

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE PUBLIC HEARING

April 2, 2012
County Board Room – Administrative Center
6:00 p.m – 8:30 p.m

MEMBERS PRESENT: Marilyn Pedretti, Tina Wehrs, Don Bina, Bob Keil, Dennis Manthei,
MEMBERS EXCUSED: Donald Meyer, Bev Mach
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Michael Harding, Charlie Handy, Bryan Meyer,
Annette Kirchhoff (Recorder)

CALL TO ORDER

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

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

ZONING PETITION NO. 1887 Stanley A Dwyer, N4622 Spring Coulee Road, West Salem, WI 54669, acting on behalf of the estate of Arlan Dwyer, and Brian L and Rhonda L Buckmaster, W2407 County Road NN, Coon Valley, WI 54623. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A" 10.90 acres for continued residential use of two existing homes on the following described lands: Lot 1 of Certified Survey Map, Volume 10, Page 25 AND part of SW/NW and part of the SE/NW, Section 31, T15N, R5W, described as follows: Commencing at the SW corner of said SW/NW; thence N87°24'19"E 988.37 feet to the centerline of County Road 'N' and the point of beginning; thence N00°24'35"E 240.69 feet; thence N10°15'40"W 590.72 feet; thence N00°00'00"W 390.81 feet to the SW corner of said Lot 1; thence along the south line of said Lot 1 N87°24'35"E 136.00 feet; thence along said south line S67°19'57"E 240.00 feet to the east line of said SW/NW; thence along said east line S01°25'42"E 535.82 feet; thence N88°58'41"E 9.39 feet; thence S01°25'42"E 85.98 feet; thence S86°32'55"W 9.39 feet to said east line; thence along said east line S01°25'42"E 500.26 feet to the centerline of County Road 'N'; thence along said centerline S88°58'52"W 195.27 feet; thence along said centerline S89°26'44"W 86.55 feet to the point of beginning. Addresses of existing homes are W2407 County Road NN and W2404 County Road N. Tax parcel 12-655-1 and part of tax parcel 12-657-0. Town of Washington.

Appearing in favor: Stanley Dwyer, N4622 Spring Coulee Rd, West Salem, WI 54669. I am acting on behalf of my dad, Arlan Dwyer. We would like to rezone from Agriculture to Agriculture "A" that 10 acres. Three of the those acres are going to Brian L Buckmaster's original lot and 5.85 acres staying with the farm and buildings. And then we would like to ah...do I ask for a variance at this time too?

Pedretti: No, not this time.

Buckmaster: That's nothing to do with this?

Pedretti: No.

Buckmaster: Ok. We don't think there will be any problems it's going to stay 2 single family dwellings so noise or commercial or nothing else should be...come about on this, and ahh, I guess that's about all I got.

Pedretti: Ok, does the committee have any questions for Mr. Dwyer? Alright, thank you.

Appearing in favor: Brian Buckmaster, W2407 County Road NN, Coon Valley, WI 54623. My portion of that is I would like to rezone my original 2.05 acres that I had received from Arlan Dwyer when he was alive. I am told that since my property was on his farm, that it was not to be rezoned. But now that he is no longer the owner of the property, now I need to rezone to be my own property. So I need to take care of the 2.05 acres and rezone that for myself and then I, along with Stanley, I am taking over the 3 acres there in the middle of the map (refers to overhead).

Pedretti: Ok, so for you it's more of a housekeeping issue?

Buckmaster: Yes.

Pedretti: Ok. Committee, any questions? Thank you. I should ask if the staff had any questions, sorry.

Sampson: No.

Appearing in favor: Jerome Deflorian, I am a supervisor in the Town of Washington. And tonight, it does fit into our comprehensive plan that we drew up very well, our board is in favor of it and I do have a letter actually did approve the rezone. We did make a motion and approve a variance if it is needed the same night so I have a copy of that letter right now.

Pedretti: Ok, we would like a copy of that for the record.

Sampson: Yes please.

Buckmaster: There's copies for him so...

Pedretti: Ok. (Copy of the letter given to Sampson)

Buckmaster: This fits into our plan very good so thank you and...

Pedretti: Hold on just a second, any questions from the committee? Staff?

Handy: Can you give us your address?

Buckmaster: N1175 County Road G, Coon Valley, WI 54623.

Pedretti: Ok, thank you.

Appearing in favor: David Rundahl and we purchased the rest of the Dwyer farm or in the process of purchasing it. Arlan Dwyer lived there all his life and these are his kids that are doing this for the families so I want to ask that you go ahead and do this. My address is N592 Kreibich Rd, Coon Valley. Thank you.

Pedretti: And you're parcels are the ones on the northern part here (refers to map on overhead)?

Rundahl: Correct. Yes.

Pedretti: That's you?

Rundahl: Yes.

Pedretti: Any questions from the committee? Staff? Thank you.

No one else appearing in favor or in opposition.

Correspondence (Sampson): Madame Chair, we received one (1) piece of correspondence that was dated March 14, 2012, received March 15, 2012 from the Town of Washington addressed to Sampson (Read into record) - Signed Barb Muenzenberger, Town of Washington Clerk. And the same correspondence was received tonight.

Pedretti: Ok.

Sampson: No further correspondence.

Pedretti: Alright.

Staff Recommendation (Sampson): Staff would recommend approval subject to the recording of deed restrictions on both lots indicating the following:

1. Only one (1) single family residence; and
2. No further subdividing of the parcel.

These are pre-existing land uses and meet the consistency requirements.

Pedretti: Thank you. Committee?

Motion by Bina/Keil to approve with the deed restriction and no further subdividing.

Wehrs: Just want to make sure that they know they still have to go for the variance at this point.

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

ZONING PETITION NO. 1888 Sean O'Flaherty, 201 Main Street, 10th Floor, La Crosse, WI 54601, acting on behalf of Skipperliner Acquisitions LLC, 127 Marina Drive, La Crosse, WI 54603. Petitions to rezone from Residential District 'C' to Industrial District for additional parking of vehicles and boats on the following described lands: All that part of Government Lot 5, Section 30, T16N, R7W, lying northerly of Marina Drive, westerly of Schultz Drive and southerly and easterly of the following described boundary line: Commencing at the northeast corner of said Section 30, thence N84°14'27"W 3154.44 feet to the

East right-of-way line of Bainbridge Street; thence along said East right-of-way line S07°21'32"W 673.90 feet to the southwest corner of that parcel described in Volume 534, Page 1; thence S82°49'01"E 149.23 feet to the southeast corner of said parcel; thence S06°53'22"W 30 feet, more or less, to said northerly right-of-way line of said Marina Drive and the point of beginning of this boundary line description; thence N06°53'22"E 147.42 feet, more or less, to the northeast corner of said parcel described in Volume 534, Page 1; thence N89°23'26"E along the easterly prolongation of the North line of said parcel 31 feet, more or less, to the water's edge of the Black River; thence easterly along said water's edge 180 feet, more or less, to the westerly right-of-way line of said Schultz Drive and the terminus of this boundary line description. Part of tax parcel 4-1253-1. Town of Campbell.

Appearing in favor: Amanda Jackson, 2215 Winnebago St, La Crosse, WI 54601. I'm here in lieu of Sean O'Flaherty. I apologize; he had a child care issue. The applicant needing to rezone that portion of the property in bold (refers to overhead) that is currently zoned Residential in order to match the larger portion of the parcel which is zoned Industrial thereby making the entire parcel uniform. The zoning would also allow for the storage and parking of boats which has actually been occurring on the property since about 2003. That's all.

Pedretti: Ok. So, they've been parking boats there since 2003 illegally?

Jackson: Yeah.

Pedretti: Ok. Questions from the committee

Sampson: Are there any plans to construct any structures on this lot?

Jackson: No, there's no current plans. We, just to clarify, we haven't owned it since 2003. It would be just to make it uniform and legally park boats and store things.

Sampson: Any dock expansion, anything like that towards the water?

Jackson: Not presently, No.

Sampson: Thank you.

Pedretti: Any other questions? Ok, thank you.

Appearing in favor: Pete Griffith, 1917 Nakomis Ave, La Crosse, WI 54603.

Pedretti: I'm sorry; I didn't catch your name.

Griffith: Pete Griffith.

Pedretti: Ok, thank you.

Griffith: I work with Skipperliner. Just a clarification to help with what Amanda said, we acquired the property only about a year and half ago. As we were going through the records continually, it just came to our attention that it was weirdly zoned and the people who had been there, you know, we asked and were like this has been going on, what's the story here? And nobody around there who was still with the former company had no idea why it was zoned that way and it had always been worked that way. And we talked to neighbors and asked them if it was a nuisance or an impediment and everybody was like it's always been that way and everybody said it's always been that way and doesn't seem to bother anyone. I just wanted to clarify it wasn't like we were trying to be covert or subversive or anything like that it's merely we noticed it was that way so we brought it to the attention and are looking to get it rezoned so we can continue to do business in that way.

Pedretti: And, Mr. Griffith, you said you are one of the owners?

Griffith: No, I just work there. I'm Vice President.

Pedretti: You work there?

Griffith: Yes.

Pedretti: Ok. Hold on just a second before you go.

Griffith: Ok.

Pedretti: Any questions from the committee? From staff? Ok. Thank you.

Griffith: I just wanted to make sure; it sounded like we were doing things illegally.

Pedretti: Right. We like to get a full picture when you come in for a hearing. A full picture of what's going on.

Griffith: Absolutely. I just wanted to make sure it didn't look like we were trying to do anything.

Pedretti: Alright.

No one else appearing in favor or in opposition.

Correspondence (Sampson): Madame Chair, we have one piece of correspondence from the Town of Campbell dated 3/14/12 and received the same date addressed to me as Zoning Supervisor (Read into record).

Staff Recommendation (Sampson): Based upon the non-residential planning classification as the future land use, the staff recommendation is for approval to rezone this parcel from the Residential District "C" to the Industrial District.

Motion by Keil/Manthei to approve.

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

SPECIAL EXCEPTION PERMIT NO. 2012-01 Ron Chamberlain, La Crosse County Highway Commissioner, acting on behalf of La Crosse County. Petitions to perform filling and grading within 300 feet of the ordinary high-water mark of Garber's Coulee Creek for the County Road 'OA' realignment project. The proposed filling and grading will take place as depicted in road and bridge construction plans for Project Reference No. 5096-00-01 dated 2/17/12, submitted by Will Kratt o/b/o Mead & Hunt, Inc., and located in part of the following quarter-quarters: NE/NE of Section 29, SE/NE, NE/SE and SE/SE of Section 32; SW/NW, NW/SW and SW/SW of Section 33, T16N, R6W, Town of Barre; and NE/NE, NW/NE, SW/NE and SE/SE of Section 5, T15N, R6W, Town of Greenfield.

Appearing in favor: Ron Chamberlain, La Crosse County Highway Commissioner, 301 Carlson Rd, West Salem, WI 54669. We're requesting this to complete, hopefully, the realignment and reconstruction of County Trunk OA between County Trunk O and County Trunk FO in the area up on screen (refers to overhead). This is a highway safety project where federal funds involved due to the crash history out on a portion of this road. Current construction for this project – the project itself is divided into three (3) portions as determined by the Wisconsin Department of Transportation (WI-DOT) oversight. The southern two (2) portions go from "FO" north to Drectrah Road. Those are to be let in 2013 with completion during the construction portion of 2013. The northern most portion of the project will be let either in 2013 depending on local funding or 2014. Thank you.

Pedretti: Ok. Committee any questions? Anything from staff?

Sampson: No.

Appearing in Opposition: Jon Rabbit, N2540 County Road OA, La Crosse, WI 54601. I'd like to voice my opposition to the project in general in that this project requires funding through a federal grant and it's my understanding that this federal grant will only work if the speed limit around this section is kept at 55 miles per hour. My wife and I actually own the farm property right there on that big curve (refers to the overhead). We're witness really to everything that does go on in that curve.

Pedretti: Would you be able to point that out?

Rabbitt: Sure. (Referring to overhead) This is our house here, this is our farm, we own this land here, this field here and the land that's on the other side of this creek bed as well.

Pedretti: Ok.

Rabbitt: My wife and I, again, we've witnessed just about every crash that does happen there. And it is not a safe environment. But what I can tell you from our experience with most of the crash history is that this is not necessarily due to the road but usually drivers that are impaired or drivers going too fast for conditions. We've watched school busses being passed, illegally, on these roads and our children actually catch the bus right on this highway. So that's our opposition to going forward with this is we'd like to see the road improved, we'd like to see it safer, but not at the expense of really making this the only 55 mile an hour stretch anywhere near it. It's 45 miles an hour everywhere out of Barre Mills at this point. So I'm all for the safety but a little bit against the speed. And we just have one other technical point and I don't know if this is correct or not, but this Exception was dated March 2011? Is there an expiration date on that?

Pedretti: That was just this year, correct? It's a typo?

Sampson: It's a typo.

Pedretti: Was it in the paper 2011?

Sampson: No.

Pedretti: They don't put the application date in there?

Sampson: No. It's just a typo.

Pedretti: It's a typo. It should be 2012. Thank you.

Rabbitt: Thank you.

Pedretti: Hold on a second. Any questions from the committee?

Bina: I almost called you but I didn't quite make it. I did get a number of other calls. I think maybe you can ask the Highway Commissioner, but I think the speed limit is determined as a separate item. It looks to me like everything out of Barre Mills was brought down to 45 based on trucks hauling clay or accident down through the ravine or a lot of other things. The speed limit is an issue that is separate from the fixing the road. I spent fourteen (14) years on the highway committee way back when and I guess people can petition to bring the speed limit down from whatever it is. If it's 65 you can bring it down or if it's 55 you can bring it down. I think you could get an answer from the Highway Commissioner. It doesn't necessarily have to stay at 55 but there's a lot of traffic on that road and I've been pushing for ten (10) years to get something done there because everybody that goes to the south side of La Crosse goes past your place.

Rabbitt: Absolutely. It's the new shortcut.

Bina: That's right.

Pedretti: Ok. I think we can also ask if the Highway Commissioner would come back at the end here if we have some other concerns that he can address as well.

Rabbitt: Can I respond to that? So just recently the speed limit was changed on "OA" coming out of Barre Mills to 45. What we found a little ironic though is just as you – it must be about 300 feet or so I'm guesstimating, before you go into that S curve, it does have an end of speed zone sign which is sort of ironic as you're going into the most dangerous part of the road that's suddenly where it changes.

Pedretti: Ok. Good point. Mr. Sampson.

Sampson: I would like to follow up with Supervisor Bina's observation that the scope of this application is actually under our shoreland zoning ordinance that the impact of the bodies of water to this project and the grading and filling that's proposed to take place as a result of this.

Pedretti: That's a good reminder. Thank you. We're not approving the project.

Rabbitt: Correct.

Pedretti: Correct. We're looking at the shoreland district but if citizens have concerns we'd like to be able to at least address them or have direction of where you can go to get them addressed.

Rabbitt: Ok. In my conversations and I know with the original planning with this it was stated that was part of the condition of receiving the money. So I guess I would just like clarification.

Pedretti: Ok. We'll get that. Thank you. Any other questions for Mr. Rabbitt? Alright.

Appearing in Opposition: Todd Solberg, N2510 County Road OA, La Crosse, WI 54601. It's right on the corner across from the old school house there. (Referring to overhead) I'm right next to Jon and Rhonda's place.

Pedretti: Ok.

Solberg: I've grown up on County Highway OA pretty much my whole life at the farm on the corner of OA & Tyson Road. That's where, my mom still lives there. I've had a great country childhood, as a kid we rode bikes on OA, we've played on our skateboards on OA, I mean OA was pretty much an extension of our playground. I now have three (3) kids of my own and I live there and they like to ride their bikes down to grammas' house, go play in the creek, and enjoy life growing up in the country. OA, I know we've talked about how its turned into a bypass but that's like between 7 and 8:30 in the morning and then between 4:30 and 5:30 in the afternoon when we have the workers that are commuting back and forth. Otherwise it is a quiet country road the rest of the day and on the weekends. Sunday, I was sitting out there and there was, I swear there was more motorcyclists and bicyclists riding by than there were cars. The road is surrounded by wooded hills, bluffs, agriculture, in the summer time there's the smell of fresh cut hay, sounds of kids playing, cows mooing, I mean it's just a real peaceful area. I don't want to see OA strained to the point where it becomes a super highway. I don't care what you make the speed limit at, if you straighten it out, people are going to be going 65 through there. The way the realignment project happens my kids will have to cross the road to get to grammas house or anywhere. The corners on the road, you have the S turns, you have the corner by my house the corner by my moms. It helps to slow people down. It is almost literally impossible to get up to 55 miles an hour on that road. You really have to work at it. I think the road is in rough shape, I mean it's been neglected for years, the asphalt is cracking, there's ruts in the road, when they plow the road all they do is smooth it over. But to straighten the road to me is to lose its whole character and to change the whole, just the scenic drive through there. I wish I would have had the forethought to make it a rustic road but I didn't. This application for this special

permit is the first mailing I've received on this project. I know it seems according agriculture impact statement, October 17, 2011, Page 7 Section 4 under Agricultural Impacts, which I didn't receive a copy of that either, I'm listed as nine (9) acquisitions of less than an acre of land. The parcel of land may be insignificant to everybody but it's very significant to me. I've worked very hard to supply my family with the country life I so cherish. The land that I will lose to this project is, when all said and done, will be over an acre probably. That'll be 20% of my land having 5 acres. Not to mention the farmland there, when the guys came to bore for their samples, they said it is probably the best farmland that they've ever seen around, bar none. I had my land surveyed to include the creek when I bought the land about 8/9 years ago. Now, if this project happens, the road split my property and the will separate the majority of my land from the creek. The land on the west side, the creek side of the road will basically be worthless to me since I won't have any water access if one day I decide to have livestock because I won't be able to pasture because they won't be able to go across the road. If they take the land from me, it makes me wonder, you know, because I have five (5) acres, it will take me down to four (4), how will that limit my ability of obtaining permits and things like that. It will really limit my ability to do anything except, you know, I could grow a garden there or something. I won't be able to probably acquire more land from my mom to start farming or have livestock or anything. Some say the road is unsafe because of the corners. I would argue the opposite that it's more dangerous straightened. The corners have always helped people slow down. My father was killed on OA in 1965. Not on the corners, but on the straight stretch by Drectrah Road, he was hit by a drunk driver on the tractor, but you know I'm just saying the straight roads are just as dangerous as the curves if you ask me. I guess I would ask that you guys to maybe reconsider this project. I know a lot of money has been put into this already and I just don't see where it is going to help anything. I mean you can straighten the road out and smooth the corners out, you can make the corners safer, but to straighten things out like that it just goes against what I believe in. And if anybody wants to come over to my house on Sunday afternoon, you're more than welcome to watch the traffic flow. You can see the people that drive the road, know the road. And the people that don't there's signs there that tell you there's a curve coming up. Thanks for listening.

Pedretti: Hold on a second. Committee any questions? Staff? Thank you.

Appearing in Opposition: Rhonda Rabbitt, N2540 County Road OA, La Crosse, WI 54601. I wasn't going to come up but I guess I'm still looking for a point of clarification on what the exception is. In reading this, grading within 300 feet of ordinary high water mark. I'm picturing, is that within the high water mark or it's approaching within 300 feet? I'd like more clarification of what that actually means and how close that is to the actual creek water.

Pedretti: You can have staff answer that.

Sampson: The 300 feet is a buffer area in and along a navigable water way. Any time there are certain activities that are carried out within that 300ft buffer district, certain permit requirements kick in. In this case, it's proposed to fill or grade more than 2,000 square feet. Within 300 feet of that navigable water way and that's the requirement under our Shoreland Zoning Ordinance for a Special Exception Permit.

Rhonda Rabbitt: So it's still within regular requirements then?

Sampson: Yes.

Rhonda Rabbitt: Ok. Because that was one of my original concerns with the creek. There's fish in there, kids go fishing and it's still very much a natural place and I'm wondering how much this would damage or interrupt that natural life. That's all.

Pedretti: It cannot enter the creek area at all?

Sampson: It cannot. And Mr. Chamberlain can probably better explain the liaison process between the Department of Natural Resources (DNR) and the WI-DOT for federally and state funded road projects of this kind.

No one else appearing in favor or in opposition.

Pedretti: Ok, we'll get him up there at the end and get some clarification. Thank you. Any other comments? Any questions from the committee? Ok, thank you.

Pedretti: Commissioner Chamberlain, would you mind coming back up and addressing the couple issues that were – we'll start with the 55 mile an hour speed limit. You said that was the – I saw you nodding your head, that's a separate issue?

Chamberlain: It is a separate issue. Any time there a group of residents or a town board would desire to see a speed zone changed on a County Trunk Highway they can petition the highway department to look

at it. The catch to that petition at this point and time, with budget constraints being what they will, or what they are, there is a required speed zone study analysis that looks at congestion, it looks at what vehicles are actually traveling out there and there's a cost for that study. That's not something we routinely budget in a slush fund for so we'd be looking for how to fund that particular issue. But a group of residents could petition the County Highway Department for an area of speed reduction. It would have to be a legal petition. Meaning voting residents. Other than that, it's not tough process to get to that point. From there on it gets much more difficult.

Pedretti: Is there an issue with federal funding...as stated?

Chamberlain: Not that I'm aware of and not in this program. But we would not consider dropping the speed limit on that with consideration to the new road until such time as the road is built because you actually have to do the study on what you're dropping the speed zone for.

Pedretti: Ok. Clarification then on the DNR liaison and the water.

Chamberlain: The rule that Nate addressed is called Transportation – it's part of the admin code, it's Trans 207. It's a liaison process that reviews any creek crossing. In DOT, DNR terms there's a direct correlation. They have a cooperative agreement in place. The realignment on the piece of the road from the school house south is quite frankly where the fill is. The impact to the stream will be minimal. Upstream and downstream of that crossing are culverts. Currently, the approved, conditionally approved, structure to go over that is a 46 foot span bridge. That's a significant crossing and that was done in effort and required by the WI-DOT to avoid any backwater held back up on to adjacent properties. That's the where we're at. The project to this point, has been reviewed by the DNR liaison, has been reviewed by the DOT, environmental liaison and has gone through an army corp. process as well.

Pedretti: And they've all approved it?

Chamberlain: Yes maam.

Pedretti: Or you're still in process?

Chamberlain: No maam. It's conditionally approved based on the current design.

Pedretti: Committee, any other questions?

Bina: I guess I have another one, I'm not sure if you've done anything about it but I got two calls and I didn't know exactly what to say but you're going to do it over a 2 year period probably, or more? Depending on the funding.

Chamberlain: Actually, the county board has more control over how fast we get that done based on where they put the tax levy.

Bina: I won't be here so you'll have to look at these guys. Ok, when you finish the project, next year or the year after, the old road and the old bridge going on the old road, what's going to happen to that? Does that revert back to the original property owners, or is it going to be covered up or what's going to happen to the old road?

Chamberlain: We can't remove the old road. That would land lock property owners – that's illegal in the State of Wisconsin. There'll be a cul-de-sac down at, basically where the intersection of OA and FO at this point. Ok, so that does not connect through and then we would approach the town as to their willingness to accept that stretch of road as a town road. But again, that's a voluntary, if their willing situation. Otherwise the County is obligated to maintain that road.

Bina: So you're going to leave the old bridge stand by the school house there then till it rots down?

Chamberlain: The culverts, yep. We have to maintain it if we own the road. The maintaining authority has to maintain everything. There is no rotting down.

Bina: Alright. Good enough.

Keil: Is it true Ron that you're going to replace the bridge where the north part of Garbers Creek crosses underneath there? It isn't that old of a bridge but they said it was too narrow or something.

Chamberlain: That's a widening. That's what's classified as rehabilitation not a replacement. There'll be a widening up there. The entire project is designed with bike/ped accommodations in mind. Ok so there's some extra pave shoulder involved to facilitate bicycles on pavement and pedestrians.

Pedretti: That was the other issue was kind of the safety of bikers. So there will be lane along this or just on the bridge?

Chamberlain: There'll be on the far north bridge it will be on one side of the bridge. Along the rest of the road per complete streets, our local ordinances as well as the state and national requirements will have bike/ped accommodations. And accommodations are defined as a widening of the paved portion of the shoulder.

Pedretti: Ok.

(Inaudible response from audience)

Pedretti: The public portion of the meeting is technically closed. A question is acceptable if you want to just turn the mic on and ask a quick question.

Solberg: Well I basically have two questions; one is how close to the creek is the road going to be? Because the creek it meanders through it isn't straight so out of the farthest point in do you have to go how far out into the farmland do you have to go?

Chamberlain: We cross the creek. Actually the drawing has a pretty good (refers to overhead) if you could zoom in the right area, it's got a pretty good indication of where the proposed centerline is supposed to be.

Pedretti: Remember this application is on the creek beds only so we're not designing the road. Want to be careful with that.

Chamberlain: Just a quick point of clarification, that little brick school house, really is what resulted in us taking this other alignment. That's a historical site so we can't do anything with it.

Solberg: Can I ask one other question?

Pedretti: One more question.

Solberg: I was just wondering why I was just disregarded from all the mailings? I mean what is the reason for that?

Chamberlain: To the best of my knowledge you weren't disregarded from all the mailings. The process, the design process and the oversight process is through the WI-DOT, under state and federal guidelines via a consultant engineer that again is under contract by WI-DOT. That's overseen by consultant engineer, a different one, that is again is under contract by the WI-DOT. And they have very specific rules and regulations as far as the how to go through it.

Solberg: I mean this a 3 million dollar project – wouldn't you think it would be just as easy, there's only nine (9) other people...

Pedretti: Alright, I'm sorry but this is not part of our purview so I would highly suggest talking the DOT or calling the Commissioner and getting a little more clarification.

Solberg: The problem is, I mean....

Pedretti: Certainly, you should have been notified and....

Solberg: I can understand the special petition was going to be voted on tonight. I must have missed that in the letter.

Pedretti: Ok. Alright.

Bina: Just one more question. That's why, the reason why they've been calling me, that's my district out there and OA is the dividing line. That's the end of my district, now the district changed for next year, but the question that came up is that you got this plan all put together and nobody has talked to the property owners about buying property, where the road might go. When did this all happen? Because that's the reason they're calling me and that's why I wanted to call these guys and I never did, but the question is – You got a brand new road being designed and nobody is talking the guys who you're going to have to take some property from in order to the do the grading on the first stretch and the second stretch which is coming up next year. Todd's mother never got approached, Todd never got approached and I don't talk to you guys so when are you talking to the property owners? And nobody said anything about dollars for the property or whether it will be condemned or what the situation is. That's why they're not knowing what's going on.

Chamberlain: Well, there's been two (2) public information meetings on this project that I know of that have been recorded in the minutes with sign-up sheets and people have been notified. Two, now you're getting in talking about the actual acquisition process that's again guided by state and federal rules and laws. Each individual property owner will be approached individually, they will be sent a letter opening up discussions, they will be sent a pamphlet that will describe their rights under the law. And it's not something, quite frankly, that I'm prepared to discuss because there are state and federal rules that are required to be followed.

Bina: And that's....

Pedretti: And again, we have to be reminded that we're not looking at the road project. That is not our purview. It certainly is a concern for folks who weren't notified and that is something that we'll have to look into as a county representative, but we're looking at the Special Exception only here today.

Bina: I would agree with that.

Pedretti: Ok.

Solberg: You're putting one before the other. I mean that is part of the project.

Pedretti: And it's gone through quite a few hoops – we can't go back and debate all the hoops so thank you, I appreciate your time and for the extra consideration in going a little bit beyond our purview. So, we close the hearing portion, if we could hear from the staff.

Correspondence (Sampson): Madam Chair, we have three (3) pieces of correspondence the first one comes from the Town of Greenfield dated 3/26/12, and received 3/26/12 (read into record); second piece is dated 3/24/12 and received 3/27/12 from the Town of Barre addressed to Ronald Chamberlain, Highway Commissioner (read into record); third piece of correspondence comes from DNR, Bureau of Watershed Management, Regional Shoreland Specialist, Mike Wenzholz, this email is dated Monday, 3/26/12 received the same date (read into record).

Staff Recommendation (Sampson): Staff recommendation is to approve subject to the following five (5) conditions:

1. This permit is granted specifically for the work relating to the realignment of County Road OA as depicted in the road and bridge construction plans for Project Reference No. 5096-00.01 dated 2/17/12 submitted by Will Kratt on behalf of Mead & Hunt, Inc.;
2. All applicable erosion control permits shall be obtained from the La Crosse County Land Conservation Department;
3. Any dredged or excavated materials not used as part of the realignment project shall be deposited on an approved upland site;
4. All state and federal permits required for this project shall become part of this file; and
5. This permit expires October 1, 2014.

Pedretti: Question on the expiration of October 2014. If it isn't done, do they have to come back in? Just seems like if they don't start their project till 2013 or 2014 is that going to be cutting it close?

Sampson: I believe the project completion date was 2014.

Pedretti: Ok.

Motion by Manthei/Bina to approve with five (5) conditions.

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

ZONING PETITION NO. 1889 Ronald E and Susan J Anderson, W2295 E Olson Road, Bangor, WI 54614. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A" 8.83 acres for continued residential use the following described parcel: All that part of the NW/SE, Section 6, T17N, R5W, lying south of the centerline of E Olson Road and west of the centerline of County Road 'DE'. Part of tax parcel 3-110-0. Town of Burns.

Appearing in favor: Susan Anderson, W2295 E Olson Rd, Bangor, WI 54614. As you can see by the map up there (refers to overhead) we own the farm and it's divided by two (2) highways, County Trunk DE and Olson Rd and we have four (4) different parcels. What we would like to do is take the parcel with our home and everything that's on the left hand side there on the bottom and rezone Residential so as we are getting older and something would happen us, our children wouldn't be burdened by selling that because they would really like to keep the rest of the farm land. And we don't want to leave anything undone. Thank You.

Pedretti: Any questions from the committee? Staff?

No one else appearing in favor or in opposition.

Correspondence (Sampson): We have one (1) piece of correspondence in the form of a Resolution from Town of Burns. This is Resolution No. 2-14-2012 No. 1 dated 2/14/12 (read into record). No further correspondence.

Staff Recommendation (Sampson): Staff recommendation is for approval. This is an existing land use; and it also allows for one (1) additional single family residence that is authorized now for an eligible occupant. In other words, the Anderson's can retain that home and an eligible occupant such as a daughter or son could build a second residence on the remaining acreage and it would not fall below the 35 acre minimum for a farm. This recommendation is subject to recording of deed restrictions on the proposed 8.83 acre parcel indicating the following:

1. Only one (1) single family residence is allowed on that parcel; and
2. No further subdividing of the parcel.

Motion by Keil/Manthei to approve with the deed restriction and no further subdividing. 5 Aye, 0 No, 2 Excused (Meyer, Mach). Motion carried unanimously.

ZONING PETITION NO. 1891 Edward A Jr and Diane K Eisermann, W6663 Casberg Coulee Road, Holmen, WI 54636. Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A" 33.7 acres for continued residential use and to allow for two additional residences on the following described parcel: The SW/NE of Section 5, T17N, R7W EXCEPT the east 208.7 feet. Tax parcel 8-8-0. Town of Holland.

Appearing in favor: Edward A Eisermann, Jr, W6663 Casberg Coulee Rd, Holmen, WI 54636. My wife and I own the property and I must have been out of town on the day that that petition was signed because it's got my son who is interested in buying some of our property to build a single family home on it so it's really my wife and I who currently own the 33.7 acres. I don't know if that's an error or if I was on a small consulting trip when that was signed or how it happened, I don't know.

Pedretti: Nate, would you like to clarify?

Sampson: If I could clarify, it could just be the script and I misread that, I apologize.

Eisermann: Ok. Again, it's our intention to sell a portion of our property to our son and his wife. The property runs along Casberg Coulee Road and our house is basically in the middle of the property about 150 feet or so from the road and you can look to see that there's a field on both sides of the house and it is currently zoned Exclusive Agriculture. We went through the work of going through the Town of Holland to get it changed to zoning as Agricultural "A" with the limitations that no more than three (3) properties or houses could be built on the property because the Town of Holland has a rule that you have to have at least 10 acres for each housing structure. Therefore, with 33.7 the most that could be on there would be three (3) buildings. We talked to all the neighbors; we had nobody in the area against the request. Impact to traffic, noise, lights would be minimal as our son and family have just two (2) vehicles; they don't have a side business. The house will be set back about 150 feet from the road so as you come down Casberg Coulee from the west you probably wouldn't see the house until you got past the pine trees that are bordering both sides of our current house. So lastly, the property will be deeded; restricted to three (3) total homes based on the Town of Holland's long range comprehensive map of land use based on large residential use requires ten (10) acres, like I said before, per home and no more than three (3) homes per the 33.7 acres.

Pedretti: Thank you. Any questions? Nate?

No one else appearing in favor or in opposition.

Correspondence (Sampson): We received two (2) pieces of correspondence; one, an email Monday, 2/20/12 received from Town of Holland Clerk (Read into record); second piece of correspondence was submitted by the town clerk for the Town of Holland, Marilyn Pedretti that is dated 3/14/12 and is in regard to zoning issues addressed at a Town of Holland Board Meeting and received 3/19/12 (read into record).

Staff Recommendation (Sampson): Staff recommendation is for approval subject to the recording of deed restrictions indicating the following:

1. Only three (3) single family residences in total are allowed on this 33.7 acre parcel identified as tax parcel 8-8-0.

Motion by Manthei/Keil to approve with the condition of three (3) single family homes in total. 5 Aye, 0 No, 2 Excused (Meyer, Mach). Motion carried unanimously

ZONING PETITION NO. 1892 Fred Hayen, W2360 County Road B, West Salem, WI 54669, acting on behalf of Dorothy Seab, 748 Duff Drive, Winter Garden, FL 34787, and Maynard F and Kathleen Tauscher, W2360 County Road B, West Salem, WI 54669. Petitions to rezone from the Exclusive Agriculture District to Agriculture District 'A' 3.79 acres for continued residential and agricultural use, which is that portion of a 3.87 acre pending Certified Survey Map lot currently zoned Exclusive Agriculture and described as follows: Part of the SE/NW of Section 6, T16N, R5W; commencing at the west quarter corner of said Section 6; thence along the east-west quarter line of said Section 6 S89°43'04"E 1958.20 feet to the point

of beginning; thence N00°04'07"E 20.28 feet to the northerly right-of-way of County Road 'B'; thence along said right-of-way N89°43'06"E 1.13 feet; thence N00°27'30"E 382.42 feet to the south line of the La Crosse River State Bike Trail; thence along said south line S87°58'58"E 424.51 feet; thence S00°04'07"W 389.85 feet to the south line of said SE/NW; thence along said south line N89°43'04"W 428.00 feet to the point of beginning. Part of tax parcel 1-112-0. Town of Bangor.

Pedretti: Just a reminder that this is the one we had the easement approval at the business portion. Just to help refresh.

Appearing in favor: Fredrick Hayen, W2360 County Road B, West Salem, WI 54669. I am speaking in behalf of Dorothy Seab, who lives in Florida; she is the legal owner of all of the farm save the two (2) pieces that have already been split off which are Lot 1 and 2 and she also is the owner of the modular home we all live in that's on this proposed rezone lot. I'm also speaking for Maynard and Kathleen Tauscher who are residents in the home and are in or close to their 90s. And for Karen Scott, my fiancée, who also lives in the home and takes care of them pretty much 24/7. Karen moved back here about seven (7) years ago to live with her parents and take care of them. At that time the older home was given to Fred Tauscher, that's lot number, I believe two. They put this home up as a brand new house that was brought into the (refers to overhead) so, the original home farm is right there and Fred Tauscher was given that home and then they erected this modular home. That was about 5 to 7 years ago. Karen Scott has lived there now for the last 5 to 7 years taking care of her parents full time, they live in the house. Basically that's all she's done. She is also disabled and I am speaking for her because she is hard of hearing so I got elected. The reason we're here now; dad and mom's will call for this house and several acres around it to be willed to Karen when they pass on. However, the house is in Dorothy's name in Florida. She has notified us that one, we found out the balloon payment on the home itself is due and so the house has to be refinanced. Two, the land is all in her name, there's not much any of us can do to refinance the house unless the piece of land that it sits on is owned by her. So the plan is to try to get approval to rezone that to Agricultural "A" and then to get that deeded over to Karen and then she can go over to the bank and get a new loan written in her name because in May they are going to want the balance due and nobody's got it. So basically that's why we are here. We have no intention of doing anything to that land other than what is. It's about 75% of it is in corn or beans and rented out and it will continue to be rented out. We don't have any plans to do anything different with it. We did add a 66 foot easement all the way across on the north end of the property here (refers to overhead) to maintain access both to this Outlot 1, to the farmland to the right and to make sure all the easement will allow access to all the farmland north of the tracks there. I think it's very well thought out I hope.

Pedretti: Great. Thank you for the detailed explanation. Any questions from the committee? Staff? Great thank you.

No one else appearing in favor or in opposition.

Correspondence (Sampson): We did not receive any correspondence from the Town of Bangor and I noticed that they did hold a Town Board Meeting on the 19th of March.

Pedretti: Could you speak into the microphone? Just turn on the red light, there you go.

Hayen: Yeah we did go to Bangor, I had a meeting on, well, it was a couple three weeks ago anyway. They did approve it and they signed off on the original plot map that is now in the possession of the proper authorities.

Pedretti: You mean for the easement?

Hayen: For the easement. Yeah, so that's all been signed off by them and approved.

Pedretti: That they approved at their last Board Meeting?

Hayen: Yes they did.

Pedretti: Ok.

Staff Recommendation (Sampson): Staff recommendation is approval subject to the recording of deed restrictions on both lots indicating the following:

1. Only one (1) single family residence is allowed on this 3.87 acre lot; and
2. No further subdivision of the lot is allowed.

Motion by Bina/Wehrs to approve with condition of one (1) single family home and no further subdividing.

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

ZONING PETITION NO. 1893 Chris Fechner, 917 4th Street South, La Crosse, WI 54601, acting on behalf of Dennis M Gronbeck, 9621 Sterling Dr S, Highlands Ranch, CO 80126. Petitions to rezone from the Transitional Agriculture District to Agriculture District 'A' approximately 2.86 acres to allow for a single family residence on the following described parcel: The south 110 feet of the NW/NW lying east of the east channel of the Black River, Section 23, T18N, R8W. Tax parcel 8-1054-0. Town of Holland.

Appearing in favor: Chris Fechner, Coulee Region Land Surveyors, 917 S 4th St, La Crosse, WI 54601. Acting on behalf of Mr. Dennis Gronbeck who lives in Colorado. I've got a map here prepared that I originally turned into town board (hands out to committee); it's similar to the rezone request. However I thought I'd bring it because it does color code the area that we are discussing.

Pedretti: Make sure that the staff gets a copy.

Fechner: I'm here tonight to ask that the county consider rezoning the property from Transitional Agriculture to the Agriculture District "A". I attended the Town of Holland Comprehensive Planning Meetings and Resolution 1-12 was passed on February 12, 2012, amending Town of Holland Comprehensive Plan which changed the Town's Land Use Plan from conservancy to small lot residential on this property. As you can see on the map that I passed out the surrounding properties are either zoned as Ag "A" and/or Transitional Ag, but all contain either a single family residence or a conditional use permit. Mr. Gronbeck's intentions are to someday eventually move back to Wisconsin and retire on this property and construct a single family home.

Pedretti: Thank you. Committee, any questions? Staff?

Sampson: None.

Pedretti: Thank you.

No one else appearing in favor or in opposition.

Correspondence (Sampson): We have no correspondence. My understanding is that the Town Planning Commission will be meeting this Wednesday, April 4th and the Town Board will act on this petition the 11th of April. And the County Board Meeting is April 17th so...

Pedretti: That is correct, it's on both agendas.

Sampson: ...we'll have plenty of time to get that report.

Staff Recommendation (Sampson): Staff recommendation is approval subject to the recording of deed restrictions, again, indicating the following:

1. Only one (1) single family residence is allowed; and
2. No further subdividing of the lot.

Motion by Manthei/Keil to approve the condition of a single family and no further subdividing.

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

CONDITIONAL USE PERMIT NO. 854 Thomas and Nancy Schomberg, N2764 County Road YY, La Crosse, WI 54601, acting on behalf of Octagon Farms, N2832 County Road YY, La Crosse, WI 54601, and doing business as Schomberg Kennels. Petitions to amend Conditional Use Permit No. 726 to increase the maximum number of dogs from 45 to 60, to allow for one full time employee in addition to family members and to allow for Schomberg Kennels to operate on the west side of County Road 'YY' on lands zoned Exclusive Agriculture and located in part of the SE/NE, Section 33, T16N, R6W and part of the SW/NW, Section 34, T16N, R6W. Tax parcels 2-452-0 and 2-479-0. Town of Barre.

Appearing in favor: Nancy Schomberg, N2764 County Road YY, La Crosse, WI 54601. I'm here today to, hopefully the board was able to take a look at folders that I provided earlier in the week that pretty much spelled out our business plan, our proposal and just other pieces of documentation that I thought might be valuable in getting to know a little bit more about our business. First of all, we are here today seeking permission to house dogs on the west side of County Road YY. We were never really aware that this was wrong as N2764 County Road YY is our business address and this...There happens to be a road

that divides our farm in two. The buildings that are on the other side of the road have been there for over twenty-five (25) years but they have been sitting empty for almost three (3) years. And so it made sense to utilize them but now realize that it needed to be done with approval only. We take great pride in what we do. We love our dogs very much. They are not just numbers. We have been operating with the proper business permits since 2003. All of our dogs are pure bred, registered through the American Kennel Club (AKC). The AKC also has an inspection process as well, and they have....I have always received favorable inspection reports from them on a consistent basis. And their inspections include the dogs, all the premises and all of my record keeping that correspond to the AKC guidelines and it's fairly extensive. The state has now begun new regulations and guidelines for the state of Wisconsin for all dog breeders. That began in June of 2011. They have been out and inspected and passed our entire facility which included across the road because as I mentioned, I didn't think that was wrong having dogs over there. They (AKC) thought that was a very fine facility. The number of dogs on our premises has never been an issue with either of these agencies and they've been there a number of times. Secondly, we are asking for an increase in the number of dogs allowed on the premises. I want to stress, very clearly, that we are not seeking to expand our business, our breeding program. We're very comfortable at the level that we're at. The additional numbers that we are asking for is a....I call it a buffer zone which we need from time to time and it varies throughout the year. But it's because of the 5 month old puppy is considered an adult, according to the La Crosse County Code, so they need their rabies and then they become part of the count of the head of adult dogs on the premises. There are times when I have a litter of puppies, most are spoken for, they get sold at a nice age and a few of them start to get older on me. And because of the business we do breeding pretty continually throughout the year, there's some more litters coming up that people want to consider. They love to take home that little cute puppy. And they love those older dogs but really want the little one and so I have to very patient for the proper home for the five (5) month old or even the six (6) month old. But there is always a home, there's always been a home for the puppies but obviously that is something that I need to be more patient for placing them. The other issue that I have run into is because of the years we've owned these dogs some become very special to us and as they get older, they're part of our number, their no longer part of any breeding program. They're not easy to place. They're something we want to keep around so those numbers that you hear, even the 45, when they say 45 adult dogs, that's counting 5 months up to 11 year olds. I've even had some with longer. I want to stress too that we have very high quality dogs. Thirdly, I guess we are also asking that we be allowed at least, the equivalent of one full time employee other than family members. Ideally we would like that condition to be open-ended as needed. When we first applied we were allowed family members only and that was fine. When we had it amended back in 2006 we were then allowed a part-time employee along with family members. Now I would like at least the equivalent of a full time employee along with family members. Although ideally, I'd like to be able to hire as needed like most businesses in La Crosse that when you have a business and you have a need you hire that you could hire without coming and asking permission. But I know that one full time would be sufficient for a long time. I want to mention too that the Town of Barre has already approved our petition and all of our neighbors have no objections. I wanted to mention that we are constantly working towards being in compliance with the new conditions, the new regulations, different inspection processes that come through and say you need to do this or you need to do that or you need to change that. We've done a lot of that and just this fall we spent over fifteen thousand dollars (\$15,000) making improvements to continue just the east side of the road. That was before...the state approved everything as is. But the county is much more strict and we've been willing to put forth a lot of our time, effort and money to keep things where they need to be. I have some other comments on some of the material that would be part of the public record. It hasn't been made present at this meeting yet so, I don't know if I should reserve that or if I could ask permission to address some of the issues again?

Pedretti: That are not in this folder?

Schomberg: Well, they are but they haven't been brought up yet. Just things that are part of the public record and in the packet that....

Pedretti: Anything you think is important to put in the public record by all means.

Schomberg: Well I have read through some things that are in there and one of them would be the recommendation that will be coming from the La Crosse County Health Department. It's a draft but I read through it and I find inaccuracies in some of the reports I find some of the suggestions to be invasive and things that I disagree with and I was hoping that I would be able to have a chance to address. Things like that.

Pedretti: Why don't we wait until those recommendations are actually been made for you to address the recommendations, we would give you that time.

Schomberg: So, if you have any questions in the mean time I'd be happy to....

Bina: I was going to suggest that once the public hearing session comes to a close we'll probably leave you rebut whatever you might hear today.

Pedretti: Ok, but it's best to wait until the conditions have are out there.

Bina: Like we did with the ah....

Schomberg: Yeah, that's what I was referring to conditions.

Pedretti: Ok, any other questions? Staff, anything?

Appearing in favor: Wade Schomberg, N2878 County Road YY, La Crosse, WI 54601. I am speaking in favor of this. I don't know if I can add a whole lot to what Nancy just said. I'm not very well prepared. But I would like to say that since we no longer raise, Tom and I no longer raise hogs on the west side of the highway there anymore that it would be a shame not to utilize in the business that they already are doing. Nancy did a good job explaining to you and I will add they do a good job, I've witnessed that myself and talked to people that purchased dogs. They're very impressed with their set up and everything that they do.

Pedretti: Ok. Any questions from the Committee?

Bina: You are a brother to Tom?

Wade Schomberg: Yes.

Bina: You should explain that too.

Wade Schomberg: Yes. Tom and I farm together in Barre Mills.

Pedretti: Ok.

Appearing in favor: William Schomberg, father of the speaker that came before me and, of Tom and Nancy's father-in-law. I live at N2832 County Road YY, La Crosse, WI 54601. I am the closest neighbor to the kennel. The modest increase in numbers that they are requesting and that they have I don't believe would be any problem for anyone living where I do. I'm getting to the age where perhaps I won't be living there any longer and there'd be a non-family member living there. But if I just relied on my sight and sound, I wouldn't even know there was a dog operation there and I live within a ¼ mile of it. Another thing I might mention is I've made a living raising livestock all my life and regardless of the species I take pride in identifying quality animals. And I'm very proud of the job that Tom and Nancy have done in breeding and selecting their Rottweilers because they really have outstanding animals in there and making full use of facility that would unfortunately stand empty; things being as they are in agriculture. Thank you.

Pedretti: Any questions from the Committee? Staff?

No one else appearing in favor or in opposition.

Correspondence (Sampson): I have two (2) pieces of correspondence madam chair. One is from our Code Enforcement Specialist, Chad Vandenberg, dated March 20, 2012. This is a conditional use permit history (read into record). I have a series of reports from the Humane Society that if the Committee wishes, I can read into the record.

Pedretti: Yes, the committee wishes.

Sampson: We'll start sequentially from March 7, 2012. The first memorandum was received March 7, 2012 (read into the record). We have another email from Amiie dated March 23, 2012 and March 22, 2012. From Amiie Gabrijska to Janet Lipsey with the Department of Ag Trade and Consumer Protection (read into the record). Another report dated March 27, 2012 and received the same day from Amiie Gabrijska (read into the record). And the last is a four (4) page document, excuse me, three (3) page document that we (staff) received today (April 2, 2012) from Amiie from the Coulee Region Humane Society again (read into the record). My last piece of correspondence comes from the Town of Barre, it's dated Tuesday, February 28, (2012) addressed to Chad Vandenberg (read into the record). No further correspondence.

Pedretti: Ok. There's some serious violations happening here. And I would think we'd want to give the applicant a chance to respond to some of them. We don't want to get into a debate. This is a public

hearing, not a debate. If the committee feels it's acceptable we can have Nancy Schomberg come back up. Is that acceptable?

Committee: Yes.

Pedretti: Again, we are not debating but there were some pretty serious violations there so we'd like you to come back up and be able to respond.

Nancy Schomberg: First of all, any of the violations that we were cited for were almost immediately resolved. Violations with the numbers that went over back in October – any dogs that were 5 months or so were given their rabies. We reduced the number of dogs quicker than I've ever done before by finding some homes fast and euthanizing a few dogs. So that number was brought into compliance fairly rapidly. So if we are addressing these October violations that some of this very lengthy, I'm not sure which ones I want to start. Anyway, everything becomes resolved right away. We did extensive remodeling and fixing up and making the east side of the road compliant. In November, right before Thanksgiving, the Humane Officer did come out, re-inspect and passed and then the County Health Department reissued our permit and we were able to continue conducting business. That was late November. In February we got the surprise inspection early on Monday morning and there was frozen water in some of the dog pails. A lot of the dogs have automatic systems & heated water systems. We went out and purchased something we didn't even know existed. We have heated 5 gallon water buckets. Spent five hundred dollars (\$500), more than that, closer to six hundred (\$600) getting enough water buckets so it will never be an issue again. I have a letter from a veterinarian; he's been working closely with us, La Crosse Veterinarian Clinic, Dr. Mark Madison. They're out every month doing health checks on my puppies and any dogs. I see a veterinarian at least monthly. He wrote a letter, I do have a copy of it here, what he feels is proper bedding and what we have been doing for 20 years raising this breed of dogs is sufficient. I don't know if you'd like a copy of that letter, but I do have it with me (Letter given to Sampson for file) stating that what his opinion as a very experienced veterinarian feels about the bedding. The other issue was, of course it was February and cold and my youngest litter was about, I don't know, maybe they were five (5) weeks old and I had them across the road yet with the understanding that we had with Chad, who we were working with getting our; this petition was in motion he had said, as long as you're (Schomberg's) working with us to get this petition amended, we were in the understanding that we could have dogs across the road without being cited with violations and tickets. So the warmest, nicest environment for that litter of puppies was across the road in a pen which the state deems fine; the county has deemed it non-compliant. That's something that's completely empty now. That's something that is the old farrowing barn, nothing's in there. And if we get passed it will be remodeled completely to the La Crosse County Health Code standards. But that litter was moved immediately, the day that she was out. As far as the heat being turned off, that's not true, it was turned down but it wasn't off. I don't let my dogs freeze; I don't let my dogs go without water. We have high quality dogs; we take a lot of pride in them. These reports that come out of there, they don't set well with me, because it really makes it sound like I've got some kind of a filthy place; that we are not keeping them clean; that we're not giving them proper bedding and adequate water, then why do they look so healthy? Because anybody who's ever been on our premises has only seen healthy dogs that are well cared for. They're not playing slip and slide in their feces like it was described. Sometimes she comes out and there is a pen that hasn't been addressed yet but that's what these surprise inspections, you know it happens. You could go to any business in La Crosse County and find a bathroom that doesn't meet a minimum standard. In a restaurant or freezer or a cooler that the temperatures are wrong or a grocery or a Kwik Trip, there's....it happens. There isn't 100% perfect things on a surprise inspection. We do clean and we do our very best to maintain a very healthy, well run ship. What questions might you have specifically for me?

Pedretti: Committee?

Wehrs: The first one I want, was just wondering if you could address the comment, in one of the reports, that there was maybe a physical impossibility of two people to care for that number of dogs.

Schomberg: Sure.

Wehrs: Tell me kind of what your day is like.

Schomberg: Yeah, it is, it's a continual basis, there's, with the number of dogs, I have calluses on my hands. I work a shovel daily, so does my husband and so do my kids. She stated that she never sees anybody out there working; well my kids are at school so maybe in the summer she might happen to witness it. So it is something on a daily basis where we're cleaning, moving dogs around, they are getting exercise. They are not locked in a single pen their whole life. It's never something like that. Every day is a little bit different as far as the movement of the dogs and where they're going and putting them in different pens and things like that. I guess if it ever happens that a day went by and that one pen didn't get cleaned, but two days went by and yeah it's cleaned. It is something that we're constantly addressing.

I wanted to say though that my husband, being a full time farmer all his life, he ran and managed a very, very large number of hogs, plus there's a beef herd and everything they take care of. And now that that's gone he has the time – we are still healthy, youthful, able bodied people and we're constantly working with our dogs and taking care of them. They don't go without.

Wehrs: When we went out there it was very nice and clean and it seemed like everything was fine. But they're not surprise inspections; that's how surprise inspections work. If everybody got notice of their inspections we'd never catch anybody, you know nobody would ever be caught doing anything wrong. Everything looked nice and healthy and I guess to the average person who has dogs in their house and it seems like a lot of work to take care of too.

Schomberg: It is.

Wehrs: Do you have a waiting list or why the increase? Is it, I mean I think we should take pride in having somebody running a facility where it looks like we have world class dogs coming out of there. I'm just wondering, to me it seems like so many, 60 dogs...

Schomberg: I do, I have waiting lists for particular matings. People have visited and they like a particular dog or even certain blood line that I have in some of the lineage of the dogs that I've been breeding with. So I do get special requests.

Wehrs: How many puppies a year do you sell?

Schomberg: To safely say it was around 70; it was in the 70's.

Wehrs: Ok.

Schomberg: Two years ago and then this last year it was just a little lower actually.

Wehrs: So, it doesn't seem....

Schomberg: It hasn't reached over 100.

Wehrs: It doesn't seem like a puppy mill then?

Schomberg: No.

Wehrs: Where you're getting hundreds and hundreds of dogs a year.

Schomberg: No.

Wehrs: It's about 60 or 70...

Schomberg: No, it's a good pace because there's only so much – I sell every puppy individually. I don't sell to a broker, I don't sell them in bunches. It's one on one with every person and every person has a story and every person I take time with and there's going to be a lot of correspondence and sometimes it's before a litter is even conceived that I'm corresponding with somebody or it may be you know, people that might have a deposit on a two week old puppy and they want updates every week of how their puppy is progressing because they live far away and they can't come here until it's ready to go.

Wehrs: Also another thing, I think as a committee, we have concerns about always is the waste. I know that the one report said the waste is just dumped on the edge of a field. Do you have a plan for...

Schomberg: For the most part it gets stockpiled farther away from any of the buildings and then they'll take the skid steer and load it up in a manure spreader or haul it in to the corn fields and it gets turned into the corn fields. It's never going to sit there forever. It always gets spread and we've got obviously lots and lots of acreage surrounding out property. So it does get put back into the ground.

Wehrs: I guess one final question for now is safety and have you ever had an incident where a dog has – you know – they seem like very nice dogs...

Schomberg: I wish I could have gone along with the tour because the barking would have been at a minimum, I think strangers and the whole commotion causes them to get more riled up but we have never had an incident, no one has ever gotten bitten on our premises.

Wehrs: Not bitten but have you ever had one where a dog gets out or where they are out of their kennel?

Schomberg: It's very very rare that the dogs get out but on occasion if someone did dig under or jump over or unlatch a clip and open the kennel, I have some really smart dogs; I know which ones they are. They usually end up by the house running around. That's almost always where they end up. "Well there's a dog...who's that" you know they come up to the house. And I find them right away they don't run away. You know they don't run in aimless direction and get found at another neighbors. It's never ever happened.

Wehrs: Ok, I guess that wasn't last. The bedding that you're talking about, we don't have the reports and we don't have the letter from the veterinarian, but the bedding when we went in there, which it was warm, or when we went by, it just seemed like a one small house for a dog.

Schomberg: An igloo shaped dog house?

Wehrs: Yes.

Schomberg: Inside of a sheltered area where their out of wind, rain or snow. So they're in sheltered areas. Also there is an extra board put in the dogloo itself so it's like extra insulation so their many inches

off of any concrete. I mean there is a floor already in the dog house but we've actually added more to that floor.

Wehrs: Is there any soft bedding to keep the body heat is what it kind of sounded like?

Schomberg: Well we found that the shape that the dogloo is the, the igloo shaped dog house is what has worked so well for all these years. That the dogs curl up and their body heat from a large breed dog fills it pretty well and they stay warm and we don't see dogs shivering or looking like their suffering from cold ever. And if I do have like older dogs or any dog that I had any concern with at all, I do have the extra heated facilities that they can come into during very inclement weather. The younger dogs and the youthful active dogs, they do well with what we've provided for 20 years.

Wehrs: And the puppies, if they're on the west side, which building were they in?

Schomberg: The west side that hasn't been approved yet?

Wehrs: Yes.

Schomberg: There's a long narrow barn close to the road is an old farrowing barn and they were in the very first room which would be on the north end (refers to overhead) right in there. It's a nice room, it's got a heater and air exchange and fans. It's a cozy little room to put those young puppies in at the time. Like I said, the State had already reviewed it and were fine with the way it was set up. But the county doesn't allow the laminated board that we had on the sides. That will be all torn out and modified to fit the county code.

Pedretti: Anyone? Anyone else on the committee?

Pedretti: I guess I had a question, In 2006 you were given approval, you got a new conditional use permit given approval for an increase from 26 to 45. Yes not five (5) years later you're caught with 60?

Schomberg: No, there were only 52.

Pedretti: Well, that's still over the condition.

Schomberg: I know, I agree.

Pedretti: What makes you think you could not follow a condition?

Schomberg: I guess I wasn't intentionally trying to be devious. I knew I had older dogs, I knew I had dogs that I wanted to possibly place in homes. And I also had some puppies that I had reach that 5 month age.

Pedretti: Except that when you apply for a conditional use permit, there are conditions put on, you sign off that you agree to those conditions.

Schomberg: Yeah.

Pedretti: I'm having a hard time understanding, you know in just a few short years, that you forgot what the conditions were?

Schomberg: No. Five years in the age of a dog that your keeping and the dogs that you're actually breeding with and using, that number didn't seem to change one bit as we were functioning, but puppies that had gotten older, dogs that we weren't really considering using for breeding that I basically had for sale for the right people that would come along.

Pedretti: So if we extend it to 60 what's to say in five (5) years you're not going to be having 100?

Schomberg: Because....

Pedretti: I'm not seeing a correlation between being observant of your conditional use permit you presently have. And you ask for an increase from the 2003 to the 2006 so you knew you were in violation. I'm not seeing this. I'm not seeing...what's the word I'm looking for?

Schomberg: But the numbers are very, those numbers were temporary. If they had been out two months before that, it wouldn't have been at 52. You know what I mean?

Pedretti: Since getting....

Schomberg: Because of the age of some of the dogs, that raised it and so yeah, I was guilty of going over. But I felt that it might be temporary enough that it's not going to stay there to a point where I'm worried because of dogs that are for sale. I do place like middle aged dogs, like a lot of the old ones will get old but sometimes I'll try to place a 4 year old or a 5 year old into a home.

Pedretti: Ok. And then this last fall you had some violations you had some citations. I'm assuming that at that point you would have been instructed to what the county codes were, correct?

Schomberg: Oh yes.

Pedretti: And yet they came back in February and you were still in violation, is there some misunderstanding of what a county code is?

Schomberg: The county code isn't clear on bedding. The county code is not clear on the water system, the county code, I thought was ok that because we were petitioning for this, we were working with Chad, that having those puppies in that farrowing barn was not going to be a violation. And as far as the heat, that just wasn't turned up high, but I don't want my puppies shivering. If they are for sale, and people are

coming to view puppies, why would I want to have this unhealthy environment with puppies that are shivering?

Pedretti: Ok. And yet it was a complaint from a client that brought this all about?

Schomberg: That wasn't, no, the complaint from a client, I never actually got read the one in October, or would have been a complaint I guess. And I've never been told who that person was or what the complaint actually said. It just instigated a surprise inspection in October.

Pedretti: Ok. Any other questions from the committee? Thank you.

Keil: May I speak?

Pedretti: I'm sorry, excuse me?

Keil: In all my adult life, I have known the Schomberg's to have quality pigs and livestock. I can hardly believe some of these here things that I'm hearing. Anybody who has a dog, isn't going to have everything cleaned up every minute of the day. I'm just kind of curious about what's going on here.

Wehrs: Does the Humane Society want to comment on, I mean maybe, I don't know, do you?

Person from Audience (Gabrielska): I'm certainly here to answer questions.

Wehrs: Just to answer questions, you don't want to just make a statement?

Gabrielska: I believe I did a written one, so again, if people have questions, I'm happy to answer them.

Pedretti: Does anybody on the committee have specific questions for any of those reports that were given by the Humane Society?

Wehrs: It would have been nice to have the reports beforehand.

Bina: It would have been nice to have them prior to the meeting.

Sampson: The main one we received this afternoon.

Wehrs: Ok.

Pedretti: The other ones were dated March 23rd?

Sampson: And they were more interoffice.

Pedretti: March 27th? They were interoffice?

Sampson: Pretty much.

Pedretti: But it does help the committee to knowing ahead of time that there are issues. We see this as coming in as a CUP so I can understand.

Bina: I would agree with that 100%.

Pedretti: Please speak into the mic, he's having a hard time picking it up on the...

Wehrs: Also, did the town board have any comments from these reports when they took into consideration their decision?

Sampson: I cannot attest that the town board was aware of any of these reports.

Pedretti: I'm struggling that the town board wouldn't have had a little more struggle with this if they had reports.

Wehrs: Does anybody know if the, I mean you guys were at the public hearing, were you at the town hearing?

Pedretti: Did the Humane Society provide the town with any reports?

Gabrielska: No we did not.

Pedretti: Thank you.

Bina: Well, that you know, I usually, when we go through with zoning we usually hear the whole story but we hear it in advance of the time it takes when we deliver it and make a decision. I just think we need to revise the rules in that case because I'm not going to be here. But it just seems to me that if there are complaints, by anybody, they ought to surface. Because once in a while we hear a complaint on other zoning issues, but in this case, we didn't hear anything until we sat here tonight. And I just got a big problem bringing it in without notice of it at all. I really think some of these reports should have been given to the committee during the past few months if it becomes an issue. I heard you say something one day on the bus tour and I didn't hear what you said but it was in regards to something and if you've got a complaint bring it to us so we aren't caught blind or the committee isn't caught blind when it comes to making a decision. I just have a problem with this short of notice. There's gotta be something else done.

Pedretti: Just for clarification, this is a public hearing and this is when complaints come up. We can get the public here all these neighbors could come opposing it and that would be the first we would be hearing it as a committee as well.

Bina: True.

Pedretti: Want to make that clarification. Charlie?

Handy: This is the process that we always used. You get the correspondence after the public hearing. That's the process we've always used. I would be very disappointed if the staff was blamed for anything here. This issue looking at the land use question of should we approve a conditional use permit for X

number of dogs for this site and we're giving this to you as information for your opportunity to make a decision. This is not to point out flaws in a current ordinance; this is not to point out flaws in inspection procedures. That's a very different venue. This is the information that's in front of you and for your consideration should you approve a conditional use permit for this use.

Pedretti: Thank you for that Charlie.

Bina: But on my dates I wrote down here it started back in October, November, December, January, February, March – if there were complaints they should have, in some way, been brought to the committee when you had a complaint. Not 5 months of complaints all at one time. You know, I'm just totally unprepared for whatever we're doing here tonight since we just heard about all this.

Pedretti: Tina?

Wehrs: I don't think we need to debate it, but I mean when we have eight (8) pages of and we get something like this (referring to the folders prepared by the Schomberg's) that looks like everything's fine and dandy and great and that everything is going really well and whatever, when we get eight (8) pages of correspondence I'm going to suggest we table this because we need some more time to look at those issues and I would request that we get a copy of that. Maybe we can contact the Humane Society ourselves and maybe we can visit with them more or something.

Pedretti: Well I would also say though that we've had issues here with the DNR's had two or three pages – we take the DNR's....

Wehrs: That's fine, I'm just saying, I'm not prepared after seeing that where I can't even see the writing of, I mean we don't even know what the exact violations were. If there was, there could have been feces on the floor of one kennel or it could have been you know that a dogs not being fed. That's a big difference in my decision making.

Pedretti: Go ahead.

Sampson: And if I could address the committee too? Again, we don't administer the Health Code, Chapter 11, we administer the Zoning Code, Chapter 17, and as Charlie had stated, this is the process we follow. When we receive correspondence, from any agency, state agency and those are the only parties we read correspondence into for the record. We don't do this for the general public who just want us to present testimony on their behalf. So, this is...

Wehrs: I'm not debating that, I'm just saying that after hearing what we heard, I'm....

Sampson: Sure.

Wehrs:not ready to make a decision on this right now.

Pedretti: I'm going to back up the staff here. They are following the present procedure....

Wehrs: That's fine....

Pedretti: So....

Wehrs: If everybody else is ready to make a decision, I'll make a vote; I'm just saying I would prefer to wait.

Pedretti: I have no problem delaying it myself because right now I'd vote against it just by the testimony I've heard and I think we've got more time for the Town of Barre to look at it again to make sure that they understand. I would like the township to give us, whether or not they've heard these violations. So, I'd be open to that suggestion.

Wehrs: Ok, I would move to....

Pedretti: Question is, is how do we go about this? If we table it, it has to get noticed again?

Sampson: It has to get noticed again.

Pedretti: And the applicants have to pay another fee?

Sampson: That is at the decision of the committee.

Pedretti: But we did this last month and we...

Sampson:charged the....

Pedretti:applicant....

Sampson:the CUP fee.

Wehrs: I don't think they should have to pay it. I mean they did their homework and maybe it was my fault for not checking with the Humane Society or whatever I could have done I guess to have foresight into this but they clearly, I mean they provided us with plenty of information it's not their fault that I'm not ready to make a decision.

Pedretti: What other option is – isn't there another option to get the Town's involvement in it and then hit it at the regular county board meeting?

Sampson: At the Business Meeting? Holding over to the Business Meeting really isn't an option here.

Pedretti: Not an option here?

Sampson: No.

Pedretti: Ok.

Bina: I would suggest that your reports go to the town board and get an answer from the town board and then you consider it here with this committee. Let them get involved in the action because they weren't notified of anything yet. Let them give us an opinion too. And then your new committee would have to vote on it next month or the month after depending on how quick those reports can get to the town and when they have their meetings.

Sampson: I want to repeat that these are not our reports Don.

Bina: No. Ok, I'm sorry, I misspoke, the Health Department reports go to, you get those to the town. And yes, they are not your reports. I'm not blaming you Nate, I'm sorry about that. I misspoke.

Pedretti: Ok. Charlie, did you want to add something?

Handy: Well I think you either have to defer it, which in that case then there would be another public hearing. Or you need to make a decision on it with a recommendation to the County Board; if the County Board would then refer it back to the committee, then it could go to your business portion for your decision so you would make a recommendation one way or the other to the County Board. The only way to get it back to business portion without another public hearing is if you make a decision to make a recommendation tonight.

Pedretti: And, I'm not ready for that. What's the pleasure of the committee?

Wehrs: They have a question.

Pedretti: I'm sorry the public hearing is closed. Unless it's something dealing with the procedure.

Schomberg: The procedure is being based upon what was recently read into the record by the County Health Department and the Humane Officer and I did want to say that those things that I had already gotten a glimpse of. They were upsetting; I find a lot of inaccuracies in there; I find sarcasm in there; I find a lot of things in there that are a little bit unfair to be judging what we do and how we run things by. That's really what I wanted to say in my defense. That there is some things here that goes down like the written truth and it isn't all accurate.

Pedretti: Ok. Thank you. But I am struggling extending a Conditional Use Permit for someone who doesn't understand what a Conditional Use Permit is about. So, that's why I would vote this down today if we were to do it.

Pedretti: We need a motion here of some sort.

Wehrs: I mean that's saying that you have all the information. You don't need any more information then so...

Pedretti: No, I would like the Town of Barre to weigh in on this. That's why I'm saying, if this comes up for a vote tonight, that's where I'm headed. I'm thinking the Town of Barre isn't aware of, am I in the right town?

Wehrs: Yes.

Pedretti:that they aren't aware of these violations.

Bina: Well, I for one would like to read what and go over what you had before I really make a decision on it.

Pedretti: Ok.

Bina: You know you read a lot of pages and four (4) pages in one document, I for one would like to see that and I'm sorry to say I'm not going to be here at the next meeting so somebody else is going to have to do that but whoever is here should be seeing those documents before we vote.

Pedretti: Ok.

Bina: So, I would move to what, table it till next month for you to get us the information and the town also.

Pedretti: The motion is to table with the instructions to have staff notify the Town of Barre, is there a second?

Wehrs: And then they would pay the fee again? Is this correct?

Pedretti: Correct. Is there a second.

Wehrs: Second.

Pedretti: Seconded by Wehrs. Any discussion?

Motion by Bina/Wehrs to table till next month with instructions to have staff notify the Town of Barre.

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

ZONING PETITION NO. 1894 Leon H and Ruth Pfaff, N8694 County Road DD, Holmen, WI 54636.
Petitions to rezone from the Exclusive Agriculture District to Agriculture District "A" approximately 27

acres for sale of the existing farm house and farm buildings at W5387 Brookview Road and to sell three proposed residential lots AND to rezone from the Exclusive Agriculture District to the Transitional Agriculture District approximately 128 acres described as: The SW/SE, part of the NE/SE, part of the NW/SE, and part of the SE/SE, Section 14, T18N, R7W, and the NE/NW, part of the NE/NE, part of the NW/NE, and part of the SE/NW, Section 23, T18N, R7W. Tax parcels 5-1498-0, 5-1501-0, 5-1502-0, 5-1505-0, 5-1547-0, 5-1548-0 and 5-1551-0. Town of Farmington.

Appearing in favor: Leon Pfaff, N8694 County Road DD, Holmen, WI 54636. I was just looking at the reason for rezone, the buildings are at....that is the new address then because it was previously N8595 County D, but this the correct address that's on here right now.

Sampson: That's correct.

Pfaff: Ok, thank you. If you remember from last month, we had conflicting purviews in what had to be done. To redo this, which would have had to be redone anyway on the farm parcel itself. That had to be rezoned anyway to Traditional Agriculture so the purpose here is to doing them all at once. Nathan and I went over and Mr. Berg has got things in order. And there will be, see, what was holding it up last month was that it calls for this to be on the deed, a deed restriction is what will be on there, that that would be it for the number of lots that are sold off from that farm. That's what the purpose is. If there's any other questions, I can answer them.

Pedretti: First of all, thank you, this is exactly what we needed so we appreciate your patience in this. Committee, any questions? Mr. Sampson?

Sampson: I would like to add also that Mr. Pfaff was not charged the additional fee to rezone the farmstead, we were able to get the farmstead zoning in on this petition so it worked out well. It was a good call.

Pfaff: I would say so, yes. Actually, we would have had to do it anyway when we were talking about parcel number four (4) there (refers to overhead) we would have had to be back here anyway. So we combined it all into one.

Pedretti: So it all worked out in the end. With a little angst along the way.

Pfaff: It always does.

Pedretti: Yeah.

Bina: Well, not always.

Pfaff: Not always.

Pedretti: Any other questions for the applicant?

No one else appearing in favor or in opposition.

Correspondence (Sampson): We did not receive any correspondence; my assumption is with the prior Town's approval of the deed restricting the remainder of that property that it's sufficient.

Staff Recommendation (Sampson): Staff recommends approval subject to the recording of deed restrictions indicating the following:

1. No further non-agricultural development on those lands to be zoned Transitional Agriculture; and
2. Only one (1) single family residence and no further subdividing on each of the four (4) proposed lots to be zoned Agriculture District "A".

Motion by Bina/Manthei to approve with the conditions.

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

Motion by Manthei/Wehrs to adjourn at 8:30 P.M.

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

Hearing adjourned at 8:30 p.m.

*Approved 4/30/12
Annette Kirchhoff, Recorder.*