

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

November 28, 2011
County Board Room – Administrative Center
6:00 p.m – 9:00 p.m

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

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.

SPECIAL EXCEPTION PERMIT NO. 2011-10 Michael J Solberg, 2607 Baumgartner Dr, La Crosse, WI 54603. Petitions for an after-the-fact permit for filling and grading approximately 3,575 sq. ft. of land including a 90-ft long retaining wall contained in Phase 1; and to fill and grade approximately 900 sq. ft. of land including constructing a 40-ft long retaining wall in Phase 2; and to fill and grade approximately 3,300 sq. ft. of land including constructing a 60-ft long retaining wall in Phase 3, all on lands zoned Residential District "A" lying within the Shoreland District of French Slough on land at 2617 Baumgartner Dr and described as: Part of Gov't Lot 3 in Section 13, T16N, R8W more fully described in tax parcel 4-1916-0. Town of Campbell.

Appearing in favor: Michael J Solberg, 2607 Baumgartner Dr, La Crosse, WI 54603.

REMARK Solberg: Hello, my name is Michael Solberg. I own the property that we're talking about there. The reason I'm filling it and leveling it off is basically to level the lot off and to get it ready for a future place to build a home on the backside of the lot. I originally went down to apply for it. I knew I had to be around 2,000 square feet so I shortened up the retaining wall from 100 feet to 90 feet to make sure I could maintain the 2,000 square feet. Then I had to put in a drainage pipe that extended towards the river and an additional 40 feet beyond the wall. Now I was under the impression that my retaining wall was for 2,000 square feet and the additional 40 feet for the drainage pipe was an addition that I just had to do. I met with Zoning and Erosion Control a week ago Friday and they explained to me where it was supposed to be all inclusive and I was not aware of that until that time. So I did put in more fill than the 2,000 square feet to cover the drainage pipe and flatten out my lot where the retaining wall goes. I am, in the future going to, there is a phase two and phase three out there, I'm going to add an additional retaining wall going towards the road. Phase two, to keep my water from my lot from going onto my neighbor's. And then I would like to do phase three, and I told Zoning it would be about two years out for that, so I can finishing leveling the lot off and get it ready for a building site.

REMARK Meyer: Do we have one of those lights so we can point where the building site is going to be? (Referring to map on overhead.)

REMARK Solberg: The building site will be on the backside, towards the water, back in this area.

QUESTION Bina: So you're allowed to cut some of those trees down then so you can get a little closer to the water?

ANSWER Solberg: Yes. There is a 30 degree slope. You have to be away from the 30 degree slope. By my understanding it's ten feet. And then you can build anywhere in that area.

REMARK Bina: Because the neighbor's lot looks much closer to the water then where your trees were.

REMARK Solberg: Yes.

QUESTION Pedretti: Okay, couple questions. Maybe this a little bit more for shoreland. When someone is in the Shoreland District, do we normally allow house building in the shoreland?

REMARK Bluske: The Shoreland District is actually shown on the map here.

REMARK Pedretti: It goes up to the road.

REMARK Bluske: The Shoreland District is actually 300 feet from the ordinary high-water mark. In the Shoreland District we have a 35 foot setback from the ordinary high where nothing can be cut. The trees have to remain. But our setback from the ordinary high is 75 feet. So the closest a home could go is 75 feet from the ordinary high-water mark in there. If he was referencing down here, it might end up being back here, maybe at the top of the slope. Because you can't disturb slopes over 30 percent either.

QUESTION Pedretti: I'm just trying to understand what the rules are because obviously he wants to build a house so this would be a moot point. My understanding is if he can't build a house, you wouldn't be filling it in. Correct?

ANSWER Solberg: Correct.

QUESTION Pedretti: We were out at the site. We were able to look at it. Can you do a shared driveway? I mean I'm assuming that's how you're going to access that second house in the back.

ANSWER Solberg: No, there won't be second house. It's one lot. The first house will have to come down. So there won't be a second house there. It's just one house.

REMARK Pedretti: It's in place of that house.

REMARK Solberg: Right.

REMARK Pedretti: Thank you. That's an aha moment. After-the-facts always concern me. And thank you for explaining about the pipe and what you did. It concerns me because it usually means that somebody doesn't think they have to follow the rules.

REMARK Solberg: Correct.

REMARK Pedretti: So I appreciate you explaining about the pipe. The key is that if a Special Exception is granted, that we make things very clear what is allowed and what is not. So that's why I need to get clarified what you're doing out there.

REMARK Solberg: Sure.

REMARK Pedretti: I think that's all I have for now. Thank you.

REMARK Solberg: Okay.

REMARK Bluske: I've just got one, Mike. And hopefully the staff covered this with you but maybe the intentions weren't known. If you're going to build a house, you're going to have dirt from the foundation and the basement that you would normally use for something like this.

REMARK Solberg: Yes.

QUESTION Bluske: Is there a reason why you didn't want to use the dirt rather than bring it in? Leveling it and then taking it off again.

ANSWER Solberg: There won't be anything leaving the lot. The dirt from the foundation will be used onsite.

QUESTION Bluske: It will?

ANSWER Solberg: Yes.

REMARK Bluske: Because you might be back in for another Special Exception to do that.

REMARK Solberg: Right. At the time I build I would get all the permits at that time.

Appearing in favor: Jeff Schirm, 2621 Baumgartner Dr, La Crosse, WI 54603.

REMARK Schirm: I'm the Schirm property next to the wall, just north. I have no opposition to what Mike's doing at all. If he wants to enhance the property value, my property value goes up. That's all I got to say.

QUESTION Bluske: Do you know if the property line has been established between your property and his?

ANSWER Schirm: Yes, Mike had it surveyed. He's got the survey markers staked out. They're right where they are. They're actually in the ground but we dug down, seen were they were and put a little extension so you could see where it is.

Appearing in opposition: Michael Miles, 2619 Bayview Ct, La Crosse, WI 54603.

QUESTION Miles: I live north of the property there on 2619 Bayview Court. One of the things that I'm concerned about is the setbacks. Usually when you have a home, shouldn't the setbacks of the house be the same as the other houses on Baumgartner Drive and not a 150 feet back into the lot?

ANSWER Bluske: The setback from a town road, which Baumgartner Drive is, is either identified on the plat or 27 feet. That's the closest you can be. You can have any other setback that you look for. Some times in the Shoreland District across the back, however, they will use the setback if you can't get the 75 feet. We've got some areas where the lots aren't very deep and they were there before the Shoreland Ordinance went into effect, so then it's setback averaging across the back. But there's plenty of room to meet that requirement.

REMARK Miles: The one thing that I see about the wall in phase three is that I have a 20 percent grade that my house goes down or the grade goes down into the wall. And basically he's going to force me to re-landscape that backyard. And putting that wall, I consider, is going to ruin the property value of my house.

QUESTION Pedretti: Okay, when you say you have to re-landscape, why, because the water is going to pool?

ANSWER Miles: I think it's going to go down against that wall. I have a 20 percent grade.

QUESTION Pedretti: Right, but then wouldn't it naturally go down into the water then from there?

ANSWER Miles: Well I figure it will run down the wall, erode down the wall. Won't the water run down when it melts in the spring, down against the wall?

QUESTION Pedretti: But it wouldn't pool there?

ANSWER Miles: No.

REMARK Pedretti: It would just start to erode along the wall.

REMARK Bluske: We got the aerial photo up there. Maybe you can take this laser point and help the committee picture in their mind where you're talking about the water hitting your wall.

(Referring to map on overhead.)

REMARK Miles: Is this where I am here? Is this my deck here? And it's going to come down against the wall here. Is this where the proposed wall is? It's going to run down here and then down towards the river. All along here it has some grade that goes downward. I see it being hard to mow too. When you're mowing like this on the side hill. It's going to be hard for me to mow that lawn next to that wall.

QUESTION Bina: Right in front between your house and your neighbor's there, isn't that where the pipe is that takes the water out?

ANSWER Miles: Yes, we won't take that water.

QUESTION Bina: You're not going to get any water coming from the road your way because that pipe will pick it up, won't it?

ANSWER Miles: Yes it will.

REMARK Bina: It will be only be the water from the edge of your house down the hill.

REMARK Miles: Our house going down.

REMARK Bina: You think it will be that much erosion? I don't know.

REMARK Miles: That's what I see.

REMARK Bina: That's not a very long distance but maybe you'd be right. I don't know.

Appearing in opposition: Dorothy Stroschein, 2613 Baumgartner Dr, La Crosse, WI 54603.

REMARK Stroschein: Good evening. My name is Dorothy Stroschein. I live at 2613 Baumgartner Drive which is to the south of 2617. I'm opposed for a couple reasons. One, we did not know his plans until right now about the other house. We were always told there would be two houses on the lot. It's going to cause my property value to decrease because I will now have a house in my backyard, next to my backyard. My deck will be useless. My hot tub will be useless. We bought that house in '95 and have put more money into it than what we paid for, unfortunately. Added a three story addition and a three car garage. Phase one of the wall, as I understand it per an engineering plan for Davy Engineering on a 90 foot wall and the water flow from that plan, this is now 100 foot more of a wall. And we'd like to see before anything is done, to see what happens in the spring because the Town of Campbell has now been given an easement for just the phase one wall area. That if the storm water drainage is not taken care of by Mr. Solberg, then it's on the town's pocketbook. And I'm part of the town pocketbook because I pay taxes. We don't know what's going to happen with that wall so we'd like to see that study be done further. My other concern is Mr. Solberg spending a lot of money to get this thing done and I wouldn't want him down the line in a variance argument to scream undue hardship when we're saying if you can put the new house in the center of the lot, like I think Mr. Miles was trying to say, keep them in uniform where the houses already are. Where the Eilertson's is. Where my house is. Where the Schwartz's house is and down the block. With the exception of, you know Mr. Solberg's got plans in the future. They've put a lot of money into the front house already. We don't know when this is all going to happen so we don't understand why he has to disturb all this land when there's no concrete plans. There's already been a lot of dirt and gravel hauled in to these lots. My son, all summer long, called me at work reporting about two or three more truck loads and piles and piles. This is an after-the-fact permit that he was told that he specifically had to follow a plan and now he's claiming he didn't understand the plan. He could have called and asked, you know, if he was confused. But we just think it's a hardship on all of us to do all of these things. And then I just wanted to point out, not that you know don't know your Shoreland Ordinance, but the purpose of it is to limit structures to areas where the soil and geographical conditions will provide a

safe foundation. That wall is a structure under the La Crosse County Zoning Ordinance, so it certainly would have to be one in the Shoreland Ordinance too. You're supposed to be controlling filling and grading to prevent serious soil erosions. Mike Miles made reference to a 30 foot, or a 20 foot grade, it's more of a 30 foot grade back there. You're supposed to preserve the wetlands and other fish and aquatic habitat, regulate pollution sources, control shore line alteration, dredging and lagooning. This drainage ditch has been in place for a 100 years. And if that other picture of the aerial that was up, it runs north and south right there. (*Referring to map on overhead.*) And now the wall has stopped it. If that hole is not kept clear, there's no way that water is going to go through it. Then the pipe that brings it out this way only extends past the present wall 13 feet. Well that's going to have to be extended even more to take it past this phase three and we don't even know what's going to happen. That's a natural drainage ditch that's been there forever and ever. He's already disturbed 90 feet of it. Let's try to protect the other stuff. I mean the two houses would have been a conflict on the land use but if he only says he has one now that's not going to be a problem. But we don't want to remove the natural shoreland cover or, you know, cause encroachments with this structure or any earth moving activity that isn't necessary. So, I mean, if you're going to grant him an after-the-fact permit for his phase one, so be it, it's there. But let's see what's going to happen and make him come back and follow the rules for phase two and three. And let's have some concrete plans so us neighbors know what to do. And I need, you know, whether I'm going to put my house up for sale or not is going to determine what happens to that property. I would ask that you create a restriction that no additional lot can be created. That it's a fill only thing if you're going to do that. Oh, and the town only approved phase one. Phase two and phase three weren't on their agenda so I know that's just kind of a recommendation but, you know, that's the whole point of going there. So anyway, does anybody have any questions?

REMARK Meyer: Mike, I'm going to give you a chance to answer some of those questions or statements that came up about water and what your feelings are about it. Also the location of the house, if that can be changed.

REMARK Solberg: Well the natural flow of the water flowed down into Mike Mile's lot before he built 13, 14 years ago. It was a hole there and the water flowed into there. And Mike filled the lot and he filled over on... I did not own the lot south of Mike's at the time. But he filled over about 12 to 14 feet, it varied, on to me, pushing his water on to my lot. So before he built the 100 year flow of the water went down into Mike's lot. There is 11 feet from Mike's garage to the property line. The water flows from the middle of his garage, the backside of his garage; it flows to the east towards the 12 inch pipe that was put in and it flows to the west to the river. There will be no ponding of water there. We had Davy Engineering do a hydrology study. In a 100 year rain, which is six inches of water per hour, I believe it will be 3.4 cubic feet per second that could come down through there. That pipe will handle 8.9 cubic feet per second. About two and a half times bigger than what it would be during a 100 year rain. And that's taking into consideration almost a one acre drainage area that goes from the other side of the street to the east, to the other side of the street to the north, which won't happen. The water is not going to flow up hill, over the crown of the street, down into there from the east side of that Baumgartner Drive. It's right at the crown of the road. Baumgartner Drive flows north and it flows south from that point. And there's probably a three or four inch crown in the road that the water from the east side of the street will not flow up and over that. As far as the drain tube. It can be extended. Right now it's 40 feet. Roughly 40 feet in front of where I ended the retaining wall. The retaining wall would go down to just short of the end of the drainage pipe where it is right now. But the drainage pipe could easily be extended down over the hill into a flat area. As far as when Dorothy built. She built a three story addition on the back of her house. She put up a three car garage like she said. She gave no consideration at the time to my lot. What she was doing for blocking off view. And she did a nice job on her house. It looks nice. I have no complaints. She put up a six foot privacy fence on the south side of her house that blocks off the view to her neighbor. Which she's not concerned about. She's only concerned about what I'm doing. And I have to meet all the restrictions that are in place right now. The same as she did. She put up a retaining wall on the lower part of her property. She got a variance and put it up and thought that was fine. She's down in the 75 foot area. That's supposedly nothing is supposed to be done with. She's complained in the past about my cutting down trees, future cutting of trees on my lot. Which some will have to come out. No question about it. Dorothy is cutting down all her trees on the back of her lot. And they burn them up during the winter. That's not a problem with her but she's concerned about my cutting of trees. It's a nice lot back there. It will be a nice building site in the future. And I see where I am doing no damage to either the property to the north or the property to the south of me. I put in a retaining wall, block retaining wall. I could have poured concrete which doesn't look nearly as nice. I wanted it to look

nice for the neighbors. I've held it in on to my property. It's back about four inches from the survey stakes. And I just see where there won't be any problem at all. Mike mentioned that he'd have to re-landscape his backyard. Nothing has to be done. I don't see where he'd have to do anything because the water certainly is not going to flow into, back up into his lot. It's going to flow one way or the other. It's going to flow east towards the pipe or west towards the river.

REMARK Meyer: There was indication about moving where you first said the house was going to be placed, the back part of the lot.

REMARK Solberg: Yes.

QUESTION Meyer: Would you consider moving that?

ANSWER Solberg: No. I would like it on the back part of the lot so I can have view of the water. And it probably would not stick out as far as Mike's house. Mike is out pretty far on his lot. He could have moved his farther to the east if he had wanted to but he pushed it out as far as he could for a view of the river. And I would do the same. I would take it out to where I am legally able to do it and build a house there.

QUESTION Pedretti: Somebody mentioned, can't remember which speaker sorry, about an easement that the Town of Campbell owns. Could you explain that?

ANSWER Solberg: Yeah. The erosion control wanted me to give an easement. It's an ongoing thing. Every time I started doing something a new issue came up. So there is a ten foot easement where the pipe is. It starts where the pipe comes in to the property, between the two property lines. There's a ten foot wide easement there that goes down to the river. And then the Town of Campbell has the right, if they want to, to drive in to that easement to look at that pipe.

(Referring to map on overhead)

REMARK Meyer: Kind of show everyone where that is.

QUESTION Bluske: I guess a follow up to that Mike, is it five feet on each side of the pipe all the way down?

ANSWER Solberg: No. The ten feet is on my side. The pipe starts somewhere right in here and the pipe runs down this way. Right now the pipe ends approximately somewhere right in here. But the ten foot easement, it goes from the property line in ten feet. From here going down towards the water.

REMARK Pedretti: The easement is on the first part of the pipe coming in.

REMARK Solberg: It's on the whole length of the pipe, yes.

REMARK Pedretti: The whole length of the pipe. Not just ten feet.

REMARK Solberg: Ten feet wide from the property line going south. The ten feet will go from the property line coming in this way. So it's ten feet wide along here and it goes from roughly there all the way down.

REMARK Pedretti: In other words, if you don't maintain the pipe they will.

REMARK Solberg: Yes.

QUESTION Pedretti: That's what that easement is created for. Did you discuss phase two and three at the Town of Campbell?

ANSWER Solberg: Yes I did.

QUESTION Pedretti: But they didn't approve phase two and three?

ANSWER Solberg: Well I understood when it was voted on at the meeting that it was all three phases because it was all presented at that meeting.

QUESTION Meyer: Jeff, do we have anything on that?

ANSWER Bluske: I got a response from the town. I don't know if it included all the phases.

Correspondence (Bluske): 1) Letter from Daniel D. Uhl, Davy Engineering Co., addressed to Mike Solberg. Letter is dated June 15, 2011 and was received on November 22, 2011. The letter states the results of the hydrologic and hydraulic calculations that were done to determine the size of the culvert that was installed through the retaining wall.

2) Email from Matt Hanewall, La Crosse County Land Conservation, dated November 22, 2011. Email states that no retention pond is needed, the 12 inch pipe safely conveys the 100 year storm event, and the outfall is a safe distance above the steep bank.

3) Email from Michael Wenholz, Department of Natural Resources, dated November 28, 2011. Email states that permits under Ch. 30, Wisconsin Stat., are not required. Email states that the department defers to the recommendations of the La Crosse County Land Conservation Department regarding storm water and erosion control measures and recommends the La Crosse County Zoning and Land Conservations Departments conduct after-the-fact site inspections. Email also requests that the applicant

provide a detailed explanation to the Planning, Resources, and Development Committee why the retaining wall is being proposed.

4) Fax from the Campbell Town Board dated and received on November 10, 2011. Fax states that at the regular Town Board meeting on November 9, 2011, the Campbell Town Board approved the Special Exception Permit to fill and grade approximately 3,500 sq. ft.

QUESTION Meyer: The last one you just read, they approved, which phases are they speaking of?

ANSWER Bluske: It's not clear on there but it says 3,500 so you'd have to look at the map that we have. Chad if go back to that map. Up on top we got our note on there. Phase one included a four foot high by 90 foot long retaining wall and about 2,000 square feet were permitted. After visiting the site we found out that it's actually about 3,500 square feet. Phase two was for another 40 feet of wall and 900 square feet. And then phase three is for another 60 feet of wall and 3,300 square feet. So it appears it's only for phase one.

QUESTION Pedretti: Can you explain the DNR's question about the notice? Why the two notices are different?

ANSWER Bluske: I had originally put a legal notice in the paper that had just phase one in it. I was unaware that there was a phase two or three. So when it hit the Tribune legal notices somebody caught that and said what happened to phase two and three. So before you guys even heard it, we pulled it. But we had sent the original information off to Mike Wenholz with the DNR. He responded to that. Then we pulled it and then sent them the new paper work that had all three phases on it without an explanation assuming that he could see what the reasoning was. So it would have been different if they would have had an office here in La Crosse, where they would normally come to our meetings and we go out to see them and they come to see us but it doesn't work that well now.

QUESTION Pedretti: That is a struggle. I know we do have an official here from the Town of Campbell. Is it appropriate to ask them what happened at that?

QUESTION Meyer: Jeff, would you like to come up?

REMARK Schroeder: My name is Jeff Schroeder. I live at 1734 LaFond Avenue.

QUESTION Pedretti: We're wondering, the Town of Campbell, I'm assuming you were at that meeting, what was approved? Was it just phase one? Because it says 3,500 square feet of fill which is only phase one.

ANSWER Schroeder: I was not at the full town board meeting. I was at; well it would be the Town of Campbell's Planning Commission. I was under the impression, I might have been wrong, it was for the entire thing. But if they have square footage on there, I can't refute that.

QUESTION Pedretti: You don't know then why the Town of Campbell would take an easement on that property?

ANSWER Schroeder: No I do not. I was not in on the conversation about that.

Staff Recommendation (Bluske): Staff recommends approval subject to 10 conditions:

- 1) This permit is granted specifically for after-the-fact and future filling and grading of an approximately 7,700 sq. ft. area and the construction of an approximately 190-ft by 4-ft tall retaining wall all lying within the 300-ft Shoreland District of French Slough.
- 2) Phase one of the project is depicted as the area already filled and graded, covering approximately 3,500 sq. ft. Phase two will consist of filling and grading approximately 900 sq. ft. and shall be completed and stabilized by September 30, 2012 so that no sediment leaves the site. Phase three shall cover approximately 3,300 sq. ft. and shall be completed and stabilized by September 30, 2014.
- 3) Fill shall be clean material free of demolition materials including concrete or broken asphalt. In no case shall fill be placed below the ordinary high-water mark of French Slough.
- 4) All work commenced on phase two in 2012 and phase three in 2013 or 2014 but not completed within that year shall be stabilized by September 30 of each year so that no sediment leaves the site.
- 5) The retaining wall shall be setback a minimum of 75-ft from the ordinary high-water mark of French Slough except upon the granting of a variance by the La Crosse County Zoning Board of Adjustment.
- 6) The owner shall contact the Wisconsin DNR to determine whether a Chapter 30 permit is required.
- 7) Compliance with erosion control regulations as administered by the La Crosse County Land Conservation Department shall be the responsibility of the applicant.
- 8) This permit expires September 30, 2014 and cannot be extended except upon reapplication and rehearing of a new Special Exception Permit application.

9) A detailed plan was not submitted as part of this application. As such, a detailed plan showing all existing and proposed lot lines, contours and structures must be submitted prior to commencement of phase two and three of this project.

10) Owner is responsible for flagging the proposed filling and grading limits then contact staff from both the Zoning and Land Conservation Departments. Staff will then perform a site visit and determine the 75-ft setback from the ordinary high-water mark and any areas of 30% or greater slopes prior to commencement of phases two or three of this project.

QUESTION Meyer: Mike, did you hear all those?

ANSWER Solberg: Yes I did.

QUESTION Meyer: Can you live with them?

ANSWER Solberg: Yes.

QUESTION Meyer: Jeff, do we need that in there about Chapter 30 since it's not required.

ANSWER Bluske: In case something would end up changing. Yeah.

QUESTION Pedretti: Just a clarification on item number two. Phase three, why did you increase it to 3,500 square feet instead of 3,300 which is on the paper work? Maybe you just read it wrong. You said 3,500 feet and it's 33.

ANSWER Bluske: If it's 33, it should be 33. I'll change that on this.

QUESTION Pedretti: I'm sure Town of Campbell will cover it but do we need anything about an easement on that pipe? Do we need any kind of wording on that in here?

ANSWER Bluske: Maybe Mike could comment on that, if it's recorded.

REMARK Solberg: It is recorded with the Register of Deeds.

REMARK Bluske: Then we don't need anything else in there on that.

QUESTION Pedretti: Town of Campbell approved phase one it sounds like. This will go back to them, correct? As how we approve it. So they're going to look at with phase two and phase three.

ANSWER Bluske: The Special Exception Permits are advisory. So if the town has some future issue because they really didn't approve phases two and three, they could bring it up. But Mike does not have to get any permits from them for filling.

REMARK Pedretti: That concerns me. Concerns me especially since we don't have a detailed plan and I don't know what it is that the Town of Campbell has done.

Motion Bina/Manthei to approve subject to 10 conditions.

3 Aye, 3 No, Keil excused. Motion failed.

QUESTION Pedretti: Can we approve phase one? I think then they have to reapply to do two and three. My big concern is phase one seems like everybody is agreeing on that. I'm feeling a little uncomfortable with the Town of Campbell and phase two and three. And that we don't actually have a physical plan for phase two and three. Is it normally when you get something like this that you have the plan?

ANSWER Bluske: In our paper work, and the committee was part of making sure that the public gets a copy of that, we have them sign Dealing With Government sheet. And then on the Public Hearing Requirements all applications must include the following: a plan of the area showing surface contours, ordinary high-water marks, ground water conditions, vegetative cover, and a legal description; location of buildings, parking areas, traffic, driveways; plans of buildings, sewage disposal, water supply systems and arrangement of operations; specifications for areas of proposed filling, grading, lagooning or dredging; proposed final contours and elevations.

QUESTION Pedretti: And you don't have those?

ANSWER Bluske: I don't.

QUESTION Pedretti: So again, I guess I'm concerned and I apologize, but you know you did phase one and you thought you knew what you were doing and then you found out the pipe wasn't in there. So it concerns me that you don't have an actual plan for the next couple of phases. And so then what happens if you don't understand what can and can't happen. Then we're back to square one. If I could ask the applicant this, is it possible to come up with a plan in the next 30 days?

ANSWER Solberg: I thought I had supplied a plan. And erosion control was out to the site many times during the couple of weeks we were putting in the retaining wall. And they said everything is going just fine.

REMARK Pedretti: Right, for where things are at but we're talking about the future. We don't have a problem with phase one at this point. I don't think anybody is saying they have a problem. Our concern is what is the future looking like? What's phase two and three? I think some of the neighbors would be a little bit more reassured maybe knowing what that's going to look like and it doesn't sound like we have any of that plan. If that's part of your application, we really should have a plan.

REMARK Solberg: Phase two is just going out 34 feet towards the road, extending just straight out. Taking out the old garage foundation that is there and putting in some black dirt and leveling it off. Just extending the wall straight out along the property line. Phase three will be extending the wall towards the water, be about 40 feet.

REMARK Pedretti: Right, again if we had the actual plan, if we had an engineering looking at it. It's a little bit of a concern for us up here to approve something kind of going into it blind when it's already been kind of a concern to start with. I'm just trying to help you understand why I'm hesitating on this.

REMARK Solberg: If you need something like that, I could certainly get it.

REMARK Pedretti: In the next 30 days. Then my question is can we hold it over for 30 days rather than turn it down?

REMARK Wehrs: That would be my question also.

REMARK Bluske: That would be fair to hold this over to January 3rd.

REMARK Meyer: But we already voted.

REMARK Pedretti: It was a tie vote. There was no action.

REMARK Bluske: You can make another motion though.

REMARK Pedretti: The motion to approve failed, but we didn't disapprove it.

REMARK Bluske: A tie vote fails but you can make another motion to defer.

REMARK Pedretti: And if it gets deferred for 30 days...

REMARK Bluske: Until January 3rd.

QUESTION Pedretti: Is there another fee involved?

ANSWER Bluske: That's up to you guys.

REMARK Meyer: No.

REMARK Bluske: There would normally not be.

REMARK Pedretti: Not, that was my preference. We'd like more information. But I don't want the applicant to have to pay more money.

REMARK Mach: I move that we defer this.

REMARK Bluske: Until January 3rd.

REMARK Mach: Until January 3rd with no additional fee.

REMARK Bluske: We'll resubmit the paper work that we'll hear at the business portion of the meeting. We've heard all the testimony already. There won't be any more testimony.

REMARK Pedretti: No more testimony. We just want to see those plans. We can also ask the Town of Campbell. They would have time to respond to this. And that was my other concern.

QUESTION Meyer: Mike, does that cause any problem for you? Can you get that plan? I thought I heard you say you submitted it.

ANSWER Solberg: I thought I had drawn it out and given it to Chad in Zoning when we were discussing this. Did I give that to you Chad?

ANSWER Chad: My recollection of the application Mike, when you came in to see me I had the application materials all prepared for phase one because we knew it was an after-the-fact. We drafted out the area limits for phase two and phase three. I failed also to request additional information including the proposed contours for those two phases. I didn't feel we needed them for what was done because what was done was done under the Erosion Control and Land Use Permit. If you submitted some paper work that included contours, proposed and existing, I don't remember getting them.

REMARK Solberg: No, I didn't do anything with contours. I can get that to you within 30 days.

QUESTION Meyer: He brings that to Zoning?

QUESTION Pedretti: Again, nothing can get done this time of year on this, correct?

REMARK Solberg: I have a survey of all the elevations.

REMARK Pedretti: This won't harm anything to wait 30 days and do it right.

**Motion Mach/Pedretti to defer until January 3rd with no additional fee.
6 Aye, 0 No, Keil excused. Motion carried.**

CONDITIONAL USE PERMIT NO. 846 Samuel J & Marcie J Peterson, N6733 County Road C, West Salem, WI 54669. Petitions to operate a dog kennel for boarding dogs as part of an existing business called Marcie's Pet Spa on 0.88 acres of land zoned Agriculture District "A" at N6733 County Road C and described as: Part of the SW-NE in Section 11, T17N, R6W more fully described in tax parcel 7-582-0. Town of Hamilton.

Appearing in favor: Marcie J Peterson, N6733 County Road C, West Salem, WI 54669.

REMARK Peterson, M: I'm applying for a Conditional Use Permit to do some dog sitting in our home. Right now I own Marcie's Pet Spa in West Salem. It is a grooming business so we have our grooming and business there. And we are just hoping to extend it out to our home and do some dog sitting for my clients only. It's basically just a luxury for my grooming clients. I don't take clients in that are clients to my shop. They come to my shop. I know them. I've groomed them for about ten years, five years. So I just kind of want to bring them out to the house. We do more long term boarding, so not overnights, as much as a couple weeks at a time. We have no outdoor kennels. It's not a boarding, kenneling. They call it that but it's more long term stays at our house. They stay in our house. We do have a fence that we're going to be building on the side of our garage just for convenience so we don't have to take them out all the time and hook them on loops. We don't keep them outside. They're more of just our pets in the house. That's what I'm applying for. And like I said, we don't do any of our drop offs or pickups at our house out on County 'C'. We don't want the people out there and we keep it at my shop. I have the luxury of having my business in town so by drop off and my pickups for my boarding are all there. All my business is done there. I just take them home with me and bring them back. We have talked to our neighbors. We have one neighbor that physically lives there and then the land. So we actually sent out three letters and it was fine. We went to the Town of Hamilton board meeting a couple weeks ago and it passed there. I'm not doing it to have a big business. I don't want to grow it. It's simply a luxury for my groom shop.

QUESTION Meyer: Can you pass those letters onto Jeff or not?

ANSWER Peterson, M: I don't know if Jeff has them.

REMARK Bluske: That's fine.

REMARK Peterson, M: One of my neighbors, Brickls, I groom their dogs as well, she came into my shop last week and just let me know that she was okay with it. She just wanted to make sure I wasn't doing breeding services. Which I would never do, too much work. So they had a letter. And one of our neighbors brought cookies over and asked me to dog sit his dogs. So it's very low key. I don't see there being an issue with any traffic or anything like that. That's what I'm here for.

REMARK Pedretti: You state you're going to have ten stainless weighted bowls. But in the plan you say two to three dogs.

REMARK Peterson, M: The reason I do that is all my bowls, kennels; we have a couple kennels in our basement. We have a dog room in our basement that we gave a gate up in and some toys. And some of my dogs are kenneled. My limit is four to five; I think I put on there. That is only for holidays and such. My goal is one to two. Perhaps none. Do you know what I'm saying? But we have all the stuff because I have my business and we have to have for my groom shop, we have to have weighted bowls for my kennels when I groom dogs from nine to five. A lot of them stay for the day. Weighted bowls mean they won't tip. So I just bring them home.

QUESTION Pedretti: But you wouldn't be having ten dogs on site?

ANSWER Peterson, M: No. For holidays I would like three to four. I want to keep it as minimal as possible. We would like to have one maybe two. My reasoning for the long term stay is we like to do more of two to three weeks and not overnights. The thought is the dogs settle in. We had even thought about not doing this because it is such a big thing. We have done it in the Village of West Salem for two years. We've done this for two years. But now we moved out to the Town of Hamilton. We have a pre-established business and I have a lot of great clients. There's a handful of them that I want to do forever and I'm kind of weeding out some of the others.

REMARK Pedretti: It was a very nice business plan. Thank you. I just wanted to clarify why ten bowls.

REMARK Peterson, M: Then I just don't have to wash them all the time too. But thank you very much.

QUESTION Bluske: I want to make sure we have the location of the fenced in area in the right spot because when the Committee was out there to picture the property in their minds eye, it seemed kind of steep on that side of the garage leading up to that other kennel there. So it's just going to be fenced? You're not going to dig anything out?

ANSWER Peterson, M: No. We haven't done it yet. We have a guy coming this week to do it. But it's probably going to even be smaller. We started bigger but now the more we look at it...you're not going to be able to see it from the road. It's basically just to let them out and let them in. It is a little steep but it can be built up fine. I don't see any concerns about it. We had talked about not even building a fence because we're doing so minimal. But these five o'clock in the morning, getting up and putting them on a leash isn't really what I want to do. But I think we're going to go in a few more feet actually towards the garage and make it even smaller. We haven't decided yet for sure.

QUESTION Bluske: Can you tell the Committee how you're going to dispose of any waste that the dogs generate?

ANSWER Peterson, M: Good question. In town you can put in your garbage. I have a dumpster at my shop. That's what we've always kind of been doing. If we have accidents at my shop, my dumpster gets picked up every week. If we need it to be every two weeks or whatever, we can. We usually put stuff in my dumpster.

QUESTION Bluske: It's a commercial dumpster? It's not residential?

REMARK Peterson, M: Right.

QUESTION Bluske: Tell the Committee then about the kennels you're having in your basement. Have you talked to the Humane Society making sure that it's all okay?

ANSWER Peterson, M: Yeah. I basically follow the same kenneling as I do with my business. With my business, Amy from the Humane Society has approved everything. My kennels are metal, lightweight. I have them there because puppies and older dogs. Some older dogs will fall down the steps or what not at night. They're safe. They have the metal but then the plastic on the bottom. They're just regular kennels. You can buy them from Farm and Fleet. I just kind of set them in there in case we go away and someone has to be in a kennel. Some people bring their hunting dogs and they want them kenneled. It goes both ways like that. That's about it.

Appearing in favor: Samuel J Peterson, N6733 County Road C, West Salem, WI 54669.

REMARK Peterson, S: Marcie's husband. I just also wanted to add that we have gone through, is it the Health that Amy works for, the Health Department?

ANSWER Bluske: Humane Society.

REMARK Peterson, S: Yeah the Humane Society that does your inspections. And we have been issued a permit for dog sitting. I think it was last March for the boarding part of it, I know I had talked to Dennis through the West Salem thing. They had made a mistake. They issued it but forgot to mail it to us. So I stopped and talked to them and we actually have that in hand now. Once we get this all approved and stuff she'll come out and actually inspect the site. There's where the weighted bowls and the kennels and everything comes into play. I printed off a whole list of requirements. She'll come and inspect and make sure that everything is safe. That everything is clean. That everything is sanitary and secure for the dogs.

REMARK Bluske: I know they hit that real big.

REMARK Peterson, S: Yeah. So we've already been in contact with her with the shop and with the boarding.

Appearing in opposition: None.

Correspondence (Bluske): Letter dated November 16, 2011, from Sara Schultz, Town of Hamilton Clerk. Letter states the CUP was approved by the Town of Hamilton board members on November 8, 2011.

Staff Recommendation (Bluske): Staff recommends approval subject to 5 conditions:

- 1) Permit is granted to operate a dog kennel for boarding and pet sitting at N6733 County Road C.
- 2) A maximum of 3 kennels constructed according to County Health standards maybe set up in the home.
- 3) A 30-ft x 28-ft outdoor fenced in area maybe constructed east of and adjacent to the existing attached garage.
- 4) Dog waste shall be disposed of using their business dumpster.
- 5) This permit is non-transferable.

QUESTION Wehrs: Jeff, the 30 by 28 fence, if they decide to make it smaller, that's fine?

ANSWER Bluske: That's fine. Can't be any larger.

**Motion Manthei/Wehrs to approve subject to 5 conditions.
6 Aye, 0 No, Keil excused. Motion carried.**

CONDITIONAL USE PERMIT NO. 847 Timothy M Gerke and Jami E Clements, W5421 County Road F, La Crosse, WI 54601. Petitions to operate a contractor's storage yard and construction business known as Gerke Construction on 3.31 acres of land zoned Agriculture District "A" at W5421 County Road F on land described as: Part of the S½-SE of Section 35, T16N, R7W more fully described in tax parcel 9-1401-0. Town of Medary.

Appearing in favor: Timothy M Gerke, W5421 County Road F, La Crosse, WI 54601.

REMARK Gerke: I guess, make it short. My dad ran the company. I have recently in the past year taken over everything and am trying to get all the paper work done so his name is not on everything and this is the last thing I have to take care of. I went to Chad to just move our conditional use permit he had at his place to my place and he thought it would be better instead of trying to flip-flop whatever just to come and present it to you guys. I've got a shed there. I basically told Chad I've got a couple trailers I use for work. My most sole work is shingling, siding, windows, repair, so I don't really need a shop. I just like to drive my truck and trailer home each night, park it, sleep and then go back to work. You can't park on the streets. You can't park there so that's why we bought the farm. It's a place for me to go with my equipment. It's easy. Pull in, pull out. I don't have to worry about going to a storage facility, renting that, just so I can go home each night. I don't have a personal truck. I just only have my company truck. So no matter what, the company truck has to come home anyway. I've got a 40 x 80 pole shed there so I try to keep most of the stuff inside if I can just so it lasts longer.

REMARK Pedretti: You talk about, in your letter, you said no heavy trucks. But when we were onsite there was a very large dump truck and a trailer.

REMARK Gerke: I did ask Chad about that. I have a gentlemen that lives down in Chaseburg and on occasions he's got work way up here in La Crosse so he asked if he could park there on occasion. And I said yes. Now if that is a problem then I can tell him no. Instead of him driving that big truck all the way back to Chaseburg everyday or whatever, I said he could leave it there. He uses it.

REMARK Pedretti: In order for him to do that it needs to get added to the Conditional Use Permit.

REMARK Gerke: Yeah, I mean either I can tell him he's got to move or... It sits there, out of the summer, I don't know, maybe a month out of the whole year it might sit there. I mean that's not part of my company.

REMARK Pedretti: That's something we'll have to discuss.

REMARK Gerke: I can surely get rid of that if that's a problem.

REMARK Pedretti: Then you mentioned a 40 x 80 inside storage. When we were onsite there were a lot of things of concern outside.

REMARK Gerke: That's all my own personal stuff. I've got other trailers. I burn wood in my house. So it's all different old trailers I threw wood on so then it sits in the yard and then when I need it I pull it over to my house and I burn my wood and then I pull back over there. What else I guess was sitting out there?

REMARK Pedretti: There was several different piles and I'm not remembering what they all were.

REMARK Gerke: There's piles of dirt there.

REMARK Pedretti: Right. That looked like you were doing contracting out of that space. When all you said is you were going to park your trucks there according to your letter. It looked more like you were doing your contracting business from that site.

REMARK Gerke: In the last year or so when they did Bliss Road, they came and they had to get rid of fill. So at the time my barn was sitting there, there's a lot of erosion from our cattle walking out the back door for umpteen years. So I had asked and got a permit to basically take that fill. They wanted to get rid of it. I needed it.

QUESTION Pedretti: So you have a permit?

ANSWER Gerke: I did.

REMARK Pedretti: Because that was the other thing. That was my third question. It looks like something has been filled in.

REMARK Gerke: I had a permit to do all that and that was done. That was done quite a while ago.

REMARK Pedretti: I don't know what the backside of that barn was. It looked like a pretty big area.

REMARK Gerke: That was when they did the Bliss Road the second time. Not this last time. It was the second time that they did it. They had to get rid of it and I was the short run and they asked me. I went

down and got a permit to do it. It just made my parking lot bigger but it saved my barn from going off the hill.

REMARK Pedretti: I'm just trying to get a very clear picture.

REMARK Gerke: It was more than I thought at the time, which was fine. It just made a nice big flat area for me. We've never had a flat area up on the ridge. It was always hill. It's a new thing.

REMARK Pedretti: Again, we just want to be clear. This Conditional Use Permit is not to have supplies there and stuff. According to this, what you're applying for is just to park your truck and trailer.

REMARK Gerke: Yes. And Chad mentioned to me by getting this permit, if I would have extra material from a job site, I would be okay to take it to my place before it would go to the next place. A lot of times if I have five 2x4's left, I always have to go to the lumber yard and I have to return it. Well this, I could actually bring it back to the shed and then throw it in my truck and take it to the next job. Instead of returning it all the time, I could save a little stuff or just save a step for me by having a permit.

REMARK Bluske: In your Impact Statement, you kind of tell the Committee what your plans were here. It's kind of what we base our assumptions on when we go out and take a look at the site. We saw three skid steers out there as well. There was one in what looked like a woodshed. And there were two other ones out there, which kind of leads us to believe you're doing some landscaping work as well.

REMARK Gerke: No. One skid steer is mine. One was mine and it's broke down and I'm trying to sell it so it's just sitting there. And the other one is that contractor's and I needed it just the other week. I don't know what week you went out there.

REMARK Bluske: Last week.

REMARK Gerke: Yeah, we were using that one because mine broke down so I needed to borrow his. So that's why we had all three of them up there at the time. But I'm not doing any landscaping. I just build. I need the one machine for using it for scaffolding and moving equipment. And the other equipment was his but I was borrowing it.

REMARK Bluske: Okay. Well getting back to Supervisor Pedretti's question about letting somebody else using your property for the same thing. The Committee knows where I stand on assessing property. And when property is stored on somebody else's property the assessor doesn't pick it up when it's supposed to be stored in Chaseburg.

REMARK Gerke: Right.

REMARK Bluske: So people will do that in order to avoid paying personal property taxes. One of the conditions that we're recommending is that big truck and trailer are removed. They won't be part of this permit.

QUESTION Gerke: Okay. Is there something that if he wants to pay something? I don't know. I'm just asking if there's a fee or something that you want to put on that so he could park it there on occasion.

ANSWER Bluske: Part of what the Department as to do is measure your success. You're indicating one truck, some trailers and a skid steer. If we get a complaint from the neighbors now that you got an end loader, blah, blah, blah, and that stuff isn't permitted, we could issue you a citation. So we have to know that you're in the construction business and nothing else. If this guy is allowed to use the site, he doesn't understand the conditions this committee placed on it and he might bring something else in there to store.

REMARK Gerke: Okay.

REMARK Meyer: Or maybe he does understand.

REMARK Gerke: Well I'm not sure. Like I say, I mean he does but I guess I was just doing it... He helps me dig. I was just doing it on favors, just saving gas and fuel. The thing drives slow and it really sucks. So there is nothing then where I could apply if he wanted to keep it there? Would there be something that he would have to do? I know it's on my property.

REMARK Bluske: Because your application indicated what you want to do. It doesn't include anybody else. If you want to make another application on his behalf, you're amending this application right away. We can't do that during the public hearing.

REMARK Gerke: Okay. So if I wanted after this though, I can talk to him about it and if he'd like to, then I'd have to start something up again.

REMARK Bluske: You got to pay the fee and come before the Committee again.

REMARK Vandenlangenberg: I did just do a check online; there was an erosion control permit for grading in '08. If that coincided with the Bliss Road project.

REMARK Gerke: It's right around there.

Appearing in favor: Dan Gerke, 2122 Johnson St, La Crosse, WI 54601.

REMARK Gerke, Dan: I live in the City of La Crosse but I own the property right across the street from the property that's being talked about here. And I don't see any problem with him doing whatever he

wants to do over there. It's farmland. I live at 2122 Johnson St. But my property, I don't even know if it has an address up there. It's under Dan and Julie Gerke, the property that we own.

Appearing in opposition: None.

Correspondence (Bluske): Email dated and received on November 11, 2011, from Terry J Houlihan, Medary Town Clerk. Email states that at the Medary Town Board meeting on November 8, 2011, the Conditional Use Permit was approved subject to the following 3 conditions: 1) No employees. 2) No signage. 3) Inside storage for equipment.

Staff Recommendation (Bluske): Staff recommends approval subject to 10 conditions:

- 1) Permit granted for contractor's storage for a construction business known as Gerke Construciton at W5421 County Road F, La Crosse, WI, on a 3.31 acre parcel.
- 2) Inside storage of equipment is allowed in the existing 40-ft x 80-ft addition on the south side of the existing barn.
- 3) Outside storage is allowed east of and adjacent to the 40-ft x 80-ft storage/shop area for truck and trailers related to the construction business only.
- 4) No employees and no sign.
- 5) Dump truck and skid steers were not mentioned as part of the construction business and all must be removed except for one personal skid steer.
- 6) No stock piling of borrow materials is allowed.
- 7) No filling of the site is allowed until an approved erosion control permit has been obtained and placed in this file.
- 8) All equipment related to the construction business shall be reported yearly to the local assessor.
- 9) Conditional Use Permit No. 290 is terminated in its entirety.
- 10) This permit is non-transferable.

REMARK Meyer: You said that you'd try to keep your equipment indoors the best you can. I'm not sure what that means.

REMARK Gerke: Well, right now if I hook the truck and trailer in there, I can't get length wise. I was hoping if I have to go to the next job site the next night and I come home at five, I'm sure that I can just park it and then the next morning go and drive. Otherwise I'd have to pull in each time, unhook, which is fine I guess but I got a big parking lot now with having that. I was hoping I could just pull in, park and then the next morning I get up and I drive. I don't have to unhook and hook up the trailer every single night that I would come home.

REMARK Meyer: Okay, Jeff nodded his head.

REMARK Pedretti: That's allowed on the west side?

REMARK Bluske: Yes. That's in this area right here.

REMARK Pedretti: And condition number three was allowing it.

REMARK Bluske: Well, is that west?

REMARK Pedretti: That's east side. That's what I was going to ask.

REMARK Bluske: East side, it should be on the east side.

REMARK Pedretti: I was thinking that's what you meant.

REMARK Meyer: Park it by that truck there because it will be gone.

REMARK Pedretti: So you can do outside parking.

REMARK Gerke: I'd like to keep it inside as much as I can, but on something like that I come home, like tonight, I came home and unhooked to come down here but I'd like to stay hooked up if I could on certain occasions.

REMARK Pedretti: And that's doable.

REMARK Gerke: Makes my life easier.

REMARK Pedretti: On the east side.

QUESTION Mach: Is the erosion permit that you're talking about for the pile of dirt he has now? Or what is the erosion permit that you got that Chad is talking about?

ANSWER Bluske: (*Referring to map on overhead.*) Well, let's look at the drawing up here. He's got stockpiles back here. It's kind of hard to tell, that wasn't taken from the Granddad Bluff project. I'm thinking he's talking about this stuff here. In the plan that Tim had submitted this is drainage across the back. So I'm concerned that if he continues to fill here this stuff is going to end up way down here and might end up in the trailer court. One of the things I did not place a condition on, this is something that

we assume that people in any kind of business would do, is screen stuff like this because there's homes down here. There's homes in the other area. People want to come home in a residential area and they don't want to look at vehicles so they should be screened. We're hoping that he just does that because he's, you know, a good person. If there's going to be any more filling here, that permit in 2008 ran out right away. It's not good for seven years. So if he's going to plan anymore filling back here he's got to get another erosion control permit. And there are slopes over 30 percent back there.

QUESTION Meyer: So you're okay with the conditions?

REMARK Gerke: Yep. The only thing would be is that my property is a little bigger than that. It goes in the Town of Shelby as well. This will be a long time from now but the barn is very old, it isn't going to last forever. So if I ever would want to rebuild, it would be a quarter of that size. I don't need to have a 40 by 100 shed. Do I need to hook those together right now to get a permit to build a small shed on that property? Because the barn would be tore down. Because it brings up my acreage instead of having just the three point whatever you had on there, it would be five point eight something or whatever.

REMARK Bluske: Well all that was brought in was the acreage for this. If you want to amend this Conditional Use Permit to include this. At the same time that you're going to tear down this barn and building something else somewhere else we can amend your permit then but it will be another public hearing just like this.

REMARK Gerke: I'd like it to last forever but it's an old dairy barn. The time is not limited, it's strong yet.

Motion Wehrs/Mach to approve subject to 10 conditions.

6 Aye, 0 No, Keil excused. Motion carried.

CONDITIONAL USE PERMIT NO. 848 Kirby Pabst for Pabst Engineering & Manufacturing Inc, 1215 Well St, Onalaska, WI 54650; acting on behalf of Frank A & Janice M Fogel and Franks Repair, W7891 County Road Z, Onalaska, WI 54650. Petitions to operate a test site for a full featured modular anaerobic digester machine which will consist of 1-6 tanks in the 2,000-32,000 gallon range. Refuse, food waste, manure and paunch manure will be added to this pilot thermophillic anaerobic digester. Residual solids and liquids from the digester will be land spread to the John Schaller farm on Brices Prairie to incorporate into any nutrient management plan he may have. This project is proposed on a 0.69 acre parcel south of N6281 County Road ZB on land zoned Agriculture District "A" and described as: Lot 3 of Certified Survey Map No. 35 in Volume 9. Town of Onalaska.

Appearing in favor: Kirby Pabst, N6213 Fox St, Onalaska, WI 54650. I am with Pabst Engineering and Manufacturing. We are requesting a conditional use permit to operate an anaerobic digester on Mr. Fogel's property. The reason for the permit is because this enterprise is for profit, that is why we require a conditional use permit. We always try to do things properly and in order. We have had a couple of meetings with zoning. I did get a phone call from Mr. Huiss, a property owner to the north of Fogels. He was not aware of this. Zoning says that the Pedretti property was the only property that fell into the 300 foot rule. All that I could do is apologize to these other people for not speaking to them. I was unaware of this circumstance. My business partner received a copy of this, but I did not. We did invite the gentleman over and we discussed the situation with him.

QUESTION Pedretti: Since this is a public hearing, can you go into more detail about this operation?

ANSWER Pabst: This is a pilot scale anaerobic digester. Meaning it is a work in progress. We are developing this in conjunction with the University of Wisconsin Madison Bioengineering Department and the farms in Stratford, Wisconsin. We are developing a high rate digester system specifically for smaller farms. We are able to logically take care of herds in the 160 head range. This is not usually done as it is not economically feasible. We have had lab scale units operating in Madison for some time and this is the next step in the process. All of this stuff will be made in Wisconsin. We are looking at the industry and trying to help our dairy farmers out. We take materials such as animal and food wastes and they are biologically broken down. We remove the bad stuff, kill off the pathogens which are harmful to farms and fields and we produce energy in the form of methane gas. The gas can be used primarily for heat for generating electricity or it can be cleaned and put back into the line as natural gas. Our impact is pretty small as you can see our footprint is pretty small. The system does operate 24/7 due to its nature. As for smell, this is part of our process also, we are able to remove about half of the odor from manures. We are pretty much surrounded by farm fields and this is pretty well fertilized this time of year. The materials will come from the Schaller farm and will be returned to him for disposal along with his normal waste stream.

QUESTION Pedretti: You said that it takes about 160 animals, the waste from 160, and obviously the Schaller's have a lot more than that?

ANSWER Pabst: This is our primary target, a system that can handle a small farm as such. Our pilot scale project will handle the manure from 6 to 8 cows per day. It is very small nor will it ever be commercially viable due to its size and location. Its purpose is for development.

QUESTION Pedretti: On the application it says manure, food waste, refuse, and paunch manure. My concern is what is going into this. Are you saying that it is just manure from the Schaller Farm?

ANSWER Pabst: Yes, manure from the Schaller Farm.

QUESTION Pedretti: Will you ever use food waste or experiment with other?

ANSWER Pabst: Yes, food waste and these other things, yes.

QUESTION Pedretti: Do we need anything from the health department?

ANSWER Pabst: We are under the regulation of the WDNR. We have gone through these people and our permits are in-line. We are in compliance with everything and then some.

QUESTION Pedretti: You have gone through our list of impacts and indicate that there aren't going to be any, but you just said that there will be some, obviously methane has a smell?

ANSWER Pabst: The methane will be burned in the form of heat. The methane that is extracted, the effluent will have 1/2 of the smell that it had coming in. The smelly stuff is the end product that we are going to use for fuel.

QUESTION Pedretti: There seem to be quite a few residential parcels in this area, at least to the south that are not on here. Smell is a concern, but it says here "no emissions"?

ANSWER Pabst: There won't be any emissions. You will have more emissions from the manure that is spread on the fields on the ground right now.

QUESTION Bina: Why aren't you putting it closer to the source, on the Schaller Farm?

ANSWER Pabst: As a pilot scale unit, we want anonymity from the Schaller's. We want to be out of the limelight, setback in our little corner of the world so that no one knows that we are there. Also, we don't want to interfere with his day to day operations. He has been very gracious in giving us these materials and willing to dispose of them when we are done.

QUESTION Bina: If you are only processing the manure from 6 to 8 cows per day, there aren't many tankers that will be going back and forth between this property and the farm then?

ANSWER Pabst: No. This is not a full scale anaerobic digester by any means.

QUESTION Mach: That also clears up this sentence indicating tank sizes of 2000 to 32,000 gallons. Will it actually be filled by 6 to 8 cows? Or do you keep filling it until it is full?

ANSWER Pabst: As we were looking at the application, since this is a prototype project. We didn't want to limit us to a certain tank size. We wanted to be covered so that we didn't have to come back to talk to you folks again.

QUESTION Bluske: The original letter was addressed to a Jon Dietrich with your company and it came from Rich Riechert from the waste section. This letter indicates that this project was supposed to be on the Schaller Farm. That was the approval that they had given. Why was the site changed and why was this site picked? I am not buying into the answer regarding anonymity, etc.

ANSWER Pabst: We felt it was more advantageous to us and this letter from the WDNR got in there without being corrected. We are in good standing with the WDNR and the letter should have been corrected before you saw it. We considered that we would be best off of his premises. There are things like bio-security that we wanted to protect. Our equipment is a thermophillic digester, meaning it operates at a higher temperature. We destroy 99.98% of the pathogens. But, in context, we do not want to put this on Mr. Schaller's farm at this time as it would open him up to going through more rulings and so forth.

QUESTION Bluske: So, why was this property picked and not some other commercial or industrial property, something farther away from residential?

ANSWER Pabst: We thought that this was far enough away. This was picked as we thought it would be a logical place to put this.

QUESTION Bluske: Mr. Schaller is land spreading his manure right now. Other than the smell, what are the advantages to having it processed and then dumped? It seems there is a middle man here, and it doesn't seem worth it to process it for a small amount of methane. I'm not seeing the advantage to Mr. Schaller.

ANSWER Pabst: The advantage is not to Mr. Schaller, the advantage is to us to supply the raw material and to dispose of the finished product property in the eyes of the DNR. He is supplying it and taking it back. This is a pilot scale project and we are developing processes and so our end product goes back to him as well.

REMARKS Bluske: I don't know if that was an adequate answer.

REMARKS Pabst: I don't know how I can re-explain it to you. There is no middle man here. We get the material from him and run it through our equipment which we are developing and refining. We then return it to him for disposal through his system.

QUESTION Bluske: Is it being reduced in half? Or, is it the same quantity with the pathogens removed?

ANSWER Pabst: What an anaerobic digester does, there are things called total solids and volatile solids within this material. We take the volatile solids and destroy about 50% of them. We reduce the total solids down by 50 or 60%. The rest of the material is unchanged because the law of physics does not allow us to do so. The material's value as fertilizer is exactly the same as it is. The pathogens are killed off and the methane is removed. The methane is about 26 times more powerful than carbon dioxide if you follow the "green". So it is a win-win purpose. But, we are not doing it on a large enough scale to make any difference as far as Mr. Schaller and his operation is concerned.

QUESTION Bluske: What does the DNR's WPDES Permit allow you to do?

ANSWER Pabst: It allows us to do basically everything that I have explained to you.

QUESTION Bluske: So, they handle the air quality?

ANSWER Pabst: Yes.

QUESTION Bluske: What if there is a spill or something?

ANSWER Pabst: If you have gone out there to look at the property, you noticed the location that we are proposing. This site is in a swale, so it is pretty much a natural confinement. The tanks are steel and we don't foresee any major issues like that.

QUESTION Bina: There is a process kind of like reverse osmosis where you take water out of the process so that you have a drier material. Will Mr. Schaller try to sell that product or will he dry spread it on the fields?

ANSWER Pabst: I think that maybe I gave you the wrong impression. He works on the slurry system with his manure. The manure will be between 6 and 10% total solids and the rest is water. So, it will still be a slurry type material. What happens, it is an action of natural occurring bacteria that actually eat this stuff up and remove the hydrogen sulfide, which is the smell. The nitrogen in the material is enhanced as it is more readily soluble to the plants than it is in its natural state. Normally farms smell, but people want to live in the country and the farmer becomes the bad guy because he stinks. We are hoping to take some of the smell away and some of the pathogens that can harm the groundwater, etc.

QUESTION Bina: Since this is an experimental model, would you be planning to expand this facility at some point in the future.

ANSWER Pabst: Not at this site, no.

QUESTION Bina: You are just doing it as experimental.

ANSWER Pabst: Yes, we have an identical model being built in Stratford, Wisconsin that will mainly be run by their people.

QUESTION Bina: The same size model?

ANSWER Pabst: Yes.

QUESTION Bina: So, you are just in the beginning stages of new development?

ANSWER Pabst: Yes, this is new technology that we are doing here.

QUESTION Mach: You are really conducting an experiment and he's using your manure after you have used it. Yet, you are conducting this to produce a product?

ANSWER Pabst: Yes ma'am, if not produce it, it will be an enhancement. We are not pretty like a windmill or a solar panel.

REMARKS Mach: I do understand that you don't want this to be a big deal and don't want people to know about this.

REMARKS Pabst: A full scale unit on Mr. Schaller's farm would produce 100% of his energy needs along with supplementing several hundred households. In many places, these farms are at the end of the power line, so sometimes these systems are welcomed by the power companies.

QUESTION Pedretti: I like the idea of taking what we can and producing energy. But, we are not experts in this area. What we do need to understand is how this will affect the neighbors. I know that this is not overly residential, but it is fairly residential. When we worked on capping the methane at the landfill the people wanted to know...is it going to blow? Is it going to leak? What happens if there is one? Those are the questions that we need to look out for. I appreciate your helping us to understand this. I am hoping that we will get something from the DNR explaining the steps you needed to take for them. How is this going to affect people in this neighborhood?

ANSWER Pabst: This will not affect them, whatsoever.

QUESTION Pedretti: Is there a possibility of this exploding?

ANSWER Pabst: No.

QUESTION Pedretti: No possibility, I want this on the record?

ANSWER Pabst: No.

QUESTION Pedretti: And there is only a slim possibility according to you of anything leaking?

ANSWER Pabst: There is always a possibility of a leak, but as I explained, we are in a swale, protected by earthen.

QUESTION Pedretti: True, but that swale can lead out to Lake Onalaska?

ANSWER Pabst: We are a long way from the lake.

QUESTION Pedretti: But, the water table isn't? The water table is only a few feet below the ground.

There is the concern...if there is a leak, is there a plan?

ANSWER Pabst: Sure, we would remove the material from the leaking vessel and return it to Mr. Schaller's farm. This is totally sophisticated and computer controlled which is monitored 24 hours a day. If there is anything it is immediately attended to.

REMARKS Pedretti: We just need to make sure that the neighbors are taken care of. There may be a safety issue as well. You are hauling sludge back and forth. Will there be a smell. If you are creating methane, which is a different smell, we are going to get the phone calls.

REMARKS Pabst: And, I need to apologize to the neighbors as we were told that the only person who was going to get a notice of this meeting was Mr. Pedretti. I was totally unaware of the people to the north as I thought that they were outside the 300 foot limit. If I had received one of these notices myself, I would have been over there talking to these people.

QUESTION Meyer: You didn't receive a notice? Jeff, can you look at that?

ANSWER Bluske: Your name is on the sheet and it is checked off indicating that a notice was sent to you at N6213 Fox St.

REMARKS Pabst: There was none received.

REMARKS Bluske: It is checked off here. The notice went to 9 property owners, the property owner, the 7 committee members, 6 town board members, and the county board supervisor out there.

REMARKS Pabst: I don't know if it got lost in the mail or what, but I did not receive one.

QUESTION Bluske: I am going back to the letter addressed to Jon Dietrich. I almost consider the plan that you submitted as incomplete. The only plan was a top-down view of the digester. There was no side view, no driveway entrance, it didn't have parking and didn't indicate the swale. It didn't indicate how much material would be brought in each day. Somewhere, on the WPDES permit it indicated 400 gallons daily flow. It didn't indicate what types of trucks would be used. Would they sit there? Would there be a reservoir? How much traffic will be generated? Would an 8000 gallon truck be sitting there until it is full? None of this has been discussed. This committee has to deal with the health, safety and welfare of the public and this neighborhood. Normally, this type of proposal, a public notice would go out over 1000 feet or even a quarter mile, so the Zoning Ordinance is the smallest test of people that would get a notice. I would almost consider this a utility since you are generating gas. Neighbors should know about this. Rather than saying the Zoning Ordinance only says 300 feet, that doesn't matter if it could have an impact and a smell from the prevailing winds which could take it north through that subdivision up there.

REMARKS Pabst: We have discussed this with the Department of Natural Resources in Madison and as far as they were concerned, there was no need for a permit. The only reason for us to be locating on this property was convenience and in order to do so, we need to obtain a Conditional Use Permit. As for traffic flow and such things, they were explained to the planning committee at the Town of Onalaska and they were also explained to the Town Board. There is plenty of information in our impact statement which was submitted to satisfy these things.

QUESTION Bluske: Can you explain, on the diagram on the screen, where your access is going to be? Will it be a one level or two level building? Are the tanks inside the building or are they visible?

ANSWER Pabst: This is considered a piece of equipment and it is not considered a building or such.

QUESTION Bluske: You will have 5 employees, they have to sit somewhere don't they?

ANSWER Pabst: We will probably have 5 people, they will not all be there at one time. They will be there on and off. We have to make sure that it is running. Our impact is...every couple of days we will bring in new material and at the same time we will remove some materials. Basically, we have no need for trucks to be sitting there.

QUESTION Bluske: Well, you will have to have a contract with somebody that says day after day or every other day, somebody has to pick it up so the place doesn't blow. If it were me, if I was generating gas, I would want somebody there?

ANSWER Pabst: I don't know what bothers you about this gas business. The gas we generate is on a small scale, the gas generated will be used to operate the system.

QUESTION Bluske: In the original correspondence that we had it said that after you are up and running you will introduce paunch material and then food waste?

ANSWER Pabst: With a conditional use application, we needed to mention all of the probabilities. If we do not mention all of the probabilities, then we would be in non-compliance if we did something else.

QUESTION Bluske: When somebody sees this additional traffic, they are going to want to know about it and we are the ones that will get the call. If there is a garbage truck that is running out there, because you haven't indicated how your food waste will get there and where it is coming from, will it sit there until everything else is right? It says that you will have some daily testing. Are you using manure one week and then paunch material the next? Do you mix the two together?

ANSWER Pabst: Yes, this is called a co-substrate. They are mixed together to enhance the ability of the manure to make gas. It will be brought in, in a liquid form in a closed truck.

QUESTION Bluske: The food wastes also?

ANSWER Pabst: Yes. There is no other logical way of handling it. It has to be done in this matter.

QUESTION Pedretti: On your application you indicate a small building which is to house the computer operating system. Will it be near the back and how will you access this lot?

ANSWER Pabst: There is a driveway permit that has been approved to enter along the north lot line. The driveway will be placed from the county road to the digester site which is in the back, western area of the lot.

QUESTION Pedretti: So, it will be a separate access than the access for the Fogel Property to the north?

ANSWER Pabst: Yes. Our footprint is about 40 foot by 40 foot. We will be a long ways from any lot line.

QUESTION Pedretti: Will this be a permanent structure?

ANSWER Pabst: No, this will be modular, pre-built, set on site. When we are done, the whole works goes out.

Appearing in favor: Frank Fogel, W7891 County Road Z, Onalaska, WI 54650. This was designed by Mr. Pabst and I have been a little involved with it. I helped deliver the machine down to Madison. Why I picked the outlot was to make sure that we were as far away from any residential area as possible. I met with the gentlemen on the driveway permit and I am under the understanding that it has been approved. There is an existing driveway that is up close to the one shed there on the other property. He said that he didn't want a new driveway in between there. He wanted one driveway that would share the two lots. Mr. Pabst has designed many machines over the years and he is top notch, otherwise I wouldn't be putting it on my property.

QUESTION Pedretti: Were many of the neighbors at the town meeting? Have you spoken to the neighbors about this?

ANSWER Fogel: The only neighbor that was there was Earl Pedretti. We were told by zoning that only people within 300 feet of that lot line would be notified and I talked to a couple of the other neighbors since they were notified and I apologized that I didn't talk to them first. Otherwise, I would have went door to door. I don't even understand all of this and would have like to help them understand it. This is just a prototype. If you look at the land behind this property, next to this property and across the street, there is more manure on that ground right now than what this property will ever see.

QUESTION Pedretti: We understand that. But you are going to concentrate something on a small area and there could be some methane. This is not your normal process and will it affect the neighbors? It may be more than 300 feet, but smells can go a little further than that and they do have a right to know that. I just wanted to know if you had actually talked to some of the neighbors. We drove out there and we saw that there was farmland around this. But, there are some neighborhoods to the south of this as well, and depending on which way the wind is blowing, what that means. We will be the ones getting the calls asking what is going on out here.

ANSWER Fogel: That is why we went to Zoning on this, to find out what we needed to do in order to do this. We thought we had gone through the proper process and this is where we ended up.

QUESTION Bluske: You are on the Town Board. We received something, and I don't know who from, it isn't dated. It is a Town of Onalaska CUP checklist, but it is only half filled out. Did you meet with the town and what did they decide.

ANSWER Fogel: I can't verify what the town sent. When I made the application for this CUP with Chad at the Zoning Department, he had given me some paperwork which needed to be signed by Melissa, which she did. That was the only paperwork that I was aware of. I am on the Planning Committee and the Town Board for the township and when this came up, I stepped away. Someone else then chaired the meeting that I was supposed to chair. Mr. Pabst did the presentation for the township and I am not aware of any other paperwork coming from the board. It was approved unanimously by the Planning Commission and the Town Board.

REMARKS Bluske: I had asked the Town Chairman and the Town Clerk to send me something on it, and they haven't done so.

REMARKS Fogel: Like I said, I really have no control over that. I am sorry. It did pass.

QUESTION Bluske: The town and county plans for this parcel indicate that it is to be used for future residential use. This is not a residential activity.

ANSWER Fogel: I understand that, but the current zoning is Agricultural District "A". My thoughts would be when they did the comprehensive plan, these lots were not taken into consideration. It is strictly agricultural behind it, in front of it and to the side of it. This is one of the reasons why I picked this lot, to stay as far away from residential as possible. At this time there are no plans for future residential and I would consider requesting to change the land use designation in the future.

QUESTION Wehrs: Mr. Pabst indicated that the small building could be wrapped up and taken away when this is over. Is that the plan? This would be short term and after a year or two it will be removed?

ANSWER Fogel: From the plans that I have seen, the building that will be set there will be constructed off site and it will be a concrete type bunker. The ground will have to be leveled and then everything will be brought in and set up. Other than that, the building will be self contained. When everything is done, everything will be disconnected and it will leave the same way it comes in.

QUESTION Wehrs: I understand, is there a date when it will close down?

ANSWER Fogel: At this point, no. We have been thinking that it would be 2 or 3 years. Then again, we really don't know at this point. We haven't set any type of date. With the university being involved, it really depends on how it works.

QUESTION Meyer: From what I have heard, this sounds like it is basically research and development, correct?

ANSWER Fogel: Yes.

QUESTION Bluske: You live pretty close to Mr. Schaller, correct?

ANSWER Fogel: Yes.

QUESTION Bluske: When he has his land in crops, where will he spread this 400 gallons per day?

ANSWER Fogel: Right now, from what I understand, he is using Earl's fields as well. He bought the piece across from me on the corner of ZZ and Z. He is going to be planting corn on that next year and has been fertilizing it lately. Along ZB they have been spreading and along Z, plus behind Earl's place has been spread. The fields along my property here have all been spread, too. One of the board members asked "what if there is a spill". Well, if there is a spill here, when they spill out of the spreader, they bring in a bobcat to pick it up and put it back into the spreader. We will be doing the same thing. Right now there is more manure that has been spread on the fields around than what we will ever have on this site. There will be separate tanks and for all of them to spring a leak at the same time just won't happen. The vehicle that brings the manure to our site will have to be a different type of vehicle than the one they use for spreading because you can't just back up to a tube and dump the manure in. This type of vehicle should minimize the amount of spilling that you would normally see on the road.

QUESTION Bina: I am assuming that the finished product from this site can be taken back to the Schaller farm and put into their lagoon for future spreading? Do they have a lagoon over there?

ANSWER Fogel: I've watched the operation and the hayfield across from me gets mowed, the crop gets taken off and then he spreads liquid stuff, he does that every time he takes a crop off. On the other fields is where he spreads the more solid stuff. Our waste would get spread in wherever the grasses would be. Behind and on the side, that will all be alfalfa next year and they will spread the liquid.

QUESTION Bina: That works in the summertime, but not the wintertime?

ANSWER Fogel: The other fields that are plowed they put it on there.

QUESTION Bluske: The reason that I was asking some of these questions, Mr. Schaller was one of the first farmers to go over the 200 animal units. Part of the agreement was that he had to have the land to land spread the manure on. I think that this is why Mr. Pedretti is involved, maybe he is contracted. I still have unanswered questions and I am wondering if we shouldn't postpone this. I need to talk to Land

Conservation and get their recommendation. I need to know if this will help or hinder the nutrient management plan.

REMARKS Pabst: We are dealing with the people from Land Conservation right now.

REMARKS Bluske: I would like to confirm that.

REMARKS Fogel: I can't imagine that this will affect his program at all. Whatever we are taking from him we will be bringing back. It really isn't changing anything in his numbers. He is going to end up with the same thing.

REMARKS Bluske: But, that is not the case if you start to bring in food waste or paunch materials and add them to your waste stream.

REMARKS Fogel: You are right and how much that is, I don't know.

REMARKS Bluske: These are some of the questions that I am trying to get at. I am looking at this land spreading of industrial sludge application for Pabst Engineering and it states 400 gallons land spread per day. It states that it is just dairy manure and doesn't say anything about food waste or paunch material. I know that you guys are trying to include everything under every scenario in the application, but we don't want to get burned on this either.

Appearing in Opposition: Dave Huiss, W8327 Prairie Pine Ln, Onalaska WI 54650. I do have some concerns because of the unknowns and what is in black and white. This would probably be a great operation if it were on the Schaller's farm. The tanks range from 600 gallons to 32000 gallon range, that is a big difference. I don't know how they would get the manure to the tanks. An enclosed tanker would be the best. There would be no smell after the process, but what about before. I live out here in the country and I know that there may be some manure smells. But, will the smell here be 24/7 365 days per year or not. They also said that this is a for profit operation, some of these operations may dry the waste out, bag it and then manufacture it. Is this something that will happen later on. The food waste...is there going to be food waste? What about human waste? The pathogens that they talked about, I did talk to them a little bit on. I called Kirby and he mentioned that they kill a lot of the pathogens and he also mentioned ecoli. If there is ecoli and you have 6 tanks with 32000 gallons and they spill, what is the cleanup plan? There is a swale there, but will it hold 32000 gallons...100,000 gallons...how much? I am not really against this, but maybe the location a little bit. They mentioned that this is a portable unit. What happens if this doesn't work or when they are done? Will the equipment be removed? Or will they sit there forever and get rusty and become an eyesore. There are many things that we just don't know.

Rebuttal Pabst: Number one I believe was the ecoli. This is normally present in all animal manures. Like I said, we operate at a higher temperature and I believe it takes 5 or 6 hours for the pathogens to be destroyed. We will not propose a health risk. If we disassemble this it will be taken and put in a new location. That is how it is made. That is how we have banks finance it. If it goes in on a truck, it will go out on a truck. If someone has a unit that they can't pay for, it has to go away. That way there isn't any construction on site too. The odor...everything is in a tank. We won't be generating any odor, we will be taking it away. Everything will be in a tank. We won't have a pond or a lagoon. Everything that comes in goes immediately into a tank. This is an anaerobic digester which means that it operates without air.

QUESTION Meyer: He spoke about the tank sizes of 32000 gallons. You talked about that at one point, but maybe you can go over it again?

ANSWER Pabst: This being a prototype, pilot scale unit, in order to cover all of these things, that is why we made this application the way we did. If, on the outset, we do go to that large of a tank, there would be only one of that size. It would not be conducive on this site to run anything larger due to the transportation of that much material. Our purpose is to do the development with this unit and also we are greatly involved with the bio-engineering department in Madison. They would like to use this unit for teaching purposes. We offer a small scale footprint. There will be no noise and no smell and no hazard of a major explosion. As for traffic, we explained that it will be pretty minimal with one truckload every couple of days. There may be a person that will come and go to the site. The reason for the 5 employees is that one person does a 24/7 and all are working part time and we need to include them all in order to

be in compliance. We want to be up front with everything and wanted to cover the bases with our application.

QUESTION Bina: Obviously, this is an experimental model. What would your long range goal be? Is it to make a bigger model that you can manufacture and market?

ANSWER Pabst: Most definitely. A lot of these digesters separate out the solids. Cow manure can have a lot of solids in it and usually the solids are taken out and it is a great soil amendment. In our process, we don't have that material. We break it down so that it is a pumpable slurry so it is easily handled. We can pump the slurry 3 or 4 miles and get rid of these larger land spreaders and get them off the roads. We will be going after the smaller dairies. We could do the big ones, yes, but the real problem is to do the small ones cost effectively.

QUESTION Meyer: Do you have some in operation, production wise right now?

ANSWER Pabst: No, other than the prototype units that we run at the University of Wisconsin Madison at their bio-lab. This is the next step up.

Correspondence: We do not have any official correspondence from the Town of Onalaska. The town technically has 20 additional days.

Staff Recommendation: Staff has taken a look at this and because the land use for this site and the two lots on the diagram are proposed as future residential sites, this would indicate that we should not approve this based on the land use, at least not until the land use plan has been amended. However, there are a lot of unanswered questions. Should we drag this thing out or should we deny it based on the land use. I have a lot of questions that still need to be answered. Mr. Schaller did not speak and we have nothing in writing from him. Mr. Pedretti did not give us his opinion, either. The county does have a sustainability plan and yes, this thing should probably happen. But, should it happen here as a "test site"? Should all of the people on that end of the prairie be the guinea pigs for this? I am sure that Mr. Pabst has taken every single safeguard possible, but when it is a pilot thing and everyone is learning. I don't like to hear that no one is on the site when gas is being generated. From the little that I know, it has to be refined and you have to get the liquids out of it. There is obviously going to be exhaust and there will be smells. Do the people at that end of the prairie have to put up with that? If something does fail or break, they'll say that they will fix it and that wasn't supposed to happen. We haven't heard of any safeguards in case of a spill. The groundwater out here is shallow, so anything that goes into the ground will go into the water. The direction of flow is south towards the lake. There are a lot of people south of this site and its only 600 to 800 feet to the south. This could affect their wells and there is no recovery from something like that. So, what is your pleasure, do we defer this for 60 days or what? The staff recommendation is to deny based on the land use.

REMARKS Wehrs: I think that there are so many things that are unanswered. We have an impact statement that is similar to a dog daycare and this is something of high importance. We need to know what the spill plan is. As for the comprehensive plan is concerned, if there was a time limit on this and you would indicate that it would end in two years...that may make a difference. If this project would be wrapped up in two or three years and the land returned to residential uses, that may make a difference. There are just too many unknowns...maybe they are not unknowns to you, but they are unknown to us. Our responsibility is to the citizens and to make sure that they are safe and their quality of life is maintained. Maybe you have answers to all of the questions that were asked, but they need to be laid out in a plan for the public to see and refer to. I would be comfortable, if you think you can have a plan together in 60 days, maybe we could defer it for 60 days, otherwise, maybe we would have to deny it.

Motion Wehrs/Meyer to defer for 60 days.

REMARKS Meyer: I don't really want to deny it as they put a lot of work into it and it is a research and development thing and it isn't going to be there forever.

REMARKS Wehrs: I do think that it doesn't seem to be that you don't have the answers. They just need to be laid out and written down for us. Hopefully you have been taking good notes and know the questions that need answers. You can answer these, put them in print and get them to Jeff. I do

encourage this project in the name of sustainability and would encourage you to come up with a timeline on the project.

QUESTION Meyer: Jeff, how do you want to go about getting the questions to them for answering?

ANSWER Bluske: We can start with the meeting minutes and I have a whole list of questions in front of me. I haven't typed them up. I need to confirm the land spreading with the Department of Land Conservation and I need to get my hands on the approved DNR permit for this site, not the Schaller site.

REMARKS Pedretti: I really like this concept of creating this R and D for smaller farms and sustainability. It just doesn't seem that our "T"'s are crossed and "I"'s dotted. We need to hear from the DNR as we are not experts in this area. I would rely on them. I question where this is at as it seems more appropriate on ag land. This is surrounded by ag. land. It might still fit in here temporarily as an experiment. I would actually like to see a list of questions go to the applicant so that they aren't trying to figure out what we are trying to get at and I would like to see something from the DNR as well.

REMARKS Mach: We do record our minutes, so it is possible for them to get a complete copy of the recorded minutes if they so choose. Jeff will also make a list of the questions and get them to you. We are talking about deferral for 60 days in order to allow you to answer these questions.

REMARKS Bluske: This is not your normal Conditional Use Permit, I think that everyone sees that.

QUESTION Pedretti: We have a motion to defer for 60 days, but if you get a list of questions to them and they put together the answers within the next couple of weeks, it is possible that we could get this issue in on our next agenda, correct?

ANSWER Bluske: That is right.

REMARKS Pedretti: I think that it is very important that we get them a list of questions so that they have some direction. We need to help them be better prepared.

REMARKS Bina: That sounds better than the original idea of turning this down. We need to start moving towards alternative fuels and this is a step in that direction. If we keep turning down wind turbines, like Monroe County, and other ideas we are never going to get there. So, put together a list of questions together, most of mine are answered, and if we can bring this up at a later time, I don't want to turn this down. We have a sustainability committee looking into ideas such as this.

QUESTION Meyer: What about additional fees?

ANSWER Bluske: No.

QUESTION Wehrs: Is there any way that this committee can go and see how something like this works? I feel like we need to see something,..a video or powerpoint, something?

ANSWER Pabst: Dairyland Power has something similar in Vernon County.

QUESTION Fogel: My concern is that this is residential in the future land use plan map. So, it seems like, no matter what questions we answer, the department will be against this as they consider it a residential lot.

ANSWER Bluske: If they can indicate that this will be returned to a residential lot in the future and it is not a permanent facility.

QUESTION Fogel: I don't understand.

ANSWER Bluske: The future land use, at one time the town board told this committee that they wanted to start developing the west end of the prairie and move eastward because there were some developers along Lake St. This is on the west end and is recommended for residential.

REMARKS Fogel: If I remember right, Mr. Pedretti's development for this area was denied and he was told that this was to remain strictly ag.

REMARKS Bluske: On the plan it says agriculture...maybe that is why they did that.

QUESTION Fogel: So, he was not allowed to develop it when he wanted to. What you are saying is that if I get a CUP on this, it is no longer a buildable lot?

ANSWER Bluske: No, we are not saying that. The future of this site is still residential. That is why the question was asked regarding the "temporary" use of this site. What is temporary, is it 10 years...15 years, what?

REMARKS Fogel: Even with this machine on this property, there is still enough room for it to be a residential lot. You could still build a house here. What is stopping me from doing that? I have a driveway. You are only talking about a 50 x 50 area for the digester.

REMARKS Bluske: One of the questions that we have, unofficially, the town has indicated that a state approved building plan is not required. I am not sure how they determined that, but I am thinking that a state approved building plan will be required for this. We have to work these things out. We only allow one main structure on a lot, so you could not introduce residential to that.

QUESTION Fogel: I guess my question is...I don't want to waste your time and this committee's if we are going to have a problem with this being designated as a future residential lot. Also, another question is in regards to the tank size. Is there a possibility that we can list the possible tank sizes and is there a way that this committee can see to where we could, if we needed a larger tank, that we could do it without going in front of this committee again. Is there a way we can show you what is going on and this is why we need a larger tank?

ANSWER Bluske: The only thing that the committee has seen is the diagram that was up here. That shows multiple tanks, not just one tank. What we don't understand is the range from 2000 to 32000. If the four tanks start out at 2000 gallons each and then it is successful and then they end up at 32000 gallons each, that is quite a difference. We don't understand that.

QUESTION Fogel: How would you recommend us going about this as a prototype?

ANSWER Bluske: We can't answer that, we have to react to what you guys bring in. We can't tell you how to make this. The diagram looks like it has doors and windows and it looks like we need to issue a permit for that. I can't tell how many square feet it is. Nobody is going to tell us that we can't issue a permit for that and it will be the main structure on that lot. If it is over 25,000 cubic square feet it will need state approved plans.

QUESTION Fogel: So, what you are recommending is maybe a five year limit and then at the end of five years we would come back here and redo this if we want to? I just don't want to waste all this time answering questions just to come back here and have you recommend denial.

ANSWER Bluske: You will have to do your homework and we will react to it.

QUESTION Pabst: When is the next meeting?

ANSWER Bluske: This committee's next meeting is January 3rd. I will have to re-publish two weeks prior to that. It will depend on how fast you guys can come up with the answers. If there are going to be four 32000 gallon tanks, and they rupture, we have to make sure that it can be contained on this lot. That needs to be part of your safety plans.

REMARKS Meyer: Well, we aren't going to settle this tonight. He will get the questions to you.

REMARKS Fogel: There was talk about maybe putting this on somebody's farm. Would you like to invest a lot of money on something like this and put it on somebody's farm where there are employees going back and forth and be able to go in there and take pictures, do whatever they like. The reason that we chose this site is to provide for some type of security for our investment.

REMARKS Pedretti: That would be good to have in the plan.

REMARKS Wehrs: If I could also add...don't leave any unknowns. If this is the plan, put it in concrete. You can't say leave it up to us...2000 to 32000. Put it in the plan and stick to the plan. That is the only way that we will be able to react to this. We can't react to a range.

REMARKS Fogel: The reason that it is what it is, is because at this time, we simply don't know.

REMARKS Wehrs: And that is fine...maybe you need to look at doing things in phases. We could approve the first phase and if it goes well you could come back in for approval of phase two. Also, you need to have proof that if there is a way to contain it on-site. You need to have proof and backup.

REMARKS Meyer: We have a motion on the floor to delay for 60 days and we have a second.

QUESTION Bina: If we get the answers back in 30 days, and you get enough time to put it on the agenda, it can go on an earlier agenda, correct?

ANSWER Meyer: Yes, we covered that.

**Motion Wehrs/Meyer to defer for 60 days.
6 Aye, 0 No, Keil excused. Motion carried.**

**Motion / to adjourn at 9:00 PM.
6 Aye, 0 No, Keil excused. Motion carried.**

Hearing adjourned at 9:00 p.m.

Approved 1/4/12.

Nathan Sampson, Recorder.