

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, February 6, 2014**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:32 p.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: **Eugene Henke, Ben Moderow, Don Peters, Harley Reabe, Michael Starshak**

Absent:

Also Present: **Matt Kirkman**, Code Enforcement Officer
Missy Sorenson, Code Enforcement Officer
Carole DeCramer, Committee Secretary
Dan Hurst, Corporation Counsel

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Reabe/Henke, unanimously carried, to approve the agenda.

APPROVAL OF MINUTES

Motion by Henke/Peters, unanimously carried, to approve the January 2, 2014, minutes.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

PROPOSALS FOR UPDATING THE COMPREHENSIVE PLAN AND FARMLAND PRESERVATION PLAN. REPRESENTATIVES OF MARTENSON & EISELE AND MSA PROFESSIONAL SERVICES WILL BE IN ATTENDANCE.

Chair Starshak asked Corporation Dan Hurst to toss a coin, to be fair, to decide which of the two presenters would go first. The two presenters were Andrew Bremer, MSA, and Ken Jaworski, Martenson & Eisele. Mr. Bremer was given the opportunity to call the toss. Mr. Bremer called and won the coin toss. He chose to present second. Each presenter was given ten minutes to explain the updating process, explain their proposal, and answer questions. Each was asked to leave the room when the other presented.

Ken Jaworski, Martenson & Eisele – Explained the process, the proposal, and answered the committee members' questions. Shared a letter from the Department of Agriculture, Trade and Consumer Protection commending Martenson & Eisele for the good work they did on the Fond du Lac County Farmland Preservation Plan.

Andrew Bremmer, MSA Professional Services – Explained how important the updating process is to landowners and what he would do to accomplish the comprehensive plan update and the farmland preservation plan update. The bid that MSA submitted was discussed in further detail. Committee questions were answered.

The committee discussed the various aspects of the proposals. They also discussed the disparity in bids. Martenson & Eisele's bid was substantially lower than MSA's.

Motion by Reabe/Peters, carried on a 4:1 vote, to accept the Martenson & Eisele proposal as presented. Henke – nay, Moderow – aye, Peters – aye, Reabe – aye, Starshak – aye.

CORRESPONDENCE - None

PURCHASES - None

CLAIMS

Claims totaling \$549.28 were submitted.

Motion by Henke/Moderow, unanimously carried, to approve for payment the claims in the amount of \$549.28.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

- a. **Permits, public hearings, etc.**
- b. **Violations**

Kirkman and Sorenson – Discussed the various aspects of the department activity financial reports.

Corporation Hurst – Discussed the violation reports and progress being made.

Motion by Henke/Peters, unanimously carried, to approve the monthly activity reports.

DEPARTMENT/COMMITTEE ACTIVITY

- a. **Continued discussion on 25-foot setbacks**

A copy of the proposed ordinance language was given to each committee member to review.

Motion by Moderow/Reabe, unanimously carried, to approve the proposed ordinance amendment language. The committee directed staff to prepare the proposed amendment for the April public hearing.

- b. **NR115 updates, if any. Shoreland zoning ordinance amendment**

Kirkman reported there was nothing new to report. The committee asked that this be placed on the April for possible discussion.

- c. **Outlot 2, Estates of Lawsonia; restrictive covenant issue update**

Kirkman reported that this issue has been resolved.

FUTURE COMMITTEE ACTIVITIES

- a. **Future agenda items**

Possible continued discussion on the riparian lot issue – 25’ setbacks.
Updates on NR115, if any.

- b. **Meeting dates**

February 12, 2014
Special Meeting 5:00 p.m.

5:44 p.m. Motion by Reabe/Henke, unanimously carried, to recess until 6:00 p.m.

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:00 p.m. for public hearing items and read the rules of public hearing.

PUBLIC HEARING ITEMS

Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.

Item I: Owner/Applicant: Landmark Services Cooperative, Michael Elder **General Legal Description:** W1705 County Road S, Parcel #010-00168-0000, Part of the SW¼ of Section 9 and Part of the SE¼ of Section 8, T14N, R13E, Town of Mackford, ±11.42 acres **Explanation:** Review of a 2012 conditional use permit for the expansion of an existing grain drying and storage operation to include two 315,000 bushel storage bins, a 71,000 bushel grain bin, a tower style grain dryer, a building with scale and receiving pits, and other related grain elevator legs and handling equipment.

a) Public Hearing

Chair Starshak asked that Kirkman give a brief summary of what has happened to date.

Michael Elder, Landmark Services Cooperative, P.O. Box 277, Cottage Grove, WI – Explained what the company has done to date and will do in the future to abate the excessive dust and noise issues. The company has investigated options for controlling dust. Landmark has ordered four 275-gallon totes of a dust suppressant called *Bio-rain*. It is a dust suppressant that can be used in cold weather months. It's a gallon for every 60-70 square feet of lot space. Landmark will install dust control baffles as soon as a contractor is available to do that. It is reported that, by stalling dust baffles, the amount of dust can be reduced by as much as 61.3%. In regard to noise, the committee requested a noise specialist provide an opinion. A copy of that report was provided to each of the committee members. The report was written by John Mooney, KJWW Engineering Consultants.

John Mooney, Senior Acoustics and Vibration Engineer with KJWW Engineering Consultants, Quad Cities, IL – Explained that he is an acoustics engineer hired by Landmark Services. He found that, with the equipment running, the noise level was 55 dBA. Ambient noise levels were measured off of the property and were at 39 dBA without traffic noise. Noise was also measured across the street and got a reading of 39 dBA; with the fans running it was at 55 dBA with several peaks coming from the fan. With those peaks, an analysis was done and it was determined that most of that noise was coming from the vibration of the bins so the recommendation is to put spring isolators on those support cables so the grain bins won't be vibrating. If the recommended changes are made, the noise level will be around 45-50 dBA.

Elder – Spoke again on what more can be done with the fans and reducing the vibration. Their mechanical contractor expressed concerns about the spring isolator because it may allow the fan to move which could damage the transition of the bin. Landmark will look into supporting the fans from the bottom and actually mounting them down at the ground level reversing the transition into the bin and then installing a flexible connection between the fan and the transition so that none of the vibration can get transferred into the bin. They'll basically be on the ground and the vibration will be absorbed by the ground. That's what the plan is to do at this point in order to limit the vibration that is getting into the actual bins. General information on noise levels was shared including the City of Ripon's ordinance that states they are allowed 65 dBA during the day and 60 dBA at night. Landmark is at those levels now. Recommended that the

committee allow those levels knowing that Landmark will be pursuing the changes that were mentioned previously. For dust control, watering will continue with visual inspections.

Mr. Mooney and Mr. Elder answered questions from the committee.

Michael Hinz, 501 County Road M, Pickett – Spoke in favor of the request.

Bill Krenz, N1265 County Road A, Markesan – Spoke in favor of the request.

Lynn Dumke, 960 W. John Street, Markesan - Spoke in favor of the request.

Jon Laper, W712 State Road 44, Markesan – Spoke in favor of the request.

Elmer Bock, W1618 County Road S, Markesan – Spoke against the request.

Maria Pollesch, N1911 Village Road, Markesan – Spoke against the request.

Dan Pollesch, W1598 County Road S, Markesan – Spoke against the request.

Alan Krentz, W1914 Lake Maria Road, Markesan – Spoke in favor of the request.

Diane Pollesch, W1598 County S, Markesan – Spoke against the request.

Dale Walker, 369 S. Main Street, Markesan - Spoke against the request.

Bob Bock, W1830 Manchester Street, Markesan - Spoke against the request.

Dave Hautamaki, Manchester Street, Markesan – Spoke against the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Starshak – Summarized what Landmark has pledged to do to lesson noise and dust.

Peters – Stated that he'd like to ask Landmark to do the two things they suggested: dust control baffles on the receiving pits and support cables, and move the fans down and reduce the dust. Suggested a dBA level of 65 during the day and 55 at night.

Moderow – Expressed concern about the nighttime level being too high.

Harley – Referenced the City of Ripon's ordinance whereby the dBA level at night is 60.

Henke – Stated that he's representing both groups and it's important that everyone work together. The two sides have to work together and do the best they can. Suggested that Landmark think about blacktopping to control some of the dust.

Peters – Replied that the dust generated from the corn is more problematic.

Starshak – Summarized that there needs to be some resolution. The committee doesn't want to hurt Landmark and the neighbors have to be respected. Landmark has offered to take action and will continue to do that. There seems to be a consensus for 65 dBA for a daytime limit. The question is nighttime operations' level. The noise expert thought that it could be brought down to 45-50. 55 dBA would be somewhere in between what they think they could maintain and what the City of Ripon allows.

Moderow – Stated that he does not want to put more demands on Landmark to spend more money.

After further discussion, the majority of the committee leaned toward the 65 dBA during the day and 60 dBA at night.

c) Committee Decision

On a motion by Moderow/Reabe, to leave the 2012 conditional use permit in place with one modification to #6 of the existing list of conditions. The modification is as follows:

- 1) The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any “development” related to this industrial operation.**
- 2) Adequate dust control measures be taken, due to vehicular traffic to and from this site as well as during unloading and loading of dry materials. Ingress (entrance) to and egress (exit) from the subject site shall be paved between County Road S to the mainline of the railroad.**
- 3) That all outdoor lighting installations be located no closer than three feet to an abutting property line, and shall be adequately shielded or hooded so that no direct light, excessive glare, or illumination is cast upon other properties.**
- 4) Evidence that compliance with Commercial Building Code requirements for structures that are the subject of this request is being pursued by the landowner.**
- 5) No expansion of existing use through expanding existing structures, additional structures, and/or expanding the activity area shall occur without review and approval through future Conditional Use Permit(s).**
- 6) The noise produced by the grain drying operation shall not exceed 60 dBA from the hours of 9:00 p.m. to 6:00 a.m., and 65 dBA from the hours of 6:00 a.m. to 9:00 p.m.**

Roll call: Henke – abstain, Moderow – aye, Peters – aye, Reabe – aye, Starshak – nay.

d) Execute Determination Form/Ordinance

ADJOURN

At 7:01 p.m., the committee adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

March 6, 2014