

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

**REGULAR MEETING MINUTES**  
**April 13th, 2016 9:00 AM**  
**COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:05 AM.

Roll Call of Committee members took place. Committee members present: George Brandt, Michael Nelson, Jeff Bawek, Wade Britzius, Aaron Kidd, Curt Skoyen, Kathy Zeglin, Jon Schultz.

Staff/Advisors present: Kevin Lien, Virg Gamroth, Jake Budish. DLM Staff members Mark Carlson and Ann Hempel, Ryan Swatek-NRCS (Natural Resource Conservation Service) and Corporation Counsel Rian Radtke were present for only part of the meeting.

Others present: Michael Forsythe, Beth Killian, Scott Kee, Robert S. Tiedje, Tom Forrer, Char Everson, Linda Mossman, Attorney John Behling, Attorney Paul Millis.

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

**Adoption of Agenda** - Britzius made a motion to approve the amended agenda as presented, Nelson seconded. Lien asked to strike agenda items #18 and #19. Britzius and Nelson agreed to the amendment to the agenda. Motion to approve the re-amended agenda carried with no opposition.

**Adoption of Minutes**

Zeglin made a motion to approve the March 16<sup>th</sup>, 2016 meeting minutes, Nelson seconded. Zeglin made a change to the minutes to note that Charlotte Everson spoke in favor at the Hochstetler public hearing. Motion to approve the meeting minutes with Zeglin's amendment carried with no opposition.

**NRCS (Natural Resource Conservation Service) Update**

Ryan Swatek, NRCS District Conservationist stated construction season has started for them. There is some riprap and crossings going in and now with the road banns off, waterways, etc. will start getting built. NRCS had their second batching date for their EQIP (Environmental Quality Incentives Program) cost sharing program which is one of their main programs for erosion control projects. Swatek gave a little background explaining that their first batching date was October 2<sup>nd</sup> and at that time for the three county area (Buffalo, Trempealeau and Jackson County), they had 17 applications that were high priority with an estimated cost of approximately \$168,000 to cover all of those practices. They got funded about \$90,000 of that amount. The majority of those projects funded were in Trempealeau and Jackson County. They held a second batching date which ended on March 4<sup>th</sup>. At the end of that second batching date, they had 35 applications between the three county area that were high priority with an estimated cost of a little over \$413,000. With that said, one application was funded for \$330,000. Swatek stated the need is out there, the funding levels just aren't. The total cost probably for our local work group area is just over a little over \$100,000 which is pretty good for our three county area. There are many fund pools that it goes into statewide. Our State Conservationist makes those decisions so hopefully with this need and showing this backlog that in the future we will get more money in this area. The work is out there and Swatek hates to see it not continue or just dissipate because of the funding levels. Swatek encouraged the Committee that if they talk to any Congressman, etc. the need is out there it is just that funding levels aren't that great right now. Swatek said they have the Conservation Stewardship Program in which they had approximately 10-12 people sign up for that so they are working on getting those applications ranked and ready

to go to see which ones will get approved for funding. Swatek noted they did increase the acreage allocation for that program this year compared to last year so there will be a better chance of landowners being funded through that program. The CRP (Conservation Reserve Program) workload is increasing quite a bit and one will see a lot more of it on the landscape in Trempealeau County this year. Some discussion took place as to what the CRP fields will look like. June 10<sup>th</sup> is the deadline for Cover Crop sign-up so they are still taking applications. Swatek thanked DLM for the Soil Health Day that was put on. Swatek thought there was a really good turnout, unfortunately it rained that morning so we couldn't be in the field but Swatek thought 40-50 people were in attendance. There were some good speakers and good questions. Swatek thought it was very well run and he thanked the DLM for helping set that up and for everybody participating in it. He felt it was a success. Zeglin commented she was at the Soil Health Field Day all day. She said it was too bad that it rained but all the demonstrations were "hands on" and there were a lot of speakers and it was a really educational day. She enjoyed it quite a bit and she thought all those in attendance got a great deal out of it. It was a good day and she was sorry that a lot of folks missed it. Lien commented that the Jackson County Conservationist, Gaylord Olson expressed interest in perhaps expanding it into that county. Skoyen noted that he had talked with Olson also and that it was a very good presentation and "hats off" to all who participated. Bawek and Swatek discussed the Pollinator programs briefly noting that there are numerous programs depending upon one's interest.

Before starting the public hearing, Lien stated at the last meeting, the Committee had asked Lien to look into the cost of a public hearing as far as advertising and staff time and whether the \$200.00 was sufficient. Lien stated he had the Fiscal Manager, Becky Arneson, look into it and the average cost for advertising in the newspaper and mailing notices to adjoining landowners is \$121.82, so our \$200 is adequate.

**Public Hearing – Land Use Change/Rezone – Rural Residential (RR) to Commercial (C) - Sacia Enterprises, Inc. Petitioner/Landowner, Galesville, WI –Town of Gale**

Chairman Brandt opened the public hearing at 9:18 AM. Nelson read the public hearing notice aloud. Brandt acknowledged Scott Kee who was present representing Sacia Enterprises, Inc. Carlson stated Sacia Enterprises came forward stating that they were going to do some expansion at this property. Part of the expansion is having two dorms and a mess hall so DLM staff thought that area should be zoned commercial. They would need to meet certain commercial guidelines for the mess hall and construction. Carlson believed they have High Cliff Consulting as a consultant that has been looking into that. Carlson has talked to Emery Palmer of High Cliff about some of the issues. Carlson stated the public hearing was published and neighboring landowners were notified and he hasn't received any response from the public. Carlson has a letter of support from the Town of Gale and Roland Thompson, the Town Chairman is present today. Carlson noted this is something a little bit out of the ordinary of what we have usually dealt with in an agricultural setting. DLM staff felt this particular area needed to be held to a commercial standard because of the residences and the mess hall. Kee stated he did speak to four of the neighbors or at least he tried to speak to everybody around the property and he didn't receive any push back from them. They just wanted to know when things were starting and what was going to be going in there and the reason for it. Otherwise, according to Kee they are just sitting and waiting. Brandt called for any public testimony twice. Lien asked Kee how Sacia's plan to utilize the facilities on an annual basis/12 month period. How often will the dorms have occupants in them? Kee responded that usually their fall harvest starts from August 15<sup>th</sup> and runs through the end of October, so during that time they will be bringing in probably 21 to 24 pickers depending on the year and the size of the crop. As Sacia's expand and start to put more trees in the ground, probably by the year 2021, we will see 20-32 different pickers coming in. Those dorms will have 16 people in each dorm and those two "pods" feed into the mess hall. In the wintertime, Sacia's will probably bring in between 10 and 12 gentlemen (between February and end of April/beginning of May) and they are there for pruning purposes. Upon Lien commenting that the dorms will be occupied pretty much year around, Kee's responded probably about 5-6 months out of the year. Lien commented that because this isn't served by public water and sewer, DLM staff was talking about how the sanitary system is designed and how that all works so that staff has a better idea of load rates and number of

persons, etc. Carlson has talked with High Cliff Consulting and they're going to have three holding tanks, one for each dorm and one for the actual mess hall which will have a grease interceptor. According to Carlson they will all be separate systems. Carlson read a letter from the Town of Gale dated March 9<sup>th</sup>, 2016 which stated at a regular board meeting on March 8<sup>th</sup>, 2016, Sharon Spahr made a motion to send a letter of support to Trempealeau County Zoning to support the zoning change for Sacia Enterprises to build two dormitories and a mess hall, Dan Byom seconded, motion carried. Brandt called for any other public testimony. There being none, Brandt closed the public hearing at 9:26 AM. Britzius made a motion to approve the rezone, Skoyen seconded. Britzius clarified that the Committee was not having anything to do with the other two buildings that are being built. Carlson replied the rezone is strictly for the area where the two dorms and the mess hall are. The other two buildings are agriculture buildings and there is no Conditional Use Permit involved in any part of that. Brandt said he thought of that also but Carlson clarified that this is an Ag operation therefore it has different requirements. In regard to the mess hall, Bawek asked if that was going to be considered serving food to the public since these workers come and go. Carlson stated it is a commercial building so we don't deal with commercial inspecting on any of that. Carlson thought the commercial code would probably look at it as a public thing even though it is private because we are talking about employees, therefore it would have to be built to a commercial/public use. Carlson didn't believe anyone other than employees were going to come there to eat. Carlson thought the Health Dept. might have to inspect it on, at least, a yearly basis. Lien commented the Health Department will be involved and if he hasn't already, Kee will be given the contact information for the Commercial Building Inspector. Carlson said that High Cliff Consulting has been in conversations with the Commercial Building Inspector as to how the structure needs to be built etc. and it is going to be done commercially. Upon Bawek asking if we need to notify the Health Dept., Carlson responded that we would inform them of what is going on there. Kee commented they are already on their list of communication and Kee has already sent them quite a bit of information on the mess hall. Kee stated everything is going to be held to commercial quality. Kee explained that he comes from the restaurant industry, prior to this job, and so he understands what needs to be done and so they are going to build it to that. Brandt asked Kee to take a minute and describe what Sacia's are up to. Kee stated what is interesting about the apple industry is that it is really inverting right now from what we used to call conventional orchards to high density plantations and it is turning into almost into like a vineyard or a row crop type scenario where you have to have about 1000 trees per acre economically for it to work and as we start to convert from 40,000 right now, we would like to be at between 100,000 and 150,000 trees in seven to eight years. That is going to require a lot more people to pick and so what you see and what these dorms are for and the mess hall is just that. According to Kee, labor is very hard to get. They have been doing migrant employment for the past ten years or so and it was quite easy ten years ago to have people show up announced and hire them and they stay on the whole season just to pick apples. In the past three years or so, Kee said the numbers have really, consistently, just dwindled down. Last year they had four people come to the orchard and thankfully Sacia's had already foreseen the issue and they started to hire what they call H2A workers which are young men between the ages of 18 to 25, directly from Mexico. Sacia's go through Homeland Security. Sacia's apply for these workers to come up for a temporary Visa and they come up and do the work and then they go back and it works out for everybody. The workers are making great wages, they are great pickers. They understand how hard the work is and so they come in fully aware of what is going on for the three months that they are here. Sacia's foresee that to really be the only way to continue to increase their operation is to get the fruit off the trees with these H2A workers. Kee said what is interesting and what is happening is that Sacia's is going to see competition, just like anything else, to get good H2A workers and if we don't get in good buildings and good facilities for them and keep them happy, they can go anywhere else they want under the H2A program. Kee said that is the thrust behind what they are doing here and why they are getting that all set up and it is because Sacia's understand where they are going and what they need to do to really turn the orchard around and turn it into a nice commercial business. Kee said these H2A workers are the norm so everything that is going on from the structure point of view is very critical to the success of everything. Brandt asked if Kee's numbers include the Hwy 53 orchard. Kee said they sure do, in fact that whole area in front of Highway 53, they have their retail farm stand and the 45 acres which is going to be completely planted in 2018. Kee stated this is a long term thing for them. Kee said to get a tree that we want

takes three years just to have it grown in the nursery and then it takes another four years for it to be in the ground before it starts to produce any fruit, so when Kee says 2020 or 2021, one can see where the numbers come from. Kee added it is a long term process to turn an orchard around but Sacia's is very committed to it and they want to make sure that they do it right. Brandt stated we appreciate that Sacia's are willing to continue to be a presence in Trempealeau County. Kee responded that Sacia's has been here for 115 years basically and were one of the first apple orchards in the area if not the first. Sacia's is the second largest apple orchard in Wisconsin and they want to continue to grow. Kee has tasted a lot of fruit around the world and Sacia's has some really great fruit. Wisconsin and the climate here is fantastic for growing fruit according to Kee, so it is a great place to be. Britzius stated he is fascinated as he rides his bike through the orchard and has seen these changes and has been curious as to what is going on. Kee said it is kind of the future of what one is going to be seeing. There are other orchards around Sacia's that are talking about the same kind of thing at their locations, so Kee wouldn't be surprised if in the next two to five years that there are other orchard owners coming to this Committee and asking for the same type of land use changes. Britzius asked if there are other industries competing for these H2A workers and providing dormitory housing like this. Kee responded that one sees a lot of this in the evergreen/Christmas tree industry so there are a lot of people in northern Wisconsin that are doing it. Washington State has a lot of H2A workers coming in and we are trying to get workers from the same pool of people to our location. Upon Britzius inquiring if other industries can get these workers, Kee responded he didn't know what the limitations are from Homeland Security's point of view. Kee did know that one of his neighbors was concerned about her safety and one of the guys were here pretty quick and the workers are so highly monitored from a government point of view. Sacia's is responsible for those gentlemen. When they come over the border, Sacia's has to provide transportation from Mexico or Texas, all the way here and have them under their (Sacia's) jurisdiction while they are here and then they take them to the airport and put them on the plane and fly them back. Kee stated it is a really controlled program but he doesn't know if they would allow it for longer than six months. Britzius stated this is educational and is part of the whole immigration issue that is so big in the country's mind right now so it is interesting to see that there is this particular legal version of workers coming here. Kee said he can't underestimate the need for these type of workers as it is so prevalent everywhere. It is the only way we can really run a successful orchard as they can't find these workers anywhere. Kee added they have people who show up, work for a day and then they leave never to be seen again. It is very, very hard work as one is carrying a 40 pound bag up and down a step ladder hundreds of times a day. Zeglin asked for a description of the interior of the dorms. Kee passed around a diagram of what the facilities will look like. There will be four rooms with two bunk beds (four beds) in each one and there is a separation between each room. Each dorm has four showers, two laundry machines, two dryers, a small area for them to congregate and two toilets. Bawek asked if there will be other occupancy in the off-season. Kee didn't think so. Kee hasn't had any interest but he wouldn't be surprised if perhaps a Boy Scout troop asks to do some type of getaway or something there but at this point no. Brandt stated Lien has pointed out that the area is currently zoned Rural Residential which allows for the ag use but also for a higher density for their request is for a rezone to Commercial. Motion to approve the rezone passed with no opposition. Brandt reminded the applicant that County Board approval is required so the rezone will go to the meeting on Tuesday.

**Public Hearing – Conditional Use Permit – Military and Police Training Business -**

**Rebecca A. Tiedje, Landowner, Robert S. Tiedje, Operator/Petitioner, Arcadia, WI-Town of Dodge**

Brandt called the public hearing to order at 9:40 AM. Brandt acknowledged Robert Tiedje who was present. Nelson read the public hearing notice aloud. Carlson read the letter regarding Tiedje's business that was submitted to the DLM which is why DLM staff addressed it the way they did; "Northland Tactical LLC was established in 2012 to provide training to Law Enforcement and Military personnel. To date, all training activities and classes have been conducted offsite at government facilities. This will remain in effect. No classes or training will be conducted at the Schmickle Valley Road address. The reason that I am now inquiring about zoning issues is that I intend to obtain a Federal Firearms License (FFL) to be able to buy/sell firearms at this location, which will be a home based business until such time as I can construct a dedicated building for business use. The intent of the business is to be a low volume dealer to government and private customers. The

business will be set up as an office, not a retail space. There will be no permanent stocking of “for sale” items. The only items will be those that are special ordered by customers for pick up at this location. In examining local ordinances, I can confirm the following: The business use of the home will be less than 25%, lavatory for customers is available, and off street parking is available. The intent for this business will not interfere with any neighbors or any ongoing agriculture or business. Compliance with local zoning is a requirement for Northland Tactical LLC to obtain the Federal Firearms License. Please look at the enclosed information and contact me (information above) so I can confidently move forward, or correct any issues”. Carlson explained that when DLM staff looked at the Comprehensive Zoning Ordinance Table of Uses and the current zoning designation which is Exclusive Ag 2, the home business requires a Conditional Use Permit and it would not allow any retail type sales, it only allows him to put the guns together and give them to his customers as that is what the intent of the home business designation for that use is. Carlson received a letter from the town. Carlson also received two e-mails in opposition however one of the individuals is present today so she will present her own information. Other than that, Carlson said none of the neighbors have contacted him (Carlson) and Tiedje actually has signatures from the adjoining neighbors. Brandt asked Tiedje for any comments. Tiedje responded, that like Carlson had said, is that the bulk of it is to provide training to police and military personnel and that is what the business has been to date. Tiedje would like to expand and be able to do a little more, thus he wants to get the FFL and a big part of it is that before the federal government will grant that license they have to verify that Tiedje is in compliance with local zoning. Tiedje stated there is not going to be a showroom, nor retail space at this time. Perhaps in the future Tiedje could build a dedicated building but that is down the road so he didn’t want to hinder the business until that point so he wants to try and get as far into this right now as he could; obtain the FFL and business would strictly be on a special order basis. It is not going to be where people are coming to look at items as he is not going to keep a stock. It will simply be a customer request, “Hey, I need this item”. Tiedje can order that for them and do the required federal transfer on site. Brandt called for any public testimony.

**Linda Mossman** – Registered to appear and testify for information only. Brandt explained Mossman will raise some issues (Brandt has a list of the questions also) and then the Committee will address them in the discussion phase and Tiedje will have an opportunity to answer them. Mossman asked for Budish to bring up the website for Northland Tactical for all to view. Mossman thanked Tiedje for his military service. Mossman had spent a little time on Tiedje’s website so she knows a little bit about him and that is how she learned primarily about Tiedje’s particular entity. Mossman noted she is one of the few people in Trempealeau County that does not own a gun or a weapon so she is a little bit of a novice. Mossman stated that with the photos that are displayed at the top of that page, there is a slider. Mossman asked where those photos and tactical training occurred. Mossman then referred to the “About Us” page and asked, in regard to the photo with the weapons, if that was the type of weapons (Mossman assumed that was an assault weapon) Tiedje would be selling? If not, what types would Tiedje be selling? Mossman understood that, today, this isn’t to be an onsite but once one receives a conditional use permit you receive it for forever so Mossman said we have to think about when Tiedje expands. Mossman is trying to understand what that expansion could possibly be. Mossman asked if Tiedje would be selling the ammunition as well. Mossman assumed that there were other types of weaponry used in tactical training that Tiedje would be selling as well and questioned what those would be. Mossman understood Tiedje’s explanation that is he going to be an out source at the moment. Mossman asked if when Tiedje gets into the point of doing retail, what his hours of operation would be and days of the week. Mossman asked if Tiedje was already manufacturing and selling that gear that is referred to on the website. As a novice, Mossman asked if she were going to buy an assault weapon or a weapon, I would want to use it prior to leaving the site to make sure it works correctly and maybe that isn’t necessarily true, but if it is, where would the potential purchaser of the weapon use it? Is there a shooting range or some way that the potential purchaser could use this weapon in advance and if so, then Mossman’s concern is then we’re a shooting range and we have ammunitions and is there reclamation and are there different setbacks. Mossman questioned if there were any other chemicals that are used or stored. Mossman said Carlson answered the question about the neighbors but Mossman also noticed there was some civilian training of women mentioned on Tiedje’s website so she didn’t

know if that was happening at Tiedje's location or if it is happening off site. Mossman inquired as to what happens if this gentleman is not able to get his permit from the federal government, then what happens to the conditional use that the Committee may grant him and what happens to a future owner. Mossman also questioned, if this is supposed to be something into the future do we need to look at different setbacks or more restrictive setbacks or protection for the neighbors. That could be something like signage. Mossman, herself, thinks about young people. Brandt thanked Mossman for her questions and that the Committee and Lien would be addressing those. Brandt asked for any other public testimony. Carlson read a letter from the Town of Dodge which stated the board reviewed and considered the request for a CUP for N19565 Schmickle Valley Rd. for the purpose of creating a home office. The CUP was a noted item on the March 18<sup>th</sup>, 2016 town agenda. After open discussion on the topic, a motion was made and carried to support Mr. Tiedje's request for a CUP. Further the town board encourages the Tresp. Co. E & LU Committee to approve the CUP for N19565 Schmickle Valley Rd.

### **Karen Geske, Independence -E-mail**

I am writing this letter to voice my concern over the possibility of permitting a military and police training home based business in the Town of Dodge. I believe it would be in the best interest of the public if Northland Tactical LLC., would supply the public and the Dept. of Land Management with some additional information on what type of business this is going to be. Is it going to be a training center? An arms dealership? Will it be available for the public to use also? I firmly believe that because of the lack of information on this business the Conditional Use Permit should be denied until further information is available as to the scope of the business. Then the Dept. of Land Management will be better informed to make an appropriate decision that will benefit all parties.

Brandt called for any other public testimony. Brandt closed the public hearing at 9:55 AM. Zeglin made a motion to approve the Conditional Use Permit, Bawek seconded. Brandt asked Lien to address some of Mossman's questions. Lien stated, when a request comes in, DLM staff is always tasked with looking through the ordinances to see what applies and the best route to serve the client. Lien explained that when this particular request came in, Lien and Carlson sat down and looked at it in detail and, as Tiedje had supplied information, DLM staff views it as; it is not retail sales as this is an individual client looking for a product that Tiedje can order and assemble and the client picks it up. There are no posted business hours nor product there for purchase. It is a fine line when one looks at home accessory occupations and accessory home businesses and how those apply to the Ordinance. The minute Tiedje would provide, i.e. scopes for sale, slings for sale, cases for sale that aren't produced by Tiedje but are products ordered in, that would be retail sales and one needs to be zoned commercial, but if Tiedje is ordering receivers, hand guards, barrels and assembling something for Lien as an individual, that is an accessory home business. Lien reiterated it is a fine line. Lien and Carlson made that decision based on the information they were given. Lien thought it was clear from what Tiedje had said, was that as he would progress forward, that would be a change in use and would become more of a commercial business when he would begin doing retail sales. Lien added accessory home occupations and accessory home businesses were to allow people to generate some income at their house to create a finished product. Lien gave some examples as making baskets or building birdhouses which are items that you produce at your home and put out for sale. If you carry an inventory that you are selling, hold business hours and sell a product that isn't produced there, it is retail sales. Lien and Carlson had discussed that if one is assembling the guns, they aren't produced there. Lien thought that would be a tough call. If Tiedje would assemble 20 guns and have them for sale there that would be different but again it is a fine line. Lien suggested that as Tiedje's business would expand and grow, that he might consider a rezone to commercial. In addressing Mossman's questions, Lien asked if there was training at the location. Tiedje stated there was no training and no shooting at the location. Lien asked if he were to come there and purchase a firearm and Lien wanted to go outside and shoot it at a target, that doesn't require a rezone or a CUP. Lien stated he could do that at his own house as long as it is not in the city limits. A commercial shooting range would have different rules. Right now, what Lien has in writing from Tiedje seems to fit under a CUP. Upon Brandt asking if Tiedje was already manufacturing and

selling products from the site now, Tiedje said the only thing he has done and he hasn't done it at this site yet would be doing some sewing to create, i.e. pouches, etc. for gear. To date that has been done at another location and that is simply Tiedje running a sewing machine. Brandt thought the issue of the shooting range has been addressed. In regard to hours of operation, Brandt said that Tiedje's letter indicated pickup would be at the customer's convenience. Brandt added the other issue that is interesting to us as a Committee has to do with what happens when we issue a CUP, does it transfer with the property or is it owned by the person who applied for it. Lien explained that as long as the conditions are met, it stays in place for perpetuity. If the conditions would lapse for a period of 12 months or longer, the CUP would go by the wayside, but as long as the conditions are met, it can be transferred from owner to owner at this property. Bawek clarified that Lien said it was strictly at this property; that the CUP stays at this location. Lien said that was correct. Upon Zeglin's inquiry, Carlson stated he addressed this issue under the Comprehensive Zoning Ordinance section 4.04(6) home business. Carlson added since it is a CUP, the Committee can put conditions on it. One of the things that came to Brandt's mind immediately is that there is a farm there, but there is another house there. Brandt clarified on the aerial photo which building the business was being run out of. Brandt asked if Tiedje had access to the entire property. Tiedje responded he has access to the entire property, he does not however, own the entire property. Brandt asked for any recommended staff conditions. Carlson recommended a condition of not shooting any guns off there or perhaps having something tied into his federal permit, i.e. the CUP wouldn't be issued until the federal permits are obtained for the proper handling and storage of that type of material. Brandt stated the conditions that are being shown in Tiedje's website and the issue that Mossman raised related to other types, or assault weapons, other than rifles, Brandt had to ask if we are talking about rocket repelled grenades and mortars, etc. To address some of Mossman's questions, Tiedje stated as far as the photos on the website, none of those were taken on the actual property. This property is not set up or conducive to hosting training classes. There is no classroom facility, there is no shooting range so it doesn't support the business model so all training and classes would be off site at established ranges. So far every class Tiedje has done has been on a government range with police and military, so there would be no classes at this location whatsoever. The set up doesn't support it. Other than that, the FFL portion of this is not the entirety of the business, it is just a slice of it. The main product is the training for police and military and Tiedje is also considered doing some civilian classes, those as well would be off site so that is the main focus of the business so in those regards, the only thing that would be happening at this location would be the office; scheduling, phone calls for answering questions, preparing stuff and then going offsite to a class. Later this year, Tiedje said he will be teaching a class for the Illinois Tactical Officers Association and that will be down at a facility in Illinois so that is what we are talking about for the bulk. Tiedje said the FFL is just a portion of it and that would have to be approved by the Department of Alcohol, Tobacco, Fire Arms and Explosives. They are very strict on what one can or can't do with that. Anything that Tiedje would have to do would have to be within government compliance. There is going to be nothing crazy, as far as that Tiedje doesn't intend to deal in machine guns or explosives, ammunition manufacturing or any of that stuff. Britzius asked Tiedje what he does intend on producing and selling. Tiedje responded basically it will be very similar to what you would get at a Scheel's or Gander Mountain; hunting firearms, pistols, modern sporting rifles, etc. and those sort of things. The same type of arms that you would get at any other gun shop in the area. Britzius asked about the assault rifle question and if that was something that Tiedje might be selling. Tiedje responded that he knew the one photo from the website was brought up and Tiedje knew those were AK-47's. Tiedje said that type of weapon would not be available, by definition an assault weapon is full auto and Tiedje stated he has no intention of dealing full auto weapons. Britzius asked if those are marketed and sold in the U.S. by other people. Tiedje answered that you can obtain a Class 3 license to deal in that gear and Tiedje said he does not intend to do that. Britzius asked if Tiedje was addressing more of the home market and the hunter. Tiedje replied, "Yes sir and basically anything that hunter's would use or primarily law enforcement because the military is not going to buy weapons from him, whereas individual officers, police departments would do purchases and in that realm we are looking at semi-automatic pistols and semi-automatic rifles. Bawek stated the request is for a CUP but that Tiedje's letter stated he is inquiring about zoning issues. Lien responded what Tiedje is referencing in his letter is that to get the license there is actually a form that needs to be signed by the Zoning Department that says one is compliant and

so him getting a CUP under this current zoning district would make him compliant so Lien could sign his form. Bawek clarified that the CUP is to buy and sell firearms and that is what the Committee was talking about. Lien said that was correct. As Bawek understood, Lien had stated Tiedje is not going to sell complete product, he is going to buy parts, put together a gun and sell it off the premises. Lien responded he can do it on an individual basis, he just can't have what would be general retail sales where you walk in and he has a store room or display selling gun accessories, etc. but he can order individual products, assemble them and sell it to individuals and that would still be considered an accessory home occupation but one just can't do what is retail sales. Lien reiterated it is a fine line and with the information presented and in examining the Ordinance, Lien and Carlson thought it met a CUP, but at a point where he would have an inventory of stuff sitting around where one could come there and pick and choose products to buy, that is retail sales at that point, where he should rezone to commercial. He is not asking for that now and that is not where his business is at but he stated somewhere in the future he might be. Bawek inquired that buying a gun and selling it to another person is not retail. Lien responded it is but it is not the same as having a retail store. It still falls under this home accessory occupation because he doesn't have an inventory like other retail stores. Bawek asked what would be the difference at pursuing a retail rezone at this point versus this because buying a gun and putting sling on it one could call it assembly but what is the difference between that and retail. Lien responded it is somewhat up to the individual, he requested this path right now but alluded to that in the future he might go to a retail shop and sales. Lien thought it would be a little harder to do showroom sales in your house. Bawek understood but that but he was talking about the concept of all this. Lien said there is no question there are some gray lines there but DLM staff read Tiedje's letter multiple times. Carlson has had multiple conversations with him about what he is asking for now and the CUP under this zoning district would meet what he wants to do, at this time. Bawek asked if the Committee can place a CUP that stays with this person and not on the residence. Lien responded he didn't believe so, no because if he went to another establishment then new rules would apply. This is for this particular piece of property that the CUP would apply, but the Committee can place conditions on it. Bawek asked if the dedicated building that Tiedje was speaking of would be built on this property. Tiedje said, hopefully and he estimated that in five to seven years what he would like to do would be to purchase the parcel directly across the street from there and build a separate building and actually have a small office and retail space in there. Tiedje added that is in the future and that may or may not happen. Tiedje said he understands that if that does happen that he would definitely seek a commercial zoning. Zeglin asked if there were no gun sales at all, would Tiedje still need a CUP simply to run the office portion of this business out of his home. Lien responded, in this zoning district, yes because an accessory home occupation is conditional use in this district not a permitted use. In other types of licenses Lien knew they are licensed for a location so when one moves the location, one needs to re-apply or amend the permit. Lien asked if that was the case here. Tiedje said that was correct. Bawek asked if we are also permitted the ability to build pieces or parts and put them together in the form of a gun. Lien responded that would be part of his home business, yes. Brandt said there is a list of questions that Corporation Counsel wants us to ask ourselves when a CUP comes before us such as is this consistent with what is going on around the location, is it consistent within the County's economic development picture, so these are questions we should be asking ourselves. Brandt noted that Lien had mentioned there are other businesses in the County that do this type of thing so in that context it seems very much to be a fit. According to the Ordinance, 4.06, Zeglin asked if Tiedje would be having any employees. Tiedje replied no. Zeglin asked Tiedje to clarify on the overhead aerial photo which building the business will be conducted out of. Zeglin clarified that there was ample parking at the home. Tiedje mentioned that he was doing some sewing of gear and Zeglin asked if that gear was for sale on his website now or is it just offered at Tiedje's classes. To date, Tiedje said he hasn't sold anything from this location. Up until about six months ago, Tiedje was actually working a long ways from here and so all the sales were occurring there. Tiedje said it would be a very small volume there but probably a few sales a year of gear. Tiedje thought if he would do \$1,000 worth of gear manufacturing he would say that is optimistic. Upon Zeglin asking if the lavatory provided would be a private bathroom and not something separate, Tiedje responded that was correct. Zeglin asked if Tiedje anticipated putting any signs up. Tiedje said, that depending on what is allowed, he would like to put a sign out front. Zeglin informed Tiedje that we do have some restrictions; according to the Ordinance no

more than one on premise sign not to exceed 12 square feet in sign face area is allowed. Brandt added there is a permit for that. Carlson commented if Tiedje wanted an offsite sign it would have to be within so many miles of the business. Zeglin asked what type of FFL Tiedje was seeking. Tiedje said there are various types and his intent was to do the permit just to be able to purchase and sell firearms. There would not be any ammunition manufacture, no Class III or along those lines. Zeglin assumed a Type 1 license – dealer or gunsmith. Zeglin said Tiedje would also have to acquire the occupational tax licenses. Tiedje stated to do the additional items such as suppressors you have to do the special occupational tax. Zeglin asked if Tiedje ever anticipated selling ammunition or reloading components at all. Tiedje responded no. Zeglin asked Tiedje to give the Committee a general idea of where some of his classes have been held. Tiedje answered that so far the bulk of them have been down in Illinois. Tiedje grew up right in Arcadia and for the last 20 years he was actually Deputy Sheriff down in the Chicago area (Lake County, IL) and that is where the classes have been, in various locations down there in government facilities. Bawek clarified that the Committee is giving the CUP to the property. Bawek noted that Rebecca Kramer is listed as the property owner. Lien clarified that is his wife and if one looks at the application it is Rebecca and Robert. Bawek clarified that we are issuing the CUP to both Rebecca and Robert Tiedje, for that residence. Lien said “for the property”. Britzius wanted to express the condition that Carlson had mentioned and that there didn’t seem to be anywhere there to be discharging a firearm thus addressing the condition that Mossman had suggested regarding testing of the items that are being delivered to people. Tiedje responded that scenario would be very out of the ordinary for this type of business. It isn’t a common thing to buy that product and say, “Ok, I want to shoot it before I leave”. Tiedje said very few places that have FFL actually have a firing range. That would be very much outside the norm of the general business practices that one sees. As far as shooting on the property, Tiedje doesn’t have any intentions of shooting that is related to the business there. Are there areas that are safe to shoot out there, Tiedje said absolutely? Tiedje, himself and his family would do that as private citizens, but he isn’t going to do it in relation to the business. He isn’t going to have customers nor classes shooting. Britzius suggested and made a motion regarding a condition that there be no discharge of any firearms sold at the site, Zeglin seconded. Motion to approve carried with Bawek voting in opposition. Zeglin suggested and made a motion to add a few more conditions: 1) No training classes to be held on site. 2) No firing range on site. 3) Any firearm kept over one day must be stored in a locked, fireproof, firearms safe. 4) Any ammunition or reloading components must be stored in a locked, fireproof safe at all times. Kidd expressed that he didn’t like the no training condition because one can train without a firearm discharged. Britzius seconded the motion for the sake of discussion. Zeglin said that Tiedje has already stated that he is not going to have any classes on site and she just wanted to ensure that does happen as part of the condition. Zeglin clarified the condition would read, “No training classes on site”. Brandt commented that Tiedje has said this is strictly an organizational office with some pickup. Upon Kidd inquiring if Tiedje was alright with those limitations, Tiedje responded they are all in line with what Tiedje’s intentions are. The only thing Tiedje asked for clarification on was for the reloading components. Tiedje understood that if one is going to sell that it brings up a whole different issue as far as storage, etc. Tiedje asked about any personal reloading items that Tiedje has that are outside of the scope of business. Zeglin clarified these would just be for re-sale. Tiedje stated he didn’t have any objections to any of those conditions. Brandt stated we have a motion and a second to add these conditions to basically reflect Tiedje’s discussion about the limit of his business activity as well as Britzius’ condition. Motion to add the conditions as Zeglin has outlined them passed with no opposition. Schultz expressed concern as to if the Committee understands what type of federal license Tiedje is applying for. Zeglin stated he assumed that Tiedje would be applying for a FFL1. Tiedje commented he is drawing a blank as to which one it is but he did believe what Zeglin said was correct. Zeglin read aloud, “FFL-1 is dealer or gunsmith other than destructive devices”. Tiedje verified that was correct. Zeglin read that FFL-2 is for pawn brokers, FFL-3 is for collectors, FFL6 for manufacturers of ammo, etc. Zeglin stated someone had mentioned this being contingent upon Tiedje receiving his FFL but he’ll need this anyway just for his home occupation business. Upon Zeglin asking if all of Mossman’s questions were answered, Brandt assumed they were but Mossman was no longer in attendance at the meeting. Motion to approve the CUP passed with no opposition. Brandt stated he was impressed with the strong support from the Town of Dodge.

**Discuss and Approve Hearing Procedures for D95 North & South Mine Sites Appeals – Lapsing Permit/“Activity”.** Brandt explained that the Committee will be going to Item #10 on the agenda at this time. The Committee is expecting a call from Attorney Aaron Graf, who is the insurance company lawyer in regard to the draft public hearing procedures. Brandt apologized to the Forsythe’s for the delay in their public hearing. A telephone conference which was broadcast throughout the room was held on this issue. A revised paper draft of the hearings procedures discussed and agreed upon today will be presented next month for the Committee to review. (A video of the entire portion of this part of the meeting is available through the Trempealeau County Community Television Studio (TCCTV). Upon Brandt’s inquiry, Attorney John Behling confirmed that he/they had been provided with a copy of the hearing procedures being discussed. Attorney Graf confirmed for Attorney Millis that any information that is provided to the Committee would also be forwarded to the appellant (Millis & Behling). Upon inquiry, Corporation Counsel Rian Radtke advised that any decision rendered by the Committee on this issue should be in writing. Due to limitations on DLM staff time, etc. the Committee voted 7 to 1, with Kidd voting in opposition, to approve having a court reporter present to record but no transcript produced unless needed in the future. Corporation Counsel will make the arrangements but the appellant is to pay for the court reporter. There was discussion on the Ordinance language, “Shall include but not be limited to”. Discussion took place on including a broader definition of “activities” and that some leeway may need to be given by the E & LU Committee as to whether to regard or disregard information. There were some other points discussed which should be in the draft. At 11:25 AM the telephone call ended with Attorney Graf.

**Public Hearing – Conditional Use Permit – Duplex - Michael W. Forsythe, Landowner/Petitioner, Arcadia, WI – Town of Arcadia** Brandt called the public hearing to order at 11:27 AM. Nelson read the public hearing notice aloud. Brandt acknowledged Michael Forsythe who was present. Carlson stated the Comprehensive Zoning Ordinance Table of Uses stated that in Transitional Ag zoning a conditional use permit is required for a duplex. Carlson has a letter from the Town. The neighbors were notified of the hearing. Carlson has not received any other correspondence in regard to this matter. Carlson noted there is a duplex right next door that was given a CUP a couple of years back and the only condition on that was that they cannot have any more than two unlicensed vehicles which is more restrictive than the five that is normally allowed. Forsythe stated he is planning on building a duplex. He has talked with Chad Losinski who owns the duplex next door so Forsythe knew of the condition that Losinski had placed on his CUP. Forsythe added his lot is the last lot that is not built on. Brandt called for any public testimony twice. Carlson read a letter from the Town of Arcadia Board of Supervisors which stated they passed a motion at their February 9<sup>th</sup>, 2016 meeting that they have no objection to the request of a multi-family dwelling classification. Schultz stated that it makes sense as it is a residential development. Brandt closed the public hearing at 11:31AM. Nelson made a motion to approve the Conditional Use Permit for a duplex, Skoyen seconded. Zeglin noted that she used to work with the applicant’s mother. Zeglin didn’t feel she had any conflict but if the Committee is uncomfortable with her voting on this, she would abide by their wishes. Committee consensus was that there wasn’t an issue. To be consistent with the neighboring property, Carlson recommended the same condition, “No more than two unlicensed and unhoused vehicles per unit can be present on the property for a period of more than nine months”. Britzius made a motion to approve that additional condition to the CUP as read by Carlson, Schultz seconded. Forsythe stated he had no problem with the condition. Motion to approve the condition passed with no opposition. Upon Britzius inquiry, Forsythe explained that he will be occupying one side of the duplex and some of his other family members will be occupying the other half. It will be designed more like a house than a standard duplex. Motion to approve the CUP passed with no opposition.

**Resolution Authorizing Transfer of Funds from the General Fund for the Purpose of the Well Water Testing Program** At this time the Committee moved to Item #13 on the agenda as Pat Malone from UW-Extension had a meeting she needed to get to. Malone explained that essentially two proposals are being brought forward. One is to continue the well water testing program that we started last year. She had gotten a carry-over of the funds that were remaining and those have all been taken care of with the last testing push. Malone has a number of people on a waiting list and some additional people to contact. It has been a very

positive program and we are getting a lot of good data from that. Malone urged the Committee to continue supporting that program. The additional \$15,000, because Malone is requesting a total of \$30,000 is to look at some of the other problems that are associated with water levels and water quality. Lien and Malone have talked at length and they are looking at a couple of specific research projects to try and get additional data that will help the board as they make natural resource policy decisions and for homeowners as well as they think about the implications of location and water use. According to Malone, one of those programs will most likely look at static ground water levels literally following over a period of time how the groundwater is moving. Malone stated these activities fall directly in line with the County's Strategic Plan under strategic issue #1, Goal #2 – Increase the resilience of local communities and organizations so they can effectively address natural resources and social issues and #3 – Allocate resources for conservation programs and practices that preserve and enhance our natural environment. Malone added this fits well in line with the County strategic plan. There is a phrase that talks about administrative costs. That is not Lien nor Malone hiring someone, that is things like mailing letters out to well owners saying this program is available or Malone hauling, i.e. a hundred test bottles, back to Stevens Point. Brandt noted that Malone made a point which hadn't previously occurred to him, that being someone may build a house based on what they know about the water. Upon Bawek asking if LIDAR will assist in any of this well and water monitoring, Lien responded not necessarily the LIDAR (that is topographic on the earth's surface) but every one of these wells is going to be pinpointed on a map. We currently have DLM staff member Ann Hempel working on a database so we will have a GIS layer tied in where one can overlay the LIDAR onto that where every one of these samples has been taken and information tied to that point. Brandt had mentioned, when the Committee voted on buying the software, that there would be a 3-D model which would allow us to see or basically map where the groundwater is, in terms of elevation or subsurface elevation. Lien added we only have surface water information right now. More discussion took place. Malone said right now it is an annual account, they did a carry over, it is not, a non-lapsing account. Lien explained there is a significant amount of money that is going to go back to the general fund. This resolution is a request, not a guarantee, that we get the money from the General Fund to support this. Charlotte Everson said she went door to door and there are tons of people in the Blair area that still want to get their water tested. Malone suggested Everson have those people call the UW Extension office. Britzius made a motion to approve bringing the resolution forward, to transfer \$30,000 from the General Fund to the water testing account, to the next County Board meeting. Bawek seconded. As Nelson had clarified, Brandt stated this would be a transfer of funds from the General Fund. Britzius clarified that there was money put in this account last year and asked if there were any funds left over. Malone said there is some money left over but the testing that she has done so far this year took care of it all. The original amount put into the account was \$15,000 for the water testing. This year Malone is asking for \$15,000 for testing and another \$15,000 for additional research. More discussion occurred. Motion approving the resolution carried with no opposition.

### **Discussion and Approval of 2015 Final Budget**

Lien stated the DLM budget is unique because it is economically driven. 2015 resulted in staff turnover of three people resulting in vacancies for awhile so there was unused wages and salary, etc. There was an increase in the number of permits overall. Lien stated the DLM would be turning approximately \$225,680.62 back to the General Fund. Lien has two proposed resolutions; one was just approved for \$30,000 and the other has a dollar amount of \$80,000 for the County Cost-Share Program. That would leave approximately \$115,000 in the General Fund (if the two resolutions were approved). Past Committee history has been to divide overruns by roughly 50% and it was put into things like County remonumentation and LIDAR. Nelson made a motion to approve the final budget numbers, Zeglin seconded, motion to approve carried with no opposition. At this time Brandt moved to Item #12 on the agenda.

### **Resolution related to 2015 DLM Budget Excess for County Cost-Share Program**

Lien reminded the Committee that last year, for the first time since 2003, it was decided to allow the County Cost-Share Program again. The Committee allotted \$47,000 for low-cost, high impact practices in the County. A percentage of that money was spent last year and the remainder is all allocated for this year. Lien

said we can use this money in the County and there are definitely areas in the northern part of the County that have a lot of damage from last summer's storm. Staff is recommending \$80,000 for that Program versus the \$47,000 last year. Brandt recapped that the resolution is to authorize the transfer of funds from the General Fund for the continuation of our County conservation projects. Bawek asked if Lien had enough people signed up to justify asking for \$80,000. Lien didn't think they were signed up because we didn't want to give people false hopes before the funding was approved. Lien noted that Rian Swatek from NRCS had said there were projects but not enough funding and we would pick up some of those projects. Zeglin made a motion to approve the resolution as presented, Schultz seconded. Motion to approve passed with no opposition.

### **Board of Adjustment Appointments**

Lien stated there are three people up for re-appointment to the Board of Adjustment; James Andre and Terrance Koxlien (standing members) and Randy Severson (alternate). Lien contacted all three and they would still like to be appointed to a three year term. This Committee would forward those recommendations to the County Board Chair and he would be in charge of appointing persons to the Board of Adjustment. Nelson made a motion to forward the recommended names to the County Board Chair, Skoyen seconded. Schultz commented they do their job and they give their duty full consideration. Motion carried with no opposition.

### **Discussion on Development of a County Solar Energy Ordinance**

Lien said ironically we have had another request for another solar field, so he and Carlson agreed and see the need for an Ordinance already. DLM staff will be working on drafting one. Zeglin stated she had originally asked for this to be on the agenda. After the E & LU's previous meeting with SoCore, she had called Jerry Sorenson, Riverland Energy Manager and he informed Zeglin that he had received a few inquiries on solar farms. Zeglin knew this issue would probably be coming up more in our County. Zeglin knew that Wabasha County, MN approved two solar farms in January so we could probably get some information from them.

### **Establishment of a Limited Term Employee Position, funded by the WLIP (Wisconsin Land Information Program) Grant, for the purpose of doing parcel mapping**

Lien acknowledged Ann Hempel who was present. Lien explained that Hempel was able to secure a grant for staffing for parcel mapping (which needs to be done in our County by March 2017) in the amount of \$30,752.80. Lien, Hempel and Nick Gamroth worked to create an LTE position that would do the work. This position would be created and utilized contingent upon the grant money. This position would be limited to/for the term of the grant and would be a 20 hour per week position. When the grant funds have expired, the position would expire unless we were able to secure additional grant funding. At that time, Lien would come back to the Committee for support of that. Hempel stated the grant is from the Wisconsin Land Information Association in the amount of \$50,000 but for staff \$30,752.80 is allotted. Schultz made a motion to approve the LTE position as presented, Britzius seconded. Brandt clarified that Human Resources has been involved in the creation of this position. Motion to approve carried with no opposition.

### **Establish Rate of Pay for Limited Term Employee Position funded by WLIP Grant**

Discussion took place in regard to the wage for the LTE position just approved. Lien noted that typically County LTE pay has been \$2.00 over minimum wage. DLM currently has an employee who is definitely planning to resign from their current position however would fill this position at their current rate of pay at 20 hours per week until the grant runs out. They would apply for this LTE position. The amount of the grant at that rate of pay would cover the position through approximately March. The difference in pay would be from \$9.25 an hour to \$25.77 per hour for a current employee who is at a high skill level to do the work and could train the new full time GIS specialist. This would only be for the term of the grant. Discussion took place. Bawek made a motion to approve the rate of pay for the LTE position funded by the WLIP grant, Nelson seconded. The motion was amended by Bawek and agreed upon by Nelson to include the rate of pay at \$25.77. Motion to approve carried with no opposition.

At this time Curt Skoyen left the meeting.

**Surveying Update and Payment Approval** – Lien presented County Surveyor Joe Nelsens’ report and bill for survey marker maintenance. Mike Nelson made a motion to approve the payment as presented, Bawek seconded. Motion to approve carried with no opposition. At this time the Committee took a break.

Brandt called the meeting back to order.

**\*\*\*\*Special Meeting Agenda Items\*\*\*\***

**Review and Discuss Amendments to Chapter 13-Comprehensive Zoning Ordinance**

Lien stated he, Radtke and Budish have been meeting on a working draft of Chapter 13. Lien is concerned that technically this is this current Committee’s last meeting. Lien said we are getting very close to a public hearing for Chapter 13 but Lien would like the new Committee to go through and review all the hard work this Committee has done before going to public hearing. Lien didn’t think it would be fair to bring a new draft from this Committee to a new Committee and expect them to support and approve it. Lien reviewed the changes the Committee had made at the previous (March) meeting. Lien noted that Corporation Counsel Rian Radtke is still reviewing these changes. Brandt stated he is hearing that Lien is recommending that whatever Ordinance changes and work this Committee has done related to the Health Impact Study Report be reviewed by the next Committee before any action is taken as far as the Ordinance revisions but specifically Lien wants to know what Radtke has found out about our ability to require well drillers to test for more than bacteria. Radtke responded he didn’t have a definite answer at this time. Some discussion took place on the Well Delegation Ordinance/regulation and County authority. Discussion took place as to what the County could require for testing and how that could be regulated. Lien elaborated on the information on wells that will be available in the new database.

Since there will be a re-organization of the County Board at the next County Board meeting, Brandt expressed his gratitude for all the work that the Committee has done, especially the citizen members and for allowing him to be the Chair. Brandt encouraged the citizen members who are definitely staying on the Committee to carry on with the hard work. Brandt recognized Jake Budish for being recognized by DNR as being the “Cream of the Crop” when it comes to mining reclamation. As Vice Chair, Zeglin thanked the current County Board members for their service on this Committee, Bawek seconded Zeglin’s sentiments.

The next regular meeting will be held on Wednesday, May 11<sup>th</sup>, 2016 at 9:00 AM in the County Board Room.

At 12:38 PM, Nelson made a motion to adjourn the meeting, Britzius seconded, motion carried unopposed.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary