

**SAUK COUNTY BOARD OF SUPERVISORS
LAND RESOURCES AND ENVIRONMENT COMMITTEE
Thursday, December 29, 2020
County Board Room 326A & B
Sauk County West Square Building**

Land Resources and Environment (LRE) Committee members present: M. Krueger, D. Polivka, R. Nelson, R. Curry, P. Kinsman, B. Lohr, V. McAuliffe, R. Puttkamer

Others present: R Dymzarov (Zoom), G. Templin-Steward, B. Simmert (See reg. slips)

Absent: None

At 9:00 a.m. Chair Krueger called the Land Resources and Environment Committee meeting to order and certified to be in compliance with the Open Meetings Law.

Adopt agenda: Motion by McAuliffe/Curry to adopt the agenda. Motion carried, all in favor.

Adopt minutes of previous meetings – December 10: Motion by Curry/McAuliffe to approve the December 10, 2020 LRE Committee meeting minutes. Motion carried, all in favor.

Public Comment:

Terry Volbrecht appeared and stated that he is opposed to the cell tower and spoke about property values and health impacts.

David Armstrong appeared and stated he is opposed to the cell tower and questioned why existing infrastructure can't be used, impacts on bird migration patterns, community impacts, tower height, and the voiding of a conservation easement.

Chris Hamm appeared and stated he is opposed to the cell tower and stated he was not contacted with information, asked about the need, and funding to building the tower.

Jerry Sprecher appeared and stated he is opposed to the cell tower and how it will affect the beauty of the area.

Nancy Madlen appeared and stated she believes that cons out-weight the pros and is concerned about how families will be affected, affects to migrating birds, land values, and natural beauty and expressed concerns about the height of the tower.

Bill Wiese appeared and stated he is in opposition to the tower and is concerned about health effects, property values and scenic values.

Public comment ended at 9:21 a.m.

Communications:

Email from Christine Kalscheur in support of the tower under petition 32-2020.

Email from Don Kalscheur in support of the tower under petition 32-2020.

Review and approval of vouchers: Templin presented vouchers. Motion by McAuliffe/Kinsman to approve invoices in the amount of \$181,283.42. Motion carried, all in favor.

Discussion and possible approval of the 1st Addendum to the original agreement for geotechnical services for the pedestrian bridge over the Wisconsin River.

Simmert explained. Motion by McAuliffe/Kinsman to approve the 1st Addendum. Motion carried, all in favor

Update, discussion and possible action releasing remaining Badger Army Ammunition Plant carryforward funds to the Sauk Prairie Conservation Alliance, in the amount of \$7,609.

Simmert explained, Rebecca Dymzarov provided a background. Motion by Nelson/McAuliffe to approve. Motion carried, all in favor.

Discussion and possible action on a Resolution Commending Gail Greve for 15 Faithful Years of Service to the People of Sauk County. Motion by Polivka/Puttkamer to approve. Motion carried, all in favor.

Petition 29-2020. A petition from Samuel Borntrager to consider the expansion to a structure where an existing conditional use permit has been approved pursuant to s.7.151(12) on land owned by Samuel Borntrager.

Templin provided a background of the petition for an expansion of a wood fabrication business that will take the form on an expansion to an existing building associated with the wood fabrication use. The number of semi deliveries are not to exceed 30 per month, as requested by the Town of Bear Creek.

Polivka asked if there have been any issues with the operation. Templin verified that there have been no issues.

Samuel Borntrager provided a background on the wood fabrication business and that the addition is partially for personal use but also to build a roof over a delivery area for the business. The business builds pallets.

Motion by Polivka/Nelson to approve the expansion to a structure under an existing conditional use permit based on the findings of fact and conditions set forth in the staff report and as requested by the Town of Bear Creek limiting the number of semi deliveries to not more than 30 per month. Motion carried, all in favor.

Petition 30-2020. A petition from Brian Mittelsteadt to consider a rezone/map amendment out of the Shoreland-Wetland district, pursuant to s. 8.007 Shoreland Protection Ordinance on land owned by Brian Mittelsteadt.

Templin provided a background of the petition to consider a rezone/map amendment of 0.07 acres from the Wisconsin Wetland Inventory/Shoreland-Wetland zoning district and reviewed the standards that must be met to rezone lands out of the referenced zoning district. The WDNR and Army Corp of Engineers approved the fill of 0.07 acres of wetlands. The purpose of the rezone is to allow for the construction of a residential driveway.

Nelson asked if there are other ways to access the property without crossing the wetland. Templin stated there are not. Nelson asked if any Army Corp or WDNR personnel visited the site. Templin stated she did not know.

Brian Mittlesteadt provided a background of the request and explained that the disclosure when the land was purchased indicated no wetlands. He also stated that the Town of Franklin issued a permit for a driveway and once constructed a complaint was filed with the county.

Motion by Curry/McAuliffe to approve the rezone and put before the full County Board in January. Motion carried, all in favor.

Discussion on the motion: Nelson is wary of setting precedence approving matters after it has been done. Lohr stated that Mittlesteadt went to the town first in good faith. Krueger stated he agreed with both Nelson and Lohr and that Mittlesteadt acted in good faith. Polivka noted that many people don't realize they have wetlands on their property.

Petition 31-2020. A petition from Ryan & Suzanne McKichan to consider a conditional use permit for an Equine Veterinary Facility pursuant to s. 7.039(1) Zoning Ordinance on land owned by Ryan & Suzanne McKichan.

Templin provided a background of the petition to consider a conditional use permit for an Equine Veterinary Clinic pursuant to s. 7.039(1) Sauk County Zoning Ordinance. The Town of Dellona recommended approval of the CUP with no requested conditions.

Polivka verified that the facility is set back from the road and no visible. Templin verified yes.

Ryan McKichan provided a background on the business and the reason for the request. It was noted that there have been a number of large vet clinics that have closed in the area and that this service is needed.

Motion by Kinsman/McAuliffe to approve an Equine Veterinary Clinic conditional use permit based on the findings of fact and conditions set forth in the staff report. Motion carried, all in favor.

Petition 32-2020. A petition from Bug Tussel Wireless to consider a conditional use permit pursuant to s 7.038(9)(i) for a new mobile cell tower on land owned by Bonham Farm LLC.

Templin provided a background of the petition to consider a conditional use permit for a new mobile cell tower pursuant to s. 7.038(9)(i) Sauk County Zoning Ordinance. The Town of Greenfield recommended approval of the CUP with no requested conditions.

Nelson asked if an affidavit was submitted to the LRE Department that no other tower can be used to provide the service. Nelson asked about the conservation easement with the town of Greenfield. Templin explained that the town is working on an amendment to the conservation easement.

Gary Henshue from Bug Tussel appeared. Henshue submitted a copy of the affidavit to the committee. Henshue explained the unique need for this tower is to provide First Net Service into Devil's Lake State Park and that this tower can provide service at the lake level. Henshue noted that this tower communicates to all other towers approved by the Committee to provide

almost full First Net Coverage. Henshue stated that he is working with the Town of Greenfield to amend the conservation easement. Henshue addressed property values and health concerns relative to towers.

McAuliffe asked if there is information on property values where there is not cellular or broadband service. Henshue stated there are studies. Lohr asked if this tower is primarily for service at Devil's Lake. Henshue stated yes. Nelson asked how many more Bug Tussel towers will be installed in Sauk County. Henshue stated he is not aware of any others.

George Bouham registered in favor of the petition.

John Geoghegan spoke in favor of the petition.

Rob Bonham registered in favor of the petition

Kevin Stieve representing the City of Baraboo Fire Department spoke in favor of the petition based on the need for improved coverage at Devil's Lake State Park and benefits of utilizing First Net.

Phil Raab representing Sauk County spoke in favor of the petition as Sauk County uses First Net and that First Net cannot currently be utilized at Devil's Lake.

Chip Meister, Sauk County Sheriff, spoke in favor of the petition. Meister explained that lack of coverage at Devil's Lake makes it difficult to respond to incidents. Last year the Sheriff received 289 calls for service at the park.

Bob Rosenbaum appeared in opposition and asked why the tower can't be at Devil's Lake.

Terry Vollbrecht appeared in opposition representing his neighbor's the Spencer's and questioned why the tower can't be at Devil's Lake and spoke about health hazards and property values.

David Armstrong appeared in opposition and asked about FOIA requests. Suggested that the Committee ask the park about a location at the park. Spoke about the need for improved rural broadband and public/private disputes and of conservation.

Bill Wiese appeared in opposition and noted his proximity to the tower and diminished property values and health reasons.

Jerry Sprecher appeared in opposition and spoke about locations for the tower, property values and lack of cooperation between city, county and state.

Chris Hamm spoke as interest may appear and asked about utilizing a City of Baraboo Water tower and about grants to build towers. After listening to concerns wishes to go on record in opposition.

Rob Bonham spoke as interest may appear regarding property values and referred to the towners on tower road and about health concerns and in both cases does not see adverse effects. Intent was not to offend neighbors and believes that this tower will be good for the community.

Nelson asked if there was any exploration of siting the tower at Devil's Lake SP or other state land. Henshue responded no. Henshue stated that he sent letter out to private land owners and only received two responses of interest. Nelson asked if there is a legal prohibition of placing a tower on state land. Henshue did not know.

Motion by Polivka/McAilliffe to approve the CUP for the cell tower siting based on findings of fact and conditions set forth in the staff report. Motion not acted on.

Nelson commented about diminished property values and use of property and suggested tabling the decision to see if the state should be contacted.

Lohr supports towers but is concerned that this tower is primarily just for Devil's Lake and that this tower is being placed on private land and that pursuing a site within the park would be appropriate.

Polivka noted that if a tower is put in the park that there would be more people opposed to it and that there is an obligation to provide service.

Curry spoke about difficulties working with the government and need for service.

Krueger verified that BugTussel did not reach out to WDNR to see if a tower can be located on state land and spoke about postponing for 1 month to explore locating the tower on state land and because this is a First Net Tower.

Motion by Nelson/Kinsman to postpone the decision to January 26, 2021. Motion carried. Curry and Polivka opposed.

Next meetings of the Land Resources and Environment Committee will be held at 9 a.m. on Thursday, January 14, 2021 and Tuesday, January 26, 2021.

Motion by Curry/Nelson to adjourn. Motion carried, all in favor. Meeting adjourned, 11:49 a.m.

Respectfully submitted,

Ross Curry, Secretary