

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

August 1, 2011
County Board Room – Administrative Center
6:00 p.m –8:17 p.m

MEMBERS PRESENT: Donald Meyer, Marilyn Pedretti, Tina Wehrs, Don Bina, Dennis Manthei
MEMBERS EXCUSED: Bob Keil, Bev Mach
MEMBERS ABSENT: None
OTHERS PRESENT: Jeff Bluske, Chad VandenLangenberg, Gregg Stangl, Bruce Olson,
Bryan Meyer, Nathan Sampson (Recorder)

CALL TO ORDER

The Recessed Meeting and Public Hearing of the Planning, Resources and Development Committee was called to order by Donald Meyer, 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.

CONTINUATION OF 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.

REMARKS Bluske: This is a continuation of our July 5th meeting; there was a motion made I will read: *"Motion Wehrs/Pedretti to defer for 30 days while we gather additional information: 1) What the other three sites that were looked at, where they were in relation to other residences and farms and what the criteria was for deciding that those were not viable sites; 2) Would like to hear from other organic certifiers in the area if they would be willing to certify a farm adjacent to a tower; 3) Look into the health concerns that were raised."*

REMARKS Meyer: What's in the record from last time is in the record. You don't need to read it – it's in the minutes.

Appearing in favor: Nathan Ward of Buell Consulting representing U.S. Cellular, 1200 River Ridge, Racine, WI 53402. Relating to the three items, we also learned while reviewing the minutes there was one additional item discussed; a propagation study showing potential coverage from a 300-ft tower positioned among existing towers east on Highway 33. Analysis had been provided trying to use those towers for co-location; the specific question had to do with building a new tower there. We have data available tonight simulating coverage from a 300-ft tower adjacent to the Xcel tower, the one nearest the Middle Ridge area.

Starting with health issues and correspondence I provided to Mr. Bluske; since the last meeting I provided him with FCC guidelines from the Telecommunications Act of 1996. It clearly defines a land use body is not to make a judgment on a land use application regarding questions of or relating to health

effects, known or otherwise, relating to the cellular industry and these types of installations. I hope Jeff included that in your file. I'm not versed in these issues – it's just that the FCC asked us to do one thing, and that's to not rely on other information, credible or otherwise, that leads you to make a decision relating to health issues in the application that's before you.

QUESTION Meyer: Jeff, do you agree with that?

ANSWER Bluske: Yes – I'll read that portion of the Telecommunications Act for the record, because it's been brought up and Mr. Ward sent me the act, I went to it myself. I'm citing this from Section 704 of the Telecommunications Act of 1996. This relates to facility siting radio frequency emissions standards. This is the National Wireless Communications Siting Policy. Section b talks about limitations. This is Section I – the regulation of placement, construction and modification of personal wireless service facilities by any state or local government or instrument thereof – *“(I) shall not reasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services. (ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request. (iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in written record. (iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.* It basically says you can't take health or environmental concerns into effect.

REMARK Ward: I'll move onto organic certification. Jeff Bluske reached out to a couple of Wisconsin State agencies, asking if a cell tower on property adjacent to an organically certified farm would have any adverse effect. We have correspondence from Bonnie Wideman of MOSA stating “The Nation Organic Standards do not have any specific restrictions that would preclude certification of a farm located near a cell tower.” Jeff or a staff member contacted the other primary certifier for the State of Wisconsin, Oregon Tilth located in Viroqua, Wisconsin. They have no concerns with cell towers, except if during the construction and installation that contaminated dirt or soil from the tower site would get on the certified organic site, such as crossing the organic property to get to or construct on the new tower site. This application does not involve construction near the property line and certainly not traversing the organic farm. He also contacted and received correspondence from Ernie Peterson at Cashton Farm Supply – Ernie's comment was they would buy organic products from the farm if certified by MOSA. He said cell towers have no impacts. That's his reply and the results of the information Jeff investigated from MOSA, Oregon Tilth, and Cashton Farm (Supply).

QUESTION Meyer: Jeff, you have any comments?

ANSWER Bluske: No, I concur with what was submitted.

REMARKS Ward: The last item relates to the alternate sites considered prior to the Leis property being selected and pursued by U.S. Cellular. They've attested this site performs best for the coverage improvement they're trying to make in the Middle Ridge area. I'll start by going through the propagation maps they're provided. They're difficult to get an immediate understanding of what they show. They're provided by the radio engineer at U.S. Cellular. The 300-ft tower near the Xcel tower simply will not provide service to the Middle Ridge area, the primary corridor of 162, and subsequent corridors of smaller county roads. Maps are color coded in three (3) colors: dark green is strongest signal, aquamarine is a medium intense signal.

COMMENT Pedretti: Ours aren't in color – can you put it up on the screen?

REMARKS Ward: (Refers to map on screen). The area here in dark green would be if constructing a new 300-ft tower adjacent to the Xcel tower on Highway 33. The areas of darkest coverage surrounding that tower would be the strongest signal, providing both voice and wireless internet. Middle Ridge is over here where you see a significant portion in white, including Highway 162 running north, a corridor they are trying to cover, and Highway G running to the south. This map is similar to those previously provided, which were to simulate U.S. Cellular's equipment on the tower that currently exists, or the Dairyland

tower further east on Highway 33. The sites are too far removed from the areas they're trying to provide service for Middle Ridge and the surrounding community. I'll leave copies for Jeff – I had the same color problem when I printed. The next three show the difference in propagation from the other three ground build locations that U.S. Cellular investigated during early phases. The property owners were Servais, Hundt, and Clements. This map simulates propagation from the Servais property (on screen) west of the Leis property. Primary areas where this site failed to provide as good of coverage as that provided by the Leis property – Highway 162 to the north, as well as the highway running south out of Middle Ridge. Since these sites are closer to the Leis property than the Xcel Energy tower, these maps will appear more similar to coverage from the Leis property. The radio engineer has provided this to show there are significant differences. This next one is owned by Michael Hundt (refers to screen), further south on Highway 33. In the northern portion, primarily Highway 162, the coverage area is white, showing little or no effective service. With the primary corridor U.S. Cellular is attempting to provide service to, the Hundt property did not perform nearly as well. We also learned upon later investigation that towers are prohibited on Class I & II soils. The location on the Hundt property was all Class I & II soils. The Clements property is further south on Highway 33 (refers to map). The primary areas of concern were diminished, primarily Highway 162 to the north and the highway running south out of Middle Ridge. This is the primary tool U.S. Cellular uses to evaluate candidates for deployment of their equipment. They'd use similar technology in an urban environment considering different locations, roof-tops, water tanks, etc.... in determining the location providing best service to the area. Last week the committee received a letter from Erica Gylund and maybe other members of the community. They sent a questionnaire to us that I sent on to U.S. Cellular, the primary question was whether U.S. Cellular would consider another location if it provided similar performance. They agreed to consider additional sites – if they performed as well. They felt they had vetted the available properties in the initial investigation stage and determined they'd chosen the best location for service. When the work order and search ring was designed, if it met all requirements, was the Leis parcel. The request made by Erica and the neighbors last week identified another property owner in the area who would have the tower on his property – he has another tower on other property he owns in another location. This is the Mlsna property. Starting Friday and finishing today, the radio frequency engineer evaluated placing a tower on that location. We have two maps showing the difference in coverage from the Mlsna property and the current application on the Leis property. Map B shows coverage from the Leis property (shown on screen). This was part of the original application. This map (refers to screen) shows coverage from the Mlsna property. These plots are similar and the radio engineer has taken time to highlight in red 3 different areas where service is diminished. I'll read his explanation – (Narrative from radio engineer describing identified areas of diminished service read into the record). That's the explanation and comparison of coverage requested by Erica and the neighbors last week. That covers the primary points we were asked to address.

QUESTION Bina: Is the Mlsna property Class III or lower land?

ANSWER Ward: It is, all Class III-IV soil. Other issues include a tight access drive. It would be difficult to get construction equipment, tower and shelter through that road. The access to JB belongs to someone other than the Mlsna's, owned by a Shawn Stach. There may be an easement agreement in place, but U.S. Cellular would need to investigate to proceed here. In their opinion, coverage did not warrant further investigation.

Appearing in favor: Daniel Korn, Chairman Town of Washington, W635 Oliver Rd, Cashton, WI 54619. At our July meeting the town board approved this Conditional Use Permit.

QUESTION Meyer: Jeff, do we have a letter to that effect?

ANSWER Bluske: Yes.

Appearing in favor: Jerome Deflorian, N1175 County Road G, Coon Valley, WI 54623. I'm in favor of this, 100%. It's needed. The Town of Washington has no tower now, we need one.

Appearing in favor: Michael Hundt, N1573 Bunker Hill Rd, Rockland, WI 54653. I'm on the Town Planning Commission. Couple of things heard at the last meeting I'd like to address. I've been on the Land Use Planning Committee since it was formed in 2005. At our April meeting, we tabled the decision to make a recommendation to the town board because three of the members wanted to abstain from voting to get our questions answered. They were answered and we voted in favor of it and made the recommendation to the town board. We had 70+ signatures from town residents and people who travel that corridor, that

they wanted increased service there. A big reason we recommended approval, the Leis' presented us with 6 letters from responding agencies which include the Town of Shelby Fire Department, Bangor/Burns Fire Department, Bangor First Responders, Coon Valley First Responders, Coon Valley Fire Department and La Crosse County Sheriff's Department. We felt it would be negligent on our part to go against the wishes of public service entities asking for the service. One of the original sites was on land I own. There were rumors of personal interest of some members, including myself, that we had personal interest in approving this. If we in fact had personal interest, I'd have been the first to say no, because they'd have come back to look at my land. So that is totally untrue. Another big reason we chose to go forward is if you look at the list of landowners notified, only one adjacent landowner came to the town board or the committee and said they didn't want it there.

Appearing in favor: Tom Filla, N2396 State Road 162, Bangor, WI 54614. Planning Commission Chairman. I agree with Michael Hundt; I want to add it's not about personal gain or selfish interest by the committee. It's overwhelming public outcry to be with the new techno-age. Our community wants this.

No one else appearing in favor.

Appearing in opposition: Eric Gylund, N2206 Antony Rd, Bangor, WI 54614. I've been doing research since the last meeting and since the Town Board meeting. I discovered there are a number of different appraisals done. They're all published, not like they're done by somebody from Reedsburg. I got the impression from the last meeting he was discredited. I wanted to point out Dr. Sandy Bond who did a number of published studies – these are part of the Appraisal Journal – an instruction agency. They also accredit different appraisers. They stated all of their studies show a decrease in properties when placed adjacent to cell towers, and it averages 15%. There was also a study done by a Bemish Wang, a Xue, a Doctor Neil Cherry, Dr. Sandra Bond. All of these studies show there was a decrease in property value when you're next to a cell tower. It's due to the health risks and the perceived health risks. I understand the Telecommunications Act, but that does not exist in other countries. Studies in other countries have shown this is a huge health risk and these appraisal studies do reflect on buyers. I included a letter from Gail Krenn, she has GMK Appraisal in La Farge. I contacted a number of appraisers. There were five that worked for Midwest Professional Appraisal in La Crosse. I was told they could not do an appraisal because it is a conflict of interest. The president, David Eilertson, is on the County Zoning Appeals Board. He had already been instructed by the Zoning Department, that if there's an appeal, he'd have to vote on that. The letter from Gail Krenn mentions the study from Professor Bonn, and the agency that licenses her has taught and told them there is an overall average of 15% reduction value. She goes on to talk about the negative effect of towers on property values, and on health factors. I also contacted Marla Britton in Westby. She said she could do a study; it would take 4 to 5 weeks and cost \$3,000 to \$5,000, which I cannot afford. I asked her to review the study done by the individual in Reedsburg. She found it odd he was comparing properties where some sold in 2005. She said she didn't have enough information unless she could get a copy of the complete study; she said what was presented would have been incomplete. She felt the county should have his complete study reviewed and it would potentially show bias, possible unethical work. She suggested I ask the county hire someone to do their own study. But she stated the Appraisal Institute, who has 91 chapters throughout the world, have told all their members a cell tower does cause decrease in home value up to 20%. Provided me a list of different studies they've reviewed. After hearing Nathan Ward, I have copies of some of the things he spoke of. I'm confused because he talked of a letter from the U.S. Cellular engineer, but he took part of the letter of context. The beginning of the letter says *"This letter will assess the differences between the proposed Leis site and the newly suggested Mlsna site. The objective for the Middle Ridge site is to provide reliable cellular coverage to the town of Middle Ridge. This new site should also provide enough coverage to Hwy 162 and Hwy 33 out of Middle Ridge to allow for a seamless handoff to the rest of USCC's system."* I think we know why he would have taken part of that out of context, but I have a copy of the whole letter. I also want to state when we got together and reviewed all 59 properties within U.S. Cellular's target area, we only contacted one person. We looked at GIS mapping and looked at a similar topography and similar elevation. We recognized with all of these maps, basically the higher on the ridge, the better the service. Down in the valleys it won't bounce off the hills. They have a tower just like this on Highway 14 and GG outside of Coon Valley. As soon as you go downhill and you're out of line of sight, your phone doesn't work. Nathan has said these maps are not reliable and until the tower is built, they won't exactly know. We only asked one person, Mr. Mlsna, because everything we looked at was real similar to Leo Leis. I wonder why Nathan would say there's a concern about access. The access through Leo Leis' property goes right past his

house. I don't understand why it would be an access issue on the MIsna property, but not on the Leis property. I ask the board to consider all information. I sent out letters in advance. There's a number of studies you can look at – they all show a decrease in property values. I personally will not live next this tower. I'd have to put my farm up if this tower is built, in a very flat market, and try to sell it. It's going to take money out of my investment to put this tower next to me. I don't believe U.S. Cellular picking four properties and not looking at the rest of the 59 – I don't think it's a good idea for a multi-million dollar corporation to take money out of my investment, instead of looking at additional properties when they stated they would. I would request other properties are looked at and they work better with the community. I wasn't aware Jeff Bluske contacted Ernie at Cashton Farm Supply and got a statement he would purchase stuff next to a cell tower. There's a number of things organic people can grow. I'm growing hay this year. I provided a letter already, and it's not easy to find people who will just buy your hay. There's a number of different factors; proteins, different things in the hay – works for some animals, not for others. Ernie doesn't buy hay, he'll purchase oats, wheat, a few other things. There's a number of things you could grow and I'd have to contact a bunch of places. I've already contacted two of my buyers who said they'd have a concern based on the possible change this could provide to the hay based on studies we're all aware of. Organic farmers operate under the precautionary principle. When there's something we feel is a concern, we'll avoid that. There's a number of things avoided that are still put on fields that we know can harm, that I've been told by a number of vets, and organic farmers don't do that. We farm a different way.

QUESTION Pedretti: Part of the motion last month was to have something in writing from organic certifiers. I see nothing in writing. Am I missing something – because I've gotten lots of correspondence from you. You're growing hay, I get that, but nowhere does it say MOSE or MOSA won't certify you.

ANSWER Gylund: It wasn't about certifying, it was about losing the buyers. I presented a letter at the last meeting and one of my buyers came to the last meeting. I don't believe that was the question raised to me. I said potentially, down the road, it could be a problem. The cell tower is a long term thing. Today it isn't a problem, and I'm sure that was indicated in the letters, but Nathan only pulled out a little bit of the letter. As these studies continue to come out, and there's a study that's to be completed in 2012, as they come out they will change, just like any product that can be used. If they determine it's a risk, then they'll change that. This tower is long term.

QUESTION Pedretti: I get that. I'm trying to figure out why you'll lose your investment and move, when nobody has said they won't certify. I understand you have customers you say are not fond of – even though they may not be basing it on anything scientific –

ANSWER Gylund: No – we are, we are. If we could present some of these studies, we'd like to. We received an e-mail from Jeff Bluske, maybe we're misinterpreting it, but we were told even though these studies exist, it's not something you can base your decision on.

REMARK Pedretti: You can get studies from all over – I could pull up 20 pro, 20 against. I went on the American Cancer Society website, figuring they'll know quite a bit. They say at ground level there's no energy or need to worry about radiation. I'm trying to understand why you'd sell or move.

REPLY Gylund: Because I believe in the precautionary principle. If I read 20 studies that there is a risk...If I look at the Country of Sweden, there are a number of different diseases and things they recognize from people living next to towers that they pay for. They recognize the diseases and pay for it when one of their citizens has this. I'm not taking a risk, it's not something I'm comfortable with. Just like my buyers – are they comfortable with taking a risk? There are some studies that say it's ok, some inconclusive. I chose that property because it had been farmed organic for decades.

QUESTION Pedretti: How many buyers do you have?

ANSWER Gylund: Currently, about six (6).

QUESTION Pedretti: And the other four (4) didn't weigh in?

ANSWER Gylund: I didn't contact them. I have that many buyers from last year, I don't know, if they'll buy this year. The ones I knew were my long term buyers, two had concerns.

REMARK Meyer: Nathan – there are comments she made on the letter – do you want to comment on that?

REMARKS Ward: I don't think I presented anything that was taken out of context. I'm uncertain – the reference Erica made in the first paragraph of the letter from the RF engineer relating to coverage on the Mlsna property. I'm not sure what was taken out of context.

REPLY Gylund: It clearly states *"This new site should also provide enough coverage to Hwy 162 and Hwy 33 out of Middle Ridge to allow for seamless handoff to the rest of USCC's system."* It said it would provide enough coverage.

REMARK Ward: Right, the Middle Ridge site – the application that's before you.

REMARK Gylund: It says *"The newly suggested Mlsna site."* Then it says *"This new site."* It doesn't say *"The Leis site"*. The Mlsna site is the newly suggested site.

REPLY Ward: I'll read this out loud so hopefully we can clarify this. This letter will assess the differences between the proposed Leis site and the newly suggested Mlsna site – The objective for the Middle Ridge site – meaning where they're trying to place the tower, is to provide reliable cellular coverage to the town of Middle Ridge. This new site – I can understand how you're taking this out of context. I believe what the RF engineer is saying is – the new site they're proposing to build – not the new site they're evaluating on the Mlsna property – should provide enough coverage to Hwy 162 and Hwy 33 out of Middle Ridge to allow for a seamless handoff to the rest of USCC's system.

QUESTION Gylund: I don't understand why it would say *"this new site should also..."* why would they use the words *"should also?"* I interpret tax law for a living. That doesn't make sense.

ANSWER Ward: He goes on to show the differences between the two sites in the narrative below, as well as the propagation map where he highlighted the areas where the signal would not be as strong.

REMARK Gylund: Correct, and it also shows on the map the Mlsna site will provide additional coverage in areas the Leis site didn't. You can see it on both maps – it's black and white. There are some benefits on road areas on the Mlsna site, and some the other way. It's splitting hairs. When you have this area with 59 properties and you only look at four, and the first person signs, you try to show all kinds of evidence that's the best site. That's not the way you deal with something with a community. We agree everybody wants cell phone coverage. But when you have three adjoining property owners that do not want this, not just one; when you say this is the best site but you haven't looked at 55 others. We picked one and sent out the letter. Why would a letter call the Mlsna site the new site, then say this new site should also provide enough coverage? It doesn't make sense. And *"that it should also."* It should say *"This site provides enough coverage"* or *"This new site,"* but it says *"This new site should also provide enough coverage."* I believe the maps showed it, but there's a couple areas highlighted that were not areas the site was looking for.

REMARK Meyer: I don't want to get caught up between the two of you on this – some of it is in the wording of the letter.

REMARK Ward: I'd like to touch on one other item – the 59 properties in the search area. There were significant portions of those properties ruled out due to elevation, inability to meet zoning code requirements. It's misrepresentative to say we only looked at four, the entire area was looked at and several areas ruled out at the very beginning.

REMARK Wehrs: I agree with Ms. Gylund that you took the time to point out the differences in coverage, where they're lacking on the Mlsna property. There are significant areas the Mlsna property would cover that the Leis property doesn't. I'm not for or against either way because we just got these today, which I don't appreciate. I don't like to feel like something's being pulled over my eyes. I'd appreciate pointing out where they'd be better in the Leis property and where they're better in the Mlsna property. We're trying to get all sides and make the best decision for everyone. I agree everyone wants the cell phone coverage, but if there's a place to do it where you're not affecting people's lives, in the way these people say it may do, that's a benefit to everyone. We want to know all the information beforehand and clearly not one-sided.

REPLY Ward: To your concerns, there has not been a significant amount of time since this request has been made of us – Thursday of last week at 5:00 o'clock to put this data together. I'm briefly surveying

the difference between the two maps, the Leis and Mlsna properties. At an initial glance, having a hard time finding significant areas of better service from the Mlsna site. I'm only allowed to rely on the statement from the radio engineer, that the Leis property performs better, and it's his preference to continue with the application that's before you.

QUESTION Bina: Is your farm certified as organic now?

ANSWER Gylund: Farms are organic, crops are certified. My farm is organic, there's nothing to certify this year. I have less than \$5,000 of hay and that's exempt by law. There was no reason for me to pay \$600 to get certified. I can't change anything, but nothing to certify this year.

REMARK Bina: I know some land in front of your house was planted by Gary and Pat Slattery a number of years. I'm not sure if anybody certified it – that's what I'm asking. I called Organic Valley, MOSA, and a place in Eau Claire – they all told me the same thing. If you're selling organic hay, you should have your farm certified.

REPLY Gylund: Unless you're exempt for the year, when you're under \$5,000. But you don't certify a farm, you certify the crop. When Slattery's rented from Elsen's prior to me owning it – that was more than three years ago – I don't know what they did then. It had to be organic because otherwise, you need a three year transition. That year I had wheat and oats I did have to have certified, I was instantly certified, so it had to be prior to me or I'd have had to go through the three year transition.

Appearing in opposition: Don Franke, W2315 Antony Rd, Bangor, WI 54614. I'm not an adjoining land owner, about ¼ mile away. I'm opposed to this site because of what we've been saying for the last year and a half. We feel this site was picked because it was the first person to say "Yes"....

REMARK Meyer: You don't know that.

REPLY Franke: Yes, I do know that, because I've asked Nathan. Isn't that correct, Nathan?

REPLY Ward: No, that's not correct. We had three other property owners....

REMARK Franke: And they said "No."

REPLY Ward: No – none them said "No." their properties were evaluated and U.S. Cellular chose to proceed with the Leis property.

REMARK Franke: Mike has already said he wouldn't have done it, we know the Clements site – they were going to say "No"....

REPLY Ward: No, that's not what Mike said.

REMARK Franke: Okay. So anyway, the bottom line is to make the point we've been trying to make all along. This is just a really bad location for it; I don't think we'd be standing here a year and a half later if it wasn't a bad location – I think this committee would have passed this last month, or it would have been run through the committee last year but it wasn't. Things keep changing all the time. When they first picked this site, the tower was going to be 295-ft tall, and had to be 295-ft tall. It had to be in the Middle Ridge area at the crossroads, kind of where it is now. But then a half year later the size of the tower came down to get the process passed through further, so it came down 95-ft and they're still getting the same coverage. With no "beating the bushes" to get another site, we simply found another site within ½ mile. It doesn't have the problems this one has, in terms of neighbors not wanting it there. We know that because the people who want the tower put a petition out, and nobody on that petition has said "*This would not be a good site.*" Some of the neighbors are for it and have their names on that petition. So we're ½ mile away and we understand this site isn't good enough. It's almost the same elevation, right across Hwy 162, but for some reason this site wouldn't cut it. What's not cutting it in this debate is they've spent time, money and effort in getting this one done. They don't want to spend the time and effort to move it across the road to get it on this other site. If we look at this new site, access is much better than what it is now – it's not onto Hwy 33. Mr. Mlsna has access and property rights to go wherever he wants on the 200 or so acres up there. He already has towers – he knows what to deal with. One thing they haven't shown you – if you take those two maps, one that shows both sites, and you look at the amount of coverage between the two, they're both almost identical. As Tina said, they went out the way to outline in red where there was no coverage from the Mlsna site, but they didn't go out of their way to show where there wasn't coverage on the other one. Both sites provide access to exactly what they said, which would be the Middle Ridge area and down 162. That's what they were looking for and that's what the Mlsna site does. One thing Erica should have made clear was, if she tried to sell her farm as an organic farm, and where I'm sitting I probably won't see the tower at all, I'm doing this because of what I've seen happen to Erica over the last year and one half, in terms of this being pushed through. Nobody is looking for a compromise site,

nobody's tried for the past year and a half. Now we find a site that's a good compromise, better access, less neighbors to complain – actually neighbors signing a petition that they want the site. Now we have two maps where coverage is about the same, but U.S. Cellular can't think of moving over there. I think the difference is, they don't want to spend the money to do it, but yet, they'll de-value somebody else's property. There's nobody on the opposition that doesn't want better cell coverage – we've never said that. I'd like you to take a closer look at the two maps you were provided and try to alleviate the problem the landowner will have with this tower going in. I know that if other organic buyers are going to buy that, they'll shy away, just like anybody else, they'll go someplace else. She has made an investment there – one of our original points was that his will be a taking and her property will be devalued because of the fact it is an organic farm. If you go back to county zoning rules, it talks about de-valuing agricultural property that's adjacent. This does that. I hope the committee steps back and takes a look at this other site as being just as good if not better.

QUESTION Wehrs: For the town board members – had they questioned or looked at other sites?

ANSWER Korn: It's news to me tonight that there was even another site out there. The Town Board acted on permit 852 (832); that was the information in front of us and that's what we acted on. It's news to me there's a petition for a competitive site – we were asked to act on the Conditional Use Permit and that's what we did.

REMARKS Franke: It's the same thing it's always been – money versus a person who doesn't have the money. They don't want to move it to the other site because it will cost them a little more; maybe. Their access might be cheaper, and coverage might be better. Remember what they said – they won't know until it gets up there if they'll get coverage. The other thing they could do – they were able to take this tower down to 195-ft. If they're worried about not getting the extra coverage, they can build another 50-ft of tower on the Mlsna site. Or, like somebody said at the last meeting – build it 300-ft, then they could get great coverage. They want good coverage and safety. So, put it on the other property where there's no opposition, build it 300-ft, and you'll get all of the safety you want.

Appearing in opposition: Jon Ellefson, N2425 Antony Rd, Bangor, WI 54614. I'll be brief and not go into anything previously stated. Since your last meeting there's been a lot of information I ask the committee to consider, by not rushing a decision. This new site appears to be an attractive alternative. The thing I remember regarding the coverage of the proposed tower is that it's always a surprise. They put the tower down and they don't really know where it's going to go. In our topography it's impossible to catch every nook and cranny – no matter where they put it someone's not going to get service. It's old technology; terrestrial cell towers are 30 year old technology that can't cover that area. More towers can address some of the problem, but that's not the answer either. Maybe it's not the perfect site, but if you compared the two, there's some things on the other site that probably aren't desirable either. In Nathan's defense, I don't blame U.S. Cellular for not seeing this site. Getting a big corporation to hire somebody from out of town to come into an area that they don't have the native intelligence advantage; to know the culture and community, maybe some of the landowners. I think there's been some changes in some of the land ownership, maybe that had something to do with it. I can see where it would be an innocent mistake to let it slip through the cracks – I don't think that's the issue. I do think it's a good site from everything I've heard and I think it needs to be examined more closely. A couple of comments – a lot of time was spent on the first responders and their letters. I haven't seen the letters; I don't know if they were written by individuals, representing an organization, authorized by the board.....

QUESTION Meyer: Jeff, do you know?

ANSWER Bluske: No, I don't.

REMARK Ward: I'm going to let the petitioner answer that for you.

ANSWER Leo Leis, W840 State Road 33, Bangor, WI 54614: The three fire chiefs signed and the head of the First Responders.

REMARK Ellefson: My point is there's a misconception in regard to the first responders. If you put a tower up, the tower owns the customer. You can be a Verizon or ATT customer standing below the tower and you won't get a signal. Unless these people are U.S. Cellular customers or want to switch their service over right now, there is no benefit. There's other technology out there for first responders – I've sent information to the committee members on that. There's no excuse why a responder can't reach out in a dead spot area, but just putting up a U.S. Cellular tower does not guarantee these guys will get 100%

coverage. U.S. Cellular does not have other carriers lined up to attach to that pole, maybe they won't the way technology is moving. I sent information on the new development arriving on a daily basis. I sent some information on a bill in the Senate now called the Public Safety Spectrum and Wireless Innovation Act. I won't go into the details other than to say this bill is designed to deal with the spectrum issue and assign a specific wavelength for first responders so they can communicate. It's a nationwide effort with bipartisan support introduced by Senator Rockefeller, backed by Senator Hutchison. This will address the safety issues brought up, and it will address the spectrum issues. Regarding the radio engineer's comments at the last meeting – specifically regarding satellite technology, I understand U.S. Cellular is not in the satellite area. His comment was it's a failed business model. I have numerous examples showing that's not true. Satellite to terrestrial capabilities are out there now – ATT offers it, in fact they have a smart phone specific to first responders. On Thursday there was a newsbreak from Sprint announcing a partnership with a company called LightSquared, currently working on building a nationwide satellite to terrestrial for wholesale only service. I put this information in your packets. The technology is there, things are changing at a rapid pace with many new developments. Given the new information you've received, specifically on this site, I'd ask the committee put a moratorium on this. I see the technology in this industry coming out very similar to the way it did with the billboard issue. You have a fast growing industry with demand for data expected to double every year for the next five years – it's a 40 to 50 fold explosion. You can't build towers to cover that alone so you'll either get more applications like this, or you'll see an incorporation of technologies using both satellite and terrestrial. If you give this some time, be selective of that and protective of the land beneath it, because I think the technology will catch up.

Appearing in opposition: Carol Franke, N2315 Antony Rd, Bangor, WI 54614. I sent the letter about the health risks, and I know you can't make a decision based on those. In October, 2010 the World Health Organization (WHO) started a study on the effects of radio frequency radiation. The CNN article was due to their report that listed the use of the cell phones as a carcinogenic hazard. The rest of the study will not be ready, especially the chronic low level radiation – will not be out until 2012.

REMARK Meyer: We can't make decisions on what's going to happen, so that's immaterial at this point.

REMARK Franke: What I'd like to reiterate is looking at the town plan, it says *"to support organic gardening."* I feel that the township is not supporting the organic farmers in that area, and there will be a loss of money and property value, and that would go against your ruling of adjacent landowners, that they shouldn't undergo that because of a Conditional Use Permit.

No one else appearing in opposition.

Correspondence, Bluske: Correspondence from the Town of Washington received stating approval of Conditional Use Permit No. 832 on July 13, 2011.

COMMENTS Bluske: It's unfortunate we don't have multiple sites, we have this one before us.

Staff Recommendation, Bluske: Staff recommends approval. They've met the conditions of our Telecommunications Ordinance and staff recommends approval subject to the following fifteen (15) conditions:

1. United States Cellular of La Crosse is granted a permit for one 195-ft self supported communications tower with related equipment shed or cabinets and easement;
2. Tower may be constructed to be expanded in height by amendment of this Conditional Use Permit. No light is required on top of the tower;
3. The tower will be designed to handle three (3) additional carriers for future co-locations for wireless phone, data and internet access only;
4. The 100-ft by 100-ft leased area shall be fenced to a height of 8-ft with barbed wire top and existing vegetation may be used for screening and landscaping and a Certified Survey Map is required before Zoning/Occupancy Permit is issued;
5. The owner of the telecommunications facility shall completely remove the facility, including subsurface structures and restore the site to its pre-construction state when the facility is no longer used for its permitted purpose;

6. A bond, letter of credit or other suitable financial guarantee shall be filed with the La Crosse County Zoning, Planning and Land Information Department in the amount of \$10,000 in conjunction with the Town of Washington bond for \$20,000, for a total of \$30,000;
7. The owner of the facility shall file a yearly report and fee pursuant to Section 28.10 and 28.13 of the Telecommunications Ordinance;
8. No hazardous materials may be stored on site other than batteries and items normally found in such facilities, such as propane;
9. The tower will be colored gray because of its placement in the field;
10. This permit is transferable per Section 28.14;
11. The access easement shall be kept clean and open in case of any emergency;
12. No advertising will be allowed on the tower;
13. No vendors, no concession stands, no camping, no standing and no seating will be allowed within the tower drop zone;
14. One sign, attached to the fence, with contact information and phone number in case of emergency is required; and
15. Any applicable stormwater and erosion control permits are required before any Zoning/Occupancy Permits are obtained.

QUESTION Meyer: This is an easement?

ANSWER Bluske: It's an easement through the Leis property to get to the tower site. Maybe we can put it up on the screen.

QUESTION Meyer: While we're waiting for that, Nathan – did you hear the conditions? Anything you can't live with?

ANSWER Ward: The only question is on number 8. Sometimes the back-up generators are on diesel – would that be prohibited or considered typically found on a cell tower site.

RESPONSE Bluske: That's fine.

REMARK Ward: All other conditions are acceptable.

REMARK Bluske: (Refers to map) The trail up to the site is the easement to the tower site, on the upper part of the map.

QUESTION Pedretti: One statement, with the FCC, says we can't look at health issues, etc...The other zoning code is we can't devalue somebody else's property. How do we determine which part of the zoning code is more important than the other?

ANSWER Bluske: We're dealing with the Telecommunications Ordinance – we're not dealing with zoning (ordinance) right now.

REMARK Pedretti: I get the FCC part, I'm questioning the devaluing of property by passing something like this, or causes someone to lose a business.

REPLY Bluske: That's up to the committee to decide based on the evidence presented.

REMARK Pedretti: My fear is...not to...just because somebody doesn't want it in their backyard. If you want nothing in your backyard, either nothing new or different will come in, or you buy up everybody else's land in order to have nothing in your backyard. I struggle with that. I also struggle with something coming in and causing someone to lose their property.

QUESTION Wehrs: Item 6, I wanted to make sure it says *"For a total of \$30,000."*

Motion Manthei/Bina to approve with the fifteen (15) conditions.

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

ZONING PETITION NO. 1871 James & Joyce Halvorson, N7297 Casberg Coulee Rd, Holmen, WI 54636. Petitions to rezone from the Exclusive Agriculture District to Residential District "A", a 1.635 acre parcel for continued single family residential use at W6584 Casberg Coulee Rd, Holmen, WI 54636 on land described as: Lot 1 of Certified Survey Map No. 140 in Volume 7. Town of Holland.

Appearing in favor: Richard Berg, W7463 Sylvester Rd, Holmen, WI 54636. I'm here on behalf of Jim and Joyce Halvorson, they're out of the country right now. Jim wrote a letter saying I could be here on his behalf.

REMARK Pedretti: We would read that in the record – in the past we've made it very clear.

BERG: I surveyed the rest of this property identified on the map as number 2. This rezone is for that CSM lot being circled (on screen). That was built in 1997 for Jim's son, Steve. At that time, it was the son of the owner, so it was okay to have it there. Now we've surveyed the rest of the ag land, the Halvorson's are looking at selling that. If they do, that lot becomes a non-conforming (non-complying) lot because it's no longer part of the farm and Halvorson's received a letter to that effect from the county. That's the purpose for rezoning; it will still be used for one single family home.

No one else appearing in support or opposition.

Correspondence, Bluske: The only correspondence is from a neighbor, Eisermann's. We can't read this into the record but it indicates they support this. I have a deed from back in 2007 after the Halvorson's received this back from their son. They put it into survivorship marital property. The rest of the property outlined in number 2 is in their trust. We started an enforcement action back in February when the property was to be listed. This confirms what Mr. Berg indicated that it won't be part of the family farm. Staff reviewed this – it won't change the residential use. We recommend approval to Residential District "A". We haven't heard from the town yet.

REMARK Pedretti: The Planning Commission meets tomorrow night and the Town Board meets next Wednesday. They preferred the county take it first to see if neighbors were opposed. It's housekeeping. My only issue – the ones marked "2" currently farmed. Can they technically split off and put houses on those?

REPLY Bluske: The number "2" with the address (refers to screen) off Casberg Coulee – that's their home now, parceled off the farm. If they wanted another residence on the farm they could.

REMARK Pedretti: They don't own the 40 and 26 acre parcels – that's owned by someone else now. It's in your office – Pam has some issues with some of the legal descriptions. I'm sure there's nothing new we can do tonight, but something we'll need to keep our eye on, so that doesn't become developed.

QUESTION Bluske: Do you know what the town plan calls for?

ANSWER Pedretti: Exclusive Ag.

Motion Pedretti/Wehrs to approve.

5 Aye, 0 No, 2 Excused (Keil, Mach). Motion carried.

ZONING PETITION NO. 1873 Richard A Berg, PO Box 625, Holmen, WI 54636; acting on behalf of Arnold W & Helen Hoyer, W7960 Amsterdam Prairie Rd, Holmen, WI 54636; Larry W Hoyer, W7956 Amsterdam Prairie Rd, Holmen, WI 54636; and Natalie H, George L and Elisabeth Hoyer, W7948 Amsterdam Prairie Rd, Holmen, WI 54636. Petitions to rezone from the Transitional Agriculture District to Agriculture District "A", a 33.37 acre parcel consisting of four (4) parcels being created from W7960 Amsterdam Prairie Rd; and, two (2) parcels at W7948 and W7956 Amsterdam Prairie Rd, all for continued single family residential use on land described as: Part of the SE-SW of Section 14, T18N, R8W described in tax parcel numbers 8-985-0, 8-985-1 and 8-985-3. Town of Holland.

Appearing in favor: Richard Berg, W7463 Sylvester Rd, Holmen, WI 54636. The Hoyer's are also here. I surveyed the boundary of the property and a map where it's split into four (4) pieces. Each piece, except the one around the house with the dashed line (refers to screen). That's being sold to someone else. The other parcels will be conveyed to the sons of Mr. Hoyer. The adjoining property cross-hatched in the upper left is a Hoyer – the larger piece next to it will be conveyed to him. The piece with the writing in it will be conveyed to him. The piece with the writing in it will be conveyed to the south property owner – also a Hoyer. (Refers to screen) That's a Hoyer there – that's already a CSM zoned Ag A. This parcel will be conveyed to him. This is a Hoyer here and this parcel will be conveyed to him. This is also a Hoyer – this "L" shaped parcel will be conveyed to him. This piece here is being sold to a separate owner. It was

requested to rezone that – it's currently Transitional Ag – to Ag A to make it consistent with the land uses there. Across the street are some CSM platted lots. In discussing this with county staff, it was felt these two parcels are Exclusive Ag, but they each have a single family home on them. Those are included in the application so they would be rezoned along with this larger part, to be consistent with their land use. It appears looking at your land use maps that the future land use is ear-marked residential. There may be a strip of conservation (on the west) that goes through this lot that's already Ag "A". It isn't intended to make this a large housing development. They wanted the surrounding property for more of a buffer. We're creating that parcel in the middle around the buildings – in doing that the zoning would need to be changed. It would be more consistent with the land use and plan to rezone everything.

QUESTION Bluske: When the committee was there, there's a driveway that goes through the L. Hoyer parcel. It's a nice driveway, but there's no driveway going out to the east, to Garfield Road. What will happen with that paved driveway?

ANSWER Berg: We left that strip so they can get a driveway in there. It's my understanding they'll allow the new owner to use that, but if at some point they don't want the traffic through there anymore, there is frontage on that public road.

QUESTION Bluske: On the aerial photo you can see the driveway; it might even catch a corner of the other lot. Maybe you found the iron on Amsterdam Prairie Road between the lots?

ANSWER Berg: It looks like it clips the lot, but I believe it's entirely on the one.

Appearing in favor: Larry Hoyer, W7956 Amsterdam Prairie Rd, Holmen, WI 54636. We're trying to get this rezoned to Ag A. We didn't want to give an easement. The new buyers and my wife and I will come up with an agreement that as long as we own ours and they own theirs, they'll have permission. We'll maintain the driveways between us. The reason we did the other one is because we didn't know if someone bought it, if there'd be a lot of traffic – we didn't want them going through. My wife gives piano lessons and we have a lot of people and kids coming in and we don't want a lot of traffic going through there. The intent at first was not to do that, but it's a black-top driveway, easy to maintain. It'll be an agreement between us, as long as we own it and they own it.

QUESTION Bluske: The proposed zoning district would allow for future development. Are the brothers looking at subdividing?

ANSWER Hoyer: No. That was the intent – we didn't want developers coming in. We have development south of the airstrip and we want to keep it so nothing else is built.

QUESTION Pedretti: The stretch out to Garfield Road, that's not an easement – it's owned by whoever purchases....

ANSWER Hoyer: It's actually a 40-ft strip, not an easement.

QUESTION Pedretti: So they can have access if you close off that driveway?

ANSWER Hoyer: That's right.

QUESTION Pedretti: So you're doing an agreement between those two until such time.....

ANSWER Hoyer: Right. That's the reason we did that with the 40-ft strip, so they won't be landlocked.

No one else appearing in support or opposition

Correspondence, Bluske: Nothing official from the town.

Staff Recommendation, Bluske: County Land Use Plan calls for this area to be residential except a portion of the western edge that calls for environmental. We recommend approval to the Agriculture District "A".

Motion Manthei/Bina to approve.

5 Aye, 0 No, 2 Excused (Keil, Mach). Motion carried.

CONDITIONAL USE PERMIT NO. 841 Peter Schau of Ton 80 Realty Services, Inc., PO Box 578790, Chicago, IL 60657; acting on behalf of Verizon Wireless and Central States Tower II, LLC; and for Richard & Barbara Schomburg, W3679 County Road C, West Salem, WI 54669. Petitions to remove and replace an existing 190-ft guyed communications tower, with a new 145-ft monopole tower (total height will be 150-ft with lightning rod). Installation will include twelve panel type antennas. A temporary tower antenna support structure will be located on the site while the new tower is being constructed. On completion of the project, the facility will be owned by Central States Tower II, LLC and Verizon Wireless will operate as a tenant, on 2.3 acres of land at N4596 Tower Rd, West Salem, WI 54669, zoned Transitional Agriculture District and described as: Lot 1 of Certified Survey Map No. 1 in Volume 1, T/W a 20-ft access easement. Town of Hamilton.

Appearing in favor: Peter Schau, 2331 West School St, Chicago, IL 60618. This is our third time on this tower. We applied for an almost identical tower here in 2008. It's an older tower structurally inadequate to support additional equipment needed by Verizon Wireless. We were approved for Verizon Wireless that purchased Alltel. The project went on hold and we came back in March, 2010 and filed a Conditional Use Permit to operate the old tower as it exists. Verizon Wireless is prepared to go forward by replacing the tower and upgrading equipment at the site.

QUESTION Bluske: Explain to the committee that while you build the replacement tower, you'll have a temporary tower there?

ANSWER Schau: It's a temporary tower structure. Now we have a guy tower supported by guy wires and we'll replace it with a mono-pole tower. Due to the closeness of the two structures, it's not safe to get the crane on top of the hill. We're worried we could hit a guy wire while the existing tower is up, so we'll completely remove the first tower before constructing the second tower. The tower on wheels is basically a trailer with a mast that cranks up that they can mount equipment on temporarily to continue service. It should be up 6-8 weeks during construction and once the new one is up and antennas installed, it'll be removed. We wanted to make it part of the application.

QUESTION Bluske: You're asking for 12 panel type antennas, Why are those being used?

ANSWER Schau: We're doing a sectorization – right now it's an outdated technology. You have omni-antennas that do a non-directional signal. Due to the increased traffic, demand, and need for band width, we normally sectorize a site. Sectorizing is new panels, antennas on a triangular – we usually have 3-4 per sector to send and receive. We're asking for up to twelve, for future growth. We don't want to keep coming back.

No one else appearing in favor or opposition.

Correspondence, Bluske: A town recommendation dated July 21, 2011 from the Town of Hamilton approving the Conditional Use Permit (read into the record).

Staff Recommendation, Bluske: Two sections deal with utilities and community facility goals (read into record). This fulfills the requirements of our Telecommunications Ordinance and recommend approval subject to sixteen (16) conditions:

1. Verizon Wireless & Central States Tower II, LLC are granted a permit for one 145-ft monopole communications tower with related equipment shed or cabinets and easement;
2. Tower may be constructed to be expanded in height by amendment of this Conditional Use Permit. No light is required on top of the tower;
3. The tower will be designed to handle three (3) additional carriers for future co-locations for wireless phone, data and internet access only;
4. The owned area shall be fenced to a height of 8-ft with barbed wire top and existing vegetation may be used for screening and landscaping and a Certified Survey Map is required before a Zoning/Occupancy Permit is issued;
5. The owner of the telecommunications facility shall completely remove the facility, including subsurface structures and restore the site to its pre-construction state when the facility is no longer used for its permitted purpose;
6. A bond, letter of credit or other suitable financial guarantee shall be filed with the La Crosse County Zoning, Planning and Land Information Department in the amount of \$10,000;

7. The owner of the facility shall file a yearly report and fee pursuant to Section 28.10 and 28.13 of the Telecommunications Ordinance;
8. No hazardous materials may be stored on site other than batteries and items normally found in such facilities, such as propane;
9. The tower will be colored gray because of its placement in the field;
10. This permit is transferable per Section 28.14;
11. The access easement shall be kept clean and open in case of any emergency;
12. No advertising will be allowed on the tower;
13. No vendors, no concession stands, no camping, no standing and no seating will be allowed within the tower drop zone;
14. One sign, attached to the fence, with contact information and phone number in case of emergency is required;
15. Any applicable stormwater and erosion control permits are required before any Zoning/Occupancy Permits are obtained; and
16. A temporary tower antenna structure will be located on the site while the new tower is being constructed and shall be removed within six (6) months of issuance of Zoning/Occupancy Permit.

QUESTION Meyer: Can you live with those conditions?

ANSWER Schau: Yes, we can.

(Discussion on amending item #16 to place a time limit on placement of temporary tower)

Motion Pedretti/Wehrs to approve.

5 Aye, 0 No, 2 Excused (Keil, Mach). Motion carried.

SPECIAL EXCEPTION PERMIT NO. 2011-06 Justin Peterson d/b/a Creamery Creek Holsteins LLC, W1250 County Road U, Bangor, WI 54614; acting on behalf of John J & Donna L Hansen, 3420 Kinney Coulee Rd S, Onalaska, WI 54650. Petitions to perform excavation, filling and grading within the 300-ft Shoreland District of a navigable water way in order to construct a 5.5 million gallon, 280-ft diameter concrete manure storage lagoon/basin at W1250 County Road U, Bangor, WI 54614 on zoned Exclusive Agriculture District and described as: Part of the SW-NW of Section 3, T16N, R5W described in tax parcel 1-51-0. Town of Bangor.

Appearing in favor: Justin Peterson, W1250 County Road U, Bangor, WI 54614. Would like a Special Exception Permit to grade and fill closer than 300-ft to the creek. We're land-locked where we can put manure storage – to the west are different property owners, south are the road and railroad, to the north we're locked in by the creek. We have no storage, we're daily haul and that's a struggle. It would be beneficial to our farm and community. Fewer spills and management issues if spreading during run-off situations, keeping them off the roads at unsafe times of the year.

QUESTION Bina: Do you still plan on expanding?

ANSWER Peterson: Yes

QUESTION Bina: Will this suffice for a larger herd at a later time?

ANSWER Peterson: Yes. This storage structure is sized for 700 cows, giving 207 days of storage. 700 is the magic number for our location and proximity to the creek, town and our land base.

QUESTION Bluske: Since this is so close to Creamery Creek, what alternative sites have you looked at?

ANSWER Peterson: All sites around the facility, within a reasonable distance that we could pump manure. You can go 300 to 800-ft feasibly. But east of the facility, we'll run into the creek; north we'll run into the creek. West is a different property owner who may or may not sell us property. But even then, we get closer to town and have some prevailing wind issues. South is impossible unless we pump beneath the road and railroad tracks.

QUESTION Bluske: You said there's a highway setback.

ANSWER Peterson: 350-ft.

QUESTION Bluske: Whose requirement is that?

ANSWER Peterson: The state's. DOT.

QUESTION Bluske: Are the soils safe for a foundation or will you need to bring soil in?

ANSWER Peterson: We did soil bearings last fall and found mottling. They asked we stay 4-ft above that high-water mark, so most of the structure will be above ground. It will be 12-ft tall, 280-ft in diameter, all poured concrete with 10 inch walls and a 7 inch floor. The soils aren't an issue because we're above the water table. It's concrete with water tight joints.

QUESTION Bluske: There's no liner underneath?

ANSWER Peterson: No.

QUESTION Bluske: Since the structure has potential for being a source of water pollution, do you have a plan for breach or if it cracks and leaks so it doesn't get to the creek? That's the committee's biggest concern.

ANSWER Peterson: Sure, I understand and we don't want that either. We're in the process of writing our manure plan, Plan of Action who to call, what to do. At one time we talked of building a berm to run north and east along the back side of the lagoon. Have one location where run-off would channel through that spot. Then if there's a breach or crack, we have one location to plug. Our containment would be this earthen berm – hopefully that would prevent the manure from getting into that creek.

QUESTION Pedretti: Is that part of your plan?

ANSWER Peterson: I'd have to ask Bruce (Olson) if that is part of the plan.

ANSWER Bruce Olson, La Crosse County Land Conservation Department, 400 4th St N, La Crosse, WI 54601: That's not part of this plan, but we're still going back and forth with the engineer. We have issued the permit for manure storage impoundment.

REMARK Pedretti: It sounds like a smart idea; I'd think you'd want it as part of your plan.

REPLY Olson: I agree.

QUESTION Bluske: You can see a house on the aerial photo, with a long driveway. Last time you were in, you indicated the house would be torn down, but I think that may be in conjunction with the new building that will go due west of the house. Will you take out the house and need fill there, too?

ANSWER Peterson: We'll tear down or sell and move the house, whatever makes the most sense. There's a well there that we'll decommission. We're hoping to have a cut filled between the lagoon and proposed barn site. We'll do rough grading this year and not worry about the barn.

QUESTION Bluske: Will you do that before you start the lagoon? Does somebody live there now?

ANSWER Peterson: No, house has been vacant for over one year.

QUESTION Pedretti: In your plan, you didn't finish a sentence – I'm sure it was very simple – it says "*We are very confident the storage basin will be...*"

ANSWER Peterson: ...beneficial to us and the environment.

QUESTION Bina: You hired a private engineer to put this up?

ANSWER Peterson: Yes, we hired REA Engineering out of Middleton for the dairy, stormwater management. But for the lagoon, we went with Pipping Concrete. They have their own engineer – all of their structures are NRCS pre-approved so it's a matter of fitting their structure into our site plan.

QUESTION Bina: I assumed since Bruce and Gregg are here, I assumed the county was doing it. But all you need from the county is their approval of your plan?

ANSWER Peterson: Correct.

No one else appearing in favor or opposition.

QUESTION Bluske: Since Land Conservation is here, do they have anything official to say?

ANSWER Gregg Stangl, La Crosse County Land Conservation Department, 400 4th St N, La Crosse, WI 54601: All I have is Justin has applied for an Animal Waste Management Permit under that ordinance. This structure must meet stringent NRCS standards and specifications as in the NRCS Field Office Technical

Guide. We're there for that review process. Since this will be a permitted facility, it's our policy not to get into manure pit designs.

QUESTION Wehrs: Does that permit require a plan for a breach?

ANSWER Stangl: Yes, not so much for a breach; it's called an Emergency Action Plan and there's a number of things that can happen. They need to know how to deal with them and provide training to their employees. If somebody is on-site and something goes wrong, everybody knows what needs to be done.

Correspondence, Bluske: Nothing official from the town. Justin, have you been to the town?

ANSWER Peterson: Yes, two weeks ago. We were unclear if we needed town approval or if talking to them was good enough since it is a Special Exception Permit instead of a Conditional Use Permit.

REMARK Bluske: They're advisory, if they said "No", this committee could over-ride that.

Staff Recommendation, Bluske: Approval subject to the seven (7) conditions:

1. This permit is granted specifically for the excavation, grading, and refill by reshaping an area for one (1) 280-ft diameter, 5.5 million gallon concrete manure basin, 12-ft deep with a 20-ft wide ramp all pursuant to the plan prepared for Creamery Creek Holsteins and Justin Peterson, W1250 County Road U, Bangor, WI 54614, which plans were prepared by Resource Engineering Associates dated July 2011;
2. An Erosion Control plan shall be obtained from the La Crosse County Land Conservation Department prior to any earth moving;
3. Absolutely no excavation, construction or travel is allowed within the 75-ft offset line of Creamery Creek;
4. The grading and filling of the home site just north of the proposed basin, when the home is removed, is included in this permit;
5. An emergency plan shall be recorded which describes how any spill or breach of this structure will be prevented, so no waste is allowed to access Creamery Creek, the La Crosse River, or Lake Neshonoc;
6. This permit expires June 1, 2012; and
7. Approval is contingent upon obtaining an animal waste management permit from the Land Conservation Department.

(Discussion on expiration date, consensus of committee to require completion date of June 1, 2012.)

QUESTION Bluske: When is the first day you'll use this – or will the other building come first?

ANSWER Peterson: Our plan is to use this as soon as possible. Because it's such a pain to haul everyday – we'll load it in a spreader from our barn and haul it to the lagoon and dump it.

Correspondence, Bluske: A letter from Michael Wenzholz of the Wisconsin Department of Natural Resources (DNR) dated July 29, 2011 (read into the record), recommending consideration of alternative location.

REMARK Bluske: With those concerns, that's why I asked Justin how they picked this site and if they looked at alternatives.

QUESTION Bina: Are you suggesting they move the location?

ANSWER Bluske: I'm not. The DNR is recommending that – they want it considered – if he moves it north, he's still within 300-ft where the buildings will go. If he moves it south, he's within that 350-ft setback DATCP requires. This is as good as anything, but that's why we put the condition he touches nothing in that 75-ft area.

QUESTION Meyer: You've heard the conditions and you're comfortable with those?

ANSWER Peterson: Yes.

QUESTION Pedretti: What if he planned to shift it a bit, further away from the shoreline; we wouldn't have to come back for this would we?

ANSWER Bluske: I'm not even going to say if he moves it significantly, we're reacting to the plans he submitted July 2011. They've done the soil borings, it's in close proximity. I don't know if he got into the piping that brings it (waste) into this. Some of my greater concerns are when you get rid of this stuff, will you dump it in containers and transport it fast enough because 5,600 gallons a day is a lot.

QUESTION Peterson: Are you referring to when we empty the lagoon?

ANSWER Bluske: Yes.

REMARKS Peterson: The plan is that when manure sits in the lagoon, it separates, so you have the water on top. A company will put a pump into the lagoon and connect a hose; they're capable of pumping 6 miles without having a truck on the road. As long as they monitor, they can run their hose through a creek, through the culvert under the railroad to get to our fields. They can do 0.8 to 1.0 million gallons per day. Then we'll bring in custom applicators to remove the solids. It will take some time but if we're conscientious, on our bedding usage and keep the sand out, that's the secret to success. We can agitate the manure solids and get those back into suspension in the liquid portion and if we can hose that out, that will save us a significant amount of time and traffic.

REMARK Vandenberg: If I put the plan up, he couldn't put a berm up behind the lagoon and stay out of the 75-ft setback.

REPLY Bluske: It would be hard. Nothing in the 75-ft (setback). Do you need backfill against the sides?

ANSWER Peterson: Yes. We know we'll have to backfill; with a vertical wall round tank, we're exempt from a certain amount of backfill, because the round structure gives it so much strength. We can be 5-ft from the top without backfill. They might not recommend that all the time, but if need be, certain areas wouldn't need backfill.

QUESTION Bluske: But you'd need quite a slope on the backfill?

ANSWER Peterson: Correct.

QUESTION Bluske: So that will be the side where more is showing?

ANSWER Peterson: Yes.

REMARK Olson: We've reviewed the plan from Pipping and it requires a minimum 4-ft of backfill, more for frost protection of the footer and foundation than structural strength of the wall. Obviously, if you have a 12-ft wall, the more backfill you can get up against it, the better off you are from a safety standpoint.

REMARK Bluske: It appears from the drawing that nothing goes into that 75-ft setback line. It'll be tight.

Motion Manthei/Bina to approve with seven (7) conditions.

5 Aye, 0 No, 2 Excused (Keil, Mach). Motion carried.

Motion Manthei/Wehrs to adjourn at 8:17 PM.

5 Aye, 0 No, 2 Excused (Keil, Mach). Motion carried.

Hearing adjourned at 8:17 p.m.

Approved 8/29/11

Nathan Sampson, Recorder.