

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

August 30, 2010
County Board Room – Administrative Center
6:00 p.m –8:25 p.m

MEMBERS PRESENT: Don Meyer, Marilyn Pedretti, Beverly Mach, Bob Keil, Tina Wehrs,
Donald Bina, Dennis Manthei
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Charlie Handy, Bryan Meyer, Jonathan Kaatz,
Nathan Sampson (Recorder)

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Don Meyer, Chairman, at 6:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of the Wisconsin Open Meetings Law.

The procedures for tonight's meeting were explained to those gathered. This meeting is being recorded.

Comment Meyer: This application is for grading and filing, not the approval of a house.

SPECIAL EXCEPTION PERMIT NO. 2010-10 David Balduzzi, PO Box 504, Onalaska, WI 54650-0504. Petitions to perform grading, fill work and rip rap on the bank of Lake Onalaska for bank stabilization and to construct a single family dwelling on land lying within the Shoreland District of Lake Onalaska on land zoned Residential District "A" and described as: Part of Gov't Lot 1 in Section 26, T17N, R8W described in tax parcel 10-2168-0. Town of Onalaska.

Appearing in favor: David Balduzzi, PO Box 504, Onalaska, WI 54650. I was here in 2006 and am asking to do the same thing – my time frame passed by. I'm trying to get that rip rap work done this fall or next spring.

QUESTION Bluske: Can you explain to the committee and point on that map that this is on Corps of Engineers land? Indicate how much of the Corps property you'll be working on.

ANSWER Balduzzi: It's the middle section here (refers to screen), about 100-ft, then 25-ft back on the bank. Not adding to the top. At the 2006 meeting the neighbor explained during floods she saw the bank fall into the water – I don't want that to happen. I want to stabilize it.

Appearing in favor: Carolyn Lawrence, 208 Irene Pl, Holmen, WI 54636. Appearing on behalf of Susan Paudler and Nancy Way, W7809 County Road ZB, Onalaska, WI 54650. Letter submitted by Ms. Paudler and Ms. Way was read into the record stating no opposition as long as project doesn't adversely affect water flowage or land on either side of his property.

No one else appearing in favor.

Appearing in opposition: Ron Irish, W7786 County Road ZB, Onalaska, WI 54650. Lived there 40 some years – this is all dredge area. It's all filled in. It was a big drainage ditch. Now we have a 6 to 8 inch pipe that goes under the road. My sewer sits in front of my house – you're kind of SOL when the water comes up. Now they want to put a house down there. Where the Balduzzi estate is, when I moved there, Grandpa Balduzzi had all this drag-lined in. The original grade is not it. Where I live my mailbox sits on somebody's how many tons of concrete they tore up and filled in the hole. The old guys who used to hunt and fish had to drive through that drainage ditch. Now in the spring of the year all the water that comes off the fields just sits there. If they put a new house down there.....

REMARK Meyer: Remember – we're talking about the fill, not building a house.

REPLY Irish: Okay, There were trees down there – they’re gone now, too. The trees came out, roots and all, which I think is contradictory to our ecosystem.

QUESTION Bina: Did I hear correctly that the land he wants to rip rap is owned by the Corps of Engineers? So rip rap is under control of the Federal Government?

ANSWER Bluske: Everything from the water landward is subject to our Shoreland Zoning Ordinance. Doesn’t matter who owns it. Mr. Balduzzi has correspondence from the Corps of Engineers giving him permission to rip rap and grade the Corps’ property.

QUESTION Pedretti: Were the trees removed in the past two years?

ANSWER Irish: Yes, last year. Ms. Paudler – they seen it all sitting there. They only live within inches. I don’t want to be mean – the whole root systems came out.

Appearing in opposition: Norma Irish, W7786 County Road ZB, Onalaska, WI 54650. I’m against a house going in there – but you said that’s not the issue. But why would you put rip rap there if you’re not doing anything with that land?

REMARK Meyer: Tonight we’re talking about the rip rap and fill.

QUESTION N Irish: That will be a separate issue?

ANSWER Meyer: Yes.

Correspondence, Bluske: An e-mail from Carrie Olson, Wisconsin Department of Natural Resources dated August 24, 2010 stating no objections read into the record. Correspondence dated August 30, 2010 from the U.S. Army Corps of Engineers giving permission to grade/fill on federal land read into the record. Correspondence in the form of Land Conservation Department initial site visit notes and recommendations read into the record. Correspondence in the form of an e-mail received from the Town of Onalaska dated August 24, 2010 stating Mr. Balduzzi had not come to the Town of Onalaska so therefore they have no recommendation.

REMARK Bluske: Any recommendation from the town would be advisory in the case of a Special Exception Permit (SEP)

Staff Recommendation, Bluske: Approval subject to the following 5 conditions:

1. This permit is granted specifically for reshaping by grading and filling the bank and placing 150 lineal feet of rip rap approximately 16-ft high by 2-ft thick according to specifications dated September 20, 2006 as identified in Special Exception Permit 2006-10.
2. This permit is subject to the owner receiving an approved Erosion Control Permit from La Crosse County Land Conservation Department.
3. Any trees removed shall be replaced by another one including any previously removed.
4. Any state or federal permits required shall be placed in this file and become part of this permit.
5. This permit expires the end of August 2011.

QUESTION Meyer: Mr. Balduzzi – was there some reason you didn’t go to the Town of Onalaska?

ANSWER Balduzzi: The form sheet said stay in contact with the Town of Onalaska. Mark Schultz and I had been in contact. I wasn’t aware I was to go before the board – it didn’t say that on the sheet specifically. I misunderstood the intent.

QUESTION Meyer: There were two other items brought up – the removal of trees; can you comment on that?

ANSWER Balduzzi: That was through the Army Corps of Engineers. I went through Ray – we marked each tree – they were diseased, dangerous, or broken. We put ribbons around each tree.

QUESTION Meyer: So you removed them based on instructions?

ANSWER Balduzzi: From the Army Corps of Engineers.

QUESTION Meyer: The other thing was a drainage problem this would cause from the road above.

ANSWER Balduzzi: It's not my property they're looking at – that water goes through the Boucher property. I'd like to see that happening before I can comment on that. That walkway – that's where the pipe is – that's where the water will go through. That's not even on my property.

QUESTION Pedretti: You mentioned Jeff, that Land Conservation recommend he contact highway – no correspondence from County Highway?

ANSWER Bluske: No.

QUESTION Pedretti: Have you contacted the highway department?

ANSWER Balduzzi: I have not. In my conversation with the erosion control person I said I would be doing that.

QUESTION Pedretti: Can we add that as a stipulation?

ANSWER Bluske: Yes.

REMARK Pedretti: I'd like to add the sixth condition: The La Crosse County Highway Department must give approval of right-of-way drainage.

**Motion Bina/Keil to approve with 6 conditions.
7 Aye, 0 No. Motion carried.**

ZONING PETITION NO. 1848 Patrick Houlihan, Atty., 1206 Caledonia St, La Crosse, WI 54601; acting on behalf of Larry C & Viola G Gilbertson, 107 Gaarder Rd W, Holmen, WI 54636; and Terry Gilbertson, N7735 Amsterdam Prairie Rd, Holmen, WI 54636. Petitions to rezone from Agriculture District "A" to Commercial District "B", a 4.67 acre parcel for an automobile body repair shop at N7735 Amsterdam Prairie Rd on land described as: Part of the SW-SW of Section 26, T18N, R8W described in tax parcel 8-1129-5. Town of Holland.

Appearing in favor: Patrick Houlihan, 3413 Geneva Ln, La Crosse, WI 54601; on behalf of Larry, Viola and Terry Gilbertson. There's somewhat of a history here – my goal is to try to come up with a plan to address concerns of neighbors, the town, county, the state. We contacted the Department of Natural Resources (DNR). We contacted the county several times; we met for an informational meeting with the town. We talked with the local building inspector, the state commercial building inspector, Chris Luster, and I know a couple of others we've talked to. This property owned by Larry and Viola Gilbertson is commercial for a future (land) use in the county's comprehensive plan. This property has been used as commercial for many years. It was bought by the Gilbertson's in 1983; Terry has been in the auto body repair business for 30 years. It doesn't look the same as when this aerial was taken (referring to screen). There's a scenic easement dating from 1952 that provides that within 350-ft from Highway 93 – it can't be used for other than single family dwellings. You can't have an advertising sign. General agriculture is allowed. In addition, since there's an airport nearby, there's a navigation easement on this property. This is Terry's livelihood, frankly. We'd like to be able to use this property for an auto body repair business only. We're willing to do whatever we need to so this property can be used as suited. Terry's had problems selling cars there in the past – no more of that. There was concern about disposal of waste at the town board meeting. I contacted solid waste people with the county, the DNR – they have requirements we need to meet. Other concerns were open burning on one or two occasions, lighting – they have shields on the lights but if we need to put more shields – whatever we need to do within reason we're willing to do. Jeff expressed concerns about unlicensed vehicles. Fine – that's what the law says – you can't have an unlicensed vehicle sitting out in the open on your property. We have to comply with that. Because of the history, we're willing to work up a conditional zoning approval. Larry owns the property and said he better make sure conditions are complied with. We're willing to do whatever we need to – this is Terry's livelihood – that's not an excuse – that's what it's all about. I think they understood that if they want to use their property for commercial, if you want to limit it to that use – fine. And if it's sold to someone else they'd have to come back here. There are quite a few uses permitted in the Commercial District. We appear before the town planning commission on the seventh of September.

QUESTION Meyer: That picture you gave us Pat – is that current?

ANSWER Houlihan: That's not current. You were out to look at the place. It's cleaned up.

QUESTION Bluske: We've been dealing with Mr. Gilbertson since the early 1980's with the conditional use permits (CUPs) that he's had. We are very concerned because in state statutes the committee and the county board have concerns with health and safety of the neighborhood. They don't want to see the ground contaminated – that stuff ends up in people's wells. We understand there's renters upstairs. How many renters are upstairs now?

ANSWER Houlihan: My understanding is two – I guess there's three.

QUESTION Bluske: In the past when we've been inside the paint booth and sanding area, there seemed to be a ditch carved into the floor and everything ran outside. Will that be addressed?

ANSWER Houlihan: I talked to the DNR – we may need to do some follow-up. They're not supposed to be dumping it down there – period, unless there's a holding tank. I talked twice with Ms. Hinke from the DNR. I have a call into Scott Szymanski also. If that needs to be addressed in writing – fine.

QUESTION Bluske: We noticed the Gilbertson's will be doing substantial remodeling, maybe pave the driveway. These aren't code requirements – we're concerned with what happens inside. In the impact statement it says the paint booth has been approved by the Holmen Fire Department? Maybe they're looking at fire hazards, but has OSHA taken a look at this?

ANSWER Houlihan: I don't know. I contacted the City of La Crosse Fire Department first because they used to approve these – they said the Holmen Fire Department. I also asked Chris Luster, the state commercial building inspector. My information is it's the Holmen Fire Department.

REMARK Pedretti: The fire chief will be at the Tuesday meeting because he said he's not been in there. He has not inspected it, he has not given approval.

QUESTION Bluske: You volunteered to do conditional zoning for an auto body repair business. We know for a fact some people don't pay their bills; he might end up with a car. Have you discussed how that car would be sold?

ANSWER Houlihan: I discussed it with him. We'd ask for a similar arrangement you have with the Hanson's.

QUESTION Meyer: Jeff – can you explain that?

ANSWER Bluske: There's a procedure that anyone who works on vehicles – the Hanson's do more than that; they have a line of cars they sell. They do brakes – that kind of thing. In auto body repair you work on the body. If the car's been in an accident you might have to work on the frame or axle. Is he licensed to do frames and wheels? Will he change oil? Can people buy tires – because people have been able to do this in the past? But if somebody doesn't pay their bills, there's a procedure you go through with the Department of Motor Vehicles that you get the title from them, which puts it in Mr. Gilbertson's name. Then they're able to sell the car. Will he change tires there? He has a machine – and will he change oil? We need to have it in the record, if he's going to do any other mechanical work.

Appearing in favor: Terry Gilbertson, N7735 Amsterdam Prairie Rd, Holmen, WI 54636.

QUESTION Bluske: Will you change oil or do any mechanical work in relation to a car brought in for an accident? Are you licensed to do axles and frame straightening – that type of stuff?

ANSWER Gilbertson: I'm not licensed to do that and haven't done that anyway. I've painted cars since 1972. Auto body & painting – that's all I ever do. I have 3 hoists in my shop and have the ability to change oil easily, but it's not what I do. I haven't changed oil on a car in over two years. I have a holding tank out back that says "this is used oil," I had to do it properly I have a place for any used oil. Then Rock Oil – they come over and pump the oil out and they pay me for oil by the pound. The house where I live is roughly 1,800 sq. ft., 2 bathrooms, 3 bedrooms, dining room, living room, kitchen, rec. room, and washer/dryer room. After I lived alone for 5 years someone suggested why not rent the bedrooms? I have two people renting one bedroom and someone else in the second bedroom, they share their own bathroom. We share the house as a family basically – it's worked fine for ten years.

QUESTION Bluske: Do you have any unlicensed vehicles in your back yard in the fenced-in area?

ANSWER Gilbertson: I think I have four cars in the fenced-in area. One is an '84 Chevy truck that has been in (inaudible) truck for about 15 years. That does have a plate on it. There's two vehicles that come

to mind of vehicles that don't have plates – they're registered, just no plates, a Dodge Dakota truck and I think an '89 Dodge Avenger.

REMARK Bluske: You realize they're not supposed to be there.....

REPLY Gilbertson: They're titled to us – they're legal cars. Because they're not driven they may not have registration or plates, but they're titled.

Appearing in favor: Mitch Cholewa, N7768 Amsterdam Prairie Rd, Holmen, WI 54636. I'm here for information. Regarding the scenic easement – is that a surveyed line? How does anybody know in case a variance is needed?

REPLY Bluske: Our County Survey Department did go out and survey that line. We asked DOT and they said they don't do that. We have it marked in our petition folder.

QUESTION Cholewa: How many non-related persons can be in a residence?

ANSWER Bluske: Three

Cholewa: I do live across from there and Terry and his dad always keep the grass cut. They're good neighbors and I think the things Mr. Houlihan brought up need to be addressed. A plan will have to be submitted with all those things they have to correct, with the Commercial Site Plan Ordinance in effect in the Town of Holland. Thank You.

No one else appearing in support or opposition.

Correspondence, Bluske: None from the town, it sounds like they have a couple of meetings scheduled within their timeframe. No official correspondence from the DOT or DNR.

Staff Recommendation, Bluske: Zoning is consistent with the County Plan, however, Chapter 59 of State Statutes indicate the County is responsible for the protection of the health and safety of the residents and petitioners. There are many violations of code right now, draining contaminants to surface water, no grey water tank, no ventilation to OSHA standards. The property has renters that could be affected by what's proposed and has been happening for years under previous Conditional Use Permit. Has the petitioner shown any plan to remedy this? Even considering all of this, the staff recommends approval as Conditional Commercial District "B" for an auto body repair business only. Subject to recording deed restrictions indicating the following:

1. Only an Auto Body Repair Business is allowed.
2. Single Family Residence is allowed with 3 or less unrelated inhabitants
3. The local building inspector shall inspect the business portions for compliance with all commercial codes including but not limited to the paint booth(s) and ventilation; sanding and preparation area, fire protection, sanitation and waste products drainage. A statement is required, in writing, from the building inspector.
4. The scenic easement is not included in this rezoning.

QUESTION Meyer: Does he need a permit for the rental situation?

ANSWER Bluske: No.

QUESTION Pedretti: This is conditional zoning. They follow these four things, they put in deed restrictions; what recourse do you have if there are continued violations – if they have unlicensed vehicles or done things like they have in the past?

ANSWER Bluske: The only unlicensed vehicles he can have are ones he's working on; the painting, sanding – that's it. In the Commercial District there's a laundry list of 24 things you can do. You can have a bakery and sell cars there. With conditional zoning you're not allowed to sell any cars – he can't have anything there unlicensed. We'd issue a citation instantly. No letters written. He already knows that. We have to work with the Town of Holland Building Inspector because if the code isn't met they can't occupy it that way. If fire protection isn't met, and this is getting letters from all these different agencies that have anything to do with the code. We don't administer code so we're relying on the locals who have the authority – we need letters saying he's code compliant and it won't be a health hazard for

the Gilbertsons, his renters or any of the neighbors. Sometimes people forget what kind of business is there – they might smell propellants. Neighbors move in – they might complain. This protects him just as much. If they're not filtering these things, if it's left going to the ground – that's not allowed.

QUESTION Pedretti: So, its citations – it's not like conditional use where you can yank the use? It's permanent, transferable?

ANSWER Bluske: Yes – he's established a business there, equipment – it makes sense to transfer.

QUESTION Meyer: How do we police this?

ANSWER Bluske: Complaints. We won't go up every year to check things out. If he has a line of cars out there and he says nobody's paid for these cars, we're going to get suspicious.

QUESTION Meyer: Mr. Houlihan, you've heard all the conditions – and there's a lot of them. Do you understand and agree with everything Jeff has read off here?

ANSWER Houlihan: I haven't had a chance to talk with my clients, as far as all of them. As far as I know, they should be agreeable. You asked how to police this thing. Since it's conditional zoning, they should have to face this committee or somebody periodically and say "Are you up to snuff or not?" If they're not, they could lose it. You can provide for that – we did it at the city (La Crosse).

REMARK Meyer: I just know that because of this history, we have to watch it. The things Jeff read – I hope they're taken care of.

REPLY Houlihan: We understand that.

REMARK Bluske: I have one correction. I indicated the south 350-ft of the property. It's actually the south 275-ft because 75-ft is already in the right-of-way. We'll use that map as the basis. The 350-ft line almost touches their building. The Gilbertson's know where that line is.

QUESTION Pedretti: I'm trying to understand this technically so when it comes to the board, when it comes time for them to look at the conditions. If we pass this tonight and the town board passes it next week, how long do they have to record this? Is it whatever length (of time) they take until it's recorded he cannot operate that business?

ANSWER Bluske: He cannot operate that business until conditions are recorded. When the County Board passes this, this is the procedure. The county board reacts to this the third Thursday of this month. We mail it out to the town clerk and the property owner or applicant. They see the conditions and that starts their homework. We require a copy for our file and we get a recorded copy. The day it's recorded is when the zoning takes effect, then we change our maps. This is a map amendment. If we get a report he's running a business before the deed restrictions are recorded, he's in violation.

Pedretti: I don't begrudge the business at all, it's the past history. Chapter 59, which you quoted, is a real concern. It's all fine and good that you're here explaining you'll do everything you can. Once the paperwork is signed, that where our concern comes in. As a town, we need to be concerned about the neighbors. I'm happy with these four conditions.

QUESTION Mach: Mr. Houlihan, were you saying there should be some other statement – you said the city had done something?

ANSWER Houlihan: You don't have to do what the city does, but to keep things under control, we would require they may have to appear before the planning commission on an annual basis and say "Look, are you following what you're supposed to?" That's one way to regulate.

QUESTION Mach: I'm wondering if we should add a statement like that?

ANSWER Bluske: This is not a conditional use permit. When you're commercial, code dictates – you have no choice. We can't put conditions beyond what he can do in that Commercial District. We're allowing auto body repair and the rental. They're getting two things out of a list of 24.

REMARK Houlihan: Since this is zoning and there will be deed restrictions recorded, I'm assuming any resident can enforce county zoning, the same as municipal zoning.

REMARK Cholewa: The Town of Holland has a Commercial Site Plan Ordinance, part of that is to submit a developer's agreement between the party and the town board. I assume that will take place before this can occur, before it can become a business?

REPLY Pedretti: That's the town's responsibility – that will happen next week at a town board meeting

QUESTION Meyer: Have you applied to get on the town agenda? How long ago?

ANSWER Houlihan: I contacted Supervisor Pedretti about a month ago. We've been there, not for them to vote on anything, just as a courtesy. An informational meeting.

**Motion Manthei/Bina to approve with recommended conditions.
7 Aye, 0 No. Motion carried.**

SPECIAL EXCEPTION PERMIT NO. 2010-11 Town of Holland, W7937 County Road MH, Holmen, WI 54636. Petitions to realign Wolf Rd, replace an existing single span steel deck girder bridge with a single cell aluminum box culvert, perform approach work by bringing the roadway into current design standards, along with placing approx. 915 cubic yards of fill and approx. 25 cubic yards of rip rap on a total affected area of 9,000 sq. ft. all within the Shoreland District of a branch of Long Coulee Creek on land described as: Part of the SE-SE of Section 19; part of the SW-SW of Section 20; part of the NW-NW of Section 29; and, part of the NE-NE of Section 30 all in T18N, R7W as shown on the Wolf Rd improvement plan for the Town of Holland dated July 19, 2010. Town of Holland.

Marilyn Pedretti, Town of Holland Clerk, recused herself from the Planning, Resources, and Development Committee for this application and acted on behalf of the Town of Holland to discuss the project and to answer any questions.

Appearing in favor: Marilyn Pedretti, Town of Holland Clerk, W7937 County Road MH, Holmen, WI 54636.

REMARK Pedretti: Okay a little bit of history. About two and a half years ago the Town Board does their annual road tour and during the road tour somebody decided to get out of the truck and look at this bridge and it now cost us over \$200,000 for that inspection. So we're doing it the right way; going through all this application. The reason we're here is for a Special Exception because obviously the creek is affected. We have DNR in on this and the Corp of Engineers I believe. And I've talked to Mary Jo Webster as well. We've jumped through the hoops we need to jump. Don't grill me too hard.

QUESTION Bina: I'm just kind of curious. Who determined it had to be a box rather than a culvert? If DNR was in it, I'm sure they measured the volume of flow.

ANSWER Pedretti: We actually had to pay an engineer a nice amount of money to go and inspect the bridge first off. We saw rusting when we were doing the tour. Was that a bad thing or not? We didn't know. The engineer then informed us that this bridge was failing and was suggested that we replace it. We wanted to replace it with a culvert. We went through a lot of hoops to get the DNR to approve that. They wanted a bridge replaced with a bridge. We did get their approval for using the aluminum culvert.

REMARK Bina: Are they going to pick up part of the cost then?

REMARK Pedretti: Wouldn't that be nice.

(Referring to pictures on overhead)

QUESTION Bluske: Could you explain to the Committee? We've got some sketches up there and maybe put the second set up there Mr. Handy. How are you going to build that bridge with keeping this one there? And then what's your time frame, beginning to end?

ANSWER Pedretti: They took out a lot of these trees here after this picture was taken. This bridge will move; it will shift a little bit to the north. This approach coming from County Road 'V' will be shifted a little bit to the north. Meanwhile, while they're putting in this culvert, this will be used by the three residents that live back here. And so they'll work on one side of the culvert. They'll get that filled in. They'll shift traffic to this side. And then they'll take part of this apart and finish the culvert there.

QUESTION Bluske: And how long do you think it's going to take?

ANSWER Pedretti: We were hoping for a fall bid and maybe even a fall ending. We're having some difficulty with one right-of-way easement. We need a tenth of an acre.

QUESTION Bluske: And you have to purchase that?

ANSWER Pedretti: We have to purchase it and the resident has asked for an appraisal and such. It may not be till spring. The projected time is about two to three days once we start.

QUESTION Bluske: Has the Town of Holland taken action on this?

ANSWER Pedretti: We've gone through several different actions. I do have this on next Wednesday's agenda; officially go through the action on this one.

Appearing in opposition: None.

Correspondence: None.

REMARK Bluske: We did send something to the Department of Natural Resources but they also received the full plan too from the town.

Department recommends: Approval subject to 6 conditions.

- 1) The permit is granted specifically for the work relating to the realignment of Wolfe Road and the replacement of the single lane girder bridge in the Shoreland District of a branch of Long Coulee Creek.
- 2) This permit grants the placement of one 15.5-ft x 7.25-ft aluminum box culvert 45-ft in length to be set 1-ft below the natural streambed.
- 3) When started, temporary and permanent erosion control permits must be obtained from the La Crosse County Department of Land Conservation.
- 4) Any dredged or excavated materials shall be disposed of off-site and out of the Shoreland District.
- 5) All state and federal permits required for this project shall become part of this file.
- 6) This permit expires the end of August 2011.

Motion Wehrs/Keil to approve subject to 6 conditions.

6 Aye, 0 No, 1 Recused (Pedretti). Motion carried.

ZONING PETITION NO. 1849 Tony L & Teresa M Brenengen, PO Box 488, Coon Valley, WI. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A", a 5.02 acre parcel for the sale of an existing single family residence at W1869 Brye Rd, on land described as: Part of the NW-SE of Section 32, T15N, R5W; Commencing at the S¼ corner of said Section 32; N07°55'27"E 1793.83' to the POB; N09°59'08"W 190.57'; N05°45'51"E 106.83'; N27°43'20"E 123.47'; N17°06'35"W 233.86' to the southerly R/W line of Brye Rd; thence the next four calls along said southerly R/W line: 1) S51°06'23"E 65.33'; 2) S54°13'24"E 133.36'; 3) S49°30'24"E 49.32'; 4) S39°21'27"E 44.62' to the Terminus of said Town Rd; N50°38'33"E 66.00'; S58°50'51"E 453.50'; S45°27'45"W 202.02'; S78°08'32"W 322.71'; S76°38'25"W 175.21' to the POB. Town of Washington.

Appearing in favor: Tony Brenengen, W1869 Brye Rd, PO Box 488, Coon Valley, WI 54623.

REMARK Brenengen: Can I hand these out? These are some better maps. They will give you some ideas of what we have. This may help view the property a little better. There's three pages here. The first page is the petition to rezone. The second page is an overhead map. And if you would, set that up so you can see farm tract 4011 on the top of the page. The third one is the preliminary survey of the property itself. What we're doing, my wife and I own 160 contiguous acres here and we're trying to retain agricultural land and the wood land and sell the house on five acres. We're looking at purchasing a house in La Crosse. We want to retain our agricultural land. The Land Use Plan for Washington Township requests 35 acres for a home. The idea behind the plan from what I've read and from talking to the Planning Commission is the real precept of it is to preserve the agricultural land and not split it up and also the wood land. The problem with this situation is regardless of how I cut the property up to get 35 acres; I've got to cut into multiple agricultural fields.

(Referring to map submitted by applicant)

REMARK Brenengen: If you look at the green overhead view. If we run the 35 acres from right to left, that would be from north to south. If we run 35 and I go off the property line into the woods on the right hand side, I've got to cut into field 13, field 10, and field nine, and field six and seven to get 35 acres. If I run it from top to bottom on the page to get 35 acres, and again using the far field line on the right hand

side of the wood line, the yellow line, I have still got to cut into field six, field seven, part of 13 and a little bit of 10. The top of the ridgeline is basically field 10. What we're looking at here is the shaded area is the 5 acres that we'd like to sell with the house. The house is contained on that point. It's a rocky point. It's not any good for agricultural production. You can see on the overhead the road comes in this way here. The crown of the hill runs right through here. If we cut the field, 35 acres this way here, I've got to get into 13, and 10, and nine. If I cut this way, I've got to take out part of 13 and cut right across here to get 35 acres. So either way I cut 35 acres out, I've got to cut into agricultural production land. What we're trying to do is retain the production land as much as possible. From talking to Dan Korn, the Chairman of Washington Township, and the Planning Commission there, they also agreed that this would be a very usable way or very appropriate way to piece out the five acres and not cut into the wood land and not impede the agricultural production. The Township Planning Commission approved it unanimously. Dan Korn and the Township Board approved it unanimously also.

QUESTION Bina: So are you going to retain the rest of the farm for yourself?

ANSWER Brenengen: Yes.

QUESTION Bina: And either work the land or rent it out?

ANSWER Brenengen: Right. At this point in time we have no desire to build another house up here. We may need to right in this corner, as the road comes down through here on this opposite side right here, we may request at a future time to put up an agricultural building there so I can store the equipment in that building. But at this point and time we have not decided that. So I guess our point is right now we want to sell the house and five acres and retain as much of the land as possible without cutting into current production property.

QUESTION Keil: Do you presently live at this site right now?

ANSWER Brenengen: Yes, that's our residence.

REMARK Bluske: Maybe you could explain how you picked five acres for this site and what kind of buildings are on this five acres already.

REMARK Brenengen: On the five acres right now... I'll back up. Part of the reason we went to five acres is it fit, it just seemed to fit properly the way the home is setup.

(Referring to aerial map)

REMARK Brenengen: Right above here is a water diversion line. When we built the house about 10 years ago there's a lot of runoff. Again the crown of the hill is right here. There's a field road that goes out. This hillside folds off and there's a lot of runoff that comes through here so we put a water diversion line up here and then it kind of pieces this pie right here. So someone purchasing it would have enough property here where if they wanted to have horses, still use it as an essentially a hobby farm as it is today. It would give them enough room to do it. Also we feared if we went over five acres it may make it a little bit hard to obtain financing on this type of property. The buildings that are on here right now. The house is here. There's a pool in the backyard. This is a machine shop right here. There's a chicken coop here and a like a pig run right here. We have some pigs. But that's the property itself right there.

Appearing in opposition: None.

QUESTION Bluske: Maybe we could ask him if he's been to the town. He said he was there but did they get any approval?

ANSWER Brenengen: Ya. There's a phone number here where you could call Dan Korn. My understanding is, we talked to Dan actually yesterday, is that we have unanimous approval from both the Planning Commission, I was there for that meeting, and the Town Board was also unanimous.

QUESTION Meyer: They going to give it in writing or just call us or what?

ANSWER Brenengen: Dan said you can call him or he'll provide it in writing, whatever you'd like to do.

REMARK Meyer: In writing.

REMARK Brenengen: Sure. That's not a problem.

REMARK Meyer: Thank you.

Correspondence: None.

Department recommends: Approval subject to the recording of a deed restriction indicating this parcel cannot be further subdivided and only one single family residence is allowed on this parcel. (The proposed rezone does not change the existing land use.)

QUESTION Meyer: Did you hear the conditions?

ANSWER Brenengen: Yes I did. I can't further subdivide the five acre parcel.

REMARK Bluske: Right.

Motion Wehrs/Manthei to approve with the condition that a deed restriction must be recorded indicating this parcel cannot be further subdivided and only one single family residence is allowed on this parcel.

7 Aye, 0 No. Motion carried.

ZONING PETITION NO. 1850 Sean Gavaghan, W3798 Logging Rd, West Salem, WI 54669; acting on behalf of Gavaghan LLC. Petitions to rezone from the Exclusive Agriculture District to Residential District "A" and Residential District "B", a 174.6 acre parcel for development into a Conservation Residential Subdivision on lands lying south of County Road D described as: **Parcel A to Residential District "A":** Part of the NW¼; part of the N½-SW; part of the SE-SW; part of the S½-NE; and part of the NE-SE all in Section 16, T17N, R7W; Commencing at the Northwest corner of said Section 16; N89°50'52"E 1242.06' along the north line of the NW-NW of said Section 16 to the POB; N89°50'52"E 66.00' along the north line of the NW-NW of said Section 16; S00°05'02"W 309.87'; S89°54'58"E 76.33'; Southeasterly 129.74' along the arc of a 233.00' radius curve, concave to the southwest, the chord of which bears S73°57'52"E 128.07'; N13°42'31"E 218.79'; S62°00'31"E 214.26'; S54°23'20"E 667.36'; S74°44'50"E 378.51' to a point on the on the east line of the NE-NW of said Section 16; S01°33'16"E 203.60' along said east line; S61°49'55"W 303.20'; S39°16'14"W 66.00'; N50°43'46"W 146.51'; S39°16'14"W 200.00'; N50°43'46"W 882.00'; N39°16'14"E 200.00'; N50°43'46"W 86.18'; Northwesterly 114.22' along the arc of a 167.00' radius curve, concave to the southwest, the chord of which bears N70°19'22"W 112.00'; N89°54'58"W 76.33'; Southerly 175.73' along the arc of a 308.18' radius curve, concave to the east, the chord of which bears S16°15'07"E 173.36'; S32°35'16"E 144.16'; Southerly 313.19' along the arc of a 533.00' radius curve, concave to the west, the chord of which bears S15°45'16"E 308.70'; S01°04'44"W 210.23'; S88°55'16"E 184.71'; Southeasterly 135.77' along the arc of a 1033.00' radius curve, concave to the south, the chord of which bears S85°09'21"E 135.67'; S81°23'26"E 650.86'; Southeasterly 127.07' along the arc of a 332.68' radius curve, concave to the southwest, the chord of which bears S70°26'53"E 126.30'; S59°30'20"E 344.71'; N30°29'40"E 220.00' to the north line of the SW-NE of said Section 16; N89°40'27"E 1364.59' along the north line of the SW-NE and along the north line of the SE-NE of said Section 16; S00°22'04"E 600.99'; S34°46'23"E 859.53'; S11°25'22"W 434.83'; S14°32'49"E 911.31' to a point on the south line of the NE-SE of said Section 16; S89°18'33"W 515.86' along said south line; N19°37'21"W 1387.68' to the southeast corner of the SW-NE of said Section 16; N61°34'58"W 875.80'; S34°32'27"W 161.43'; N66°54'20"W 112.64'; N16°43'23"E 339.61'; N59°30'20"W 357.29'; S34°14'57"W 221.80'; N69°15'14"W 97.65'; N13°51'33"E 247.62'; N74°16'12"W 459.45'; S62°12'44"W 345.02'; S00°36'44"W 1271.99'; S22°41'13"E 1028.41' to a point on the south line of the NE-SW of said Section 16; S89°37'51"W 536.09' along said south line; N32°32'10"W 725.30' to a point on the west line of the NE-SW of said Section 16; N01°50'56"W 714.55' along said west line to the southeast corner of the SW-NW of said Section 16; N13°16'46"W 487.34'; N89°04'47"W 265.44'; S17°40'21"W 501.01' to a point on the south line of the SW-NW of said Section 16; N89°52'10"W 150.00' along said south line; N24°45'04"W 343.51'; N17°21'21"W 972.24'; N68°19'25"E 398.08'; N02°58'38"W 457.55'; N44°30'57"E 251.97'; N34°31'13"E 160.03'; N23°23'11"E 81.65'; N81°30'18"E 334.42'; N00°05'02"E 344.93' to a point on the north line of the NW-NW of said Section 16 and the POB; AND **Parcel B to Residential District "B":** part of the NW-NW of Section 16, T17N, R7W: Commencing at the northwest corner of said Section 16; N89°50'52"E 61.45' along the north line of the NW-NW of said Section 16 to the POB; N89°50'52"E 1180.61' along the north line of the NW-NW of said Section 16; S00°05'02"W 344.93'; S81°30'18"W 334.42'; S23°23'11"W 81.65'; S34°31'13"W 160.03'; S44°30'57"W 251.97'; S73°40'30"W 273.46'; N60°13'09"W 248.68'; N12°29'41"W 291.24'; N01°03'55"W 446.74' to a point on the north line of the NW-NW of said Section 16 and POB. Town of Onalaska.

Appearing in favor: Sean Gavaghan, W3798 Logging Rd, West Salem, WI 54669. We submitted this for two different zonings for the farm you see up there (on screen). This has been a long process – some of you will remember we've been here before. We didn't have our ducks in a row then, we do now. The Town of Onalaska Planning Commission and Town Board have given this unanimous approval – you should

have correspondence on this. The development will be conservation residential. That's an agreement between the Town of Onalaska, the Village of Holmen and the County. We have solicited advice and suggestion from all three municipalities. Conservation residential dictates we'll develop in clusters of housing with significant space between the clusters that will be utilized by people in the neighborhood. There's bluff land, some woodlands with walking trails and nature preserves, that kind of thing are part of the development.

QUESTION Bluske: Sean – we've put a map up here (refers to screen). Maybe you can tell us what's proposed and how many lots? Maybe hit on that green space again?

ANSWER Gavaghan: Part of conservation residential is to diversify the type of housing. This is for 55 and over – it's more of a condo association. Each would have their own agreement for maintenance of the land between them and would also have use of the remainder of the land. This area here (refers to map on screen) – we're in preliminary talks with Mississippi Valley Conservancy. It's wooded bluff land which is right up their alley. They've walked it and are interested in it. They'd remove non-native (plant) species, maintain the land and put in walking trails. The neighborhood and public could use those trails. I had a concern that if somebody buys a house out here and they have a lot of people come in to walk this area. They showed me evidence that 95% of the use of that land would be people in the neighborhood and 5% public utilizing the walking trail. The rest you see here (refers to map) are single family homes ranging in acreage of 0.7 to about 1.3 to 1.4 (acres). That's right in line with conservation residential.

QUESTION Bluske: The first half mile of road is not in the rezoning, but maybe you can talk about how that will be re-designed?

ANSWER Gavaghan: These 80 acres (refers to map) will remain in (Exclusive) Agricultural. It's pretty much the most productive part of the farm. The road has been accepted by the Town of Onalaska. It doesn't require zoning but it had to be accepted as a town road by the Town of Onalaska. It's currently full of soybeans.

QUESTION Pedretti: Parcel B will be Residential "B"; Parcel A will be Residential "A". The areas outside of that will remain Exclusive Ag?

ANSWER Handy: Correct.

QUESTION Pedretti: Did we rezone this sometime back?

ANSWER Bluske: No.

QUESTION Pedretti: That was the road issue?

ANSWER Bluske: Yes.

QUESTION Pedretti: So the road won't be rezoned – it will be part of the farm area?

ANSWER Bluske: They originally came in and wanted larger lots, a lot of road. Everyone was concerned about spacing of the homes instead of being clustered like this. They took it back to the drawing board with a lot of advice from the municipalities and this is their final product.

QUESTION Pedretti: The town road is up to the rezone we're doing – inside the re-zone is part of a condo association or is that town road as well?

ANSWER Bluske: These will all be town road, but I think they're doing something clever in here – maybe you can touch on that?

REPLY Gavaghan: Part of the conservation overlay is trying to minimize soil disruption. The recommendation from the planners, and I ran it by the county and town, and it took a while for me to come on board. It's a boulevard type system – a road in, a road out, with a large grass area in between. It may help to look at the cross-section (displayed on screen). In the middle is a large grass area with trees and native grasses, a 28-ft strip. The road has a 2% slope so the water has a place to go in the middle. This has been done in other parts of the state. It's pleasing to the eye and helps us (not) to dig big retention ponds with chain link fences around. There may still be some retaining ponds but we're looking at alternatives because of the conservation residential. A novel concept to have 28-ft between the two roads with a slope so the water goes into the middle and you utilize that land.

REMARK Pedretti: I like the conservation aspect.

QUESTION Bluske: The County doesn't like speculation and you indicated this has been in the works. When do you propose to begin?

ANSWER Gavaghan: Pending approval here and September 16 at full county board; this 80 acres of road here I'd like to start this year – as soon as possible and stop here at the beginning the of development. Come spring when the road bans are off, we'd start on these roads.

QUESTION Wehrs: Are you starting that first area right away, are you going to the back right away?

ANSWER Gavaghan: First phase development is exactly how you see it here. There's significant acreage for future development. This was the result of discussion with the town. Their concerns were valid and we as a development group did not want to put in and pay for those roads and then try to sell as we go. It's not good for us or the town. Once we sell the majority of these lots then we'll come back and ask for additional clusters. We'd have to come back for plat approval for additional clusters. What you see is our first phase with additional phases to come.

REMARK Wehrs: I also want to applaud you. This is new for our area and it will be great for people to see that there's something else than the way it's been done before.

REPLY Gavaghan: Thank you. I don't want to take all the credit. The county, town and Village of Holmen – this has been a five year process. Mark Schultz from the town – here tonight – asked me if we're happy where we are today. The process to get here was painful. But where we are today is the best place and where we want to be. Thank you.

Appearing in favor: Fred Schomburg, W3796 Loging Rd, West Salem, WI 54669. I'm a partner in this and in favor of it for the things that have been said. I'm here for the moral support and to thank the board.

No one else appearing in support or opposition.

Correspondence, Bluske: A letter from La Crosse County Highway Commissioner, Dennis Osgood, dated August 9, 2010 was read into the record explaining relocation of intersection, turn lanes, and by-pass lanes. Correspondence from Town of Onalaska Clerk received August 30, 2010 read into the record regarding construction of road. Minutes from Town of Onalaska Planning Commission from August 9, 2010 read into the record. Correspondence from the Village of Holmen read into the record.

QUESTION Pedretti: The Planning Commission approved the road and the rezone, but the town only approved the road?

REMARK Bluske: Maybe we could ask the petitioners.

ANSWER Gavaghan: The town unanimously approved the rezone.

QUESTION Pedretti: The rezone and the road?

ANSWER Gavaghan: Yes.

Staff Recommendation, Bluske: If the committee remembers, the town had to go through a plan amendment to include this area for residential use. Then the county board had to do the same. You approved the second reading last month. This is now consistent with the county plan – we recommend approval.

Motion Keil/Wehrs to approve.

7 Aye, 0 No. Motion carried.

ZONING PETITION NO. 1851 Daniel and Barbara Navrestad, 4041 Glenhaven Dr, La Crosse, WI 54601; acting on behalf of Paul E Kunert, W4525 US Highway 14/61, La Crosse, WI 54601. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A", a 4.0 acre parcel for one single family residence lying west of Skemp Rd described as: Part of the SE-SE of Section 19, T15N, R6W; Beginning at the northwest corner of Certified Survey Map (CSM), Volume 12, Page 9; N77°45'33"E along the north line thereof 474.11'; continuing along said north line S72°14'56"E 323.66' to the westerly R/W of Skemp Rd; N06°21'39"E along said Westerly R/W 177.62'; N88°47'13"W 122.50' to the southerly most corner of

CSM, Volume 1, Page 212; N47°40'05"W along the southerly line thereof 86.50' to the westerly most corner of said CSM, Volume 1, Page 212; N79°53'04"W 629.09' to the west line of said SE-SE; S02°22'13"E along said west line 350.00' to the POB. Town of Shelby.

Appearing in favor: Daniel Navrestad, 4041 Glenhaven Dr, La Crosse, WI 54601.

REMARK Navrestad, Daniel: We are requesting a rezone on this property. We are looking to build a single family home and a small storage out building for some extra vehicles.

QUESTION Pedretti: I'm confused. You don't live at this property but it says here you are requesting a change from land we just purchased. It's currently owned by somebody else?

ANSWER Navrestad, Daniel: Yes.

REMARK Pedretti: (Referring to map) The one that's number one.

REMARK Bluske: Paul Kunert.

QUESTION Bluske: So you have closed on this already?

ANSWER Navrestad, Daniel: Not officially, no. We wanted to make sure it'd be okay and rezoning would be good.

QUESTION Bluske: It's contingent?

ANSWER Navrestad, Daniel: Yes.

QUESTION Bluske: There's a small creek or a dry run that runs through there. Have you noticed the properties north and south? Are they doing anything different to cross that?

ANSWER Navrestad, Daniel: No. Nobody is really doing anything across there. The one property to the left of it, nobody is on there. It's kind of a vacant lot yet. It's kind of just a grassy ditch is what it is.

(Referring to aerial map)

REMARK Navrestad, Daniel: It's kind of a grassy ditch right there. It's not real deep. My conversations with both Jeff Brudos and then it was Chad I think down at zoning, they thought that might not even need a culvert but possibly like a cement..

REMARK Bluske: Ford.

REMARK Navrestad, Daniel: Ya, whatever they call those. So that's something we will be looking into real soon and what the right thing to do there is.

REMARK Bluske: Culverts tend to back water up rather than letting it go over the top.

REMARK Navrestad, Daniel: Judging from what it is, it isn't very often there's any water in it. Grass grows it pretty well so it's not really washing. Ya, it's got to go somewhere.

QUESTION Bluske: When we've been out on the site before, there's some wet areas here. Have you done any borings? Are you looking at putting the house back here or where?

ANSWER Navrestad, Daniel: Ya, it will be in the back of the lot there.

Appearing in favor: Barbara Navrestad, 4041 Glenhaven Dr, La Crosse, WI 54601.

QUESTION Bluske: Mr. Chairman, could you ask if they've been to the town board yet or the plan commission? We don't have any correspondence from them.

ANSWER Navrestad, Daniel: We just received notice of a meeting on the 16th, Saturday in the mail, to go to Shelby Township.

QUESTION Meyer: Sixteenth of September?

ANSWER Navrestad, Daniel: Ya that was the first notice we got for that.

QUESTION Meyer: But you had been there to let them know you had a petition?

ANSWER Navrestad, Daniel: Ya, I've been there and talked to him about it and he knows that we have it. I guess I figured this was the first meeting we were going to. Maybe I was wrong in that. This was the first one we were notified of.

Appearing in opposition: None.

Correspondence: 1) Email from Gordon Stinson, DNR, sent on April 30, 2010. Email states there are floodplain soils indicated on this parcel and that it's all drainage way. Email states concern for building in the drainage path.

2) Email from Carrie Olson, DNR, sent on May 3, 2010. Email states parcel is located on or adjacent to a non-navigable waterway. DNR Chapter 30 has no jurisdiction. Email states she has mapped out a 290

acre watershed at this point and it could be quite a bit of water on higher rain events or snow melt events. It is recommended the driveway crossing have some type of dip/depression to accommodate large flow.

Department recommends: Approval subject to the recording of a deed restriction indicating this parcel cannot be further subdivided and only one single family residence is allowed on this parcel. (The proposed rezone is consistent with the town's and county's plan for residential use.)

Motion Bina/Keil to approve with the condition that a deed restriction must be recorded indicating this parcel cannot be further subdivided and only one single family residence is allowed on this parcel.

7 Aye, 0 No. Motion carried.

ZONING PETITION NO. 1852 Howard C Tracey, PO Box 213, Mindoro, WI 54644; acting on behalf of Paul E, Marilyn M, Margaret & Howard C Tracey & Susan K Servais, N8326 State Road 108, Mindoro, WI 54644. Petitions to rezone from the Exclusive Agriculture District to Residential District "A", a 0.506 acre parcel for continued single family residential use at N8326 State Road 108 on land described as: Part of the SW-NE of Section 21, T18N, R6W; Commencing at the N¼ corner of said Section 21; S01°21'57"E 2154.42' to a point on the east R/W line of State Road 108 and the POB; S83°43'28"E 115.18'; S35°13'45"E 49.79'; S06°45'36"E 109.16' to the northeast corner of a parcel of land described in Volume 1442, Page 1 as Document Number 1272394 of La Crosse County Records; N89°48'38"W 155.00' along the north line of the parcel described in Volume 1442, Page 1 to the east R/W line of State Road 108; N00°22'38"W 161.15' along said R/W line to the POB. Town of Farmington.

Appearing in favor: Howard C Tracey, PO Box 213, Mindoro, WI 54644.

REMARK Tracey: I'm petitioning to get the house rezoned away from; it was originally built with the farm property and we're in the process of selling the house because my mother passed away and we need to get the house separated from the farm by rezone.

QUESTION Pedretti: So you're rezoning this in order to sell this property?

ANSWER Tracey: Right.

QUESTION Pedretti: Just out of curiosity, the northern corner you have at an angle. Is there a particular reason? Is there like a tree line or something?

ANSWER Tracey: We're following where the lawn originally was. The corn field borders the lawn. That's why we had it surveyed that way. What is lawn will stay lawn. It came out to about .506 acres I believe.

QUESTION Pedretti: Okay, so it doesn't have anything to do with the sewer or something like that? The way that's set up.

ANSWER Tracey: No.

(Referring to aerial map)

REMARK Bluske: If you take a look at the map on this one, you'll see that the blue line on there is the original parcel on there. And then what they were talking about following the lawn. When we pulled up there last week it was kind of hard to see that back there.

Appearing in favor: Steve Groth, W3872 Fulton Street, Mindoro, WI 54644.

REMARK Groth: Mr. Tracey sold the old farm house to me last year. It's when he rezoned, that's parcel number 11 I believe on the corner there. He maintains the old farm buildings behind the house. He cuts the grass. He's an excellent neighbor. So I just put in a good word for him.

Appearing in opposition: None.

Correspondence: Email from Roxanne Storandt, Town of Farmington Plan Commission Secretary, sent August 24, 2010. Email states the Town of Farmington Plan Commission, after its meeting on August 17, 2010, has recommended to the Farmington Town Board approval of Howard Tracy's request to rezone the property at N8326 State Road 108 to Residential A.

REMARK Bluske: I don't have anything from the Town of Farmington maybe you could ask if they have a meeting coming up.

QUESTION Meyer: Have you been to the Town of Farmington or going.

ANSWER Tracey: Yes on September 7th.

Department recommends: Approval. (The proposed rezone does not change the existing land use.)

Motion Keil/Manthei to approve.

7 Aye, 0 No. Motion carried.

ZONING PETITION NO. 1853 Nicholas L Franke, 1815 Wheldon St, Bangor, WI 54614; acting on behalf of HF Eagle Properties LLC, 200 Mason St, Ste 11, Onalaska, WI 54650. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A", a 3.0 acre parcel for the construction of a new single family residence and a 40-ft X 60-ft detached accessory building lying south of County Road TA described as: Part of Lot 1 of Certified Survey Map Volume 14, Page 66 in Section 15, T18N, R5W as follows: Commencing at the northwest corner of said Section 15; S80°17'26"E 764.45' to a point on the southerly R/W line of County Road TA and POB; S83°03'26"E 40.00' along said R/W line; S06°56'34"W 115.00'; S83°03'26"E 200.00'; S06°56'34"W 233.00'; N83°03'26"W 541.12'; N06°56'34"E 233.00'; S83°03'26"E 301.12'; N06°56'34"E 115.00' to the POB. Town of Farmington.

Appearing in favor: Amanda Wuensch, 1815 Wheldon St, Bangor, WI 54614.

REMARK Wuensch: I'm speaking on behalf of Nick Franke. Currently we have an offer in to purchase the 23.39 acres and it's contingent on the rezone. I have spoke with Land Conservation and the Highway Department. Towards the bottom of the 23.39 acres there is some wetland type area. The three acres we want to build the house on eventually in probably about five years. We want to save up some money and that way we can build the house on the three acres. If you guys went out there and looked at the property you could probably see four flags, that's roughly where we're going to put the house at. We had the perk test done and the perk test is about 55 feet behind those lines and it perked out an at-grade system. We're planning on having horses and cows and everything out there, that's why I had Land Conservation out there for having a pasture in that area towards the bottom of the property. And they said that was fine and we could rotate them in and out of there. Other than that, we went to the Town of Farmington Plan Commission meeting on the 17th. I spoke with Mike Raab... I sent him an email the Friday before; he was on vacation so he didn't get my email. But I spoke with Jon and he gave me his telephone number. I spoke with him Monday the 16th about 4:30 in the afternoon and he told me he was going to put us on the revised agenda. It never happened. So we went to the Plan Commission so they couldn't formally recommend it to the Town of Farmington Board but he said they were going to recommend it at the next meeting. When I spoke with Jon on Friday the 19th he told me that he had to contact some people to find out what our next step could be. And he emailed me back on the 20th and I spoke with him also. He said either the town would have to call a special meeting or we'd have to end up waiting until November. Well I e-mailed that response to Mike Raab and Mike Hesse that same day and I still haven't heard a response back from either one of them. It's been over a week.

QUESTION Pedretti: You e-mailed to Mike and somebody else?

ANSWER Wuensch: Mike Hesse, which is the Town of Farmington Chair. He was there at that meeting, at the Plan Commission.

QUESTION Pedretti: So he understands the dilemma?

ANSWER Wuensch: Yes ma'am.

QUESTION Pedretti: Perhaps he didn't get the e-mail. Did you try following up with a call?

ANSWER Wuensch: I haven't yet. I've been extremely busy so I haven't been able to. I planned on giving them both a call tomorrow. And Mike Hesse also told me that it's hard to get a hold of him because he's got something going on. That's why I e-mailed him.

REMARK Pedretti: But they have a meeting coming up next week.

REMARK Wuensch: Yes ma'am.

REMARK Pedretti: It's still possible that it could get on that agenda.

REMARK Wuensch: Because the Plan Commission couldn't formally recommend it to the Town of Farmington, we're going to end up having to go to another Plan Commission meeting. It's from the assumption that I received during that meeting.

REMARK Pedretti: That's kind of a puzzle because the Plan Commission is advisory only. It's a recommending body. I think they could...but that's up to them to figure out.

QUESTION Pedretti: Okay question. You're buying the whole property though, right?

ANSWER Wuensch: Yes ma'am. The whole 23.39 acres.

QUESTION Pedretti: But you're rezoning just the three acres?

ANSWER Wuensch: Yes ma'am. Because right now, currently Arlan Stello is renting the cropland. Right now there's corn on it. And we're going to continue to rent it to a farmer until we build on it. The three acres is probably the only thing we're not. There's going to be a little portion of it that's not going to be leased but a majority of it will be continued to be leased even after we build out there.

REMARK Pedretti: But this is part of a CSM that HF Eagle...

REMARK Wuensch: That's the current owner. Our offer is contingent on the rezone.

QUESTION Pedretti: But normally it would have come off the right-of-way that was proposed down on the southern end of the map? You're coming off the county road instead of coming off where this was originally split off as a CSM?

REMARK Wuensch: I'm not sure what...

(Referring to aerial map)

REMARK Bluske: When we were out there on tour, there's an easement road that comes in down here and comes out to the highway out here. Her question was why did you decide here as opposed to coming off back here?

ANSWER Wuensch: This tree line right here is what I had to speak with Land Conservation about because there's about 400 acres that drains into here. There's a culvert probably about right here. That's why I asked him if we could use this as pasture land. With the three acres it was just better up here. And plus the hill crests and that's the best place to put the house that we had liked. So there's no certain reason. I also talked to the Highway Department and they told me I had to be 700 and some feet off of 'TA' and this approximately exactly where I'm supposed to be. Off of County Road 'TA' and 'AE'.

REMARK Pedretti: I guess I'm just confused because it seems like it was subdivided to a degree with CSM's. That it was setup that these properties would all kind of come out at the same spot. So I was just confused why. So does that mean that other properties are going to come out somewhere else? Then why have that easement? Why develop this property the way they did? I'm confused by that but we'll get to that. That's all I have.

QUESTION Bina: Well now here's a discussion in regards to the town kind of screwing up and didn't get it on the agenda. Should we really, Jeff, be taking this up tonight or should we wait until next month?

Because that would put them in all the right perspectives if the town put it on their agenda.

ANSWER Bluske: Well the Town of Farmington likes to follow the rules and the rules indicate they have 10 days after this meeting to respond with a denial. They have filed a resolution that gives them an additional 20 days or 30 days. But I think what Amanda has indicated is the Planning Commission might meet within that time frame, even though the Town Board is meeting next week, but the Town Board isn't meeting until two days after that 30 days is up. So if the town doesn't hold a special meeting like we've requested Amanda to kind of seek, the town can do that, they don't like to do that, in order to react to this. If they don't, then there's no recommendation. But we have to wait. If we don't hear something in 10 days from them we have to automatically wait the additional 20 days. So this will not go to the County Board unless we get a meeting from the Town of Farmington next week. So this won't be coming up on the County Board floor until October.

QUESTION Bina: So it doesn't make any difference? We could take action tonight and let the process play out then?

ANSWER Bluske: Right.

REMARK Pedretti: I think it's on the town's back at this point. They made the mistake and special meetings aren't the end of the world. That would be how we would look at it and I'm speaking from a town's stand point. You make a mistake and you make up for it. But that's me.

QUESTION Bluske: Amanda, I don't know if Eagle Enterprises indicated to you what kind of history was on this piece? Are you familiar?

ANSWER Wuensch: I've learned some from Jon and some from the Plan Commission meeting.

REMARK Bluske: I'm going to indicate this to the committee so you guys can use this for whatever thoughts. In May of 2008, Eagle Enterprises petitioned this whole farm to be zoned to Ag A. But then they decided to split it up into 35 acre pieces and they had one, I think it was a 30.32 acre parcel or

something like, that was zoned Ag A. The County Board placed conditional Ag zoning on it subject to the recording of deed restrictions indicating that the 30.42 acres could not be further subdivided and maintenance agreements are required for the approved easements. So if we take a look at the aerial photo here, that original 30.42 included the house on this acreage and that's what we said this could not be further subdivided. Well what happened was Mr. Hammers of Eagle Enterprises did not record his deed restrictions making this Ag A but he sold off the buildings and not with this acreage here. That was something they could do.

REMARK Handy: Farmland Consolidation.

REMARK Bluske: But he had actually petitioned the whole parcel to be rezoned. What we're looking at now is a bunch of homes and another home when there was only supposed to be one set of buildings on this whole acreage. That's the history. And that's why they're in to rezone the three acres out in front along with this. That's where we are.

QUESTION Bina: So that wouldn't make the home that was existing illegal then?

ANSWER Bluske: It's called Farm Consolidation. You can sell the current home site with five acres or less. And that's just what he did.

REMARK Bina: And the people aren't farming there.

Appearing in opposition: Cathy Wade, W1581 County Road AE, Mindoro, WI 54644.

REMARK Wade: I live on the farm that is next to this farm with the history, even though our land doesn't actually touch. I was there when they divided that land into four pieces. Which was fine and the house went with the 30 acres or whatever. But amazingly enough they sold the house with five acres. Ta-da! How did that happen? And then what's left over? How many acres is left over? Twenty-five? And it's zoned Exclusive Ag and it's a field. What are you going to do with it? And this is exactly what's happened. Is now we're in a situation where this Exclusive Ag can't have a house built on it because it isn't 35 acres. It has to be rezoned. So I came here to be opposed to this is because my assumption, course I didn't get a statement from the zoning board because my land doesn't touch it even though I live a mile away, because I thought the three acres was going to be rezoned and they were only buying the three acres. At this point I don't see that there's any other option but to rezone that land because obviously you can't build a house on it. It's one more house. Alright it's one more house but it beats having, you know that three acres by itself and then dividing all the rest of it into little pieces and having six to ten houses on there, which is what I thought was going to happen. But I really don't understand why you have to take that three acres out of there. Why can't you just rezone the whole 23 as Agricultural A and then put a deed restriction on it for just one house? To me that would make more sense because it's going to have to be rezoned to Ag A anyway to build a house on it. You might as well do the whole thing. You can still farm on it.

REMARK Bluske: I can answer that. Effective the first of the year the Department of Ag passed a regulation that requires anybody rezoning anything out of Exclusive Ag to pay a conversion fee. And that conversion fee in the Town of Farmington is \$669 per acre.

REMARK Wade: Oh, lovely.

REMARK Bluske: So if you take 669 times 25 you can see what kind of conversion fee there would be. I think they took the, I'm just assuming this, the Town of Farmington has a minimum of two acres is it and they picked three.

REMARK Wade: Well then I think the committee needs to think about how to handle this situation to prevent these people from splitting up that land even further. Only other thing I want to say is that I want to read to you from the Farmington Land Use Plan. The biggest goal for the Town of Farmington is to preserve farmland and strive to maintain existing agricultural uses. And as you probably have noticed, that's a corn field. It is recommended that when residential structures are proposed in agricultural areas that during the permit review process that they be encouraged to be located on non-productive agricultural land and in a location that will not affect an existing agricultural operation. They are sort of trying to do that but again like I said it's in the middle of a corn field. And that's about it except that you know this would really have never happened if they had been careful about making sure that deed restriction was on there in the first place from the last time this was done. That's it.

REMARK Bina: When I saw it the other day when we were out there, I said hey that's farm land. Who made the decision that only three acres were going to get rezoned? If by chance and if it's approved and the corn field goes away isn't that a penalty assessment then if something else happens to the land?

We're rezoning the whole 23 acres.

REMARK Bluske: No.

QUESTION Bina: And that's the issue. It's still Exclusive Ag but if the corn field goes away and a big lawn gets put in there and I don't know what size that could be because you could have corn field planted right up to the driveway in the front of the house and they couldn't complain about it because it's Exclusive Ag land. This could be a major problem I think. And we got a Comprehensive Plan Charlie Handy. Well I don't know what your recommendation is going to be because I haven't heard yet. But any how I guess we had three issues tonight on three different pieces of property that Exclusive Ag land is coming out and I thought we had a Working Land Initiative that wasn't going to allow that to happen. So I don't know when we should get tough on these and when we should not get? Ok, go ahead, answer if you want.

ANSWER Bluske: In answer to Supervisor Bina's question, the previous rezonings that we had, the one in the Town of Farmington was not consistent with their plan but it wasn't changing the land use, they were just taking the house out. The other one in the Town of Farmington with the Tracey parcel, same way, this one does not have a house on it yet. So this proposal is not consistent with the County or the Town Plan. The original farm home was supposed to be included in this acreage but was sold off without rezoning which was legal. This would add one more home that was not previously allowed under Zoning Petition 1778. Therefore we have no choice but to recommend denial.

QUESTION Bina: Okay, I have another question too. You said some group rezoned 30 point some acres with the house on the farm on it. Did that actually happen? It never happened because a plan was never put together?

ANSWER Handy: They didn't record the deed restrictions.

QUESTION Bina: They didn't record the deed restrictions. So the rezoning on that was null and void at that point in time? So it reverted back to Exclusive Ag?

ANSWER Bluske: Yes.

REMARK Bina: Okay, that's what I was wondering. I thought maybe it was rezoned already but it couldn't have been.

QUESTION Wade: They didn't need to rezone it to Ag A did they?

ANSWER Bluske: They did because it was under 35 acres.

REMARK Wade: But it already had a house on it.

REMARK Bluske: Anything over five acres you have to rezone.

(Referring to map)

REMARK Bluske: So if you take a look at the original proposal and this was back in 2008, in April. The Committee did end up rezoning that 30.42 acres but it had the buildings on down in this corner if you remember. So we indicated this would be all Ag A. Just like was being discussed. With no further subdividing. But Eagle Enterprises was supposed to record deed restrictions in order to consummate the Ag A zoning. That never happened. So evidently someone else came along and didn't want the entire acreage, just wanted the buildings. So at that point he weighed this situation and said, 'a sale in the hand is worth acreage not zoned.'

REMARK Bina: So it reverted back to Exclusive Ag.

REMARK Bluske: It reverted back to Exclusive Ag.

REMARK Bina: I didn't know if it could do that.

REMARK Bluske: Yes.

REMARK Pedretti: I guess I see two things. In 2008 they were sloppy. They missed the ball. It wouldn't have cost them that conversion fee. I apologize to the people who want to buy this. You need to have this company pay that conversion fee and do it right. This all should be rezoned if they're going to rezone it. Keep it ag. I have a hard time taking out a corn field. It's not consistent with the plan. Just because they sold this off and made their money and now we'll see what happens with this and you take the responsibility, which I think is wrong. I think this company really should be taking the responsibility on this. I'm going to oppose. I'm going to go for the denial.

Correspondence: None.

Department recommends: Denial.

Motion Pedretti/Mach to deny.

Z Aye, 0 No. Motion carried.

ZONING PETITION NO. 1854 Thomas A & Jane M Buss, N8897 US Highway 53, Holmen, WI 54636. Petitions to rezone from the Transitional Agriculture District to Agriculture District "A", 2.202 acre parcel for continued single family residential use at N8897 US Highway 53 on land described as: Lot 1 of Certified Survey Map No. 101, Volume 3. Town Holland.

Appearing in favor: Jane M Buss, N8897 US Highway 53, Holmen, WI 54636.

REMARK Buss, Jane: We are here today to petition to rezone our area there from Transitional Agricultural District to Ag District 'A'.

REMARK Pedretti: If you could just explain the past history just a little bit for the public record.

REMARK Buss, Jane: Well the past history is my husband and I purchased the property in 2002. At that time the zoning was Transitional, or is still Transitional Agricultural District. The property was put there for the daughter of the farmer. When we purchased the property no title search or any zoning issue was brought up to us that we needed to rezone the property in order to be compliant. So we've been living there not compliant and it came to light when we went to sell the property. Someone wanted to start a business so they looked into it and they found out that we have not been compliant which was not to our fault but it has come to light so we need to do the right thing here.

Appearing in favor: Thomas A Buss, N8897 US Highway 53, Holmen, WI 54636.

REMARK Buss, Thomas: I'm the husband of Jane. I'm also in support of this. It actually said Agricultural 'A' when we did the title search. So we were under the impression we were fine until just recently, so we didn't even know this was going on until we tried to sell the house.

REMARK Meyer: There is another one they should be going back and doing some checking. The people that okayed it in the first place.

Appearing in opposition: None.

Correspondence: None.

REMARK Bluske: I have no correspondence on this. I'm assuming it's coming up at a future meeting.

Department recommends: Approval subject to the recording of a deed restriction indicating this parcel cannot be further subdivided and only one single family residence is allowed on this parcel.

REMARK Bluske: If the committee remembers when we pulled in the driveway the house was kind of facing us. We were facing south, the home was facing us. The lot is actually large enough to split in half but we're saying the total acreage should stay with this piece. That's why the conditional zoning.

Motion Keil/Mach to approve with the condition that a deed restriction must be recorded indicating this parcel cannot be further subdivided and only one single family residence is allowed on this parcel.

7 Aye, 0 No. Motion carried.

CONDITIONAL USE PERMIT NO. 816 Don Fritsch, 110 Mitchell Hall, University of Wisconsin – La Crosse, La Crosse, WI; acting on behalf of the Arne Marking Revocable Trust, c/o Ralph Marking, 3803 Cummings Ave, Eau Claire, WI. Petitions to use an existing 11 acre hayfield for parking of vehicles during the University of Wisconsin – La Crosse National Cross Country Meet held each October at the Maple Grove Country Club said parking is on land zoned Exclusive Agriculture District and described as: That part of the NW-SW of Section 9, T16N, R6W lying northerly of County Road B. Town of Hamilton.

Appearing in favor: Don Fritsch, 1725 State St, La Crosse, WI 54601.

REMARK Fritsch: Good evening. I'm Don Fritsch, the men's cross county coach at Wisconsin-La Crosse. We are asking to use a piece of Arne's hayfield for parking for the Drews/Neubauer Invitational on Saturday, October 16th, 2010. I'm here to answer question. I've got a letter from Ingrid Wynveen who is Power of Attorney for Arne. Would you like me to read that?

QUESTION Meyer: You want that in the record Jeff?

ANSWER Bluske: Yes.

(Letter from Ingrid Wynveen, POA for Arne Marking, read into the record by Don Fritsch. Letter indicates permission is granted to the University of Wisconsin – La Crosse to use the field for parking provided a hold harmless letter is provided absolving Mr. Marking against any litigation from anyone using the field for parking that day and requests the letter by supplied at least 10 days prior to the event.)

QUESTION Bina: Do you have that many cars coming out to your field day out there?

ANSWER Fritsch: It's a large meet. We have teams and likely family members coming from as far west as North and South Dakota, Nebraska. We've had teams over the years from as far south as Tennessee, Missouri. Not real far east. Probably Illinois, Indiana would probably be the farthest east. But it's a big regional meet. It's one of the biggest in the Midwest.

QUESTION Bina: The other question I have, probably for Jeff, and that is this is just for one event or could it be used for multiple events?

ANSWER Bluske: We discussed this. We accommodated Don because this has got a fantastic economic advantage for West Salem and that area. So he was actually a few days after the deadline. So we discussed a lot of these things with him. He says as long as I'm making the application it can't be used for anything else.

REMARK Fritsch: And it's understood too that the crop rotation could interfere.

REMARK Keil: That's what I was going to ask.

REMARK Fritsch: If they plan soybeans or corn we won't be able to use it.

REMARK Bina: If they make hay out there you're okay.

REMARK Fritsch: Ya oats and hay.

QUESTION Keil: Is this for more than one year?

ANSWER Fritsch: Potentially but maybe not. Kind of depends on some future...

REMARK Bina: Place is being sold.

REMARK Fritsch: Ya there's a lot of issues and questions. We're trying to get through this year.

QUESTION Meyer: Jeff, this petition is just for this time right? That's what I thought.

ANSWER Bluske: It's going to go on and on and on. So it will terminate after not being used for 12 months.

QUESTION Bina: Well then I guess I have another question. Let's say they plant corn in there next year. Could he move the field on the other side of the road or something? He would have to have another application.

ANSWER Bluske: Ya he would have to do something south of the road then.

REMARK Bina: If he changes location.

REMARK Bluske: But through an agreement if they have to cut the corn early or the beans early or whatever they could compensate because I think there might be a charge for parking. But we don't care about that. Whatever he has to do he has to do.

REMARK Bina: The soybeans may be off by then. Maybe not the corn.

REMARK Bluske: There's ways to work around it.

QUESTION Pedretti: Follow up to that. They put corn in a couple years and maybe they don't use that for parking for a couple years, you're saying after one year of not using it they have to redo this Conditional Use Permit? Because maybe the two years of corn and then go back to alfalfa. I'm being the devil's advocate.

ANSWER Bluske: Well, we can talk about that. If we don't petition to have it terminated, then it continues. And we're concerned, we want to help them.

QUESTION Fritsch: Is that all for me?

QUESTION Bluske: Did the Marking Family discuss the best access or did you talk to the Town of Hamilton too?

ANSWER Fritsch: I haven't spoken with the sheriff yet. I've spoken with the Highway Commissioner and they don't see problems. We will talk with the sheriff and see if they feel like they need to help with traffic control. But there are two, there's an entrance on the...

QUESTION Bluske: Can we pull up an aerial here Jon?

(Referring to aerial map)

REMARK Fritsch: There's an entrance off of County 'B' on the far east end of the field and we probably would not use that unless the sheriff asked us to. We would not use the whole field. We would only use

what we needed on the far west end. I'm guessing we'll need less than half the field. An access would be off of County 'B' on the west end. There's an access, not really a road but it's kind of gravel.

REMARK Bluske: We looked at that and that's on a curve so that's not a real satisfactory spot. That's why we want the Highway Commissioner and the town to get involved. Because it drops off down here. There's a ditch. So a culvert or something would have to be put in here somewhere. But this is a blind spot for people coming around here. Just a thought.

REMARK Meyer: I just want to ask Jeff. I'm still concerned about an end date here. It's kind of open ended to me.

REMARK Bluske: It is.

QUESTION Meyer: Shouldn't we have something on there? Two years? Three years?

ANSWER Bluske: No.

QUESTION Bluske: How many years have you been holding this out there now?

ANSWER Fritsch: Long time. We moved. It had to be in the late eighties or early nineties. It's been a long time.

REMARK Bluske: That's what I'm saying. This could go on for 20 more years if they wanted to use that site so it's up to them. If we discover through a contact with the current owner or a new owner or somebody they haven't used it in two years, that's going to indicate they don't want to use it anymore.

REMARK Handy: Committee has every right to add that as a condition.

REMARK Meyer: That's what I'm thinking.

Appearing in favor: Ralph Marking, 3803 Cummings Ave, Eau Claire, WI 54701.

REMARK Marking: I support it. I have no concerns about it. But I showed up to answer questions. Brother of Arne.

(Referring to aerial map)

REMARK Marking: There is a rather sharp drop off on both sides of the road here, a culvert going through. I talked to the hired man and there's some tall grass there now. You could put the bush hog or whatever it is on the tractor and mow a path. There is an access to the field here. Access is not really possible other than the two ends of the field.

QUESTION Meyer: Didn't you say they were going to end up on the other side?

ANSWER Bluske: We're kind of a free for all right now. I had a phone call from the Town Chairman, Rich Schomburg, who indicated they liked this driveway even though it would be a long drive along here to get back here because it's safe and it's level. There's already a gate there.

REMARK Marking: Well there's no gate right there. There's a gate and fence to the east.

QUESTION Bluske: Down here?

ANSWER Marking: No here.

REMARK Bina: Across from the house.

REMARK Marking: There's that fence that runs along...

REMARK Bluske: There's a gate. We saw it.

REMARK Keil: There's a gate for the pasture.

REMARK Bina: There's a steel gate there.

REMARK Bluske: Ya. We don't care where the driveway ends up being along here but it's got to be in a safe spot because if cars are coming around this corner here the highway is always concerned with visibility. So if somebody is coming here and they stop real quick and they're trying to pull in and there's other cars trying to pull in, it's not just a real safe situation. That's why the town had kind of recommended this spot right here.

REMARK Marking: I think some caution signs would be appropriate.

REMARK Bluske: Very good idea and I think they said they did that already.

REMARK Marking: Because from Highway 'M' to the farmstead there, people get to 60 and 70 miles an hour. They're late for work.

Appearing in opposition: None.

Correspondence: 1) Phone call from Rich Schomburg on August 24, 2010. Town discussed trash being picked up after meet and they preferred the driveway entrance just to the west of Arne's house.
2) Letter from Ingrid Wynveen, POA for Arne Marking, received at the Public Hearing and read into the record by Don Fritsch as stated above.

Department recommends: Approval subject to 6 conditions.

- 1) This permit is granted specifically for parking during the University of Wisconsin – La Crosse cross country meet.
- 2) An agreement with the property owner shall be maintained to make sure the grass or agricultural products is cut short enough as to not create a fire from vehicles parking and repair any damage done if asked.
- 3) All trash shall be cleaned up after each event.
- 4) The preferred driveway into this area is an existing driveway marked by a gate across the street and about 325 feet west of the owner's farm house at W3951 County Road B.
- 5) Caution signs should be placed during the event.
- 6) This permit is non-transferable.

QUESTION Pedretti: Just a quick question. You said non-transferable. So if somebody else buys Maple Grove they have to go through this process again or is it just non-transferable if Mr. Marking sells the property?

ANSWER Bluske: Right.

Motion Keil/Manthei to approve with 6 conditions.

7 Aye, 0 No. Motion carried.

Motion Manthei/Pedretti to adjourn at 8:25 PM.

7 Aye, 0 No. Motion carried.

Hearing adjourned at 8:25 p.m.

*Approved 10/04/2010
Nathan Sampson, Recorder*