficult, also without a doubt. We have to come up with some solution to protect the citizens that are here. Some people won't care that they live next to a sand mine and they are perfectly fine with it. Other people, even the smallest amount of noise and light upsets their physical being and we can't subject these people to a life time of suffering because of one industry. If we can't come up with a property value guarantee that is workable we need a buffer like they have in the Town of Caledonia. They have a half mile buffer around their area where one can't mine and right now nothing can even be built in that area without a CUP. Zeglin stated if we can't come up with a workable property value guarantee then we have to increase the buffer from 50 feet to a half mile minimum to any residence or livestock facility. Upon Brandt inquiring if that was a residence to a mine, Zeglin responded that was residence or livestock facility to the mine. Zeglin added there has to be some area that has to be free of that. If a mine can't do that than they would be obligated to buy that property out simply to satisfy the buffer condition. As far as a referendum, the surveys that are going out to the various townships are pretty much coming back with results that would be akin to a referendum and Ms. Malone already has those in hand. A referendum is completely to County residents but we would have to extend that to landowners and a vast portion of our land in the County is owned by non-residents. Brandt commented that unfortunately we can't let non-residents vote in the County election. Zeglin stated that is a problem as there are so many in her township – there are probably just as many landowners who live outside of the County as there are in the township. There are a lot of hunting properties or persons who are going

to retire here and build their retirement home properties. We affect a lot of peoples' lives that are pinning their future possibly in this County so we can't exclude them from any referendum. Brandt responded we can't exclude them from the referendum but they are included in the land use process. Radtke wanted to make a point. Radtke's position here as the County attorney and Lien as the Zoning Administrator, we're being asked by this Committee, through these meetings, what the tools are or what tools we can use to balance these interests to address the concerns of the public and how do we do this. How do we change things to address some of these major concerns that are being raised and that is what our discussion has been, whether it be property values or water quality. Radtke shared that he and Brandt had talked before the meeting generally about this and one of the things that Radtke sees is how it is that we have gotten to where we are is just the nature of the County's Ordinance. It speaks to exactly what Bawek has talked about. You have nonmetallic mining allowed as a CUP in an agriculturally zoned district. People buy property, have residences with the expectation that I can live next to a farm. A farmer might be there or here or there and it might smell for a little bit but it goes on and life goes on, but nobody anticipates that in an agricultural district is an industrial type setting going to be set up there so what it has done is because the Ordinance allows this and this is our process and these permits are granted or not granted, but this Committee has to make decisions on them and you are put in an incredibly tough position. Anybody with or even without a land use background can tell intuitively that you don't put industrial zones right next to residential. From a land use standpoint, that is rule #1. Lien agreed. Radtke continued that it is because where people live and sleep, they have certain tolerances to what they will and will not put up with. That is why there is often an "industrial park" and it is off and away and that is to keep away the noise, dust, light and various things that industrial brings. What has happened is that we have this industrial type use, which is allowed as a CUP, in an agricultural district, where we have people in the whole County who agree on this, that in the countryside it is going to be quiet, rural and you don't have to have industrial in your back yard and so it is now this Committee's job to balance that and fit this "square peg into a round hole" and try to say, "Hey, ok, you can do this but here is this long list of conditions and the further we get into them or the deeper we get, we're finding out it is more complex. Each of these conditions is more complex than we originally thought and it is because we are trying to deal with how does an industrial type use fit right next door to a residential type use and it is the very reason for land use planning and why the two really don't go next to each other very good. The Committee is coming to Radtke and Lien looking for the tools as to how to deal with this and how do we go about this. One of the things that has been talked about, but not talked about extensively is changing the Ordinance for zoning districts. We talk about an overlay district where there would be an area where mining either would be allowed or a permitted use or even a CUP in that type of zoned district. The City of Whitehall recently adopted a nonmetallic mining district. Prior to having mining in the City they didn't have a nonmetallic mining district. Now in their Ordinance they have a nonmetallic mining zoning district that has certain rules in the Ordinance that says you have to follow all of these rules in order to have an agreement with the City. That seems to be one area we haven't looked at too much. It has been talked about but it hasn't gone much further than just talk. Radtke feels like he is being asked to show you some tools as to how we can get this done. We've talked about property value guarantees and the issues that are going to come up with that. Radtke didn't know if there was a way to short cut that and deal with all those issues in a simplified way. Radtke just didn't think there is. We are either going to have to just do what we have been doing with property values which is allow parties to work it out themselves or if we get into this, it is going to get murky and potentially put extra work on the current staff, etc. Radtke's point is don't get bogged down or blinded by all that without seeing that maybe, if there is an Ordinance where you are able to put these in a certain area with a buffer zone or whatever to address a lot of these concerns, you're going to be looking towards the future. You and the County Board are the policy makers and this what you want the County to look like, this is how you want mining to work, how you want it to fit in this County. Those are things that you can do as well. Obviously when we talk about an Ordinance change we are talking about having to change our Comprehensive Plan, which Radtke knew Lien was in the process of

working with the various towns, but that is something that happens at the town level and the County level as well, to look at what are the future plans for the County. The zoning ordinance that you adopt has to be consistent with that plan so there are a couple of layers to changing the Ordinance and that may be reasons why it may not be simple to achieve but it is something that is another tool. To come back to where Radtke was in the beginning, Radtke stated he didn't think that when this Ordinance was put in place, that anyone had the idea that this was going to happen, it doesn't quite fit for this type of use and this Committee is in the hard spot of trying to make an Ordinance, that wasn't designed for this type of industry, work. Radtke reiterated this Ordinance really wasn't designed for that and that is why we are running into the problems with these different issues. Radtke said those thoughts kind of hit each one of what everybody said here and he just wanted to pass it on that it is a potential tool as well. Britzius offered his opinion that it strikes him that it is a primary tool to really back up and to rethink this thing in a major way and perhaps we should think about redoing the Ordinance. Britzius said Lien and Radtke know the scale of that better than he does. We've already started that by working with the Comprehensive Plan with the townships and we are sort of moving in that direction. As part of the discussion, Brandt said Radtke outlined the process of changing an Ordinance and that there are dangers involved in this. Brandt wasn't saying this is a dangerous process but that there are dangers involved. One of the dangers comes out of our history, the precedent of how it is that we come to writing ordinances. It has always been, "Ok, are you townships on board as we are not going to do anything unless you are onboard, what's the point".(in a sense the townships are giving us our power to be a rare thing in Wisconsin which is a totally zoned county). By doing this, we run the risk of possibly finding some townships that are all in on changing the Ordinance to create a different kind of district and then some townships that aren't all in and they, in fact, decide they are not going to be in County zoning. Because we would be dealing with a significant change, we would run the risk of changing what has been forty some years of the history of Trempealeau County with county wide zoning. Brandt was just illustrating something that was said in terms of the complexity of the issue. Brandt isn't saying this is what would happen or that he has an opinion one way or the other but that is one of the dangers. Britzius added we might open the door and we don't know what is going to happen. Britzius added the "big elephant" in the room is the sand mining and annexation as we don't have control over some of these big things that are happening. It may seem futile to continue to reach out to the cities and to say "come into this with us". Britzius clarified with Lien that the cities have been involved in comprehensive planning over the years. Lien responded yes. Zeglin stated she believed the municipalities each have their own comprehensive plan and she didn't think they are abiding by them with the current round of annexations, so they need to look to their own plans and figure out what they're doing. Zeglin added that we can't right a wrong. We cannot stop or hesitate to make any changes simply to try to bend their way and avoid them doing any annexations, if that makes any sense. Brandt stated that Britzius made a point earlier of where do you go. The issues will come to your door sooner or later no matter where you live. We are responsible for the place where we live. The issues that keep getting raised are surety, quality of life. Brandt's response to Radtke sharing his ideas is, what we get besides surety. In Brandt's opinion, if we create a zoning district through the Ordinance change that creates an overlay district for mining or a process in which a buffer is created and there is some level of guarantee at least for light, sound, water quality, etc., what it offers the citizens in the County and anybody who wants to come build or move here is the knowledge where an industrial sand mine/operation is going to be, but where does the quality of life thing come in. Other than the surety, what it is that the citizens of the County have as a result of that? Brandt wasn't sure there is much and he didn't feel like that was enough. This is a significant change and all we're doing is telling them is that now we know where it is going to happen but that is where it stops. Schultz stated it is the basics of land use for the Land Use Committee, so Schultz was glad we've moved to that discussion. In speaking of generational concerns, Schultz thought a number of citizens aren't just looking in terms of the short term impact on the lives we live and how that's being affected by new changes. There are people that lived and worked in Minnesota and there are communities that will probably/likely never be what they

once were. Whatever benefit is gained from the mining industry is gone, short term. Schultz stated city governments are either not responsive or they will find them responsive to their citizens with their planning, etc. In the interest of the cities and townships, Schultz thought that is where some of the frustration that you see towards the County is that the County is not necessarily responsible for those concerns. The towns and the cities have to be thinking about what is the long term benefit of approving these projects. We've seen, when the moratorium came off, that's when we began to see the offers, i.e. money for a pond, money for a pool. We began to see the industry acknowledge that sure there perhaps is property value but that they are impacting the community as a whole and we need to give up to millions of dollars to compensate for that. Schultz stated the idea of the property value guarantee sounds great, everyone wants that, and we probably do need to find a way to consider it and pursue that further. In terms of a zoning district, with buffers we are creating potentially an area where the long term value of Trempealeau County will be diminished on a permanent basis so is that really the best land use decision. We don't know that as no one does but study after study, in terms of socio-economic impacts of mining or the Powers Report that has been referenced time and time again speaks to that. That is the pattern whether it is northern Minnesota or Kentucky, the short term benefit, whatever it was is gone and the long term impacts are remaining. It comes down to our responsibility as a Committee to make the best land use decisions for the County and/or towns. Schultz wasn't sure where to go with all that. Brandt noted that there were a couple people shaking their head yes and a couple of people shrugging their shoulders. What helps Britzius is that there is no right answer. We can't solve this perfectly and we shouldn't try to think that we can. It is going to be kind of messy no matter what we do and we're not all going to be happy. We are going to have to work to try to find some workable process. Zeglin commented that an overlay district can't be accomplished unless the townships involved in that district agree to it. We can't impose that on them. We need their cooperation so in going through these comprehensive land use plans, if the various townships aren't interested then we can't do an overlay district and we would have to think of some other alternative. Brandt stated this is the messiness that Britzius and all of us have been talking about. It is possible for us to say we're going to do this. Brandt wasn't recommending that and he agreed with Zeglin. Zeglin added it is possible. Brandt responded that what we've always done and is important to do is go to the townships so that they understand what the options are. Brandt commented that Bawek was talking about a rural lifestyle choice that has been changed. Brandt stated he feels that. Brandt explained a personal situation of his own. Brandt added that it seems that a rural lifestyle choice and what it means to live a rural lifestyle has changed for everybody, in a lot of ways. We have to reflect that in our Ordinances and we have to think about what that means and make the choices that preserve as much of what it is we think the citizens are telling they want to preserve but also to make it practical so that it is more flexible on the ground. As Radtke was saying, this Ordinance was never developed for the scale of operations that we've been dealing with. Brandt stated, as Radtke has suggested and it what has been done all the years Brandt has been on the Zoning Committee is staff comes up with something, puts it on a piece of paper, passes it around, everybody reads it and makes their additions/changes. Brandt knows that Lien has been meeting with the town board chairs related to the Farmland Preservation update as well as the Comprehensive plan update. Brandt asked Lien for a recap of those meetings and to what extent Lien is sharing the concept of an overlay district and is there anything in print or to look at. Lien stated Peter Fletcher from Mississippi River Regional Planning Commission (MRRPC), DLM staff member, Meghan Wessel and Ann Hempel, Land Records have met with five different town chairmen. We started out looking at their Land Use map and Zoning map. We've reviewed some errors that were found on those maps and they will be corrected throughout this process. We are talking with them about the Farmland Preservation agreements and the possibility of the Ag Enterprise Areas (AEA) and at the same time we're presenting them with the possibility of doing a mining overlay district. We then urge the town chairmen to take it back to their town board and to look at where it makes sense to mine and also where it doesn't. We ask them to consider high, good quality infrastructure and roads because in some of those areas it makes sense. In some of the more rural secluded, highly aesthetic areas it probably doesn't make sense. We

are urging them to take a look at that first and come back to us with what really makes sense as an overlay district. We will then “patchwork” it together to see if it makes sense for our County. At previous meetings, Lien has talked about the fact that we have our rail corridor and the annexations so by default we have a really good start on a mining overlay district and not necessarily by our choice. Upon Brandt asking if Lien had anything in writing, or if he had referenced any existing ordinances related to either overlay districts or industrial areas. Lien responded he has looked at what Dunn and Chippewa County’s did and that is what we are using as a sort of model. When one looks at our Comprehensive Zoning Ordinance, Table 4.05- Nonmetallic mining, it is under industrial uses yet if one goes over to the “industrial” column they are not allowed. The Ordinance was set up with aggregate mines in mind to provide local aggregate for infrastructure, i.e. rebuilding roads, asphalt, concrete, etc., but we all know that it is under an industrial use but not allowed in an industrial district. Perhaps we should look at the industrial sand mines as having to be in that industrial district so that people know it is an industrial use and they would have to go through a rezone process or create industrial districts that allow that type of use. The problem with that is that it is in direct conflict to the Smart Growth plans that we were all required to adopt in January, 2010 because that is considered “spot” zoning. Lien explained that has been an argument in the past and he has always said that nonmetallic mining is not a permitted use anywhere in our County, it is not a give right, it is only a CUP under those ag zoning districts which means conditions must apply to it and not all sites can meet the conditions. Brandt thought this Committee might want to have something in front of it, perhaps a description. Brandt had questioned Radtke earlier as to whether we lose the ability to apply conditions that this Committee and the people of the County have asked for in terms of protecting them from light, excessive sound, dust, etc., by creating industrial districts because the houses will still be there. The houses are there now and will most likely continue to be there unless all the houses around the industrial area are bought out. Radtke had assured Brandt that those restrictions can be put in an industrial zoning district. Brandt would like to see before this Committee a copy of either Whitehall’s ordinance or Dunn County’s. It doesn’t mean it is going to be our Ordinance but it gives us a starting point. In terms of housing, Schultz appreciated that Brandt brought up the potential to expand the buffer or buy homes and raze them as a potential buffer. Schultz stated that a person today had his own concerns about property values and is quite sure that his property value will go down and is prepared for that and he referenced, Schultz thought, Barron County as he mentioned North where people have some really nice homes and a sand mine came shortly after they built and they just literally walked away and left the bank with them. They had apparently paid so little off on the home that it was in their best interest to just default. That was news to Schultz today and added that might not be so much of a concern here as we have a more aged housing base. Brandt responded that a concern has been raised, more than once that the concern is not that, specifically, but that people have a lot going on in terms of building and driveways, etc. and our Building Inspector said we’ve got 14 new homes going up this year. Brandt guessed that the vast majority of them are either far north or far south in the County. The issue that we are dealing with, in the Town of Preston especially, is who will build a house there and that is a concern. Schultz stated that brings back the concerns of people waiting to see what happens. There is much we have yet to learn about those impacts and market conditions might allow us that opportunity to learn about those impacts. Schultz asked if the Committee was still talking about an overlay district and was that something that the Committee wanted Lien, etc. to actively develop into some kind of rough draft as to what one might look like. Brandt responded that we have instructed staff to raise the issue with the townships because of this opportunity during the Comprehensive Planning update. This Committee has, through its’ discussions, come to the realization that “buy in” by the townships is critical and we want to stay with that model of cooperation and also that the land use planning process has been valuable in the past and will be valuable in the future as a tool for creating certainty for all aspects of development and minimize land use conflict. Tonight we have been dealing with the philosophical issues; who are we, who were we, who do we think we are, what are we going to be in the future and our tools, as Radtke has pointed out, have been pretty clunky when it comes to dealing with philosophical issues because we are dealing

with more practical issues. Britzius wanted to throw a possible positive spin on this in that we are in a position to try to be creative and invent something in a way that no one has done before. These are modern issues and the cities and other rural areas have dealt with them in their own way. We are not alone in this and it is tough stuff and we're in a position to get creative and perhaps find something that works better thought out in a new way. Perhaps we could encourage mining that is non-invasive just like modern surgery is non-invasive. We don't want a big messy wound that hurts for a long time, we want something that is neat, clean and minimal. When Britzius sees the whole long ridge of a hillside torn down, he thinks it is pretty ugly, but if he sees a little something going on behind some trees over there, that is different, so that is the mitigation tactic. Perhaps we should put pressure on having districts where there are limitations. Perhaps we should take a multi-faceted approach. Bawek questioned if, for instance, when we set a condition for a property value are we required at that point to change the Ordinance. Committee consensus was that we are not. Bawek stated he keeps hearing from his proponents about property values going up next to a mine. What would be their big beef about buying property next to their mines? Bawek continually hears that "your value is going to go up" and that they can simply buy the housing and use it for their personnel. Bawek thought, what we need to at least try, is to come up with something that is simply worded, firm, with a set distance and see where it takes us. That is the first step. We have to put something on a piece of paper. In looking at the minutes from last months' meeting, Britzius stated he outlined the words, "rough proposal to send out the various towns to consider. Put something on paper that people can throw darts at". Perhaps market conditions are giving us a little breathing room, so when we pursue this thing with the townships we may begin to see something start to form itself too. Schultz thought Bawek was fundamentally correct in that we've seen a lot of things we don't like, perhaps we can change what we don't like. We need to find a way to make something work for us. Schultz added that he thought Bawek is correct in that we have heard property values are going to go up so what should be the problem then with the property value guarantee. In regard to Brandt's comment as to "who are we", Schultz stated as the Land Use Committee he would like us to be responsive. Schultz appreciated Brandt's comments. Schultz voiced that he thought we have a capacity/burden to do something great/unique and we almost have to. On Schultz's mind was something Britzius had also mentioned in that we saw townships in Minnesota putting a cap on project size in terms of what they would permit. That is what brought about the moratorium, the health risk. Obviously we are focal but largely the popular support for the action of the moratorium was the speed of permitting and the scale of the permit sizes. We saw companies get their permits and by the time they really got started they were already too small. Schultz thought the initial projects that people saw thought that was interesting but then all of a sudden there were 400 acre permit applications, etc. and then all of a sudden a moratorium. Schultz thought something like that is certainly responsive to what we are seeing in terms of survey results and election results. Brandt asked if Schultz was referring to a cap on the size of the operation. Schultz responded he felt people want to see that, he wasn't sure if we could do that though. Britzius suggested forming a Committee with someone from perhaps the Board of Adjustment, the Towns' Association, and the E & LU Committee sit down with Lien and try to draft something or at least list the principles. Zeglin suggested each Committee member draft something on their own. Discussion took place about the County website. In regard to the evenings discussion, Brandt stated he heard the Committee saying that we not only have to realize that the change happens but we have to "break out" in terms of how we approach this, whether that means something as comprehensive as a zoning change or something as bold as a firm wording for property value guarantees. Brandt quoted our District Attorney, Taavi McMahon who, in any opportunity he has, describes Trempealeau County as "an incredibly beautiful place filled with reasonable people". That is what Brandt wants to believe Trempealeau County is and that if there is an issue related to a quality of life and values of property that the people who are involved will always sit down, reasonably, and come to an agreement, understanding that each other's perspective is equal in terms of value. That is why something written shouldn't be that hard because we are dealing with reasonable people. Brandt advised Lien that the assignment the Committee is giving him is to come up

with some language related to how an Ordinance change might happen and some language that would reflect that in terms of creating an industrial district.

At this time, if Brandt was concluding the meeting, Zeglin suggested that, as always in the past, Brandt allowed an open forum with the public so Zeglin would like Brandt to give those present an opportunity to speak.

Michael Chitko stated it was an interesting meeting. He likes to hear the discussion that the Board had with this. Speaking from a commercial standpoint, Chitko thought it is going to be very, very tough for the County to put together some sort of format for a property value guarantee. That is going to be a big challenge. You'll have to ask yourself whether you want to be in the real estate business or not or what part of the negotiations you want to be involved in and what part of the liability you want to pick up on. Chitko reiterated it is a challenge, not only for years down the road for whatever future endeavors might bring to us, but a very big challenge that we have right now in our backyard. Chitko stated it was a very good meeting and he enjoyed the comments from everyone at the meeting here tonight.

Darlene Rossa stated she enjoyed the meeting and that a lot of interesting aspects were brought up. Rossa cautioned the Committee as they go into this zoning and property value guarantees in how stiff they make it. You always have to worry about if it is too hard or too stiff or if it doesn't quite work out right, you're always looking back at the annexations. Rossa understood the annexations to these smaller cities because it is a tremendous growth for them. Cities don't have access to money like the County's do. They're involved in a very small area and when they get a mine that comes in and the mine is willing to help provide with their school issues and road issues or equipment issues or anything, that is a big thing for them. All Rossa can do is caution the Committee because if it gets to horrendous then we will move into a different area and we always have to worry about if our rural lifestyles are going to stifle the growth in our communities. You just approved a couple of months ago a housing area with 16 homes and it's actually right across from a sand mine - so what comes first. If the mine would happen to start up again you have 16 houses that you've approved in that area so what is going to happen. They figure they won't have any problems selling those lots and it is right across the highway.

Brandt stated Rossa brought up the issue that Brandt had brought up in the beginning and that we heard about in the presentation by Human Resources Director, Deb Suchla, which is that people who farm 70% of the property/land in Trempealeau County is owned and or managed by farmers and this has been the issue in the past; agriculture that has surrounded and constrained cities. Brandt saw Rossa's point that mining is an "out" for a city. There is an aspect of it that again would have been unpredictable 10 years ago. Rossa stated one doesn't know when rural residential comes into your area, you have no idea what is going to happen there and all of a sudden a situation like this happens and so now we have homes in the middle of 800-900 acres and then it becomes a real issue. Rossa added rural residential is not always good unless it is controlled.

Karen Geske stated she found the meeting tonight very interesting and to be honest she had to get up and walk out because her tolerance level to a mining overlay district has been "run through the wringer". Geske has been to many of the intergovernmental meetings and been through this. Geske understands that we've already got mines in place and annexations in place, in which some are being challenged, and Geske did not move into this area (she has been here 26 years, came here 7 years prior to that) only to be displaced again, because she can see where this is going to go. We are going to just use the area that we already have, Blair to Whitehall, Whitehall to Independence, Independence to Arcadia and that will be our mining district. Geske thought it was very unfair to the people that live in these townships, that came here with the belief they could live here and leave their farms and their land to their next generation, that all of a sudden they are in the sacrifice zone for Trempealeau, Galesville, wherever.

Geske suggested that if we are going to do a mining overlay district, let's do it down in Galesville, Trempealeau, let's do it along the river. They ship sand on boat. Geske hoped if the Committee is going to do this, or think about doing this, that you also have some input from the people that live in the townships whether or not they want to be in an industrial mining district because Geske doesn't want to be. If you want to go look at an industrial district go over to Badger Mining. Take an aerial view of that, fly right over the top of that. You will see how beautiful it is to be living next to Badger Mining. When you get to the point where people need property value guarantees that is a most definite. If one goes over by Badger Mining, there is one person left between County Road P and County Road W and that is Jeff Stendahl. He grew up next to my husband as a child in Hartland. No one is there next to Badger, period, except for Geske's father-in-laws home, Wally Geske, which is used by one of the mining people. The only person there who is not associated with Badger Mining is Jeff Stendahl. Geske does believe that the County needs to put in place some sort of property value guarantee for the people that live around these mines. Geske believes it should be because it seems to be negotiated at every town meeting, 125% of your property value and that would be your entire property. So whether it is one house on two acres or 500 acres, that is what needs to be guaranteed at 125%. Geske believes that if these mines are serious about being here that they need to put this money, upfront, into an account and have it sitting somewhere so if a person wants to sell out it is accessible to them. Geske thinks the Committee is saying that is putting a big constraint onto these mines. Geske told the Committee that they come here, they offer \$500,000 for a pond in Independence, and they offer \$1 million over in Blair. If there is so much money, which she doubted there was in this industry because Hi-Crush stock today was at \$19.62 and that is just about where they started 3 or 4 years ago, then she thought that is what this Committee should do. Geske added she is very passionate about this. Brandt questioned Geske about her comment "she didn't want to be displaced again". Geske responded that her whole family was displaced in Jackson County and Trempealeau County from Badger Mining. Geske owned, through two families, from County Road P to County Road W. It became intolerable to be next to Badger Mining. The Mine changes the rules of the game, so that is why Geske thought there needs to be something in place upfront. Britzius stated so many people were bought out around Badger. Geske responded that is correct and Geske received \$7,000/acre for 40 acres. Britzius questioned what the market values were like at the time of those buyouts as he didn't think there were any guarantees in place. Geske stated what actually happened is (they actually owned more land with a childhood friend of her husband's and he wanted to sell) we tried to sell an 80 acre piece over there that was just gorgeous and everybody that came to look at it loved it but they didn't love the mine next to it so we couldn't sell. Our co-owner, who was from Pewaukee, wanted out because he couldn't stand to be there anymore with the mine so we had to sell it to Badger. Geske received \$46,000 on her half of 20 acres. Britzius asked for a sense of how that compared to the market value. Geske responded there is no market value or price that one can pay for what her husband's family has lost in the security and togetherness and to what we could do together as a family. It was the hub of all the activity since her husband was a 12 year old boy and he is 60 now. Geske reiterated that if this Committee is going to consider something with property value guarantees and if these mines are so much part of what we need, then you need to get the money upfront for all the homes and if they can't financially do that then they can't financially run a sand business because they are all pretty much shut down right now. Bawek asked if Geske considered what she got to be 125% value of her property. Geske answered that they got the most on their forty acres because, pretty much this room length, is where all of Badger Mining's lights were so one couldn't even be on the property at night without it being all lit up. One couldn't spend any quality time there nor build a house there. Nobody wanted to buy Geske's father-in-laws home. Bawek asked Geske what distance she would set for the guarantee of property values for the perimeter of the mine. Geske responded she would have to give them some thought. First off, she imagined anyone who butts up against any part of a mining company should have a guarantee and then one can get into that secondary part of it. Geske really believed there has to be something in place. Geske was just at one of her townships' meetings and a sand mine presented there. The sand mine is

probably going to come and try to get a permit from this Committee, which is fine if that is what you want to do, but they presented no property value guarantees. They don't have the money, they can't afford it. Well, if you can afford to build a \$15 million plant, can't you afford to give the neighbors a property value guarantee, what's up with that? That is a bad business decision. Geske has a business and you don't make decisions like that without taking care of what you need to and Geske's business is not as invasive as a mine. Geske apologized for what she called "rattling on" but she stated she is passionate about this because she has been displaced once and she doesn't want to be displaced again. Lien stated we have what appears to be the start of an overlay district but noted that we are working 100% town by town and the individual town will have a huge input on what an overlay district looks like. It isn't going to be something the County forces onto the towns. The towns will come forward, hopefully after public input to them and that will dictate where the district falls. As far as the rail corridor Lien thought that makes sense in a district because of how sand is transported in and out of the County. Brandt stated this as you all know is what we struggle with; how do we address it, how do we address it fairly and how do we make it possible so that the conflicts are minimized. How is it that we make it possible for there to be quality of life in the future so that there is prosperity and also fertility in the soil in the future and so the water is still there so that people will want to build their houses here.

Darlene Rossa stated on gravel pits and on quarries they do about the same thing that a mine does. They blast, they haul, its silicosis, and everything that goes on. Rossa questioned how come there are never any restrictions such as property guarantees, road use agreements, etc. Why do they not have to have any of this that a regular mine does? Brandt responded the short answer is that they do. They also have CUP's with conditions put on it. Brandt gave two examples – the most recent having to do with the Howard property in the Town of Gale. Kramer Company is expanding. They have been leasing the property from the Howards for many years, they used up the part that they can and now they want to move onto another piece. When Kramer's came to the Howards to say they were going to expand the footprint of the mine, they said "Where are you going to put this?" In the course of the conversation we were able to get them to agree that the mine would not impinge on the Howard's view or the mine would not expand beyond a certain point because then it would be too obvious to the Howards. Basically, Brandt reiterated there are conditions. As far as the road use agreements go, Highway Commissioner, Dave Lyga and his Committee have basically said if we are going to ask it of one industry, we have to ask it of all industries, so when Kramer opens up a mine and does a big project where they are hauling trucks all the time, they need a road use agreement. Rossa asked about reclamation as she knew on the top of Arcadia, the reclamation plan that Kramer's had was next to nil on the left hand side of the road. Brandt noted that "reclamation" is not "restoration" and all they have to do is make sure that there is nothing running off or big rocks aren't falling down. Brandt stated there is a reclamation plan, there is a bond in place, and there is a road use agreement for all the nonmetallic mines. As Lien was pointing out, Brandt stated the scale of the number of trucks hauling and the amount of work being done all the time is a factor. Rossa and Brandt commented on how the Wisconsin Sands project has managed to control their erosion and have done a great job with the site. Brandt reiterated that they all have reclamation plans, road use agreements, etc. Zeglin noted that the various aggregate mines aren't open all the time, they tend to be seasonal. Zeglin lives, as the crow flies, probably a mile from a Kramer site and they move their crusher around. They are there for a month then they go to another location. They aren't working all the time. Rossa noted there are about 40 gravel mines in Trempealeau County. Zeglin commented they open in an area where the aggregate is needed and they aren't open all the time. Rossa added so that they don't have to haul so far.

Britzius reminded the Committee of the next Intergovernmental Meeting to be held on Wednesday, August 19th at 7:00 PM at the Whitehall High School. The primary topic will be annexation and its effects on school districts.

Confirm Next Regular Meeting Date – Brandt reminded Committee members of the next regular E & LU Committee meeting on Wednesday August 12th, 2015 at 9:00 AM in the County Board Room.

At 8:20 PM, with the consensus of the Committee, Brandt adjourned the meeting.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary