

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

May 2, 2011
County Board Room – Administrative Center
6:00 p.m – 7:15 p.m

MEMBERS PRESENT: Marilyn Pedretti, Beverly Mach, Tina Wehrs, Robert Keil; Dennis Manthei
MEMBERS EXCUSED: Donald Meyer; Don Bina
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Charlie Handy, Bryan Meyer, Chad Vandenlangenberg, Nathan Sampson, Recorder

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Marilyn Pedretti, Vice-Chair, 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.

Chair calls for Conditional Use Permit No. 832 to be heard first.

CONDITIONAL USE PERMIT NO. 832 Nathan Ward of Buell Consulting, agents for USCOC of La Crosse (US Cellular), acting on behalf of Leo & Ruth Leis, W840 State Road 33, Bangor, WI 54614. Petitions to construct a 195-ft self supporting communications tower, associated ground equipment, compound fence and 30-ft wide drive on 1.22 acres of land zoned Exclusive Agriculture District described as: Part of the NW-SW of Section 2, T15N, R5W, commencing at the West ¼ corner of said Section 2, S0°55'19"W 1125.76' along the West line of the SW ¼ of said Section 2, S89°04'41"E 608.56' to the POB, S89°04'41"E 100', S00°55'19"W 100', N89°04'41"W 100', N00°55'19"E 100' to the POB. Along with a 30' wide access/utility easement being part of the W ½-SW of Section 2, T15N, R5W being 15' each side of and parallel to the following described line: Commencing at the W ½ corner of said Section 2 S00°55'19"W 1125.76' along the West line of the SW ¼ of said Section 2, S89°04'41"E 708.56', S00°55'19"W 115' to the POB, N89°04'41"W 50' to Point "A", S00°55'22"W 128.55', S26°25'28"W 162.04', S54°13'29"W 149.38' to Point "B", S79°39'13"E 112.23', S73°34'43"E 75.84', S68°11'23"E 66.74', S60°36'17"E 77.35' to the Northerly R/W line of STH 33 and POT. Also the following described lines: Beginning at Point "A" N89°04'41"W 65', N00°55'19"E 65' to the POT; and Beginning at Point "B" N83°36'12"W 212.38', S70°14'45"W 67.32', N65°09'57"W 70.67', N53°20'00"W 113.51', S76°01'45"W 16.73' to the Northeasterly R/W line of Antony Rd and the POT. Town of Washington

Appearing in favor: Nathan Ward, 1200 Riva Ridge, Racine, WI 53402-1711. Information brought forth at the Town Planning Committee by neighbors in opposition to this request does not allow enough time to provide this committee with reliable information to consider.

QUESTION Pedretti: You realize deferral will cost you more money?
ANSWER Ward: We understand that.

**Motion Keil/Wehrs to defer until next month's hearing.
5 Aye, 0 No, 2 excused (Meyer, Bina). Motion carried.**

ZONING PETITION NO. 1864 Rob Burgmeier; acting on behalf of Hot-Line Truckload Services, LLC, PO Box 205, West Salem, WI 54669. Petitions to rezone from the Exclusive Agriculture District and Agriculture District "A" to Commercial District "B", a 1.07 acre parcel for the existing trucking business which includes freight storage, semi tractor sales and service at W2197 County Road B, on land described as: Part of the NE-SE of Section 6, T16N, R5W; Commencing at the SE corner of the SE-SE, N26°40'31"W 2891.55' to POB, S89°43'00"E 279.05', S44°37'56"E 70.61', S00°29'59"W 100', S63°52'14"E 143.12', S00°29'59"W 251.19', S88°37'14"E 33', N00°29'59"E to the South R/W of County Road B, N81°54'52"W

100.88' along said R/W, S89°55'02"W 395.02' along said R/W, S00°29'59"W to POB. Except that portion which is currently zoned Commercial District "B". Town of Bangor.

Appearing in favor: Rob Burgmeier, PO Box 205, West Salem, WI 54669. This is something we forgot to do about 4 years ago. It's something we use now, mainly for parking.

REMARK Pedretti: Explain for the record exactly what you're asking to do.

REPLY Burgmeier: We're asking to rezone it to Commercial "B", just used for parking.

QUESTION Pedretti: It's an odd shape – is that because of the terrain?

ANSWER Burgmeier: No, I think the previous owner wanted to keep that. By some mistake it didn't happen.

REMARK Bluske: The committee has been to the site. When we had the Conditional Use Permit (CUP) for this parcel (the east), we drove through Rob's parking lot. Everyone saw the portions being used. It's housecleaning.

No one else appearing in favor or opposition.

Correspondence, Bluske: Ken Manke called March 31, 2011 and indicated the town board approved this at their last meeting.

Staff Recommendation, Bluske: Approval. The County's land use plan recommends non-residential. We concur with the Commercial "B" request.

Motion Manthei/Keil to approve Zoning Petition No. 1864.

5 Aye, 0 No, 2 excused (Meyer, Bina). Motion carried.

SPECIAL EXCEPTION PERMIT NO. 2011-2 Chad Waldenberger, W3831 Western Hills Dr, West Salem, WI 54669. Petitions to perform grading and filling in order to construct a 12-ft wide by approximately 1,200-ft long residential driveway that will partially lie within the 300-ft shoreland district of Halfway Creek, on land zoned Agriculture District "A" and described as: Lot 1 of Certified Survey Map No. 33 in Volume 15. Town of Onalaska.

Appearing in favor: Chad Waldenberger, W3831 Western Hills Dr, West Salem, WI 54669. I'd like to build a driveway from County Road W for a residential home. I've gone through some other steps with the DNR. If you look at a topo map, the landscape allows us to follow the bottom of the hillside while being as far from the creek as we can get.

QUESTION Pedretti: Is there a reason you need to be in the Shoreland District, that you can't pull off from the existing driveway and stay out of the shoreland? Is it so you don't take away from farming?

ANSWER Waldenberger: Now it's not used as farm, it's in CRP. The access point off "W" would allow the heavy equipment used to build the house and not bust up the existing concrete.

QUESTION Pedretti: You've talked with the DNR?

ANSWER Waldenberger: Yes, I have a permit already.

QUESTION Bluske: We noticed what looked like an old field road right here (refers to screen). This area is historically wet in the spring. There's an area that isn't mowed, it looks like you're skirting the edge. Have you driven there or anyone gotten stuck there in the past?

ANSWER Waldenberger: In the bottom below that, yes. There was a fence when it was used as pasture land, from there to the creek. I've driven tractor in there and mowed that. Obviously this year I have not. The existing field road was our initial attempt to access this CSM which at that time wasn't even drawn. We were trying to figure out where to put the driveway when we were in contact with the DNR and soil erosion (Land Conservation).

QUESTION Bluske: Have you done any borings?

ANSWER Waldenberger: I have not.

REMARK Bluske: A portion of that is in the floodplain, the water will go over the road.

REPLY Waldenberger: The water will go over the road. The road will be real close to flush with ground level, it will not be elevated. Soil erosion (Land Conservation) has required that the water go over it.

No one else appearing in favor or opposition.

Correspondence, Bluske: Site investigation report by Mary Jo Webster of La Crosse County Land Conservation Department read in to the record. An e-mail from Mike Wenholz of the Wisconsin Department of Natural Resources (DNR) stating no comments read into the record.

QUESTION Pedretti: For clarification, no comment means they haven't approved or disapproved?

ANSWER Bluske: That's right.

Staff Recommendation, Bluske: It's zoned Agriculture District "A" which allows the use. Staff recommends approval with conditions as follows:

1. This permit is granted specifically for one single family residential driveway. No other access or joint use is allowed.
2. All terms of the Land Conservation Department Erosion Control Permit No. 1138-10 shall be met. Any deviations from this permit will require an amendment to this permit. Any such amendment shall be provided by the applicant and will be placed in this file.
3. No fill or excavated materials may be placed below elevation 778.1-ft except for breaker rock, gravel, and paving materials within the driveway proper.
4. The Wisconsin DNR shall be contacted by the owner to determine whether a Chapter 30 Permit is needed.
5. The permit expires September 30, 2011.

QUESTION Pedretti: And the expiration is okay – September 30, 2011?

ANSWER Waldenberger: I was hoping for a 2 year permit. Most of my permits are 2 year permits. The soil erosion and DNR 216 are 2 to 3 year permits. My intention is to put the driveway in this year. If it continues to rain the way it has, I'm not going to disturb that soil.

Motion Manthei/Wehrs to approve Special Exception Permit No. 2011-02, amending the recommended expiration date to September 30, 2012.

QUESTION Mach: We haven't heard from our local DNR?

ANSWER Bluske: Our local DNR is now out of Eau Claire.

QUESTION Pedretti: That's why condition #4 is on there, correct?

ANSWER Bluske: They still have to contact them and get it in writing.

REMARK Mach: It's hard for me to vote on this when there's no comment from the DNR.

QUESTION Pedretti: Do you have a comment on the DNR? The public hearing portion is finished, but if you have a clarification, we'll accept it.

ANSWER Waldenberger: We have contacted the DNR and have their permit in hand already, the 216. It was decided the Chapter 30 permit was not needed.

REMARK Bluske: We'd like a copy of that for our files, Chad.

REPLY Waldenberger: Yes.

5 Aye, 0 No, 2 excused (Meyer, Bina). Motion carried.

CONDITIONAL USE PERMIT NO. 831 Lon R Dessner & Lori J Mayne, N5021 State Road 162, Bangor, WI 54614. Petitions to operate an automobile, cycle and snowmobile repair business along with metal fabricating and welding in an existing 30-ft X 50-ft detached accessory building with a 30-ft X 50-ft area

for parking on a 3.04 acre parcel described as: Part of the NE-SE of Section 32, T17N, R5W and described in tax parcel 3-677-0. Town of Burns.

Appearing in favor: Lon Dessner, N5021 State Road 162, Bangor, WI 54614. I want a Conditional Use Permit (CUP) to operate a business out of my shop at my residence; do some mechanical work, some welding and fabricating, minor body work, work on motorcycles and snowmobiles. I have a signed paper by all my neighbors that got letters that they have no opposition against the permit. Do you want to see that?

QUESTION Pedretti: Do you need that for the record?

ANSWER Bluske: Yes.

REMARK Dessner: I've also talked to the DNR about containment issues. Scott Szymanski e-mailed stuff about that. I've talked to Jack Miller about state approved building plans. He told me this building falls just below the size specified to get state approved plans. If I expand I'll need state approved plans.

QUESTION Pedretti: Do you have that in writing?

ANSWER Dessner: I do not have it in writing. I wrote it down on the paper when I called him – that's all I got on it. I got an e-mail from Scott Szymanski (hands the e-mail to Bluske). That's all I got.

QUESTION Keil: When we were out there it looked like you changed oil in several vehicles. It looked like you had oil in barrels.

ANSWER Dessner: Yes, I've done some oil changes and on some motorcycles too.

QUESTION Pedretti: Are you running a business out of there now?

ANSWER Dessner: I've done stuff for friends and stuff; I'm not actually running a business right now.

QUESTION Bluske: When we took the committee out there it does look like you're running a business already. There was a big red dump truck in the yard with the hood up. It looks like you brought in a truck box – what's that used for?

ANSWER Dessner: That's extra storage for me and that dump truck is for a friend of mine, Larry Wuensch. I did work on his truck – he's going to trim my trees for me.

REMARK Bluske: Back in 2007 you applied to the office for a variance, to put that shed up. In the testimony you gave you said you would use this building for storage purposes only.

REPLY Dessner: Yes, I was.

QUESTION Bluske: Did you put that building up to run this business?

ANSWER Dessner: Well, you know, I got laid off from the Trane Company and I figured I'm mechanically inclined – I'm going to try to make a living doing that. That was not the initial intent when I put the building up. I had a couple of cars, snowmobiles and stuff.

REMARK Bluske: It indicates here, for the record, you had a classic car, four (4) motorcycles, a tractor and plow, your fiancé's car, your car and a truck. Where are all these vehicles now?

ANSWER Dessner: They've been – I sold off my Camaro, I still have two bikes, two sleds, a pick-up, two (2) trailers – what else does it say on there?

REPLY Bluske: Two (2) cars, a truck, a tractor, and a plow.

REMARK Dessner: I sold the tractor and the plow, too.

REMARK Bluske: A condition of the variance required you to tear off the lean-tos on the block building. That hasn't been done yet.

REPLY Dessner: That can be done.

REMARK Bluske: It was supposed to have been done.

REPLY Dessner: I forgot to do it – I don't know what to say. I'm sorry – I'll take it off.

QUESTION Bluske: Getting back to the oil containers. You understand you're next to a sensitive wetland there?

ANSWER Dessner: Yes, I do.

REMARK Bluske: I checked with our Land Conservation Department and you haven't gotten a permit for the fill you put in here.

REPLY Dessner: I didn't understand I needed it.

QUESTION Pedretti: When you got the variance in 2007, he signed off and knew what the rules were?

ANSWER Bluske: Yes.

QUESTION Wehrs: Has there been any correspondence with the Department of Transportation (DOT)?

ANSWER Dessner: I have not talked to the DOT yet. When I talked to Jon to get the CUP, he told me to contact them, I guess for a sign. Basically that's it. I have not talked to the DOT about it.

REMARK Wehrs: It does not seem like the easiest driveway to get in and out of.

REPLY Dessner: I talked to the DOT about that driveway and basically, that's what I got. I talked to them about moving it south toward the river. They don't want to do that – they say there will be too much fill in there. There's a possibility of moving it to the north end – there'd be a lot of fill for that, too.

QUESTION Pedretti: We're looking at a map that shows the over-view. Where's the fill?

ANSWER Bluske: This is the wetland down here. There's a bunch of pine trees, some were cut. This is the house and the driveway was extended. This doesn't look like the recent aerial. There's a truck box here. The oil is piled up along here. The fill basically extended this driveway.

QUESTION Pedretti: And there were several barrels of oil or other fluids sitting outside?

ANSWER Bluske: Yes, None of that can be stored outside, especially next to a wetland.

REMARK Dessner: That's why I contacted Scott Szymanski, to find out what the containment rules are.

REPLY Bluske: They all have to be marked in case there's a fire. That truck box would have required a permit, but we won't issue permits for truck boxes, so that can't be there either.

QUESTION Dessner: So, I'd have to move that truck box?

ANSWER Bluske: Off the property.

QUESTION Pedretti: So, that driveway is very recent?

ANSWER Dessner: Yes, it's probably not even a year old.

QUESTION Pedretti: And it didn't concern you that you were adding fill near a creek bed?

ANSWER Dessner: It didn't cross my mind to tell you the truth. I know there's not supposed to be any fill in the wetland; I never intended to do that. I had no clue I had to get a permit to put fill in for that.

No one else appearing in favor or opposition.

Correspondence, Bluske: Mr. Dessner provided seven (7) addresses and signatures of neighbors, an e-mail from Scott Szymanski, Wisconsin DNR, dated 4/21/11 read into the record. Nothing from the Town of Burns.

QUESTION Bluske: Have you been to the Town of Burns?

ANSWER Dessner: I've been to a couple of town meetings. They have no objection to it at all. Will I have to go to another town meeting after this? It's all new to me.

REMARK Pedretti: They have ten (10) days from today, unless they have a 30-day extension.

Staff Recommendation, Bluske: Denial based on the following:

1. Mr. Dessner has already started a business;
2. He did not pay the after-the-fact application fee;
3. In August of 2007 Mr. Dessner applied for a variance to construct this garage for inside storage only. The permit was issued with a condition that the lean-tos on the 20-ft X 24-ft block shed would be removed. They have not been (removed);

4. The land use plan calls for residential use on the upland area, environmental on the lowland area. It does not recommend any commercial;
5. A truck body has been added to the property and used for storage. This must be removed and is not good as an intended use of storage; and
6. The outside waste oil must be removed.

Motion Mach/Manthei to deny Conditional Use Permit No. 831

REMARK Wehrs: It seems like you know what you're doing with the small repairs; maybe it's not the right location. There may be locations near you that might be more appropriate. Maybe start there or come back here after you've had a couple of months to clear some of this up.

QUESTION Dessner: If I tear off those lean-tos and get rid of that truck box, get the waste oil labeled and re-apply for the permit, then I'd have a better chance?

REMARK Pedretti: And the DOT as well.

QUESTION Dessner: What do I need to get from the DOT?

ANSWER Pedretti: The main thing is safety – the entrance.

REMARK Wehrs: Increased traffic – that the driveway is appropriate for the size of vehicles.....

REMARK Dessner: I know that driveway is bad.

REMARK Wehrs: Also – you'll want to go to the town, before you come here, with a recommendation.

QUESTION Dessner: So, if I'd have come here with a recommendation from the town, that would have been better?

ANSWER Wehrs: Yes.

REMARK Handy: For the applicant's understanding, staff recommendation is based on the comprehensive plan; it's not based on activities. The staff recommendation will not change whether you clean up or improve or whatever. Staff recommendation is based on the comprehensive plan – it will be the same if you re-apply.

REMARK Pedretti: Unless he talks to the town about changing the comprehensive plan.

QUESTION Pedretti: His option is to withdraw if he wishes? If we deny it, you have to wait one year to re-apply. We will give you that option.

QUESTION Dessner: If I withdraw, I'm still out the \$375?

ANSWER Pedretti: Yes you are.

REMARK Dessner: But, if I don't withdraw, it takes another year to re-apply? I guess I need to withdraw then.

Motion Wehrs/Keil to accept withdrawal of Conditional Use Permit No. 831 at the request of the applicant.

5 Aye, 0 No, 2 excused (Meyer, Bina). Motion carried.

QUESTION Pedretti: Then it's a good idea if he talks to the Town of Burns about their comprehensive plan?

ANSWER Handy: Yes.

QUESTION Dessner: So, I talk to the Town of Burns to get their recommendation, remove the box, tear off the lean-tos, get that oil in containment, then re-apply for the permit?

ANSWER Pedretti: And when you talk to the Town of Burns, talk to them about their comprehensive plan.

REMARK Dessner: When I went through the variance hearing I went through the same thing. They were supposed to send a letter and it never got sent.

REPLY Pedretti: I'd ask for a copy and bring it personally, that's not your responsibility, but if you've had that problem before, it might be an option.

REMARK Dessner: If I knew I needed a letter from those guys, I surely would have had it.

REPLY Pedretti: Although I don't think that would have made a difference tonight.

REMARK Dessner: I appreciate that.

ZONING PETITION NO. 1866 Paul A Hosch, acting on behalf of Big Event Co, W6742 Strawberry Rd, Onalaska, WI 54650, and Pretasky Land LLC, 4915 Silver Morning Ln, La Crosse, WI 54601. Petitions to rezone from the Commercial District "B" with conditions for marine sales to Commercial District "B" in order to operate an indoor amusement/ entertainment facility to be known as Shenanigan on a 10.22 acre parcel described as: Lot 1 of Certified Survey Map No. 29 in Volume 11 EXCEPT part in Certified Survey Map No. 101 in Volume 14. Town of Campbell.

Appearing in favor: Paul Hosch, W6742 Strawberry Rd, Onalaska, WI 54650. For the past 10 years my wife Debbie and I have owned the Big Event Company. We provide entertainment and activities for all ages, all types of events. We've gone from 40 events the first year to over 300 last year. Our desire now is to open an all-indoor family entertainment center. Some of the elements involved are laser tag, high ropes course, bumper cars, a large soft play structure, arcade and redemption games, and several party rooms. Our location is 2100 Dawson Ave. We're here to get the amendment on the zoning removed so we can proceed with our plans. We estimate Shenanigan's will create over 50 full and part-time jobs as well as keeping entertainment and tourism dollars in the area. We've found out while putting this project together that there is a want and need for a facility like this in our community.

QUESTION Bluske: When the committee was out there and they were reviewing your impact statement, it looks like everything is inside? If you look at the aerial (photo), there are decks in the back – there's a lot of acreage here. Are you planning anything outside?

ANSWER Hosch: Not at this time, In the future, as we build the business, we may consider some outdoor elements. As of right now, we plan on using the building to the north as indoor storage for our equipment for our current business. Other than that, there are no plans.

QUESTION Bluske: There's a lot of boats there yet. You won't store any there..

ANSWER Hosch: No. All of the boats and trailers will be moved to American Marine's new location.

QUESTION Bluske: There's a dock down there, too. Does that go with this? Is somebody going to use that?

ANSWER Hosch: There are no plans to use that at this point.

No one else appearing in favor.

Appearing in opposition: Jerry King, 1503 La Crescent St, La Crosse, WI 54603. Myself and my partner Dave own Rivercrest Apartments – we're right across the street. My first question to Mr. Hosch is are you buying the property or lease it?

REPLY Hosch: Lease it.

REMARKS King: By changing this to Commercial "B", you guys lose control of what happens on this property. If the Leasor doesn't make a go of his business, what will be in there next? We don't have any problem with Shenanigan's, but we would like to see a Conditional Use Permit here to try it out before you change it to Commercial "B". A lot of things could happen with Commercial "B". We have a lot of senior citizens across the street. We're concerned about that. We have a lot of investment over there – we like to run a pretty good ship. We're concerned about what happens after Shenanigan's.

QUESTION Bluske: On the aerial photo, these are your buildings. How many units are over there?

ANSWER King: There's 24 where you just pointed and another 30 right above it. There's 54 units – we're probably 75% seniors. Anything outside would definitely have an impact. Will somebody be patrolling the parking lots in the evenings? What will the hours of operation be – will you be open until midnight? One

o'clock? All night long? It all has an impact on the neighborhood. That's our biggest concern – that's why we'd like to see a Conditional Use Permit instead of a "blanket-here you go."

Appearing in opposition: Dave Eagon, 154 MacIntosh Rd, La Crescent, MN 55947-1074. I'm a co-owner of Rivercrest. American Marine came in there and got the Conditional Use Permit so we could control what was in there. By removing that, if they move out, you're going back to Ag-A essentially. You're getting a business that's serving liquor, beer. Hours of operation. What's the traffic? That's a big building – lots of expenses. I'd suspect real high density there. Surrounded by apartments and churches on both sides of that. Kind of a dangerous situation, to make it Commercial "B". If they do fail, what goes in there? A tavern? Why allow American Marine with a Conditional Use Permit and change it to Commercial "B" for another use? It doesn't make sense.

Appearing in opposition: Bob Wolfert, 904 Susan Pl, La Crosse, WI 54603. I'm on the board and I haven't seen this request.

QUESTION Pedretti: You're on the town board?

ANSWER Wolfert: Yes.

QUESTION Bluske: When are your meetings?

ANSWER Wolfert: Next week – next Tuesday.

QUESTION Pedretti: Is it on the agenda?

ANSWER Wolfert: I'd have to look.

REMARK: James Gitz, Administrator/Clerk/Treasurer for the Town of Campbell, 2219 Bainbridge St, La Crosse, WI 54603. This was scheduled for your consideration before it was applied for before the town. There's a special Planning and Zoning meeting. Normally, it would be tomorrow night. Because it's an election night, it will be this Wednesday. This matter is scheduled to be heard at that time. Depending on what happens at the Planning Zoning Commission, it will come to the Town Board meeting next week. There has been informal consideration of the kind of restrictions that have been discussed here. There are a number of residents concerned about open ended zoning to Class "B". However, there's not an official position on any of those issues because it hasn't come before the town's bodies.

QUESTION Pedretti: To clarify, on purpose you did it after us? Or was it just a matter of timing.

ANSWER Gitz: It was timing. Jeff and I discussed possibly having this delayed until the next month. There was a desire not to do this because of the timing issue for the business, on the part of the applicant.

No one else appearing in opposition.

REMARKS Bluske: No official correspondence but I'd like to give the committee a little history. In August 2003, when the original zoning came up for Dave Pretasky and Pretaskyland, the property was zoned Agricultural District "A", probably part of the Dawson farm at that time. The request was to go to Commercial District "B". It passed the Town Board then with no conditions and our committee with no conditions. The county board amended this to add a condition that came from Charles Spiker to rezone from Agriculture "A" to Commercial District "B" effective only if and when the property owners filed permanent binding deed restrictions with enforcement powers vested in La Crosse County, limiting the available use of the described property to marine sales and service. That's how we got the original conditions on this. Staff has looked at the county's land use plan and it calls for non-residential use, it should be an area for commercial. Staff recommendation is to approve as Commercial District "B".

Motion Keil/Wehrs to approve Zoning Petition No. 1866 from Commercial District "B" with conditions to Commercial District "B" with no conditions.

REMARK Bluske: The Town has their 10 days plus the additional 20 so if they don't act on this in the 10 day requirement, we automatically hold it over until our May 31 meeting.

QUESTION Pedretti: And if the town does something different or adds conditions it has to come back to us?

ANSWER Bluske: Yes, it does.

5 Aye, 0 No, 2 excused (Meyer, Bina). Motion carried.

SPECIAL EXCEPTION PERMIT NO. 2011-3 Shawn S. Welte, PE for Davy Engineering Co, 115 6th St S, La Crosse, WI 54601; acting on behalf of the Town of Campbell, 2219 Bainbridge St, La Crosse, WI 54603. Petitions to amend Special Exception Permit No. 2010-14 to move the proposed location the new Sewage Lift Station No. 5 approximately 30-40-ft to the south; and change the staging and stockpile locations in the Shoreland District of Richmond Bay on 0.43 acres of land zoned Residential District "A" and described as: Outlot "A" of Second Addition to Hiawatha Island Addn and Lot 17 of Terpstra Addn to Hiawatha Island Addn Town of Campbell.

Appearing in favor: Shawn S Welte, 115 6th St S, La Crosse, WI 54601. Sewage Lift Station No. 5 – we've been through this before – it's located on the northern most lot right there (refers to aerial photo) – it's fenced in. The proposed lift station in fall of 2010 was to be built directly west of the existing station. This was to keep the cost of construction down and to maintain everything on that lot. The property owner directly west has an easement that runs over the northern portion of the town's lot to access their property. They complained to the City of La Crosse about the proposed location. After discussion with the Town of Campbell, we decided to relocate the existing lift station to approximately that location (refers to aerial photo) in the southernmost lot. The existing station would be abandoned in place like we proposed the last time. The new station we bid out last fall will be relocated on to the southernmost lot.

QUESTION Pedretti: This is the third time you've been in for this?

ANSWER Welte: Yes.

QUESTION Bluske: You were in last year for this so it's putting this way behind schedule. What are you looking at for a final (date) on this now?

ANSWER Welte: I've discussed this with the contractor, Winona Mechanical. We will recommend for the town that they extend the contract – to November 30, 2011. The contractor feels they'll have everything done by late summer.

QUESTION Bluske: This summer?

ANSWER Welte: Yes, it's very optimistic.

QUESTION Bluske: Does that raise any more concerns for you as far as staging? Will you stockpile soil on the northern lot now?

ANSWER Welte: They are proposing to stockpile on this southern-most lot. With our excavation being right about there (refers to aerial photo), we plan to run our de-watering down the channel. They discussed that previously with Mary Jo and they'll have to re-do the erosion control permit, but we were going to wait until everything was done with the Special Exception.

Appearing in favor: Bob Wolfert, 904 Susan Pl, La Crosse, WI 54603. The homeowner did have opposition. There's a lot of technical data involved, part of that being the open cut, the diameter, then the relocation of the well. Once they started to see those pieces come together, they started to get a better picture. In reviewing that we looked at the southern lot. That was his recommendation. Since we have that available, we'd be better served, the resident would be better served if we had full access to it instead of trying to fit between the existing lift station and their residence. We're hoping it will expedite the construction process. Ultimately, we'd look to vacate that property to the north. The homeowner expressed some interest in it, I'm sure there's other interest as well. That would help us as far as consolidating facilities and property. Mutually beneficial, and from what Shawn did for laying out our mains, from a maintenance standpoint will make access and functions within that area better.

QUESTION Bluske: Will the City of La Crosse property owners use that same lift station?

ANSWER Wolfert: Yes.

No one else appearing in favor or opposition.

Staff Recommendation, Bluske: Approval subject to the following nine (9) conditions:

1. This permit is granted specifically to perform excavation and grading in the Shoreland District of the Black River for the purpose of abandoning and replacing Sewage Lift Station No. 5 off Nakomis Avenue on Lot 17 of the Terpstra Addition.
2. The Town of Campbell owns Lot 17 in conjunction with the parcel to the north known as Outlot A of the Second Addition to the Hiawatha Islands Addition where the staging of equipment and the stocking of borrow materials will occur.
3. There is a residence at 1407 Nakomis Avenue directly west and adjacent, as well as a 15" culvert to the north of the proposed disturbance area and a 10-ft wide concrete service drain to the south on Comanche Way. It is imperative the contractor installs silt fence around this project that meets Department of Natural Resources standards and is installed properly.
4. Blowing and drifting sand could be a problem at this site, so any excess materials shall be removed from the site if drifting cannot be contained.
5. This permit creates a deviation from La Crosse County Erosion Control Permit No. 1098-10, which would cause an amendment to said plan, including dewatering. A new erosion control permit if required shall be made a part of this file.
6. A copy of the DNR dewatering permit is required to be part of this permit and placed in our file.
7. There shall be daily cleaning of the street if there is any tracking related to this site.
8. This permit replaces previous permits SEP #2010-12 and SEP #2010-14 issued October 6, 2010 and January 7, 2011 respectively.
9. This permit expires November 30, 2011.

(Discussion on construction end date and abandonment language of Condition #1).

Motion Manthei/Keil to approve Special Exception Permit No. 2011-03 with nine (9) conditions. 5 Aye, 0 No, 2 excused (Meyer, Bina). Motion carried.

TERMINATION OF CONDITIONAL USE PERMIT NO. 710 – TERMINATION NO. 77 La Crosse County Zoning and Planning Department, 400 4th St N – Room 3170, La Crosse, WI 54601. Petitions to terminate Conditional Use Permit No. 710 originally filed by Tim Boyd for Airborne Datalink, 709 Gillette St, La Crosse, WI, and subsequently transferred to Dave Spencer for Airborne Wireless, 3148 Edgewater Dr, La Crosse, WI 54603, and passed by the La Crosse County Board of Supervisors on February 16, 2006 to operate a 100-ft telecommunications tower and facility on land owned by Thomas C Kendhammer, N3510 Peters Rd, La Crosse, WI 54601. Reason for terminating: the facility is not in compliance with the Conditional Use Permit provisions and requirements of La Crosse County Code of Ordinances Chapter 28. Town of Medary.

(A memorandum regarding a request for Termination dated April 26, 2011 prepared by Code Enforcement Specialist Chad Vandenlangenberg was made part of the record.)

REMARKS Bluske: We have been dealing with Mr. Spencer on this issue since the spring of 2009. The conditions not met were the \$500 annual fee and report, and the filing of a bond or letter of credit for the removal of the tower. We had an issue with the liability insurance expiring. From what we understand, the landlord – Tom Kendhammer – has not been paid, but that was not a condition. At this point, we recommend termination, but you can hold the public hearing on it.

Appearing in favor of termination: Tom Kendhammer, N3585 Peters Rd, La Crosse, WI 54601. I'm here to answer questions.

QUESTION Pedretti: Have they paid rent?

ANSWER Kendhammer: I own the land and locked the place up because they have not paid their rent. That's where we're at.

QUESTION Bluske: How do you allow access to your property to get up there now?

ANSWER Kendhammer: I have a key. The Conservancy owns the road but once you get to the top of the hill, you're on mine. Anybody I give permission can drive up there. That's the deal I have with the Conservancy.

QUESTION Bluske: Have you started any action to terminate the lease with Airborne Data?

ANSWER Kendhammer: It was for a five year deal. That was up April 19th (2011). They were supposed to notify them if I didn't want them to renew. But they haven't paid me for last year. I tried contacting them – they don't answer – they're not in their office either. I think they're probably gone.

No one else appearing in favor of termination.

Appearing in opposition to termination: Dave Spencer, 459 Kimberly St, Onalaska, WI 54650. I'd like a one month extension before termination. We're attempting to sell the tower, to get a viable tenant for Mr. Kendhammer, with a local commercial firm. I'm not asking for it not to occur, just for a 30-day extension. I'm working with a local radio station.

QUESTION Pedretti: So, something's in the wind, it's not like you're starting from scratch?

ANSWER Spencer: That is correct.

QUESTION Pedretti: I would question why the \$500 annual feet has not been paid, and why rent isn't being paid?

ANSWER Spencer: The service went out of business at the start of the year.

QUESTION Pedretti: Of 2011? Then why wasn't it paid in 2010?

ANSWER Spencer: 2010 payment was made.

REMARK Vandenlangenberg: Our 2010 payment is due spring of 2011.

QUESTION Pedretti: So, the tenant went out of business January 1, 2011?

ANSWER Spencer: Thereabouts, correct.

QUESTION Pedretti: But in the past, payment was delayed, they had to track you down, it because of the tenant again?

ANSWER Spencer: Correct.

QUESTION Pedretti: Was the bond ever paid?

ANSWER Vandenlangenberg: The bond was never filed with La Crosse County.

QUESTION Pedretti: And the reason for that?

ANSWER Spencer: When it began, I was not responsible for it. I don't know why it wasn't pursued and filed. I took over in 2009. It was never done.

QUESTION Wehrs: Maybe this is a question for Chad. You must have talked to the people he's talking with – is 30 days necessary? I don't understand why this says "Dave turned the power off," in the last page of your memo.

ANSWER Vandenlangenberg: I received an e-mail from a party interested in locating on this tower. I e-mailed and asked them to call me right away. During that conversation he said he was on site with Mr. Spencer to view the tower. He indicated to me the power was turned off at the time – Dave Spencer flipped a switch and it was off.

REMARK Spencer: We turned the light switch on when we walked in. Excel power lines are still attached to the structure.

QUESTION Pedretti: Is it a question of not paying the electricity bill and the company turned the power off?

ANSWER Spencer: Correct, that's our choice.

REMARK Vandenlangenberg: I don't know what the caller referred to, other than saying "Dave turned the power off." I don't know if that meant he turned off the signal – I'm not sure.

REPLY Spencer: I'm the Dave who turned it off.

REMARK Handy: If there was a new primary, the local business/radio station, they would need a new Conditional Use Permit (CUP) to operate this tower. This termination doesn't matter. The reason the extension is requested is so the radio station knows there's an opportunity to get a CUP here.

QUESTION Pedretti: Clarification – if they terminate tonight they have to take the cell tower down. But who is "they?" What a mess. Mr. Bluske – could you explain what an extension would be if the Committee were willing to do that tonight?

ANSWER Bluske: It won't hurt anything except it will cost La Crosse County the notice, to put it in the paper, and to mail the notice to surrounding property owners. The holder of the CUP isn't paying for anything at this time – this is all our expense. So, even though he's requesting this, the reason he's requesting this is he doesn't want us to come in and tear the tower down while he's trying to work with somebody. If we could tell him right now we weren't going to do that, we would honor that. I would just as soon go along with terminating this today and taking it to county board on the 19th. I indicated to Mr. Spencer if we don't have an application by June 10th, it's not going to happen. We could also make arrangements with Mr. Kendhammer who might have ideas for a wind tower or somebody else, but it's La Crosse County's tower if we terminate.

QUESTION Pedretti: Mr. Spencer, do you have anything else to add to that?

ANSWER Spencer: No ma'am.

No one else appearing to speak in opposition to terminating Conditional Use Permit No. 710.

QUESTION Bluske: Dave – we had a couple of issues sending letters with no response. You've indicated your address is now 459 Kimberly. If we send something to that address will you receive it?

ANSWER Spencer: Yes, I will now.

Staff Recommendation, Bluske: Staff recommendation is to terminate Conditional Use Permit No. 710.

QUESTION Pedretti: Have we heard from the town? Do we notify towns on terminations?

ANSWER Bluske: We do. We got the slip back that Terry Houlihan received this but we haven't heard back. Do you know if it's been on the agenda, Bob?

REPLY Keil: No, we haven't. The termination means you're going to have to tear it down.

QUESTION Pedretti: Can we clarify – does it mean we have to tear down the cell tower or does it mean it's going to be owned by the County to decide what to do with it?

ANSWER Bluske: That's what we'll be dealing with our Corporation Counsel on, after a termination. I don't think it's something the county really wants. I don't want to discuss the county's options at this point.

QUESTION Pedretti: Understandable. So staff recommendation is to terminate. The question is whether we want to postpone it until next month or do you want to take action tonight?

Motion Keil/Manthei to recommend an extension until next month.

REMARKS Pedretti: I'm struggling with the effort staff has taken on this – listing the different e-mails, letters, and phone calls. It seems the only action comes with the real threat of terminating. Will 30 days make a difference? I don't know.

3 Aye (Pedretti, Keil, Manthei), 2 No (Wehrs, Mach), 2 excused (Meyer, Bina). Motion carried

QUESTION Pedretti: Is there a way we can ask that the cost be covered by somebody?

ANSWER Bluske: We are the applicant on this. It's part of doing business.

Motion Manthei/Wehrs to adjourn at 7:15 PM.

5 Aye, 0 No, 2 excused (Meyer, Bina). Motion carried.

Hearing adjourned at 7:15 p.m.

*Approved as amended 6/1/11
Nathan Sampson, Recorder.*