

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management

SPECIAL MEETING MINUTES
January 27th, 2016 1:00 PM
COUNTY BOARD ROOM

Chairman Brandt called the meeting to order at 1:04 PM.

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

Committee members present: George Brandt, Mike Nelson, Wade Britzius, Curt Skoyen, Jon Schultz, Kathy Zeglin and Jeff Bawek. Note: Nelson and Schultz arrived at 1:12PM.

Staff/Advisors present: Kevin Lien, Jake Budish, Virg Gamroth, TCCTV videographer – Nancy Bergman, UW-Extension Community Development Educator Pat Malone.

Others present: Mary Drangsveit, Janet Starck, Mary Ann Bixby, Gary Bixby, Julie Dick- Blair Press, Dr. Sarah Slaby (member of the Health Impact Study Committee), Judt Haas-Hardie, Tom Forrer.

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

Discussion and possible action in regard to the Final Report on the Public Health Impacts of Nonmetallic Mining Brandt stated the so called moratorium or the decision of the County Board to convene committees to look at the health impacts of nonmetallic mineral mining, specifically frac sand mining was done in August, 2013 which is coming on three years ago. The final report went to County Board in September, 2014 with it being referred to this Committee at that time for possible action and that is also over a year ago. There has been some sense of urgency related to many of the issues talked about in the report and we have met numerous times, specifically to talk about them. We talked about property value guarantees and Bawek had led a discussion on how to relate stable communities and quality of water to all of the recommendations. Brandt thought today we come with a lot of experience related to the industry as well as the concerns because since the time we were handed this report a number of other entities have done research and things have changed within the County economically as well as politically. We are still, basically, the same Committee we were two years ago. Brandt thought it was time to take some action, to dig in and get some things done. Brandt stated it was always the Town of Unity Chairman's mantra, "Do something even if it is wrong". People want you to do something if you're elected. Brandt wasn't suggesting that doing it wrong is preferable. Zeglin commented we are going to do it right. Brandt suggested reviewing what the Committee decided to do at our last meeting relating to property value guarantees. There was no specific recommendation with the report dealing with that, but that is an area that we spent quite a bit of time dealing with. Upon Brandt asking Zeglin to discuss that some, Zeglin stated she did meet twice with Lien and Radtke to discuss her two suggestions; property value agreements and the buffer. We talked quite a lot about property value guarantees and how to go about that, if at all. Zeglin was sorry that Radtke wasn't here right now to talk about this, but according to Zeglin, Radtke is of the very strong opinion that we cannot do a guarantee per se as it would be impossible for the Committee to facilitate everything that would be involved in instituting such a guarantee. They did come up with several possibilities working around what was talked about in the Committee special meeting of the 13th; one being a change to the public hearing notice procedure,

one being the identification of the properties (that would be affected by any mine) that are not adjacent. Depending on our topography, some properties can hear noise or are more receptive to noise than others be they on a ridge or in a valley, others might be affected by water, so the policy procedure change would be to ask (which we voted on) the DLM to identify those properties' and include them in the public hearing notices. Zeglin reiterated that we did vote on that. Zeglin referred the Committee to the "Formal Public Hearing Notice Procedure for Conditional Use Permit Applications". Brandt commented, basically we've changed our policy in terms of who it is that gets notified. Zeglin added that it isn't going to be only the adjacent landowners but those landowners that would be affected by noise or water. Zeglin said the other thing we approved at our January 13th meeting is a letter that would be included with the Conditional Use Permit (CUP) application and these things would be extended to any entity that is applying for a CUP for anything. It isn't restricted to nonmetallic sand mines but it is for any use that needs a CUP as these changes would apply to those. The identification of property's that would be affected, not only the adjacent property's but those that would be affected, would get a letter, that would be included in the application packet, which we also approved at the last meeting, which encourages the applicant to contact any affected property owners and to negotiate with them the problems that they may have, as much as they possibly could, before coming to the public hearing. They should make contact with the property owners, find out their concerns, try to mitigate those in advance if at all possible, and if not, they all come here. Also, we approved a Conditional Use Permit Public Hearing and Approval Procedure letter that would be sent to each property owner identified by the applicant and the Department. They would all get this letter essentially informing them of their rights to the public hearing and any issues regarding the impact of the proposed land use, asking the property owner to contact the applicant in advance and try to negotiate or mitigate any concerns that they might have but also informing them that they should come to the public hearing as they have a right to air their grievances here. Zeglin stated those are the three things we attempted to do, more or less, as far as property guarantees; essentially informing people of their rights and letting the applicant know that the Committee will take these things into consideration. Bawek commented that the Committee basically had charged Lien and Radtke with the task of bringing something forward to us for property's that were considered affected. Lien added that Zeglin was included. Bawek stated he was struggling with the question of what is our distance for affected property's. Brandt responded that in the course of our notice procedure we are leaving it up to Lien and Budish or other staff members to identify who affected property owners are. Brandt asked Lien if he has thought about how to make those determinations. Lien responded saying he was part of the Wind Ordinance development and several other ordinances being developed in the County and utilizing LIDAR (Light Detection and Ranging- from a click of a desk one can see the topography in the County) when applicants come in we will still require them to give us a list of adjoining property owners and utilize it as well. As staff, we will review it and expand upon that if we see fit. When we see any kind of CUP that may have an adverse effect on the property, we are going to include people that typically might be downstream of a site and look at how close people are on the back side of the ridge. Typically, in our County, Lien thought predominantly winds come out of the northwest so we will look at things of that nature (wind, noise, etc.), in determining who we are going to send the letter to. We made the disclosure in the letter but that is not all inclusive, it is not a right or a law, it is a courtesy to people to let them know that some activity is taking place in their neighborhood and it gives them some outlying tools to contact the applicant. Lien stated we are going to have the applicant indicate on their application a telephone number where they can be reached or the mailing address that correspondence should be sent to. That information will be given to the adjoining property owners so they have a method of contact. Lien, Radtke and Zeglin had the intention of alleviating some of the issues before they come to public hearing. The three acknowledge that won't always be the case and in those instances that is when this Committee gets put to task on whether the proposed use is a good fit according to the Comprehensive Zoning Ordinance and the other ordinances that may apply, the Land Use Plan, etc. All of those things will be taken into account by this Committee. To answer Bawek's question, Lien said all the letter is really stating is that staff is going to

give things a more detailed review and expand upon the list if necessary that is provided by the applicant. Bawek clarified Lien was using the words “adjacent” and “in the vicinity”. Lien responded that was correct and that we know we have always included people that are touching and depending upon what ordinance or what State Statute you’re referencing, “adjoining” or “adjacent” properties are physically touching. Roadways separate properties through subdivision ordinance. In other cases, streams can separate property’s so we are going to expand those definitions and look at the bigger picture more, based upon topography and location of the proposed use. We will probably still have people who will come in and say they never got a letter. In regard to a nominal distance, Lien thought there has been enough conversation that it is clear in everyone’s mind, related to property values. We had a proposed sand mine in the Arcadia area and we had a subdivision across the street, no matter what setback we would have picked there, outside of a mile, we would have excluded or included a neighbor just with mere feet and that is the thing we are trying to avoid. In a case like that we would send everyone there a letter as well as the City of Arcadia and hopefully the City would distribute that also to people as they saw fit. Britzius thought he would use words like we are trying to “inform” and “educate” anyone who is potentially, significantly affected and that will be up to the DLM staff to determine, so different staff people might do it differently. Bawek asked if Lien was going to error on the side of caution using a larger boundary area than simply adjacent as we had discussed sound travels differently in this County. Bawek clarified that the call would strictly be made by DLM staff. Lien stated that was correct and it is usually always a collaborative effort. Whether Budish or Gamroth receives it, as staff we always review things and it goes through multiple eyes. If an application is received by Gamroth, before a mailing goes out, she reviews the list and we have in the past, on our own, included people, but again we have had people time and time again come here and say, “I don’t understand why my neighbor got a letter and either I was intentionally not put on the list or accidentally missed, etc., so this is an effort to minimize those things but they still might happen. Lien added we are going to try to reach out to as many people as possible because he thought if the issues can be discussed and potentially resolved before we get to public hearing it is a huge benefit to the applicant and a huge benefit to the neighbor. According to Lien, multiple times we have had issues resolved out in the hallway, during our meeting here, and we would hope that this kind of effort will resolve issues prior to that point. Zeglin wanted to point out that prior to this point it was the applicant’s responsibility to provide a list of names and addresses for adjacent landowners and some folks had gotten left out of the loop under that process so this is another layer. They are still required to provide a list of adjacent landowners but it is another layer to hopefully ensure that no one is missed, so there is that list then staff also sort of looks at that and identifies whether anyone has been left out and then you go beyond that to geographic possibilities of being affected by the mine so it is an extra layer of caution. Brandt said those changes to our procedure were approved at the last meeting. Brandt added that another thing that we did was make a small change to the Table of Uses related to permitted and conditional uses. Brandt asked Lien to talk a little bit out that. Zeglin noted that the Committee talked about that but did not vote on it. Lien continued that Section 2.05 Table of Uses in the Comprehensive Zoning Ordinance is not all inclusive but it gives historic, typical uses by zoning district. As staff, and as board members and town board members, we utilize this table when people come for rezones or conditional uses or general permits. By zoning district, the table gives permitted uses which are permitted by Ordinance and law, conditional uses which require a conditional use permit to be acceptable in that zoning district or uses which are not allowed at all. One would have to rezone to a district that would allow for that particular activity. Under industrial uses there is a list and historically, always under industrial uses, nonmetallic mining existed as a conditional use in an agricultural district. Lien gave some history by explaining that back in 1997, nonmetallic mining was predominantly aggregate mining which is used for local infrastructure. So, if one had a project in the southern part of the County and it was an agricultural zoning district, one could obtain a permit, open up a hillside, use that local aggregate for the infrastructure of that road and then either keep it permitted/open or reclaim it and move on. Lien stated that was the intent behind the Ordinance language and the Table of Uses, originally. Back in 2010, the

County experienced a lot of activity in what is referred to today as industrial sand mining. We modified the 1997 Ordinance to meet that industry's needs, even though, with an Advisory Committee (made up of all the major industrial sand operators in the County at that time along with several other potentially affected people) industrial sand was separated out from aggregate mining. Lien felt it significant in making good sense to also, under the Table of Uses, separate out nonmetallic mining under construction aggregate and industrial sand. Industrial sand, when one looks at all the definitions that are around it, the size and magnitude of it (a 24/7 type operation which has a lot of lights and a lot more activity and dust) really fits more into that industrial category. The typical aggregate mining still fits with a conditional use in an Ag setting and Lien thought that was a good common sense proposal which was presented earlier this month to the Committee. According to Lien, that fit seems to make sense. As the Table of Uses had been developed prior to him being with the County, Lien had always questioned why we had general mining under industrial. It is considered an industrial use but was a conditional use permit in an agriculture district. Now the industrial sand would be a conditional use in an industrial district. It would still allow the Committee to take public comment, have a public hearing, place conditions, but it would be more appropriate for industrial zoning. Brandt couldn't remember the nature of the discussion but stated it appears, based on Lien's recommendation, that this would be a multiple step process now which includes a rezone to industrial before a conditional use permit for an industrial sand mine. Lien stated that was correct and those things can happen at the same meeting. Lien explained that a similar case would be where someone rezones a subdivision to R-20 and then applies for a conditional use for a duplex. Those would happen at the same meeting. The rezone hearing is held first and if that is passed then the conditional use permit hearing is held. To clarify, Brandt noted that any rezone is required to be approved by the County Board as well so there is another step. Lien agreed and said there would be that second step for final approval of the rezone. The Committee could still hold the public hearings with the condition that approval is subject to the County Board approving the rezone. Brandt said this is again in response to the Health Impact Study's recommendations and he thought it would be appropriate to act on this. Britzius made a motion to approve the change to the regulations/ordinance. Lien clarified that it is a change to the Ordinance and it would go to public hearing and have to be approved by the full County Board. Lien said other potential changes to the Ordinance were discussed as well. Britzius thought it was important that there is a distinction between traditional aggregate mining and industrial sand mining. Nelson seconded the motion. Motion to approve the recommended change to the Zoning Ordinance passed with no opposition.

Brandt continued saying there are several observations for recommendations that the Committee made prior to making its specific recommendations in the areas of stable communities, air quality, water quality, light pollution, sound pollution and radon. Brandt wanted to read through them and offer some comments and observations in relationship to them based on what Brandt understood to have happened since the recommendations were made. Brandt read the first recommendation; "Trempealeau County officials should share the results of this summary and the final report with elected officials and the public throughout the County and encourage discussions of the implications of the Report". Brandt stated we have shared the results. The Environment and Land Use Committee has held a number of open, special meetings to discuss the report and its results. Town Boards have been included through the planning process as they update their Comprehensive plans and the reports were put out in public places – specifically library's. Brandt read aloud from Page 5 in the final report of the Health Impact Study the second recommendation; "Not all answers are known. Although sand mining has a long standing tradition in Wisconsin, the scale and numbers of nonmetallic industrial sand mines is new to policy makers and citizens living with the consequences". Since the report there have been more study's, workshops and change enough in the industry because of the economy to gauge its effects over time and this is something that we have obviously been taking into consideration as the industry has changed related to the price of oil, specifically. That was an observation as opposed to a recommendation. Brandt read the third recommendation, "It is critical to monitor air quality, ground

water quality and surface water quality. These are highly valued critical resources”. Brandt’s observation is that the County continues to increase its commitment of resources to water quality monitoring. The County Board has put aside money for well water monitoring and this Committee has supported, with the Board of Health and the Ag & Extension Committee, the creation of a database related to water testing that seeks to not only find the baseline (in terms of groundwater quality) but also to monitor it over time. The fourth recommendation is, “As researchers learn more about the consequences of nonmetallic industrial sand mining, local officials need to adjust policies appropriately. Brandt thought the Committee has done that. Brandt stated that tomorrow the Wisconsin Institutes of Health is going to release a report on its health impact analysis of nonmetallic industrial sand mines in western Wisconsin. They have taken their resources and money from a few grants to study that over the last two years (not to redo what Trempealeau County has done) involving public health departments, the Ho-Chunk tribe and a number of other stakeholders. Brandt is looking forward to seeing the results of that report. Brandt continued with recommendation five; “Policy makers needs to develop and implement more effective ways to include all key stakeholders, including the public, in the decision making process”. It was Brandt’s observation that County agencies and departments have committed, so far, through all planning processes to include citizens in decision making through citizen membership on advisory committees, etc., as well as open meetings. Brandt also observed that if we don’t do it, the citizens are going to find a way to let their voice be heard anyway, so it is a critical part of what we have always done in Trempealeau County and should continue to do. Brandt thought the Committee making these recommendations understood that and is encouraging us to continue to do that. Brandt read aloud recommendation six; “County agencies need to work together to educate, plan, and regulate around nonmetallic mining industrial sand mining issues”. Brandt said we have been doing that and in a sense we have been forced to do that in ways that we hadn’t in the past. The Health Dept., UW Extension, this Department, Human Services, Law Enforcement and Highway are all involved in dealing with issues related to nonmetallic industrial sand mining so that level of communication has only increased over the last six years. Brandt read the last recommendation, “Elected officials from towns, cities, villages, and the county need to begin having serious conversations about how they will work together to regulate nonmetallic industrial sand mining so the negative impacts are minimized and potential positive impacts are maximized”. It was Brandt’s opinion that we have attempted to facilitate that process and staff has worked with townships specifically during the planning process to keep this at the forefront. Brandt added this was only “a stab in the dark” at how to do that and we need to find a better way to communicate with the incorporated municipality’s around this issue. At this time, Brandt suggested, as Bawek had tried to move us forward with this, and having looked through this a number of times since the last time the Committee dealt with it, it occurs to him that there are areas where the Committee can do almost nothing (i.e. we can’t tell a township to do something as it isn’t within our power) and there are some areas where we continue to do things just by changes in policy and there are areas where we can do things. Brandt referred the Committee to Page 13 which contained the light recommendations in the study. Brandt read aloud the key findings:

- Light pollution impacts the health of humans and wildlife.
- Levels of light pollution are increasing in Trempealeau County.
- Trempealeau County light pollution standards are unique to each site.
- Light from mining and its related operations have impacted county residents.

Brandt thought when we look at surveys related to quality of life, darkness is something of a given in rural areas. We are still considered a rural area, yet as anyone who has driven down Hwy 53 between Whitehall and Blair knows that during the summer months, these mining operations can generate a whole lot of light. Brandt suggested that the Committee adopt all the recommendations that the Advisory Committee has given related to light. Basically this means establishing lighting ordinances that can be used to determine performance standards for all sources of night time light. This would mean basically creating a lighting ordinance for Trempealeau County. The recommendations are easily

done. Obviously it would require some resources on the part of the applicant but we require that already for sound. It is not impossible to maintain a level of darkness within the County and there are anecdotal references within this Report to people living with more light than they had before and children especially losing sleep because of the light pollution. Zeglin stated we had talked about this last April as she had some notes on it but we never went any further than that. Zeglin said there is limited language right now in our Ordinance that we need to “beef up” or do something separately for sure. What struck Brandt about the recommendations is that they refer to the Minnesota Environmental Quality Boards Tools for Local Governments and then they summarize the specifics related to that but there is also Ordinance language within those tools. Zeglin made a motion that the Committee adopt all of the recommendations for light pollution findings and begin working on ordinance language to facilitate that, Britzius seconded. Brandt asked Lien to weigh in on this. Lien stated there is some minimal language, in Chapter 13, where we address lighting. Specifically, the scenario Brandt mentioned are sites which are both annexed to the City where we have no jurisdiction regarding lighting. If we just amend Chapter 13, which is what Lien thought was being proposed/discussed, that only pertains to industrial sand mining where maybe we should have a good lighting ordinance for the County as this talks about where we have districts, levels and ranges from LZ (light zone)-0 thru LZ-4. Lien said there are other uses out there that give out light pollution that might be a conditional use or even permitted uses. Lien thought this might be a better addition to the Comprehensive Zoning Ordinance that is coming this summer versus just Chapter 13. Brandt stated that was his thought as well, the idea of zones of lighting and what neighbors can expect based on where that is on the map, etc. Brandt thought it seemed a logical addition to the Comprehensive Zoning Ordinance. Lien has read that some other County’s do have more specific lighting regulations than what our County does. According to Lien, at this time we just require shrouding. We don’t allow strobe lights/projecting light. Lien said there is language in the Comprehensive Zoning Ordinance where we can review lighting. Lien thought the issue has predominantly been when the County doesn’t have control, i.e. annexation cases, and that lighting affects people that are in the townships, in the County. Brandt commented we will not have the ability to deal with that until we are able to come to some agreement with the incorporated municipalities related to annexation but Brandt believed this is a good step and one that only as we continue to develop and grow as a County will we be able to use effectively. Zeglin clarified that the Committee was leaning towards a separate light ordinance. Brandt said yes, this would be a lighting ordinance as opposed to changes to Chapter 13. Britzius commented that it seemed to him a little odd to adopt all these recommendations as one recommendation is to consider hiring or contracting with an engineer, so we’re adopting a resolution to consider doing something and that is kind of messy procedurally and Britzius was a little nervous about that. Perhaps we could say this is some kind of a first step for recommending that staff look through these recommendations and translate them into something more concrete and doable. Brandt state the motion was to accept the recommendations. Gamroth clarified that the motion was to adopt all the recommendations for light pollution and start working on ordinance language to facilitate that. Zeglin and Brandt agreed that would take care of Britzius’ concern. Bawek commented our charge, as was his understanding from the Health Impact Study, was related to nonmetallic industrial sand mining. Bawek said this seems to go quite a way beyond that. If Bawek was going to boil this down, as we had gone through this before, he thought the Committee could summarize this a little better than that and make it less complicated at this point, since our charge was to deal with sand mining. Bawek added we are going to be getting into municipalities here, what we can and can’t do at that point with them. They have their own ordinances and Bawek saw this as a stretch. Brandt asked if Bawek could offer an alternative or a suggestion. As prior, Bawek had suggested focusing on L-5 as it gives us a good starting point and we learn as we go. That was in our initial discussion when we did a summary of the recommendations. We might be reaching too far to accomplish anything in a time frame that is acceptable. Zeglin stated this particular report did focus on nonmetallic sand mining but there are other sources of light pollution in the County (and there may be in the future) that may be bothersome to neighbors. Zeglin feels that being an all-encompassing ordinance

and not just leaning towards one particular industry would be beneficial in the long run. Bawek couldn't argue with Zeglin but questioned what do we tell our deer shiners. Zeglin commented, "Don't shine in my window". Bawek said it says, "Determine performance standards for all sources of light". Upon Zeglin commenting that shining is illegal, Brandt and Nelson said after 10:00 at night. Bawek stated he is trying to focus on what we are supposed to be doing – focusing on industrial sand mining and the effect it has on the neighbors and whoever else it affects. Bawek thought we are reaching beyond that at this point. If the Committee wants to separate the two, it makes it easier for Bawek because at this point he doesn't know enough about this to say, "yes or no". Bawek said he could say yes or no to a part of this as he would be comfortable with that. Brandt asked for Lien's opinion. Lien stated any time one tries to regulate for a specific use and perhaps make a change to the Comprehensive Ordinance, you're going to have some adverse uses like Bawek explained, yet at the time an issue like lighting is far beyond a particular use. We have light pollution which isn't necessarily from industrial sand mines but Lien thought the charge of the Advisory Committee, the Study and of this Committee right now is related to mining so he thought the conversation could be expanded later. Now we regulate light as a County but as far as this industry we could narrow the spectrum to light plans basically which is similar to blasting plans they submit where Lien or Budish would review their lighting proposal so that lights are shielded (so we don't have projection type lights) to meet what the industry needs to be able to operate the hours they want to operate and yet not have adverse light pollution to adjoining property owners. Lien admitted openly that some of this information on lighting was over his head when one starts talking about lumens, etc. and starts limiting all these different things. Some of those things might require engineering just like the noise study. When we start talking about a noise study (Lien has reminded the Committee several times) that becomes outside Lien and Budish's specialty and we would have to get private consultants involved. In regard to the sand industry, they could just submit plans with their CUP. They could be reviewed by staff based upon some minimal, more common sense rules and not necessarily engineering and science. Lien thought it would probably be a good way to meet the requests of the Health Impact Study and this Committees' goal by just not having these uses that provide light pollution on the neighbors. In regard to Lien's original comment which was "an Ordinance re-write may need to be looked at in the future, Brandt thought Bawek was changing some minds here. Brandt asked if Bawek would like to make an amendment to the motion related to his position. Bawek stated he would leave that up to someone else if they see it the same way. Gamroth re-read the motion; "Zeglin made a motion that we adopt all the recommendations for light pollution and start working on ordinance language to facilitate that, Britzius had seconded the motion". Zeglin stated the motion as it stands does not indicate that we have to do a separate ordinance, it is mainly saying that we start working on ordinance language. Zeglin thought the Ordinance as it stands is sufficient. Brandt said that Bawek's suggestion is that an Ordinance revision is not necessary, this Committee commit to making, as basically a standard condition, a photometric plan to be a requirement of conditional use permits. That would be a policy change as opposed to an Ordinance change and that we could do it in this Committee. Britzius commented just requiring people to make a plan says nothing about what the criteria of that plan is. We could get an incredibly useless plan so Britzius would like to see the Committee do something in a broader sense such as rewriting our Ordinance or working on it in order to provide some criteria. More discussion took place on whether to adopt all or pick and choose some of the items. Schultz stated the recommendation of the report is to consider performance standards of lighting for all sources of night time light. It is encouraging us to consider that so we aren't focusing on just one industry. Schultz thought the study probably opened up more curiosity on lighting so that other Committee's will keep in mind what impacts lighting can be. It is beyond just sand mining. Schultz agreed with Bawek that L5 furthers that goal. In learning about lighting, if we required applicants to conform with the recommendations of L5, Schultz thought that was fantastic but he thought we should also move forward with recommendations on what we want or we start working on it to be a lighting ordinance that is fair to all entities. Perhaps if we are going to pursue a lighting ordinance, obviously we have somewhat of a template on some other things to consider from these other recommendations; an

amendment to L1 and L5. L1 allows us to consider moving forward on a broader lighting ordinance. L5 is focusing us as a Committee to make sure that we are considering lighting for the purposes of application for the industry. Schultz made an amendment to the motion that we adopt L1 and L5 on light pollution findings and recommendations. Schultz believed if the Committee was moving forward with L1 that some of these other recommendations will likely fall into place. Brandt voiced that it was a parallel at that point. L5 we're basically making those four bullet points part of our requirement for the conditional use permit. That is a policy change, but we're instructing staff to move ahead with creating a lighting ordinance for the County to consider. Schultz added that Lien has the course of discretion on his workload with his staff in how quickly he can pursue that. Brandt seconded to amend the motion. Britzius stated L1 says, "Establish lighting ordinances that can be used to determine performance standards for all sources of night time lighting". To Britzius that was so broad that if the Committee is going to adopt that, it would be all we need. If staff is going to develop an ordinance, then they can pick and choose from L1 through L7 to come up with something that makes sense for our situation so Britzius couldn't see doing L1 and L5. Brandt pointed out again that by adopting L5 we make it a requirement for our conditional use permit applications (which apparently they are not) that is to say they are photometric plans and that would be a policy change. Nelson asked if this would include lights at night on tractors and then combining in the fall (as they go all night). Nelson questioned where the line would be drawn. Lien stated if one were establishing a lighting ordinance countywide that is where the Committee would discuss those sporadic, seasonal uses. One would put those issues in there (also, noise, odors and dust) as seasonal as they are not a daily, 24/7 and 365-day operation. Those would be spelled out separately. As Lien was listening to everyone talk, he was looking through the Ordinance. We talked about considering a lighting ordinance for the future. L1 reaffirms that as well. L5 could basically be under Section 13.02, Standard Conditional Use Permit requirements by saying this is one of the things that is required (a plan must be submitted) for a CUP. Staff would then review it. Lien didn't think the items listed in L5 would need an engineer or a lighting consultant. Lien thought those were things staff could review for compliance, but if we start going outside of that, in the recommendations some of those things get very specific and very detailed. Lien read aloud from the Study "Specify zero percent up light emissions above 90 degrees for area lighting". Lien questioned 90 degrees from where or what? These sights where we are removing hills, they make level spots, to Lien those things are troublesome when you come into regulation. We define it through multiple paragraphs what that means and how that is enforced, but again enforcement of an ordinance as staff is only as good as the language that is in it. Those kind of sentences such as L6 are troublesome. In referencing L5, Lien thought it was more of a common sense approach for the applicant and for staff that if they were put in under 13.02 it makes it relatively easy for anyone to understand what we are looking for. Brandt asked if he was correct in saying that if we adopt Schultz's amendment that L5 goes into the requirements for the Ordinance change or will that be part of an Ordinance. Lien stated that was an Ordinance amendment because it would be added to the standard conditional use permit requirements in Chapter 13 because it is more specific than what is in there now and then the statement of L1, is related to considering for the future a lighting ordinance. Brandt clarified that would require an Ordinance change and this would be the second one the Committee has approved today. Lien clarified that it would be two separate ordinances. Bawek believed that if the Committee did go ahead and put L1 as an Ordinance change that down the road that would give us the option to determine performance standards that could then be used in the L5 base assessments. Bawek thought that was a good suggestion by Schultz, to bring that into play and to separate the two is the way to go. Brandt stated the motion is to amend the original motion to approve or accept all the recommendations from the light Committee and the amendment is to adopt only L1 and L5. Motion to approve the adoption of L1 and L5 carried with no opposition. Brandt clarified the amended motion is to, just that, adopt the lighting committee's first recommendation L1 – Establish lighting ordinances that can be used to determine performance standards for all sources of night time light and L5- Photometric plans would be a requirement of CUP's. Plans would include the following, etc. Britzius asked what it meant to establish lighting ordinances as that was a pretty vague

phrase. Brandt answered we have a procedure for establishing ordinances which includes research, possibly determining whether a citizen advisory committee is needed, looking at other state or other county resources, etc., so we do have a procedure for doing that. Britzius clarified we are giving staff a job. Zeglin clarified that we will be incorporating L5 (the exact language) into Chapter 13.02. Brandt stated there will be a public hearing and possible ordinance revision for a standard conditional use. Motion to approve the motion as outlined passed with no opposition. Brandt asked Dr. Sarah Slaby, who was a member of the Health Study Impact – “Stable Community” Committee to give the Committee information on how that committee came to its findings and what she thought most important to hold up. Slaby stated she was on the “Water” Committee as well and in one of their meetings it came to our attention that there was a business in the County looking at buying water and hauling it out in tankers for fracking. Slaby didn’t think they ever continued or stayed in the area but she recommended the Committee keep an eye on that and if the Committee adopts for changes anything in the water area on quality and testing to also, in the future, work on evaluating and preserving the quantity of water that we have here. Slaby didn’t know what the process would be if a company wanted to come in and start hauling water out or if they could do that. Brandt commented it was one of the “groundwater” recommendations for no transfer or sale of groundwater out of the County. Slaby continued that the “stable communities” was very broad and the more the committee dug, the more they found, but it was very apparent in talking to people that this was such a new industry in the area that it really blindsided a lot of people. It not only affected why they came or why they live in rural communities but their future and their retirement which goes back to property values and hopefully somewhere down the road that can be worked on. Slaby said that tourism and biking was a concern and a lot of people had brought up to her the fact that several magazines along with world bicyclists have come to this area to go biking. According to Slaby, that has gone downhill a lot. Even though it may not bring in a lot of dollars to the community it still brings people here and it is diversity as well as hunting and that was something the committee discussed. The bigger thing that was discussed was the mental health impact that this new industry has on people when it comes to town and quickly takes over their community and affects so many people. It not only affected people but animals. This new industry has brought stress to the health of the residents, i.e. worrying about their property value. There is an immediate health affect just worrying about the dust and the silica sand and right or wrong or whether it turns out to be true or not. One of the physicians that Slaby talked to said they had lots of people come in and had detrimental health affects just from worrying about something that could happen or may not happen. Water was a big concern. Even in the stable community worrying if they are going to have healthy water or if there is going to be chemicals or enough water. Slaby thought there is the potential for a lot of health concerns that came into this committee just from the people they talked to that were worrying about certain issues that may or may not happen. Slaby didn’t know if this Committee had the ability to have a limit to how many mines are allowed in this County. Slaby thought perhaps that might not be able to be put into policy. She thought that came up with a lot of people that they would build if they knew we couldn’t have any more than i.e.20 mines or 50 mines, etc. Being that Slaby hadn’t read the Study for almost a year, she suggested answering any questions the Committee might have. At this time, she was remembering mostly emotional issues that people talked about. Bawek asked for Slaby’s opinion/thoughts on an overlay district in the County or “off the cuff” what her initial response was. Slaby stated she thought that was a good idea because people do know where to build but she does feel that people that live in potential areas are really upset about that. Slaby felt that a handful of smaller districts would be better than just one big district. Slaby noted that on the outskirts of Trempealeau they have a small district and she thought something like that or a number of small districts versus a big band along the whole railroad track in the County would be better. Slaby thought it would be a good idea because down in Trempealeau people know where to build and people moved out of Arcadia to the Trempealeau area because of the issue and because they knew there was a district there. Lien said this actually leads into our next issue and asked the Committee to remember the last meeting where Zeglin had asked that we provide the updated housing report as to where all the new homes were constructed in

2015. Lien stated DLM staff has been tracking that since 2011. Budish completed that information this morning and it goes along with what Slaby was talking about in regard to where residents are living, the natural beauty, taxation, economic growth in a community, school enrollment, etc. Lien explained that what Budish is displaying on the overhead screen shows the new home construction in 2015. If one looks back historically in our County, at the travel route from Blair to Arcadia on State Highway 95, that had been a very highly developed area because the majority of our work force travels to the Arcadia direction. In 2015, there was very little or any development on that route. All of the “gold” colored areas represent the industrial sand mines in the County and the 2500-foot buffer around them. We’ve known historically that the southern part of the County, because of the proximity to Lacrosse and Winona that there is a little bit of development as well as in the northern part because of the proximity to Eau Claire, and then the center of the County because of the two large employers there was a lot of development along there. We also see the dead spots that we sort of expected. Budish also has another map which displays all of the home startups from 2011 through 2015. One can see in the last five years where new home startups have taken place. When all of this started, Lien said we heard a lot of public comment and staff concerns about how school districts, enrollment, long term housing trends, and land development would all be affected. Lien said that everything we had guessed is statistically proven. People in Trempealeau County don’t want to live by those types of uses so they are not building in those areas or very minimally building. One can drive around our County and take a look and there are not a lot of home startups next to where either industrial sand mining is planned or in operation. Lien will state for the record to go into Jackson County and drive up County Road P from State Highway 95, take a left onto Underhill Road down to County Road W and come back south to State Highway 95 again and count the number of houses that appear to be built in the last 40 years. You will be hard pressed to find one and that sight (and they are a good company) is hidden aesthetically from the road but for the most part that is not why we move to Trempealeau County or why we build houses in Trempealeau County. Brandt stated that many of the recommendations from this “stable community” committee as well as other committees had to do with monitoring information related to everything from home building to hunting and fishing licenses. Brandt is going to encourage the Committee to stay away from those recommendations only because he didn’t think we have the budget to throw at anybody to do that and also because staff is already doing it, as are other entities; DNR, UW-Extension, etc. Again, related to the water quality issue, the County Board has already committed to encouraging water testing and monitoring of ground water within the County. Brandt recommended that the Committee take up a couple of issues; SC7 and SC10. In referencing SC10, Brandt said it has been a concern of staff as well as this Committee over time that there is not a great incentive to reclaim land if one doesn’t have to pay an extensive fee to keep land open. SC10 says, “Tighten reclamation plans to have fewer acres open at one time as well as shortening the amount of time these mined areas can be open”. As Brandt understood there is a policy that has been in the County where an operator can have an open but not operating “waiver” on the open acre’s fee requirement. Lien noted that pertains to aggregate mining only. Lien explained there is an annual inactivity fee for aggregate mining. For industrial sand the Ordinance has been amended that they need to provide evidence of activity to DLM staff on an annual basis; a very detailed description with the end goal in mind of moving a finished product from the site. Budish monitors and reviews that progress constantly. In relation to SC10, we are bound and limited by NR135 as we can’t assess a fee that is unreasonable or impractical. We can only charge a fee for the services that we provide and the applicants have to pay that, as long as it is reasonable. Currently, we charge \$170.00 per open acre, per site and then all of the DLM staff that are involved in NR135 tracking and support (from permit issuance to compliance) gets reimbursed for that through those fees. Lien stated we just completed an audit. We received a letter back from DNR last week which stated the County’s program and process is all “in check” and that we justified, on an annual basis, the money we bring in versus staff time spent. That time spent goes from reviewing plans all the way to enforcement. We are somewhat limited on SC10 as to what we can do but Budish is constantly promoting reclamation and it is to their benefit (the miner) to keep their footprint small. Budish has some great documentation

of sites in 2015 that are being reclaimed. We will continue to track them for their viability for the future. Lien thought one of the sites was reclaimed in such a short time that the soil loss equation, as far as viable, healthy soil, was minimal that he thought we will see good recovery to that. Lien thought on some of the other sights we will perhaps see managed pasture or some other type of use for it but he doubted it would ever be in production crop land or production forest. Lien said Budish will keep tracking that information and the Committee will be kept informed. Lien added that our goal is to keep the footprint minimized, keep the end result to the best result for the County but also within reason. Lien has yet to see very viable crop land from a site that has a lot of fill returned in it because you lose the permeability base of the soil for crops when you stir it up and put loose fines back in it so it is pretty tough to grow things, although we have seen some successful prairies and other things that can happen which are also a benefit. Lien said when one looks at our County as a whole, as far as an agricultural county, whether it is in forestry or crop production, there are definitely acres being converted to other uses and probably won't be cropped in his life time or his grandkids lifetime. Brandt brought up the issue of scenic roadways and questioned if there were two now in the Town of Arcadia. Schultz commented it has been part of their dialogue in the Town of Arcadia. Brandt noted there is the Rustic Road in the Town of Gale in Trempealeau County. That is a designation which holds nothing legally binding to it other than it lets people, other than people who live here, know that it has a different quality to it, but it is also possible for us to encourage townships or assist townships in potentially designating these areas which are considered significantly rustic/rural or important for their beautiful view. Brandt questioned what it is about the Square Bluff area or Chapultepec Peak or Arcadia Ridge that we want to maintain and find a way to help protect that and what resources does the County have to do that. Lien responded that he, Kirstie Heidenreich and Peter Fletcher, MRRPC (Mississippi River Regional Planning Commission) met with each and every township in the County to look at updating their Farmland Preservation Plan, basically looking at the land use and zoning layers. Through that process many things were identified on the surface of the County such as aesthetic beauty; parks, wildlife refuge, and DNR owned property. They also looked at where churches, cemeteries and schools are located. All those things, historically, we don't have a very good layer of mapping. We are separating all these things out while keeping in mind the discussion of a mining overlay district. According to Lien, the Town of Caledonia is a very good example for us. They have a small mining overlay district down there which has worked well for them. Our County, by default has somewhat come up with a mining district that follows the railroad and the river. That conversation has been started with the towns and staff is going to continue that through this summer in the hopes of having an end product in 2016, but also the changes we discussed today to the Table of Uses 2.05 which is in the zoning layer, will have a greater impact in how the County looks and what the townships feel their land use and zoning plans should look like in the future. Lien thought we are definitely following that recommendation and that designation of scenic beauty in our County. Unfortunately, Lien said those processes in our County take a long time. We have had a lot of meetings but it just isn't something that happens overnight. Lien explained our County has taken a "grass roots" approach, which was started back in the 90's, where the towns should be the one that have the say in how their town looks. That is why every rezone and every CUP application requires a letter from the town and not one building permit is issued without the towns written acknowledgement. We want the towns to know and understand that these things start with them. All 15 towns' land use plans make up the County plan. Lien thought we were on the right track. Bawek stated that during the discussion we talked about soils and not being able to produce agricultural crops after an extended period of time of being mined and he thought that was an interesting point in the consideration of an overlay district - what it looks like afterwards. That had never crossed Bawek's mind before and so he wanted to share that thought. Bawek continued saying next is the overlay part of things. As this process is very tedious and time consuming Bawek questioned if there would be such a thing as taking the currently permitted mines and drawing an area around them (because the landowners around them are already going to be affected- that is a given) and give the townships the opportunity to appeal for an addition to that overlay district if they see it different than the County. Lien clarified that

Bawek was saying the overlay district would just be made up of the mine borders that we currently have permitted now. Bawek said yes, to give us a start on the concept that these people are already affected, let's see if we have a positive response from the public or we have a huge outcry that "you can't do this to us" and then have them go to the towns' and say, "Hey, go through the process, give us the reasons" and then have the towns bring it forward to the County, along with the petitioner, a positive reasoning to extend the overlay district or to create one. Bawek, personally, thought that was a step in the right direction. Schultz thought there was merit to what Bawek was saying, especially referring back to the fact that a letter of approval is required on various permits from the town. Schultz liked the concept of the idea. He questioned if it was problematic to do but stated it is still giving the towns the duty and responsibility to put some thought into their approval process. From the towns perspective, Schultz stated right now we are changing our zoning. Schultz questioned Lien if the current mines would need to be retroactively rezoned to industrial. Lien responded no, that they would all be considered legal, nonconforming, so they would be "grandfathered" in. Britzius asked if Bawek's proposal was essentially a way to start creating an overlay district and getting feedback from the towns. Bawek was just trying to put a positive spin on what we are facing as a County. Bawek stated that over and over again we have people coming forward and continually saying, "Where do I build my house?", yet everybody runs down to Town of Trempealeau and builds a house. Bawek question why? Bawek said they have a district where people know what is going to happen. Around here we have uncertainty. We are trying to make it the best that we can at this point, in the process of where we are, for the neighbors. There is a lot of push back from the people wanting to do the mines for the neighbor thing but as elections have borne out throughout the townships and County, the majority of the people wish to have some type of a say on what will adversely affect them and so we're trying to alleviate some of that pain. To Bawek this was the next step, after all he has seen and all that he has heard, to take in that direction and right or wrong it is a step forward. If we do it wrong, Bawek thought we can always go back on it or not do any more of it. If we are going to designate certain areas as scenic beauty, we are going about it in a roundabout way of doing the same thing, we're just calling it something different. That might be a lot harder to do than to take what is existing and simply put a fence around it – so to speak. Schultz stated perhaps with this scenic preservation/byways being discussed we have that in hand as a possibility. Bawek also brought up the overlay district concept and we could still do both too. Schultz appreciates the maps but what he noticed between the 2000 and 2010 census is that the Town of Arcadia and the City of Arcadia had clear advantages in population growth. The entire County was just a hundredth fraction of a percent over the State of Wisconsin population growth and the bulk of that was carried by the City of Arcadia and the Town and we've seen that since 2010. Those maps clearly represent a shift in that group in likely response to sand mining. Schultz thought the City of Arcadia – 20% and the Town about 15% population growth in that census period whereas the remainder of the County was about 3 ½% over 10 years. We've seen that pretty much the breaks have hit the Arcadia region. Maps can say a lot and Schultz, personally, believes that map. Schultz added that with the election results he thought the Committee has a duty to pursue some concept. Bawek agreed. Britzius liked the idea Bawek is proposing. Britzius has been a proponent of the idea of an overlay district for quite a while and for all the reasons we've talked about here. Britzius said it seems like a good thing and keeping with invoking the Gary Monson principal of "let's do something" and see what happens. Britzius thought if the Committee was going to propose something like that and ask for feedback from the townships, we should also ask for feedback from the city's. Let's get the city's in the mix as they are obviously a big part of this and we need to start a way where we get some commonality and some dialogue going with them because we can create all the districts that we want and you know what happens. Britzius would like an attempt to start bringing the cities into the dialogue and for them to possibly get on board with the idea that, "Oh yes, this is important to protect this rural lifestyle". As far as Britzius' suggestion that we try to incorporate the city's and municipalities into this conversation, Zeglin said that was already attempted with intergovernmental meetings. Brandt commented that was a first attempt. Zeglin agreed but said invitations went out to all of the municipalities. Very few of them

ever came to any meetings. Brandt said the was untrue as the first couple of meetings had nearly 100% attendance. Committee consensus was that Blair, Independence and Arcadia were there but not countywide. Zeglin stated there seemed to be very little interest in participating with the County from the municipalities. Zeglin said we could throw it out there again but she didn't know that would change it. It might with the upcoming election. Britzius commented if we don't try we won't get any change. UW-Extension Community Development Educator Pat Malone was present. Brandt noted that Malone has been the lead person on the strategic planning which Brandt pointed out was the very first recommendation of the "stable community" findings and recommendations. Brandt read aloud, "Enact a countywide, long range, strategic planning process" and said that we are very close to completing it. In regard to Britzius' point, Schultz stated that just last week Independence Mayor Baecker reached out to Schultz as Town Chairman and they had a good meeting last Monday. Schultz thought it was productive and there was acknowledgement that everyone learned quite a bit in the last year. Schultz thought Zeglin's point was valid too as it didn't go so smoothly but Schultz thought there may be an avenue for that. Schultz reminded the Committee that, when we were planning this meeting he had stated he has another meeting at 3:00 today. Malone stated that in the process of conducting the strategic planning, we did talk to elected officials and the comment that Malone received about those joint meetings was, "They were going to go if it was a topic of interest to them, so if you're talking the Village of Trempealeau or the City of Galesville or Eleva, there is no mining activity. They have a lot of other things to do, so part of it is how you purposely construct those opportunities and maybe not expect everybody but to expect those incorporated communities' that are impacted by the activity. If you planned an overlay district, that might or might not follow where the footprint is right now, you need to be talking to Blair, Whitehall, Independence and Arcadia. People at the very south or the very north, maybe not so much. Upon Bawek asking if Zeglin was finished, she responded that was pretty much everything, the cooperation up to this point has not been good in her estimation. We do have an election coming up in April where the mayor's will be on the ballot in the various municipality's. Britzius concurred completely that the cooperation has not been good and that is what Britzius would like to make an attempt at changing in order to succeed. In the long run if we don't succeed we know what happened. (Some inaudible comments). Brandt asked why Bawek was now proposing an overlay district and if he was suggesting, based on what Britzius just said, that you feel it pointless as well because of our current annexation issues. Bawek responded that weighs in on the decision. Bawek added that one of the bigger reasons he is holding back is because Lien has never brought forth anything showing us their recommendations. Bawek feels that is very important and that it be done before Bawek jumps into this with both feet. Bawek stated Lien has a better handle on the pulse of the towns and what he sees of people coming into his office and their comments, etc. Bawek doesn't have that knowledge that Lien has and he would like to see that brought forward first. Bawek does believe strongly in it and that it is a step forward. Lien responded that initially when we had this conversation, actually a couple of years ago, he (Lien) made the comment several times that by default we sort of have an overlay district if you connect the dots and that is just one way to start. Lien's preferred approach really was meeting with all the towns. When we met with the towns, the overlay district was brought up and with what everyone has learned since 2010, there wasn't a lot of excitement at the town level in regard to expanding overlay districts. Bawek's idea of taking the footprint that is there right now is very similar to the concept that Caledonia has because not one of those mines has exhausted their permitted footprint and that is really what that map represents. The map represents the permitted footprint where the actual open mining area is, at best, a tenth of what has been permitted. Even though those areas look pretty large, what is actually open and active is very miniscule so it does give each one of those operator's an area of growth over a period of time. According to Lien, what was talked about at the town level goes beyond that; it was where do you see the next mine, the next rail loadout or where does it make sense in regard to roads, proximity to rail, housing developments, etc., taking into account scenic areas. Within all of these things where does mining make sense. Each and every one of the towns, because it was predominantly the town board chair and one or two supervisors at the meeting, wanted to take it back for

discussion and that is where the meeting left off. Lien said initial feedback was that they were not real crazy about expansions in the individual towns, but again these were one on one meetings with them and it wasn't at a Towns' Association meeting where they are all in the room together. The town representatives were instructed to take this back to their town level because we want you to think about it as a township. Lien knew not all 15 towns have been propositioned with this issue but a lot of them have and some of the towns have subcommittee's, some of them have adopted licensing ordinances so this isn't new to them. If one looks at the map, there are a few of the towns that don't have any industrial sand mining activity so it is not a "hot" item for them. As of today, Lien didn't have anything to present to the Committee that is even a guiding tool other than looking at the map whereby default they've been permitted. Lien noted it follows the rail and the major road. Bawek thought the townships probably struggle the same way this Committee does with making the call. Nobody wants to make the call. Another question Bawek had for Lien was about all these registered mineral resources that are on the books and where does that all play into this. Let's say we draw a line around existing mines then what happens and how does that play into all of this. Lien responded that without Corporation Counsel Rian Radtke here, as Lien understood it, that registration just locks them into the rules and regulations that are in place at the time of registering the resource, so future or more restrictive ordinance adoptions may not apply to those specific locations. Bawek clarified that they can still sand mine even though we would have a district. Lien responded no, they have to comply with the Ordinances that are in place at that time, so they could still come before this Committee and this Committee could make the determination that it is or is not a good location. Bawek questioned whether an overlay district necessarily eliminates anyone from mining. Bawek continued by saying that anyone, if they go through the process, in the end may get a mine and questioned if that was correct. Lien answered that if you create an overlay district, it would be an amendment to the Table of Uses again. An overlay district would say, if you meet these criteria and you are in this district, you more than likely will get a permit. If you are outside of this district, you are going to have some additional steps before you have the ability to get a permit, so the overlay district isn't a permitted right but it is supported by the towns, the County and Lien thought the bigger issue that we are all struggling with is that when you create something like that, whether Lien is the drafter with the pen or the township, you are talking about property rights. You are drawing that line in the sand as to who might or might not be able to profit from industrial sand mining and it might be neighbors living right next door to each other. Those are the really difficult decisions that town boards might not be likely to jump into nor us, as a County. Lien was in on the land use planning process from start to finish and he has said before that everyone at the meeting was given a colored marker and they were asked to color their property as they saw fit. According to Lien, there was a horrible "patch quilt" of incompatible uses and then after months and months of talking about, realistically, what makes sense, i.e. are you farming now, do you want to farm in the future, is an R-20 really a good fit there, how far are you from the city, how far are you from public water and sewer, then things started to fit together. Not all of the plans came out perfect, there were some people that were very adamant as they had other things in mind, and in most cases the town allowed them. The town just said it was fair enough and if that is what the landowner really felt was right, they would adopt that in their plan. Again, it comes back to property rights issues and taking their rights away. Lien stated our County was zoned in 1972, predominantly all agriculture, so everything ag related was a permitted use and any other use either had some conditional uses or "spot" zoning throughout the County which wasn't really good land use planning. Every half acre in the County, if it had minimal road frontage, could have a house on it. It wasn't until the late 90's when land use planning came in, where we started looking together, as community's, as to what was a good, long term fit not just for me but for my neighbors and community as a whole. That took place over a 10-year period. Brandt sat in on a lot of those meetings. Bawek was the co-chair of the land use committee in his township. It was a long process but it was "buy in" by all as everyone had a say. Brandt stated that Lien was giving the solution to what he saw as an insurmountable problem which is time and participation and Brandt thought Bawek eluded to it a number of times that we've been looking at this for six years and people have been

participating in this process for six years on all sides of the issue. If we want to make the call, we can make the call and take the flack. It is certainly a recommendation of the Study Committee to do this. Brandt would not say that we've kept anybody out of the process or that we haven't listen to certain groups of people. We certainly know what is on the table where we can make decisions at this point and not making a decision is also a decision. Bawek commented, and yet Caledonia did it with what was existing and they are profiting from it; both the miners and the public, so now what. Lien responded they did it as a town and that is still Lien's recommendation to let the towns individually see what fits bets in their township. We've started that process but Lien thought honestly with the current economic situation, we've learned a lot and he thought we are going to continue to see changes. Lien's guess was that over the next couple of years things might switch the other way again. Lien added that even though it is frustrating for the Committee and for the public that maybe not enough hard action has taken place, there has been a lot of really good conversation and people have learned a lot. Brandt asked if this Committee had a desire to create an overlay district of any form. Zeglin didn't think that an overlay district would work without the towns' approval. Zeglin said that right now we are going through the Comprehensive Plan revisions and a representative from each town has met with Lien once. It has been broached to each town board already as to whether they want an overlay district and so far the consensus of opinion in a majority of the townships is no, but those comprehensive plans are being revisited and hopefully reworked by the end of the year. Zeglin thought the individual towns have to grapple with this on their own. For instance, Zeglin said the Town of Unity had a survey done when they were working on their comprehensive plan in 2013. Basically, Zeglin said they don't want sand mines within a half mile of any residence and they would not be interested in an overlay district. We would have to go back to the towns and let them do that. Zeglin wanted to point out that tomorrow night a lot more information will be shed on what the County residents and various County boards feel about planning in the Strategic Planning session with the County Board. Zeglin invited Bawek to come as it is an open meeting for the public. Britzius questioned if Lien's recommendation just a few minutes ago wasn't to go to an overlay district at this time. Lien said no and that we should just continue on the path that we're on. Lien fully supports an overlay district and has from the beginning because it does work well for the Town of Caledonia because they developed and adopted it. Lien thought we need "buy in" from each town and they need to have a say. Lien thought for this Committee or he, in his position, to draw lines and say this where I or this Committee feels the overlay district should be would be problematic. Lien reiterated he thought it should start at the town level and then brought forward to this Committee. Britzius thought it sounds like the towns are never going to do that. Lien said then that would be the recommendation that would come forward; that the existing mines that are there are essentially the overlay district, as Bawek had said, and not expand on that. Lien said that has been in conversation but as of yet he doesn't have a map that he could present. Brandt asked, in regard to something Slaby had said, if the Committee could move to groundwater recommendations. Brandt read aloud GW11; "Water from any high capacity well permitted in Trempealeau County cannot be transferred or sold for industrial or agricultural use out of the county". Brandt stated he grew up in Milwaukee, at the time he was growing up in the 50's and 60's the southeast Wisconsin Regional Planning Commission (SWRPC) was like god in southeastern Wisconsin as they determined who got water and who didn't, who got sewers, etc. All development went through SWRPC. Brandt wasn't saying that it was positive or negative, as at the time he was a kid, but he did know that, at least in the past, it was possible for municipal agencies to determine what to do with the water. Including the Great Lakes Compact, the law is that you can't transfer water out of your watershed. Brandt asked Malone if she thought it was possible for this Committee or County Board to determine if you pump water out of the ground of a high capacity well that you cannot put it in tankers and send it out of state. Malone responded we do not ly within the Great Lakes Compact and that one is very specific about what you can and can't do. When one starts talking about groundwater that is outside of the groundwater shed for the Great Lakes it gets a lot different so we're not really sure whether you can or can't. What was clear to the Study Committee is that even people who were in support of mining got really testy about selling water/about the water going away, so that point was put in largely as a "run it up the flag pole

and see if it is possible”. Brandt clarified that Malone was telling the Committee that nobody knows if it’s possible. Malone stated she kept waiting for Corp. Counsel to say, “You guys can’t do that”. Malone asked if Corp. Counsel had said that to the Committee? Lien responded no and said he had some notes from when the Committee had this discussion and he had a question mark by “authority”. Lien had Carla Doelle contact the State and she was informed that every high capacity well has a “gallons per hour, per day” limit and DNR’s stance is if they don’t exceed that they can do whatever they want. Lien and Radtke had decided, through zoning and whatever enforcement capacity Lien has, if it is a different use outside of what would be a permitted use, that we would address it. So, if someone got a CUP for nonmetallic mining and got a high capacity well with that or a farmer got a high capacity well for irrigation and then changed that use, in Lien’s Table of Uses as a typical agriculture use, Lien would issue a cease and desist/stop that use until proper zoning was met. To Lien that would be more of an industrial use versus an agricultural use. Again, being site specific is how Lien would try to address it, because it was very clear at the DNR level that as long as they don’t exceed their licensed water capacity that they were not going to be involved. Referencing GW10 - “All blasting shall follow best management practices. Any damage to livestock, buildings, infrastructure, and wells within one mile of the site shall be the responsibility of the permit holder” Brandt hoped Town of Lincoln Chairman, Jack Speerstra doesn’t feel insulted that he is calling up his name here, but Brandt had a brief conversation with him just before lunch. They are having a difficult time with some well or water quality guarantees that the township was able to get out of their annexation negotiations with the City of Whitehall and Hi-Crush, that is to say, “Ok, someone’s water isn’t good but it is on the well owner and the township to prove that it is a result of the mining activity”. Speerstra’s request was twofold; 1) We continue to do the water quality testing as much as possible in the Township of Lincoln and get back to them so that if they are in any other negotiations they will be able to have some information upfront about that, 2) (which Brandt is inferring) The County find a way to make it easier for citizens and municipalities (towns, cities or County) to hold mining company’s specifically responsible for replacing or guaranteeing well water. At this point it all boils down to lawyers and court and who can prove what and so Speerstra’s request was to please try and find a way to make it easier for us to protect our water. This comes on the heels of all sorts of information related to heavy metals in the water, high capacity wells, etc. At this time, Schultz left the meeting. Brandt asked Malone and Lien where we were in relationship to holding permit holders responsible for guaranteeing water quality. Lien had a discussion this morning with a landowner who just received a letter from a mining company that they are going to do their annual water test. This landowner asked what the recourse was if he has problems. He was told by staff that liability is a really difficult thing to prove. We knew that when we adopted the language and put it in the Ordinance, but it was a way to acknowledge that there can be adverse effects but at the same time we knew that things that are underground are not visibly measurable and perhaps more common sense but at the same time how do you hold someone accountable for that. Lien explained that is part of the reasoning behind the ongoing testing that Malone is doing because if we start to see documentation of something happening in a given area (i.e. metal levels rising) perhaps the use has changed it and that maybe something enforceable. If you see one well go dry and not others then that may be difficult to prove liability. If you see multiple wells in a given direction go dry, those can be tracked, however without Malone being able to do ongoing testing and studying we don’t have that background right now and it would be difficult to provide proof. Lien knows of several wells that have been replaced in the County but they have been done very quietly and without controversy. Lien is also aware of wells that have problems and they are not winning the battle with the company. According to Brandt, Speerstra also suggested talking to well drillers. He and his town board have been doing their own research and anecdotally the well drillers are telling them about changes in quality of water, quantity of water, etc., so that information is also available. The well drillers are the ones who are replacing the wells. Bawek stated that was one more argument for an overlay district. You will have land that, in the end will probably be nonproductive, you have an area that may have poorer water or nonexistent water and that would be one way to perhaps “corral” the problem. Bawek was just putting one more argument out there. Brandt called on Linda

Mossman, the Vice Chair of the Strategic Planning Committee to speak. Mossman said one of the things that Speerstra may not have mentioned to Brandt was that 60 days ago, a landowner that lives over two and a half miles away from the boundary of a mine was complaining about his well, so Mossman didn't want this Committee to think that these are just adjacent wells. In fact, the well that Speerstra is referring to specifically with the horses is not an adjacent property either, so we're not talking about the boundary's, we are talking about miles. In that case, the mining overlay district could just make this problem even larger than you know of today. In regard to the well situation and the water testing, Mossman said the results need to be made public because there are more and more people that are learning about this all the time and as Mossman said a gentleman two and a half miles away is very upset and now wants his water tested as well. Zeglin commented that as far as the problems that most of the property owners surrounding the Hi-Crush mine (that is annexed to Whitehall) are having are problems with their wells. According to Zeglin, very few of them are coming forward. The dealings that Town of Lincoln is having with Hi-Crush have been extremely difficult. To Zeglin's mind, a simple cause and effect and common sense should be enough. Zeglin has said it before, "Shame on Hi-Crush". They wanted to be and they keep saying they're going to be good neighbors. Zeglin didn't see it. They need to step forward and address the problems that people are having with their wells and remedy those situations. Upon Nelson asking if they aren't buying their water from the City, Zeglin and Mossman responded no. Nelson asked why the City is getting such a huge kickback from Hi-Crush for their water. Zeglin responded they are not. Nelson said he was told by a City of Whitehall water employee that it's running about 80,000 gallons a month. Nelson stated they got permission from the Highway Department to put in that huge pipe (about 16 inches) out there from the City. It was Zeglin's understanding that the City has not been able to get enough pressure to send water out to Hi-Crush and that Hi-Crush is using a high capacity well on Mr. Waldera's property that was supposed to be for agricultural use. Mossman was told that there is a permit for a second, high capacity well that has been asked for on a similar property for Hi-Crush's use. Britzius asked if there was any way the burden of proof could be put on the mine as opposed to the burden of proof being put on the homeowner. Brandt said that was the point he was trying to make. Lien commented that to him it is the proverbial "dead horse" as we have discussed this issue over and over. Britzius commented our traditional beliefs about water are not ones that hold anymore. Things are changing and it is becoming a scarce resource. Brandt said it is becoming a commodity. Again Lien said, the case your talking about is specifically where there is a mine annexed to the City and the people that are adversely affected live in the town. Under the County Ordinance, we haven't had these kind of issues because we require the annual inspections and testing so it hasn't been that kind of issue due to what we have control over. Lien thought if one looks into the specifics there is a long standing denial on the city's part and on the operator's part to acknowledge the issues at hand. Brandt thought the Committee really needs to deal with those recommendations that they can do something about. A lot of the recommendations from the "stable communities" section has to do with monitoring and getting information so policy makers have more information to base their decisions on. Much of that has happened and it continues to happen. We have talked with real estate agents, lenders, assessors, appraisers as to how property values are affected. DLM staff is doing mapping of housing trends. Brandt suggested the bicycle clubs as well as the snowmobile clubs are very much aware of who it is that is using their resources and how those are trending so it would be up to the County Board to invite the people who have the information or this Committee to report. Britzius asked if Lien's staff was developing a mapping layer that shows scenic and cultural resources, etc. Lien said that was correct, but it won't be incorporated in our Farmland Preservation map but it will be incorporated into the revision of the Comprehensive Land Use Plan and zoning changes that are coming this summer. Malone commented those are components (cultural, historical and environmentally significant) that are supposed to be incorporated into their land use plan. Malone added, in terms of the groundwater recommendations, we are doing the quality testing and she would like to move towards a way to start monitoring water levels in wells. Malone said her and Lien need to think through how we would do that; some kind of process to start monitoring that, realizing that

water levels in a well are not just a function of do you have a high capacity neighbor. They are related to a lot of different things. Malone thought that would be valuable data over the long run. Zeglin suggested hearing from the public that is present and what might be on their minds briefly. At this point the Committee took a 10-minute break.

Brandt called the meeting back to order. Brandt brought up the subject of surface water, which he didn't think the Committee could do anything about but the recommendation had to do with increased setbacks for exceptional waters and any other wetland or waterway. Brandt asked Lien if these setbacks were state mandated numbers or would it be possible for us to specify a setback from a wetland. Lien responded those are sort of state requirements, but it depends. Right now the Shoreland Ordinance is being revised through our County and the State has set stricter criteria. We have draft language that Budish has been working that we are going to be bringing to the Committee in a couple of months but otherwise, historically, that had been pretty much State requirements. Upon Brandt inquiring as to what the setbacks are, Lien responded 75 feet for construction from a navigable stream, 300 feet shore land area, 1000 feet from a lake and those have been pretty standard setbacks for a long time. Upon Brandt asking about identifiable wetlands, Lien stated you just have to be out of them, so we have everyone do wetland identification, delineate the site and then as long as they're not in them there is not a setback from them. It is just that they need to be out of them and can't disturb the wetland. Brandt said our recommendation was to create a setback and asked if that was a possibility. Under the current regime, Lien thought it was questionable. He didn't know a definite answer because a lot of the setbacks and enforcement regarding shore land is being stripped from county's unless you have pre-existing language that was more restrictive. Lien has been looking through some of that and we might be able to hang on to most of what we have but to put something in to place more restrictive would probably not be approved. Brandt commented we may have missed our opportunity, but no one saw these shore land protection change comings. Lien said it has been in the making for 15 years and then it was adopted with a lot of changes that we all have to swallow. Brandt stated he has exhausted the areas that he felt the Committee could either do something about or to consider. However, Brandt didn't bring up anything about sound because the recommendation was to keep our current ordinance but put a daytime limit on sound. Brandt remembers too well the fight for that Ordinance and personally he didn't want to try to open that up. Bawek referenced on Page 8, SC4 – "Modify ordinances to limit the number, expansion and locations of mines. This would allow for the protection of the natural beauty, drinking water and environment that is identified in the current comprehensive plan". Bawek believed Slaby might have brought up limiting the number of mines and Bawek said we've never really addressed that. Brandt clarified that Bawek was saying this is separate from a mining district. Bawek replied it is a district or do we go this route in order to meet these recommendations and limit the number and location of mines; do we put a hard number on it? Lien answered that conversation has taken place in the past and a lot of the discussion revolved around what the criteria would be; traffic impact analysis, tons being removed, etc. How would one say, "Town of Arcadia has "x" number of mines, sorry no other landowners can mine in that town"? Once again the property rights issue would surface again and why can one do it and not the other. Lien asked what would be the factor used to limit the number and said that is where the discussion ended. In a past Committee, Lien had thrown out (what he thought was a poor analogy) that we have limitations like that; i.e. liquor licenses. Lien believed each town gets so many liquor licenses based upon population. Lien said it is a limitation by township as to what is allowed. Lien reiterated as to what would be the justification/criteria that this Committee would use to limit the number of mines whether it be by town or County. Brandt stated Lien has used this property rights issue a number of times and Brandt thought what he is saying is property rights is someone saying I can do this because somebody else can't tell me I can't do this. In fact, because we are a zoned county, we can tell somebody they can't if they are in a certain location, but we can't just do it for any old reason there has to be a rationale or something that we can point to in order to say something that exists in this County has a limiting factor in terms of i.e. water or soil erosion. We tell people they can't have

a driveway that is more than 12% slope which really limits how or where it is that people can build. Brandt's point was that there needs to be a reason for us to deny people the ability to do something and there are perfectly good reasons. In conversations with the Highway Commissioner, Dave Lyga, he has pointed out that our County roads would really be pounded to nothing and the replacement budget is going to be unsustainable if (and it isn't happening now) all the mines were open and all the truck traffic was going that they had stated. The budget for the County roads is going to be paid for by mining company's. Brandt questioned if this is a limiting or no limiting factor as that is something to consider. To answer Bawek's question about limiting the number of mines, Brandt stated if we have a reason such as issues related to water, erosion, truck traffic, economic activity, commitment to tourism, infringement on scenic views, etc. Britzius referenced SC7 and asked what happens if we designate "Scenic Beauty" highways and other areas. To Britzius that was a very important concept and a lot of the reason he and other people moved to this area of western Wisconsin. It is also a part of the rural lifestyle and it is a part of tourism. We have designated State rustic roads, and bicycle trails. Britzius questioned what if we, as a County, designate some scenic byways/highways. It would be something we could promote as part of tourism development and use in possibly limiting mining in that area also. Since we will be having a new Parks Committee, it might be something they would want to look at. Brandt stated it was the experience of Buffalo County to limit truck traffic on State Highway 35, which limited the amount of sand mining that happened within that corridor. Britzius commented it prioritized the use on that particular asset. Britzius would like to see limitations on line of site for any kind of industrial mining on Square Bluff Road and the Arcadia Ridge because there are rare and special views there. Budish stated he went to a DOT (Department of Transportation) meeting last year and was informed that there are actually scenic easements on the Arcadia Ridge already and also from Centerville all the way to Marshland. There is also another scenic easement between Pigeon Falls and Osseo (up on top of the hill) on State Highway 53. Lien commented it means there is limited development and some DOT conditions as to what the property can be used for in the future. Brandt commented that is property adjacent to the road, not something a half mile away. Budish said those were things that could have been considered at the time of permitting if we had known that there was already a scenic easement in place for aesthetic purposes. Britzius suggested establishing some of those easements at the County level and then it could play into decisions in the future even if it is not really enforceable. It could still be part of the consideration that this is a designated area/scenic treasure. Brandt recapped that we have talked about cultural, historical and environmentally significant areas being noted at the town level and scenic significance could be added to that as well. Britzius suggested sitting down with Lien and discussing what kind of language would make sense. Brandt said Zeglin has sat down with staff in regard to the property value issue so Brandt suggested Britzius take that on along with anyone else willing. Bawek suggested letting the public present make comments.

Janet Starck commented she is just taking it all in.

Mary Ann Bixby commented on how far we have come, in what she is listening to today, having not been at any recent meetings of the E & LU Committee. She is hearing things being discussed in a zoned Town of Trempealeau which sounds like maybe our towns can do something. Coming from a township where we have a change of people on the Board, we're working to get them up to speed on what we need to do to update our Comprehensive Land Use plan. Listening to the Committee talk about that, we want to know what our township is doing with that. Bixby is getting some ideas to take back to our town on a grass roots level and continuing to seek a way of dealing with sand mines and changes in our County in a way that she as well as people living in our County can be comfortable with.

Judt Haas-Hardie lives on an organic farm just outside of Blair. She hasn't been to one of these meetings lately and she was really glad that she was informed about it. She listened, especially to Bawek's comments about an overlay district, because she has been concerned that if you have a town chair person who is in favor, and has sand mines, that person might readily say, "By all means, come to my town and we would love to have more sand mines", not even thinking about the possibility of a cumulative effect. Granted, our town chair was changed last year with some effort, so maybe this town

chair wouldn't be that way, but Haas-Hardie would have a concern about an overlay district just because you might have a town chair that is really zealous for that and yet she could see some positives of an overlay district too. She just would not want to see the Town of Preston accumulate more sand mines and really not the Town of Preston but the City of Blair. Haas-Hardie was at a reclamation workshop on December 15th, held by Farmers's Union up in Eau Claire, and one of the speakers said that it takes approximately 30 years to reclaim a piece of land to make it considered to be somewhat valuable. About 30 years from now, Haas-Hardie will be 90 something so all the destruction she has seen around her area, if she isn't blind she might see the reclamation, but she thinks about her daughters who want to take over their farm and 30 years from now they will be 50 something and that land still might not be too valuable in order to put grazing cows on it. She really doubts that it will be valuable. Also at that workshop, it was stated that this is the time for towns to be busy. Because there is a lull in the sand mine activities there should not be a lull in our efforts to protect our towns. The most significant thing that Haas-Hardie came away with is that they were saying maybe we should try to develop ordinances in our towns that would protect us even though sand mines have already been permitted as you can't project a licensing program onto a sand mine that is already established but we could develop a licensing ordinance that would affect, god forbid, anymore sand mines to come to our township. At the last town meeting that Haas-Hardie was at, guessing she didn't understand all the ramifications of zoning and how in this County there is zoning, it was said that we just can't implement something that doesn't coincide with County regulations already. Haas-Hardie said it is something that Bixby and her are going to research because we want to know if we, as a town, can implement a licensing ordinance in order to control some of the activity of sand mines should there be any more permitted in their town. Other than that, she just thought there was a wealth of information and she was glad she came. In regard to the overlay district and an overzealous town chair person, Bawek asked if Haas-Hardie felt that responsibility should fall to the County or at the County level. Haas-Hardie responded that Lien had said he met with the town chairs the first time on the Comprehensive Plan and they haven't even heard about that yet in their town and they've been going to the town meetings for years now and so if you have met with our town chair, those of us in the town who have been at the town meetings aren't aware that you have. Haas-Hardie would like to see the town play a role in what happens but if we're not aware of it, because we don't have a town chair who is informing us of that, it creates a real problem because she thought the Comprehensive Plan should have the voices of the towns' people in it. Brandt said it is, in fact, a requirement. Haas-Hardie said that doesn't always happen. Brandt thought it was Slaby who pointed out there might be some decrease in tourism type activity related to sand mining and he asked Mossman if she could clarify some of that for the Committee.

Linda Mossman stated that in 2014, reported in 2015, Trempealeau County received over \$24 million in tourism impact – that is a given, as it is on the State website. It is done by a firm that is totally accredited as they do this for other states. And if you review the sales tax reports that are put out by the Wisconsin Department of Revenue, those numbers tie directly back into what each one of us reports as our sales tax – the .05 cents comes to Trempealeau County. Bicycling makes up part of that, hunting, snowmobiling or any tourism activity makes up a component of that \$24 million and she thought 600 jobs in Trempealeau County. According to Mossman that figure was up. Since 2000, where we were like one of the bottom counties in the State of Wisconsin in receiving tourism dollars, we have steadily been growing, and we're now not quite half way, but we have made huge strides in ten years. Mossman said what Slaby is referring to is with the bicycling community (like the snowmobiling and hunting community or any group of individuals that share a common interest) as they have magazines, blog sites, websites, and groups that they share information freely with. We were noted in two national bicycling magazines as our road bicycling was under attack due to sand mining. Bicycles and dump trucks and pick-up trucks with employees that are coming in and out of sites with materials, etc. are not compatible activities. With that being said, Mossman's son, Travis has spent a tremendous amount of time, thanks to the CAPX2020 money, doing responsible things for our bicyclists to entice them to come back. Give

us another opportunity to make this a bicycle friendly environment. So that is the why the sign on the loop outside out of town on number 18 was so important. That was the first of its' kind in the nation. We aren't even talking the state, that was the first time a road bicycle loop had been "signed" in the entire United States. That is a very big deal and that will garner us some, of what we call, "earned media" which will hopefully bring more people to Trempealeau County. It will give us more exposure and will benefit those people who are directly involved in tourism. However, if sand mining activity for some reason increases, just like it did in 2010 (where no one can predict what is going to cause this to all of a sudden escalate again), if there is not regulation in place to secure the fact that tourism is protected, we will never regain the trust of our customers again. You can say one time, "Oops, had a hiccup, we fixed it, we did what is necessary, please come back as these are the steps we've taken", but if we make another hiccup, we're not going to regain that. Brandt stated the positive spin on that is that these can be compatible uses. Mossman agreed, if they are limited. Mossman said we have to be able to protect these roads to some extent. We know that, i.e., County Road Q, we can't use that for bicyclists. One would never send somebody on that road to ride. Mossman asked if, possibly, we can protect another road, but it goes back to what Britzius is saying. You need to have these designations. You also have the same problem with the snowmobile association currently. Is the trail between Whitehall and Independence open? Some people say yes, some people say no. To Mossman's knowledge, there is not a signed easement to use that road. Do they groom it? Mossman said yes. She has three gentlemen here snowmobiling for the last four days from Missouri. She isn't going to send them on that trail (5-mile stretch), even though it is the most convenient for them to work between 31 and 29 and 31A, when she is not comfortable with who is or is not legally responsible and that is an issue. Right now there is \$50,000 in CAPX2020 money sitting there because a bridge cannot be constructed for the snowmobilers because of this unsigned easement. Personally, Mossman would like to see these conversations continue as she felt they are very worthwhile, but she would like to see a little more activity. Mossman would also like to see the intergovernmental meetings continue. There were many residents that attended those and there were often times where it wasn't a topic that she was necessarily interested in, however she didn't think we could say that we didn't learn something, we didn't garner something, there wasn't a better understanding from them. Maybe even having a conversation afterwards with someone that you particularly didn't know was very important. As an activist, Mossman said we are working to change. If you can't change their minds, change their faces, as Kathleen Vinehout would say to Mossman every day. Mossman will continue to work on that. You will continue to work towards more intergovernmental meetings.

Julie Dick – No comment

Nancy Bergman – No comment

Sarah Slaby stated it was really sad for her to see how messy this water and measuring water and preserving the water quality and acting on it is because it is regulated so much by the DNR and with our hands being tied. Slaby hoped at that next meeting the Committee can continue in maybe helping to preserve the water and the drinking quality in some of these recommendations such as SC4 that Bawek brought up. After all, the towns Comprehensive Plans talk about the natural beauty that they want preserved and the drinking water. Slaby noted SC7- the highways and maybe putting in there the bike loops. Where there are bike routes, if it brings in that much money to the County, perhaps mining is not allowed off of those roads. Perhaps we as a County can regulate it in other ways through some of these listed here on this page. Briefly, in regard to the reclaimed land, Slaby would hope, as being a farmer and being really concerned about chemicals in the water, that reclaimed land should not go back into farm production because when you can mine down really close to the water level, farmers are going to want to get their money back from the bond and get it back into 70% of the production that it once was, they are going to have to put lots of chemicals/fertilizers to get it up to production and that is only going to cause water problems down the road. In September when this report was coming out, Slaby found some research that even if the land is irrigated, and a lot of chemicals and fertilizers are put back on this land, and at best, it comes back to 40% and 70% at best that most of these places aren't going to be

irrigating and nobody is going to be monitoring how many chemicals are being put on these fields to get it back into production. Slaby thought that was really scary as our County is an agricultural County and to try to keep it that way is by maybe limiting (another argument for limiting) the amount of mines because the next generation has been promised by these sand companies that you can grow corn here. Slaby is really concerned. At the small mine that has been reclaimed right outside of Arcadia, they promised they are going to get full corn production. Slaby knows they are going to dumping tons of chemicals to get that production to what they want and it will be in the groundwater really quickly. Even though this is messy, Slaby thought we have to use some of these other recommendations to get around it and preserve the drinking water and the environment. Slaby asked to please keep in consideration the reclamation and even if it should be allowed to go back into cropland for that reason. Nelson asked what kind of chemicals one would use to try to get the land brought back up to production levels as all one needs is manure and lime. Nelson has proved that. Slaby agreed. Slaby stated she is an organic farmer and that is true, but if you're a conventional farmer you're going to be dumping a lot more nitrogen and chemicals (she didn't mean pesticides but fertilizers). Phosphorus is going to get into the water, nitrogen would up the nitrate levels. Nelson stated he bought a farm back in 1989 and he caught a lot of flak from the neighbors as to why they bought that farm because they never seen anything grow on it ever in that one field. Nelson bought it in June, the ph level was under 4, and the following June the ph level was over 7. Three times Nelson put manure and lime on it and it took less than a year using no chemicals whatsoever. Nelson didn't agree with what Slaby was saying. Slaby responded that you can for sure do it but that is not what these farmers are doing. That is the right way. Bawek asked if Nelson took land that was mined? Nelson responded he doesn't mine. Bawek clarified that Nelson took existing farmland? Nelson responded yes. Bawek though Slaby's point and Nelson's point, whether conflicting, is that she is taking land that was mined to within 10 feet of the water table and what is now a cemented product and putting reclaimed ground on top of that, so the rainwater or irrigation water is going to hit that cemented form and flow sideways and find its' first avenue to water. Bawek understood Nelson's point about making the land productive. Nelson asked why they would be mining that close to the water table. Bawek responded we allow 10 feet. Nelson said that was too close. Bawek knew that and said our level was based on Caledonia's. Slaby added that another difference in your land versus the reclaimed land is that when you stockpile land, even if you didn't mix sand in, let's just say you stockpiled all this topsoil, after three or four years that soil is now dead; no microbial's, no worms, no bacteria to keep that soil healthy, and aeriated. So you can stockpile a huge area of farmland, never mine it, put it back and you're going to have similar issues. It is only going to be worse though with the mixing of the sand. The difference being that your soil was still a living soil. Land that has been pile and reclaimed is now dead soil.

Confirm Next Regular Meeting Date – Brandt reminded Committee members of the next regular E & LU Committee meeting on Wednesday, February 10th, 2016 at 9:00 AM in the County Board Room. We will have an update on ordinance revisions related to lighting and conditional use permits and zoning districts, etc. We did a number of things today that are going require to further action. Upon Bawek suggesting Lien work on a map with bike trails so that we can have an idea where we could designate some of these roads, Mossman said Ann Hempel already has that. The special meeting items are to go on the regular meeting agenda again. At 4:05 PM, Skoyen made a motion to adjourn the meeting, Britzius seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary