

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, December 5, 2013**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:31 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: **Ben Moderow, Harley Reabe, Michael Starshak**

Absent: **Eugene Henke, Don Peters**

Also Present: **Al Shute**, County Surveyor/Land Development Director

Dan Hurst, Corporation Counsel

Matt Kirkman, Code Enforcement Officer

Missy Sorenson, Code Enforcement Officer

Carole DeCramer, Committee Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Moderow/Reabe, unanimously carried, to approve the November 7, 2013, and November 19, 2013, minutes.

PUBLIC COMMENT - None

PUBLIC APPEARANCES

a. Mike Elder, Landmark Services Cooperative, related to conditional use permit

Mike Elder, Landmark Services Cooperative, P.O. Box 277, Cottage Grove, WI 53527 – Reported that Landmark Services Cooperative is providing expert testimony tonight from Keith Halverson of GSI, which manufactures grain bins. The company is exploring solutions for the gravel and dust issues. The good neighbor policy will also be expanded to try to curtail the use of jake brakes.

b. Elmer Bock – related to Landmark Services Cooperative conditional use permit

Elmer Bock, W1618 County Road S – Discussed Landmark Services issues; i.e. dust and noise. After the last meeting, the fans have been on continually. Called staff (Matt Kirkman) regarding the problem. Dust is still blowing, if not worse. Jake brakes are still a problem. The company should have gone to the engineers for help in the very beginning.

DISCUSSION OF LANDMARK SERVICES COOPERATIVE'S CONDITIONAL USE PERMIT

Shute – Gave overview of what has happened to date including modifications to the existing conditional use permit that were made by the committee at the last meeting; i.e., dust abatement, operating hours, and the requirement to have a public hearing to review the conditional use permit during the February meeting.

Keith Halverson, GSI, 1004 E. Illinois Street, Assumption, IL – GSI is considered one of the world leaders and grain specialists in grain storage, grain conditioning, and grain handling. I have viewed the grain practices of the facilities that are in question and shared pictures with other experts of our world facilities and the aeration practices that are in place are absolutely world class. Our experts agree that there is nothing they can do to lower any noise there. One of the operations has fans that are the perfect size. The airflow is what is recommended. There is no quieter equipment available. These are the perfect size fans to handle the static pressure. Static pressure is the amount of force it takes to get the air to circulate completely through the grain. To get the airflow through the grain, it takes a very well-laid out plan due to ventings in fans for circulation. Typical dryer run times, when bins are full, will take several days to equal out the grain within the bin. It won't be the same moisture and the goal is to get it down to 15. Under ideal conditions, it will take 5-6 days and it can take up to 20 days, depending on the ambient temperatures, to get the grain stabilized and equalized. Under perfect conditions it would take a minimum of 5 days running the fans 24 hours a day. Once again, it's a well-designed system. These fans cannot be stopped once it's begun. This air, as it's bringing the moisture through the hot grain and cold grain, will have about a 6-inch frost line as the moisture travels through the grain. If you shut the fans off, it will stop right there. The line won't go up or down. It will become a black line which is grain spoilage. The fans cannot be stopped because of cooling in the grain that will cause condensation. The typical fan operation is 24 hours a day. Other people that reviewed this said nothing could have been done differently or better and it couldn't have been quieter. When I was first called into this situation other experts looked at noise suppression, and those are used in municipal situations where we can bring the noise level down to 80 decibels. That is the ideal. We make other systems that produce a lot more noise. We make ways to get that noise down but, 80 decibels is ideal. In GSI's opinion, nothing could have been done better. There is nothing we could do for a quieter operation. Normal operations are 5-6 days per week, 24 hours a day without stopping fans, 80 decibels is a common goal. We've never seen numbers lower than that from USDA or OSHA. And, again, normal operations will be 5-6 days, 24 hours a day. The expert that contributed to this opinion has been in the business for over 35 years and his quote is, "Anything below 85 decibels is commonly legally acceptable and a happy level." He said that, once the community can get something down to 80 decibels, it is a happy level.

Reabe – When we issued the permit, we were told 40 decibels and now they're coming along and saying double that. Where is the disconnect here?

Halverson – That was my thought. I've got a problem with my 2011 Ford pickup. When we're on the speaker phone, we can't get the noise down and, from Ford, when they reviewed this, they said that anything below 80 in that pickup cab meets their safety approval. That's considered normal road noise. When Landmark explained this to me and said it was at 60, I thought we may have had some kind of confusion or mistake. I don't know how they would ever run this at all. We aren't the ones that built this, but in my professional view, these fans can't be started and stopped. I don't know how it would ever work to have specific days and times for the fans to operate.

Starshak – Does the size of the bin or the height of the bin affect how long it needs to run?

Halverson – Yes. The taller the bin, the more vents and fans. But it's still, typically, in the 5-6 days of drying in an ideal situation.

Starshak – One of the comments you made regarding decibels, using 80 decibels as the typical or ideal, in the readings that were supplied to us, I don't think they ever exceeded 80 even when they were running. Is that correct?

Reabe – Right. I'd have to look to make sure.

Starshak – And that was supplied by Landmark. They never had 80 decibel readings. They never exceeded it.

Halverson – That was my concern. What are we supposed to do? The numbers were always around 65 decibels.

Reabe – They were always around 65.

Halverson – When we had Mr. Woodruff on the phone, when Landmark said that the decibel reading now is around 65, he was wondering what the question was.

Starshak – I think there is a lot of information that you (Halverson) have brought to light that was not submitted with the initial request.

Reabe – No, it wasn't.

Starshak – The decibel readings that you are speaking of that are considered the norm, are double that which were requested by Landmark. We had significant discussion about that decibel level. Regarding lowering the noise, we did talk about some baffle attempts, doing some modification of the noise and, I believe, Landmark had taken those steps late last year to try to implement some of that. Seventy-eight decibels was the highest reading they had.

Halverson – That is outstanding. That's a nice running operation.

Starshak – And that was adjacent to the bin. The decibel levels that we're really looking at are across the street where the concern is. Is there any directional noise that comes from these bins? Is there one side of the bin or one area that would be louder if there is a vent or fan on that side?

Halverson – It wouldn't make any difference.

Starshak – 60 to 61 decibels are the readings that were supplied to us from Landmark with all four bin fans and driers on and this is a reading that is according to conditional use permit, basically across the street with the residences. These are readings that were supplied to us by Landmark. You are bringing in new information that contradicts what Landmark had sent us. We're going to have to gather this information. If you have a written report with this different information, it would be useful for us to have because this is really going beyond what the committee has been introduced to previously and based their decisions on.

Shute – Where is the 80 decibels measured? How far from the units? Is it right next to the fan?

Halverson – It's usually on the lot line area of a situation. There is nothing that is prescribed on that, but that's how it usually goes. When there's a complaint, it's usually on a lot line issue.

Shute – Here the lot line could be 300 feet away. If you're 1,000 feet away, would it be less than 80?

Halverson – Absolutely.

Shute – So 80 is 300 feet away?

Halverson – I'm not going to say because when we get into commercial settings, and this is a lot of times why you see them taller rather than wider, they're trying to use less real estate trying to stay within boundaries and lot lines so I wouldn't have that specific information but I can try to see if I can get that information.

Shute – Did you provide the original information?

Halverson – No. I just got involved with this recently. If you go into a city the size of Madison, I believe their conditional use permits allow for 75. To hear these numbers and then have them day and night, I just don't understand.

Shute – That's our struggle and the committee's struggle is the information that was provided saying that they'd operate at 40 and that's what the committee used when approving the conditional use. That becomes the struggle for them. The neighbors, obviously, are relying on that based on the committee's approval.

Reabe – At the time, I questioned the 40 and asked if they could really do that.

Halverson – The answer is no.

Reabe – I work for a company that makes generators and I know a little something about decibels.

Mike Elder, Landmark Services Cooperative – Is it possible for me to interject something here?

Starshak – Yes.

Elder – I wasn't present at the initial meeting. I listened to the tape where they talked about the 40 decibels. From talking with Doug, the 40 decibel information was specific to the dryer and, obviously, we misspoke at that first meeting. When you asked the question about there being other bin fans and things like that, we testified that it wouldn't go over 40 and that was just incorrect. That was attributed to, basically, lack of knowledge on sound levels and noise levels and how it works. That's where we morphed into this position that realizing that reality says that normal background noise is 40 so our equipment is going to increase that a bit. I think the testimony that Keith (Halverson) gave, that 80 is the target and the industry standard at the property line, because that's where the complaints have been and are driven by. That kind of supports the City of Madison's ordinance or 75 decibels. That is more realistic than when we said 40. We misspoke at that initial hearing.

Reabe – Everything I've read in the City of Madison doesn't specify where the decibel levels are being taken either. Is it taken at the unit? Is it being taken at 50 yards away or 50 feet away or 100 yards away? Those are all things that impact it. The farther away, the more noise there is going to be consumed by the surrounding. I guess the question I have for Mr. Halverson is have you run into this in any other applications that you have installed where you had to come in and do some other things to lower the decibels to the surrounding area?

Halverson – Only to get it down to 80. We have other systems that commonly operate in that 85-90 range. When you get hard drying grain, you have air spike levels so they have tried round bails, they've planted trees for buffers, but that was just to get it down to 80 at a property line.

Reabe – So they have taken measures to lower it and that can be done?

Halverson – For that buffer thing?

Reabe – Yes.

Halverson – On those, and that gets to be different and, as I understand it, when you go from 65 to 70, that actually doubles the amount of noise that you have and so, when we start talking about the reduction to go from 80 and below, would be impractical for us to accomplish.

Starshak – Questions, comments? Ben (Moderow)?

Moderow – I think it's a mess. You go down 94 and you see along the interstate that they have the big walls that are like buffers to keep the traffic noise out of the residential area. If you put something like that between Landmark and Mr. Bock's house, would something like that deflect the noise?

Halferson – No, and not get down to this level? That would not be effective at all. There are other graphs and bars that show that. When you bring high noise levels down to that 80 range, a lot happens to get it down. You have to quadruple stuff to go from 80 to 70. It gets to be impractical.

Reabe – A question for Mr. Halverson. Were there some measures taken to reduce some of that noise around there? Some blankets or something like that were put up?

Elder – Yes, we installed an enclosure around the galvanized steel fans and then inside those, some sound-absorbing blankets. And when I took the readings, it did reduce the readings like 2-3 decibels possibly. One thing I'll point out, too, is when we were looking for ways to control the noise from these fans, it was difficult to find anything because the industry hasn't had to deal with anything because the noise hasn't been high enough.

Reabe – There is an electronic sound camera available. I've seen it being used. I would suggest what you do is get someone in there with that and pinpoint where that noise is coming from. Right now, you're doing the shotgun affect to determine where the noise is coming from. Pinpoint the noise and pinpoint the frequency of that noise. That would be my suggestion before you start. You're going to have to get rid of some of the noise to get down to an acceptable level for the residents. We started out at 40, we've raised it to 65. When I look at the chart for decibels, I wouldn't go much higher than 65. Maybe 70 at the most.

Elders – I think we're comfortable with 65. We've demonstrated that we haven't exceeded 65. I think the testimony from Keith (Halverson) demonstrates that it is a reasonable standard. When they get called, they're trying to get it down to 80 at the property line.

Elmer Bock – What about at night?

Elder – I think that's our testimony as well. Shutting down the fans at night is not practical for our operation in order to maintain grain quality.

Bock – You can't turn the fans to the south side of the bins or anything like that?

Starshak reminded Mr. Bock to direct his questions to the committee.

Starshak – There is a lot of new data that is coming in right now. And this is a year or two after the conditional use was granted and we've now modified it. Obviously, you're having difficulties operating within that. We have an expert saying that you can't, basically, operate within that. You have to have the bins running 24 hours for 5 days to go through a whole process of grain drying without endangering any of that grain. That's significantly different from the conditional use permit that we've granted. We have concerns from the community for a significant amount of time. I'd like to see a written report from the experts submitted to Al (Shute) so he and his staff can review it. It's something that this committee is going to look at, but we're not going to delay on action. You need some action to do what you need to do. The community needs some action to be able to live their lives. What we've decided on so far is the 65 decibels within certain hours. Also, implementing abatement immediately. That doesn't leave any room. Abatement immediately means immediately. If you have to have someone there every day that's looking out for what you need to do, then that's what you need to do. We have a deadline coming up in February and we'll review the whole thing. So, we do have a timeframe here to work with. We have some new information. We're trying to address both parties' concerns on this. Al (Shute) or Dan (Hurst), do you have any other comments? Committee?

Reabe – I think we know that there have been more parties that have appeared in the past. It's not just Mr. Bock.

Starshak – Ben, any comments?

Moderow - If you run the fans at night and you shut off the dryers, can you keep it under the limit we set two weeks ago?

Elder – It's going to be around 60. The problems is we've got three million dollars' worth of corn that is going to go bad shortly.

Bock – That's not my problem.

Elder – I understand that, but it's a lot of people in the community's problem.

Moderow – A lot of people depend on this company. I think there needs to be a level of tolerance between the neighbors and Landmark and vice versa. I don't think anyone will be completely happy. Mr. Bock needs to accept the fact that there's a business across the road that serves a lot of people and Landmark needs to be good neighbors. Somehow we have to come to that agreement.

Starshak – Again, we have a lot of information that was brought here tonight. Al (Shute), is there anything else you want to request tonight?

Shute – No.

Reabe – I think my suggestion to pinpoint where the noise is coming from. It may be just one of the fans that is producing the most noise. We don't know.

Starshak – Dan (Hurst), anything else?

Corporation Counsel Hurst – No, there is a hearing set in February.

Starshak – Mr. Halverson?

Mr. Halverson requested Al Shute’s contact information.

Starshak – We’re going to make progress on this and move forward quickly. All of the parties have a vested interest in it. We’ve got new data that we have to look at and have the department go through so that we can come to some resolution. I want Landmark to be aware that we did have the special meeting last month and we expect that to be adhered to. We understand that there are some difficulties with the noise level but I think the abatement of the dust should not be any issue. That’s something that you should be able to take care of immediately and we’d like to see that.

CORRESPONDENCE

Shute – Shared an email he received from the county clerk regarding committed funds. Per her request, the committee discussed the carryover accounts and approved them.

On a motion by Reabe/Moderow, unanimously carried, the committee approved the carryover accounts as presented.

PURCHASES - None

CLAIMS

Claims totaling \$905.78 were submitted.

Motion by Reabe/Moderow, unanimously carried, to approve for payment the claims in the amount of \$905.78.

APPROVAL OF DEPARTMENT ACTIVITY REPORTS

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

Shute and Hurst – Discussed the various aspects of the reports.

Motion by Moderow/Reabe, unanimously carried, to approve the monthly activity reports.

DEPARTMENT/COMMITTEE ACTIVITY

- a. Continued discussion on 25-foot setbacks

Shute – Did research based on the original setback. Shared the results by giving each of the committee members a copy of the information he gathered. The front-yard setback was enacted by ordinance on 11/13/57 and amended in 1963.

There was a general consensus that there is no hurry to amend the ordinance to change the current setback. This will continue to be placed on future agendas for further discussion.

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

Shute – Reported that the Natural Resource Board has proposed to extend the shoreland zoning ordinance amendment deadline date to May of 2016. This will continue to be placed on future agendas for further discussion.

c. Comprehensive Plan and Farmland Preservation Plan update

Shute – Shared comparisons between Martenson & Eisele and MSA as far as what each would provide when updating the comprehensive plan and farmland preservation plan. The committee directed Shute to get written proposals and references from each for the January meeting.

d. Outlot 2, Estates of Lawsonia; restrictive covenant issue update

Shute – No update.

FUTURE COMMITTEE ACTIVITIES

a. Future agenda items

- **Landmark Services Cooperative**
- **Written engineering proposals for comprehensive plan and farmland preservation plan updates**
- **Continued discussion on 25-foot setbacks**
- **NR115 updates, if any. Shoreland zoning ordinance amendment**

b. Meeting dates

January 2, 2014

Business Meeting 4:30 p.m.

Public Hearing 6:00 p.m.

ADJOURN

On a motion by Moderow/Reabe, unanimously carried, the committee adjourned.

Time: 5:49 p.m.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

January 2, 2014