

1 SAUK COUNTY BOARD OF ADJUSTMENT

2 March 26, 2015 Session of the Board

3  
4 PRESENT: Linda White, Chair  
5 Dan Kettner, Vice Chair  
6 David Allen  
7 Henry Netzing  
8 Nick Ladas  
9

10 ABSENT: None

11  
12 STAFF PRESENT: Dave Lorenz  
13 Steve Sorenson  
14

15 OTHERS PRESENT: See Registration slips

16  
17 Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at  
18 approximately 9:00 A.M. The Chair introduced the members of the Board, explained the  
19 procedures and the order of business for the day. The staff certified that the legally required  
20 notices had been provided for the scheduled public hearing. The certification of notice was  
21 accepted on a motion by David Allen, seconded by Dan Kettner. **Motion carried, 5-0.**  
22

23 The Board adopted the agenda for the March 26, 2015 session of the Board on a motion by  
24 David Allen, seconded by Dan Kettner. **Motion carried, 5-0.**  
25

26 The Board adopted the minutes from the February 26, 2015 session of the Board on a motion by  
27 Henry Netzing, seconded by Dan Kettner. **Motion carried 5-0.**  
28

29 COMMUNICATIONS: None.  
30

31 APPEALS:

32  
33 A. Ray Zobel & Sons, Inc. (SP-02-15)  
34

35 Dave Lorenz, appeared and gave a brief history and background of the property, as well as  
36 reviewing photos and a video of the site. He then recommended conditions to be placed on the  
37 appeal if the request were approved. Five special exception permits have been granted since  
38 1990 for mineral extraction activities at this site. No citations. No floodplain. No wetlands.  
39 Both the towns of Reedsburg and Ironton are aware and supported the request. Few residential  
40 properties in area. CPZ recommends the following conditions; Limit the permit to 5 years, CPZ  
41 shall inspect the operations at least 3 times each year, Financial assurance shall be in place, have  
42 an agreement with the town regarding road access, signage and maintenance, control dust,  
43 address water quality, fence went necessary, maintains buffer zones, Follow established hours,  
44 no restrictions on number of days or months during the year, notify CPZ 24 hours prior to each  
45 blast, CPZ shall have the power to enact emergency operational hours, slopes no steeper than  
46 3:1, follow reclamation standards and county can enforce all conditions.

47 In favor:

48 Linda inquired about screening to the west, Mr. Zobel agreed to plant trees on south side of  
49 working area. The north side of the pit area is already forested. Mr. Zobel stated he lives within  
50 a half mile of the quarry. Most of the rock stays in the county. Sauk County buys around 7000  
51 tons and Reedsburg around 10,000 tons. Total output is around 75,000 tons. Blasting occurs  
52 several times a year, normally in October. The neighbors are notified of all blasting. No  
53 complaints. No issue with area wells. Dan asked if ground water has been tested and Mr. Zobel  
54 did not know. The quarry has been in operation since 1990. Mr. Zobel thought it might take 10  
55 years before they would be in Ironton township. The pit will move straight west. Dave Allen  
56 stated that there is a dairy farm southwest of the existing pit that test their water regularly. Mr.  
57 Zobel stated they have one diesel fuel tank (250 gallons) in the mine for the loader.

58  
59 No opposition.

60  
61 No interest as may appear.

62  
63 Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at  
64 approximately 9:30 am. The Town of Ironton approved the mine for a 10 year permit life.  
65 Moved to approve with following conditions, 10 year permit life and blasting hours from 8 to 5  
66 pm. Dave Lorenz address the Board and explained the changes in chapter 7, page 29 states  
67 permits can only be for 5 years. Linda struck the change. Dan asked if there were any changes  
68 to the zoning ordinance on blasting. Dave stated that blasting rules did not change. David Allen  
69 motioned to give a 5 year permit and change the blasting hours from 8 to 5 pm. And include all  
70 CPZ recommendations. Seconded by Dan. Motion carried 5-0.

71  
72  
73  
74 B. Slama Farms, LLC, (SP03-15)

75  
76 Dave Lorenz, appeared and gave a brief history and background of the property, as well as  
77 reviewing photos and a video of the site. He then recommended conditions to be placed on the  
78 appeal if the request were approved. No citations. 2 previous BOA hearings. The property has  
79 been a mine site since 2002. No floodplain. No wetlands. LaValle is aware of the hearing and  
80 supported the request.

81  
82  
83 CPZ recommended the following conditions, Limit the permit life to 5 years, CPZ staff will  
84 inspect 3 times a year, enter into an agreement with the Town of LaValle regarding town road  
85 access, signage and maintenance, monitor dust, financial assurance shall be in place, monitor  
86 water quality, fence as necessary, maintain buffers, follow approved hours, no restrictions on the  
87 number of days or months of operation during the year, under emergency conditions CPZ shall  
88 have the power to enact emergency operational hours, slopes shall be no steeper than 3:1, follow  
89 reclamation standards and CPZ can enforce all conditions.

90  
91 Steve provided an update on reclamation.

92 In favor;

James Taylor, stated the mine was inactive for a while, bedding sand for farmers. No complaints. Do not own land to west. The mine started out at 4-500 yds per year now half that.

No one opposed.

No Interest as may appear.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 9:50 a.m. Nick stated the town was in favor. Motion by Nick to approve with CPZ conditions, seconded by Henry. Motion carried 5-0.

C. Bindl Bauer Limestone, (SP-04-15).

Dave Lorenz, appeared and gave a brief history and background of the property, as well as reviewing photos and a video of the site. He then recommended conditions to be placed on the appeal if the request were approved. A special exception permit was granted in 2008 for mineral extraction and an appeal to expand the hours was denied in 2010. No citations. No flood plain, No wetlands, the Town of Bear Creek was notified and supported the request. CPZ recommends the following conditions, permit is for 5 years, conditions of SP-11-10 shall remain in effect.

In favor;

Joe Bauer, gave a presentation, calls from farmers requesting material on Sunday and he has to tell them no. He now requested that he be able to have Sunday operating hours. He also stated the blasting hours need to be flexible because of weather. He stated he has 3 blasts a year. He stated he has one neighbor express concerns about the blasting. He requested that the permit be good for 10 years. Richland allows 10 years. Linda stated that the new zoning ordinance does not allow more than 5 years. Nick addressed the blasting concerns and stated the past condition recognizing emergency hours.

Linda asked what he would like for expanded hours. Joe Bauer stated to operate on Sunday from 7 to 5 pm in the spring when the weather is good. past hauling farmer want on Sunday.

In favor, Jerry Hast, Hillpoint, Supervisor 22. At the mine regularly. Speaking as County Bd. Supervisor. Joe runs a good quarry. Town of Bear Creek has no concerns. Material does come to Baraboo. The quarry is widely used. Linda discussed expanded hours in special cases for rush times.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 10:14 a.m.

Motion by White, seconded by Dan Kettner, to approve with 2 changes, operating hours Monday-Friday till 7 pm. Sunday operating hours from 9-1pm for the months of April and May for ag lime for farmers as well as the conditions recommended by Conservation Planning and Zoning, **Motion carried 5-0.**

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140  
141 D. Schroeder's Century Homestead, LLC, (SP-05-15)  
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143 Dave Lorenz, appeared and gave a brief history and background of the property, as well as  
144 reviewing photos and a video of the site. He then recommended conditions to be placed on the  
145 appeal if the request were approved. Dan asked about the company names. Cloud vs. Bugtussel.  
146 Dave explained, Dave stated the tower plan was revised to reflect a 295 foot tower in Westfield.  
147 No previous permits, No previous appeals, No citations. Dave explained the setbacks and  
148 driveway access. Dave stated that Co-location is permitted. The land owner is aware of the  
149 request. No floodplain, No wetlands. The Town of Westfield did deny the request. No written  
150 explanation provided.  
151

152 In favor;

153 Ken Frazen, applicant, spoke in favor. He represents Bugtussel. He explained the ownership  
154 and company names. The business is looking to build out Sauk County with wireless internet.  
155 He explained past success in Adams and Fondulac counties. They offer a wireless internet and  
156 fiber is not needed. They will run everything off the towers. He asked the members to review the  
157 map of tower locations. Some towers are operating now. 14 sites are co-located. However, they  
158 need more towers in the rural areas. They cannot overlap the signal. This property was selected  
159 because of the higher elevation. An existing tower is 2 miles away but they cannot use that  
160 tower. He explained that in July 2013 the cell towers laws were rewritten. The new laws have  
161 different setbacks and FAA oversees everything. He explained that FAA requires cone lights  
162 that flash up. He explained that the tower height was 295 feet including the lightning rod. Their  
163 company will allow 911 equipment free of charge. He explained the 4 carrier options.  
164

165 Dan stated he lives in the country and has Bugtussel service.  
166

167 Henry asked if the tower will improve cell phone coverage and Ken said yes if they collocate.  
168

169 Dave stated there is a company in Reedsburg that offers coverage using farm silos. He did not  
170 know the company details.  
171

172 Vicki Terpstra spoke in favor and is a Bugtussel customer and employee. She showed a lap top  
173 of customers wanting internet service. There is a need for service. She has met with 1000's of  
174 homeowners. She was not at the town meeting. Lives in Spring Green.  
175

176 Opposed;

177 Tom Broughton, Westfield Chair, He stated the Board denied because of want or need. His  
178 town likes the country charm. They do not want a commercial landscape. They enjoy the rural  
179 countryside. There are many options for wireless service. He expressed concerns over the cost  
180 and that the towers only have a range of 2 miles. The lease should be recorded with the county.  
181 Worried if they go bankrupt who will take care of the tower or dismantle. Should have a bond.  
182 Stated the property needs to be rezoned to commercial. The Westfield residents do not want the  
183 tower.  
184

185 Linda asked how many were at the town meeting and he stated 19. No one spoke in favor.

186  
187 Dan asked if had had internet and he said yes and he is satisfied with his service. Tom thought  
188 only about 10% of town is without coverage. He is using the silo internet company.

189  
190 Lori McCloud was opposed. She is the landowner across the street. She does not want a cell  
191 tower outside of her door. She already has an internet connection. Concerns about the health  
192 affects. The tower is not necessary. They can collocate in Loganville. They will need many  
193 towers which will spoil the views. She is worried that she cannot sell her house with a tower  
194 next door. She was not at the meeting. She stated the area is already well served.

195  
196 Bill Swartz was opposed and is on the town board. He has good reception. No complaints with  
197 the existing system. The property would need to be rezoned. Concerns about dead zones.

198  
199 Dan Light, was opposed and owns land across from Mr. Schrader. He did not make the meeting.  
200 Concern over the number of towers. They can use the Loganville tower or existing silos.  
201 Concerns if the land sells, will the contract be honored. Many questions.

202  
203 David Light was opposed. The area already has providers. Cable in the area.

204  
205 Dave Lorenz address Chapter 23.07 which states that towers are permitted in exclusive ag  
206 zoning. He explained the zoning standards.

207  
208 Henry asked about EMS dead spots and Dave did not know. Dave stated that the Board can  
209 request assistance from other departments.

210  
211 Interest as may appear;

212 Ken Franzen discussed the Wisconsin Cell Tower law that was approved in 2013. He stated that  
213 the county cannot deny a tower permit. The county does not have a current ordinance. He  
214 provided and exhibit and Steve labeled as Exhibit 2-7. He also presented to the town of  
215 Westfield.

216  
217 Linda inquired about the economic burdensome clause in the new law. Ken said he has proof.  
218 Dan inquired about the costs.

219  
220 Nick asked if 17 more towers were needed and Ken stated yes, in the county. Ken stated that no  
221 proof of coverage was offered.

222  
223 Linda wants to look into the new law and cannot make a decision. She has questions on the  
224 impacts of the new law. She wants all the information and still has questions. Is this a stroDisng  
225 are proposal?

226  
227 Interest as may appear;

228 Dan Light had a question for Ken. Can the antenna go on a silo? Ken said they are not high  
229 enough. Ken stated that silos do not work well as towers. They must overlap. Linda reviewed

the tower map with Ken. Dan stated some towers are owned by the county and they can collocate on these towers.

Tom Broughton stated that the cell tower in Loganville denied access to the fire department. Concerns over health.

Vicki Terpstra, Explained the we connection and service and that Bugtussel is a point of generation. Some towers can go 5 miles. Bugtussel is more affordable. People need choices and choices are good.

Lori McCloud, discussed coverage, no guarantee.

Seeing as no one else wished to appear, Chair White closed the public portion of the meeting at approximately 11:44 a.m.

Linda stated she was confused by the new ordinance. She wants a map from EMS showing holes in the coverage area. The decision based on public need. Asked to table for a month. Motion by Linda, seconded by Henry to put on the next month agenda. Dave stated a legal notice did not have to go out again. Motion carried. 5-0.

E. Steven P. Sprecher, etal, (SP-06-15)

Linda asked Dave how to proceed. Dave stated they should hear this next case on its own merits.

Dave Lorenz, appeared and gave a brief history and background of the property, as well as reviewing photos and a video of the site. He then recommended conditions to be placed on the appeal if the request were approved.

Ken Franzen, 250 tower, self supporting. 185 from road, within fall zone, will be lit. Guide wires needed if over 250 feet.

Linda asked about the base support and Ken stated a 15-20 foot footprint.

Henry asked if the tower will handle other equipment and Ken stated that EMS will not be charged.

Vicke Terstra, spoke in favor and is employed and working in the sauk county area. Service is needed.

No opposition.

No Interst may appear.

Seeing no one else wished to appear, Chair White closed the public portion of the meeting at 12 noon.

Linda, same as last one. Henry says can approve because the town approved. Dan read regs and can approve without the regs. Locals do want this tower. Would support to approve. Henry concerned about the local school not being served. Henry motioned to approve, Dave seconded with CPZ conditions. Approved 5-0.

Meeting adjourned at 12:02 pm.

Respectfully submitted,

Henry Netzinger, Secretary

DRAFT