

**SAUK COUNTY BOARD OF ADJUSTMENT**  
**February 24, 2011 Session of the Board**

**PRESENT:** Richard Vogt, Chair  
Robert Roloff  
Linda White  
Ron Lestikow

**ABSENT:** David Allen  
Henry Netzinger

**STAFF PRESENT:** Gina Templin  
Dave Lorenz  
Mark Steward

**OTHERS PRESENT:** See individual appeal files for registration appearance slips.

Chair Vogt called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:25 A.M. (due to technical difficulties). The Chair introduced the members of the Board, explained the procedures and the order of business for the day. The staff certified that the legally required notices had been provided for the scheduled public hearing. Certification accepted on a motion by Roloff, seconded by White. **Motion carried 4-0.**

Motion by White, seconded by Roloff to adopt the agenda. **Motion carried 4-0.**

Motion by White, seconded by Roloff to adopt the minutes from the December meeting. **Motion carried 4-0.**

**COMMUNICATIONS:**

White stated she received a phone call from Bev Schultz regarding speaking about the Lake Redstone case. She advised Schultz to write a letter and have it submitted to the Board.

Vogt stated he received a phone call from the applicant for the Spring Green hearing and what information would be additionally needed. He asked for a map and additional information which was provided to the Board.

Roloff stated he received a phone call from Jerome Thiessen about cellular towers in general and advised if he had information that would assist the Board to attend the meeting today.

**APPEALS:**

- A. Sauk County/Cloud 1 LLC, (SP-01-11) requesting a special exception permit to authorize a new 300 foot cellular communication tower at the old Sauk County landfill.

Dave Lorenz, Environmental and Zoning Specialist, and provided the history and background of the request and reviewed the staff report provided to the Board and Applicant, as well as photos of site. He then concluded with the recommendations of conditions to be attached to the special exception permit if it is approved.

Michael Long, Cloud 1 LLC, appearing in favor gave a history of the company and its affiliation with Bug Tussel Communications. He gave a description of the sites located in Sauk County, which are attached to existing structures, such as other towers and property/towers owned by Sauk County. He spoke of co-locating and the need to only construct a new tower when the option of co-locating is not possible. He then provided Exhibit VIII,1 a letter from a US Cellular representative expressing interesting co-locating on the site if it is approved. He spoke of the need for improvement in the wireless services in Sauk County.

Vogt clarified that the main purpose is to provide County-wide wireless internet service. Long stated that it is their goal to offer wireless internet county wide, currently technology is in 7 sites around the county.

Vogt asked if Sauk County is also interested in using this site. Long stated there is a lease with Sauk County to use this site free of charge.

Roloff asked about the tower that is located about a mile from the proposed site. Long stated they did research the tower, but it was not

Todd Anderson, Cloud 1 LLC, appearing in favor, stated the location to the south that Roloff referred to, the topography caused a lot of shadowing because of the hills that put them too far back. He then presented Exhibit VIII, 2 a map showing current sites, the proposed site and the proposed coverage at the proposed site at the land fill. He also presented Exhibit VIII, 3, a coverage map showing what they would get if they used the existing tower to the south and the lack of coverage.

Michael Long, reappearing.

Vogt clarified that the proposed tower will provide much better coverage, particularly to the north west and north east up through the Reedsburg area. Long confirmed. He also spoke of communications with the FAA and the requirement to meet all FAA and FCC requirements. Per the FAA they will drop the tower down to 175 feet, however with the location of the tower, they can decrease the height and still meet the coverage desired.

Vogt asked about the location and being 1,000 feet from a residence. Long stated they are at least 1,000 feet from Evergreen Rd, referring to Sheet 1 in the engineering drawings. He spoke of the survey and the tower being approximately 881 feet from the parcel/property lines owned to the east and approximately 394 feet from the parcel to the north, which is the County's property, and approximately 2,250 feet from the property to the South. He clarified that the distance is from the property lines and not the residences.

Roloff asked if it will be a guide tower and due to the decrease in height it won't be as large a footprint. Long confirmed that was correct.

White asked about the number of spots to co-locate. Long stated they could provide for 4 carriers, in addition to any space that county equipment may need.

White asked about how the tower will be affected by the dead zone map. Long stated that due to the hill location, the decrease in height will still provide the same coverage with less tower. He also stated that typically towers under 200 feet, they don't have to be lit, so this location will not require a light.

Peter Murray, District 11 Supervisor, appearing in opposition, stated that he has received several phone calls in opposition to the tower. He read a letter(s) from one of his constituents in opposition that could not attend the meeting. He spoke of being a member of the comprehensive planning committees and both plans indicate that preservation of agricultural resources are a priority. He then spoke of endangered species on the property, but the DNR would not state what the endangered species are. He questions the change in the tower height and felt that there is an issue to open public meetings. He then spoke of a plan from Reedsburg Utilities providing fiber optics in the future. He also stated that he has not heard from the County that there is a need for this tower. He is also concerned with taking out a number of trees to put the service road through. He concluded with his request for the Board to not approve the request.

Vogt asked what the endangered species is. Murray stated the DNR will not disclose what it is.

Vogt asked if he feels there will be some conflict with Bug Tussel who is providing wireless internet, with Reedsburg Utilities who are putting in fiber optics, and asked how far from Reedsburg this would take them. Murray stated the fiber optics will come out 5 miles.

White asked about the endangered species and how can you protect it if you don't know what kind of habitat needs to be protected. Murray stated Tim Stieve has it and he has required the lessee to get those permits and to deal with it.

Lestikow asked about the DNR dealing with it through the permitting process. Murray stated that State law allows the DNR to protect the species but not the habitat.

White spoke of Exhibit II,3, an email speaks of waiting for the DNR to respond on a lizard issue. Murray was not aware.

White asked about people being against this due to the threatened species, a visual issue, etc. Murray stated that the Town has put up with the landfill, contaminated wells, the shoot-house and now a proposed visual blight to the Baraboo Hills.

White asked for names from the property owners. Murray stated they are from Tim Winke and Mike Clark.

Tina Pagel, appearing in opposition, stated that Verizon had met with her to put the tower on her property, which boundaries the county land. She stated that Verizon told her there was not a problem with the Hogsback site, but today there is a problem. She spoke of raising beef and the distance from her property line and how it will affect her cattle and is unsure of the exact proposed location.

Vogt confirmed where her property lies and confirmed that she hasn't seen a plan on this proposal. Pagel stated she has not seen one. Vogt stated there is no property listing for her within the boundary showing.

White asked Pagel to show on a parcel map where she is located. The board confirmed that she is more than a mile away from where the tower will be located.

White stated one of the things that are looked at is the overall public good. She asked how cellphone coverage is in that area. Pagel stated that it depends on the carrier. She also spoke of the utility speaking of fiber optics proposed in the future.

White spoke of the county not saying they need tower space in this area.

Jerome Thiessen, appearing as interest may appear, stated that he has a problem with aviation being considered in any of this and has a problem with Verizon and the approval the Board gave to another site. He spoke of the need to light and mark the tower on the Savage property, which is not included in this request. But feels aviation should be included in these requests. He asked that this information goes through the Planning and Zoning Committee first before coming to the Board of Adjustments.

Vogt spoke of the Town Board and Planning commission going through this request as well. Thiessen spoke of no one asking about airports or having them addressed.

Roloff asked to hear from the Applicant.

Michael Long, reappearing. Roloff asked about lack of communication with the FAA and whether the Board approves the application, they still need to have their plans approved by the FAA. Long stated that is correct and provided Exhibit VIII, 4 a document from the FAA on this tower site. He confirmed what needs to take place after receiving a special exception permit and the requirement to have permission from the FAA and a plan approved that deals with the endangered species on the site.

Roloff asked about the reduction in the tower height and a concern about the affect of guy wires on birds, and the ability to have free standing tower that does not impact the birds as much, and if it is possible to have a free standing 176 foot tower. Long stated that a self support tower at the height of 176 feet.

Roloff felt that addressing the environmental issues with the wires and the different type of tower would eliminate some of those concerns.

White asked about the plan provided to the Town and if they had any contact with the Town after receiving a change in the Tower. Long stated they just found out, so they have not spoken to the Town.

White stated she is feeling that possibly they could not vote on the plan due to it changing.

Vogt asked what permits are in place and what permits are needed besides the special exception permit. Long stated in addition to the requirements of the County, they would need Town Building permits, FAA permits, working with the DNR on the environmental impacts during the construction permit to alleviate the endangered species concern. He did confirm that they need to get environmental clearance and permission from the FAA.

Vogt spoke of the view-scape and with the smaller tower that will help. Long spoke of the FAA requirements, but the County can add requirements if they wish in regards to the lighting.

Vogt asked about other sites in the county. Long stated no other sites have had to be lit, due to them attaching to other existing towers. He did state that the ones owned by the County are not lit.

Seeing as no one else wished to speak, Chair Vogt closed the meeting at 10:29 a.m.

The Board reviewed the ordinance and request.

White spoke of the first hearings she sat in on, they have been highly attended, but as the technology evolves and the uses of this technology, it is viewed as a necessary evil. She also spoke of the towers that have lights and seeing them more. She spoke of the site location meeting the requirements to be away from residences, as well as the additional permitting that they need to go through with the State and Federal agencies.

Vogt spoke of concern not hearing from the County as the land owner.

White spoke of the lease agreement and the ability to add to this tower. Vogt spoke of other locations of existing towers and possible overkill, as well as the future use of fiber optic to certain residents.

Roloff stated what they can deal with is what is before them right now.

Lestikow spoke of the requirements by the DNR to address the endangered species. Vogt stated testimony indicated that they will need signoff by the DNR, as is addressed in the conditions provided by the Planning and Zoning Department.

Motion by Roloff, seconded by White, to grant the special exception request with the conditions by Planning and Zoning, and the added conditions that the Tower cannot exceed 176 feet in height, be free-standing/self supporting, the revised plan be approved by the Township for the special exception permit to be fully granted and the endangered resources review addressed and approved by the DNR. **Motion carried 4-0.**

- B. Robert Scott (SP-02-11) requesting a special exception permit to authorize filling and grading on slopes of more than 20% during the construction of a detached garage.

Dave Lorenz, Environmental and Zoning Specialist, appeared and provided the history and background of the request as well as photos of the site. He then concluded with the recommendation of conditions to be placed on the special exception permit if the Board approves the request.

Robert Scott, application, appearing in favor of the request spoke of the plan for the detached garage.

Vogt spoke of a letter he received from neighboring property owners concerned about the condition of the road, as well as hearing on permits during the months that “snowbirds” are not present. Scott stated he is aware of the concern .

White asked about the road and how it is maintained. Scott explained it is an easement road and is maintained by the owners on that road.

White asked about the existing shed and if that will be removed, as well as the trees that will have to be removed as part of the project. Scott stated the shed will be removed and they will remove as few trees as possible.

Vogt asked about the construction plan. Scott explained it would be similar to a walk out basement.

White asked if the plans were approved by Planning and Zoning. Scott stated he has not received a permit before he got the approval from this body.

White spoke of the height of the structure. Scott stated it fits within the height of the rules of Planning and Zoning.

Roloff spoke of the description and the plan showing different feet. Scott stated one shows what is allowed by the County, but the plan for the garage is 20 feet in height. Scott also stated that the plan submitted shows the 20 feet, where the application to the Board was 27 feet, and modified which is shown in the plan.

Vogt asked about the concrete walls. Scott explained.

Seeing as no one else wished to speak, Chair Vogt closed the public hearing at 10:56 a.m..

Vogt spoke of the concern due to the letters from the neighbors and the condition of the easement road.

Roloff spoke of the private easements and you have to be good neighbors because there is no agreement who takes care of the road and it depends on them all agreeing that something will be done. He suggested that a condition be added that the applicant return the road to the condition it was in prior to the construction being started.

White provided suggestions to the application on what can be done to help address issues to the road.

Vogt opened up the public hearing to take additional testimony.

Jeb Scott, appearing in favor of the request, asked who deems the quality of the road prior to the start of discussion and deems the quality of the road afterwards. Roloff stated this is a private road and possibly Planning and Zoning should not be responsible for making those decisions.

Vogt confirmed that the request is for filling and grading.

Scott also stated that there is discussion with the contractor due to the work not being done correctly and has concern with that being part of the decision, due to the uncertainty.

Roloff stated there have been many requests similar to this coming before the Board and has never put this condition on the ones in the past. The Board discussed.

Vogt asked when the construction will take place. Scott stated immediately and if all permits can't be obtained and built prior to the thaw, they may wait until the following winter. He also spoke of his vested interest in the road.

Vogt re-closed the public hearing.

Motion by White, seconded by Roloff, to approve the special exception permits as requested, with the conditions by Planning and Zoning. **Motion carried 4-0.**

- C. Town of Spring Green/Jewell Associates (SP-03-11) requesting a special exception permit pursuant to s.8.08(3)(a)3 to authorize filling and grading of more than 4,000 sq. ft. within 300 feet of the floodplain.

Dave Lorenz, Environmental and Zoning Specialist, appeared and provided the history and background of the request as well as photos of the site. He then concluded with the recommendation of conditions supplied by the Planning and Zoning Department should the special exception request be approved.

Lestikow asked about Exhibit IV,3, that the redirected water would flood neighboring property and the lack of intention by the Town to address flood waters in that manner. Lorenz stated that person is here and can address that.

Greg Jewell, Jewell and Associates, agent for the Applicant, appearing in favor, spoke of the permitting project and the drainage project history and background. He spoke of working with the federal agencies and conditional approval through the DNR. He spoke of the neighboring properties being flooded, and feels that their addition will not raise the flood waters.

White asked about the elevation and where the water will go to.

Ed Lilla, Jewell and Associates, appearing in favor, spoke of the properties where the ditching project will take place and the discharging area, owned by the DNR. He stated that there will be grading for the discharge within 300 feet of the floodplain. The discharge will be to the floodplain where existing drainage is taking place currently. He spoke of an area being navigable and no discharge will not be put onto neighboring land owners property.

Vogt asked about where Mr. Joost's property is. Lilla stated his property is directly adjacent to the discharge area.

Vogt asked if that area is all low. Lilla stated that property is all floodplain. He stated the high bank is just south of the property line.

Roloff asked about the event in 2008 and if that property was flooded. Lilla stated that his property did not flood, as the river did not flood. All the property above is what was flooded.

Lestikow asked what they are stating is this project will not divert more water onto his property. Lilla stated he can't state specifically if water will be placed on his property depending on the 100 year flood.

Vogt asked what crops are in that field. Lilla stated he feels it is a corn crop, however the past couple years has prevented them from harvesting.

Roloff asked, currently all the water that is north, will go through the drainage way with the outlet onto the DNR property. Lilla stated that is correct.

White asked about the water making its way through the drainage that is already there. Lilla stated that is correct.

White asked if the flooding happened again, is there enough design in the drainage ditch to prevent water from going onto the neighboring property. Lilla stated they have not studied if the river rises and floods that area what damage could be done to those properties.

Roloff referred to a condition by the Department, which is consistent with all projects, that the project shall not increase the storm water runoff onto neighboring properties. Lilla stated the entire project is to address water runoff and feels that condition is more for development and feels that working with the DNR should address that.

He also stated that he feels this situation is intermittent and under extreme circumstances, but yes there will be an increase in storm water to that area, but doesn't feel it will be a detriment.

Roloff confirmed if they approved the project, they will have to remove that condition. Lilla stated that is correct.

Vogt asked about the floodplain issue and the elevation from the Wisconsin River floodplain, and on Exhibit VIII, 1, which has a storm water elevation provided and where that will be. Lilla stated that exhibit was to show the potential of flooding on property to the west and a berm being proposed and is in the confines of the channel as it runs north and south.

Vogt asked about a stone gabion elevation. Lilla stated the top is 706.5. . Vogt confirmed that the 100 year flood boundary would not go across the gabion. Lilla stated that is correct.

Vogt stated nothing has changed in the floodplain itself, however now floodwaters are being introduced that will spread across the outfall down into the wetlands. Lilla stated that is correct.

White spoke of not putting additional storm water runoff on other properties is to protect where this water is going to. She spoke of the protection of property owners where the ditch starts, but not where the ditch ends and is concerned that not enough studying has been done as to how those at the end are affected. Lilla stated that their intent is to put additional water into the floodplain and he stated there would only be about a foot deep discharge in that area and there are no residences in that area that will be affected. He also stated they have spoke to the DNR and feel if they are ok with it they should be good. He stated that the discharge to the location they are at is what is allowed by the DNR on their property.

White asked about the other farmers on this route and if they were compensated for the loss of use on this property. Lilla stated they have easements.

Greg Jewell stated this is being designed as a dry channel and being released over time. In smaller rain times, you won't see any water in the drainage area, but only in larger events.

Vogt spoke of the high water ground table that is existing.

Lilla stated that he feels the homes around that are not in any risk and the berm will give a piece of mind to those owners and feels there is a balance between what needs to be done to protect the owners from the flooding that took place, but there are also costs to that benefit. He stated they designed it to lessen the impacts but can't state for certain it won't happen.

Dennis Polivka, appearing in favor, spoke of the buying out of homes due to the flood in 2008, the loss of crops, the highway damage and that cost to the people of Spring Green between \$13.5 and \$15 million, of which \$9 million was agricultural loss. Since that time farmers through the valley, the village of Spring Green, and the high groundwater level. He spoke of the need for an outlet of water from the Big Hollow area. He stated the Town looked at the entire area prior to purchasing property and the main concern was that they didn't want to create problems for home owners near the outlet. He stated there is a chance that water could come onto the neighboring property owners land, but can't be sure due to not knowing what the rain events will be. He spoke of working with the Nelson Institute on researching the project and area, and the entire community being very dependent on this project.

White asked what remediation efforts to the neighboring land owners have if there are problems. She spoke of the high groundwater level. Polivka stated the drainage ditch should lower the groundwater level and be a benefit to everyone. He stated if there is a problem the Town will have to make adjustments.

Jerry Sprecher, appearing in favor of the request, stated he has farmed this area all his life, explained where his property is, as well as farming the properties surrounding it and stated that area never gets drained out and can't get into that field maybe 1 out of 5 years, as well as having difficulties because of springs being in the area. He

stated he is not worried about water being drained on his property by the outlet of the drainage ditch, because he is willing to sacrifice his land to help out his other land that lies near the beginning of the ditch. He confirmed the water will come up from the river, but feels he is willing to sacrifice his 95 acres for this ditching project. He doesn't feel they need more wetlands, they have enough.

Dave Radel, appearing in favor of the request, stated he is a Town Supervisor, and spearheaded the home buyout and knows the devastation from the people who were affected by this flood, also spoke of the homes that are still existing. He stated the ditch will catch all the water so it can't turn west and will spare all those homes damage and will also pull groundwater from 2-300 feet from each side and will lower the groundwater so they will not have that in their basements. He spoke of doing nothing is not an option.

Don Brander, Village President of Lone Rock, appearing in favor of the request, spoke of the 2008 flood and Lone Rock being 2/3 flooded with ground water and the opinion of the engineers was that 30% came from the Big Hollow area and feels that with the way things are going on if they can eliminate the 30% coming in from the Town they can address their own situation.

Walter Joost, appearing in opposition, stated he has land that connects to this project, agrees that something has to be done with the water issues and is in the same spot as everyone else. He spoke of the questions on brining more water onto his land, he was told it would be flooded for a week to two depending on the rain event. Referring to the aerial photo, he showed the Board where his property lies, surrounded by DNR property. He spoke of digging holding ponds at the end of the outlet, and an existing ditch currently, as well as a spring, with water running full capacity 95% of the time currently. He spoke of cropping on his property 3 out of 5 years, per the County NRCS. He is asking that he doesn't lose the use of his land or the use of his woods. He spoke of the river flooding and still getting his crop even with the river flooding. He spoke of the ditching project being deeper and wider at the top and smaller at the bottom, and that the Town did not apply to the DNR to ditch the creek.

Vogt asked if he spoke to the Town about this issue. Joost stated a month ago they had a meeting, but did not discuss the water after the outflow from the ditch. He asked that the water runoff can't affect the neighbors, without any means of dealing with it if there are issues.

White asked Joost to confirm where the ditch and outlet runs. Joost explained.

Vogt asked if there are any buildings on that land and how many acres are owned there in total. Joost stated there are no buildings on his land there, but owns 110-115 acres there.

Vogt asked if the wetness is currently due to the river or the high groundwater. Joost stated he was not flooded by the river.

White asked if any programs were researched to turn that land into CRP grounds. Joost stated he did and the requirements of that program could not be met.

White asked how long he has owned the property. Joost stated he purchased the property in 2007.

Lestikow asked about the 1-5 years to crop it as stated by Mr. Sprecher. Joost stated that he checked with the County FSA office and he was able to farm it more years out of the 5. But asked if he couldn't farm it, why it should be made more of an issue for him.

Vogt stated if there is flow like in 2008, the water will seek its own level with the river, and in most cases, the river will not be at a flood stage necessarily while this channel is running water through it and once it moves across the spillway, it will disperse through the hardwoods, but how long that will take is pure speculation. Joost stated the DNR property is higher than his property and the water will run to his property.

Otto Frischolz, appearing as interest may appear, stated his land is the lowest next to the settling ponds and he is worried, but recognizes the Town needs to do something with the water and feels he should be compensated if



this project negatively affects his land. He showed the Board where his property lies and he is the lowest resident directly adjacent to the proposed settling ponds.

Greg Jewell, reappearing.

Vogt asked what his opinion is on all this. Jewell stated it is a complicated issue and not denying that the water is going to be put into that basin. The unknown is whether or not it is their issue with the ditch or if it is due to the Wisconsin River. He feels there will be issues, but doesn't feel that this project will be more detrimental to anyone or any of the properties at the end of the drainage ditch. He spoke of the digging of the channel to the river, that there is a process to do that, but it will never be approved.

White stated that Spring Green will be responsible for sediment removal if that is a problem and who will be responsible if Joost land is negatively affected. Jewell stated he assumes that the Town will take care of issues on the Joost property, but is unsure.

White stated her concern that they didn't look at that issue. Jewell stated that the water is high in this area anyway, and due to not being sure what would cause the flooding, no one wants to take responsibility for it.

Roloff asked about condemnation. Jewell stated due to the funding of the project you can't use condemnation.

White asked about getting an easement on the Joost land to take care of that.

Ed Lilia, reappearing, stated that the original project included Mr. Joost, but their negotiations were exhausted and only at that time did the Town go out and find another land owner to sell the property to them. Due to Mr. Joost not wanting to negotiate, they found another avenue. He also addressed the sediment and the device to catch as much of the material as they can. He also stated that Town will be held accountable by the DNR to address the sediment and the Town will take that on as part of the sediment.

Vogt asked about the negotiations with Joost. Jewell stated it wasn't for this particular property, but for another property to the east.

White asked about negotiations on this site. Jewell stated they only discussed the other land, and have negotiated with the DNR, but where the water goes after that, no one knows.

Don Hartung, appearing in favor of the request, referring to the air photo, he showed where he is farming, land he owns and discussed flooding issue on his property. He feels this is the best solution they could come up and doing nothing will be more detrimental.

White asked if he was the land owner in the situation of the Joost, what would his opinion be. Hartung stated that the lack of being able to farm, the amount of property that wouldn't be flooded, he would either get out of the way or put a price tag on it.

White asked if the drainage ditch will affect his property. Hartung stated his property will be no more affected by the drainage ditch than by the river.

Joost, reappearing in opposition, stated that it is not only his crop acres, but the wooded land that stays wet, uprooting, etc., and the harvesting of his wood crop. He spoke of the offer by Jewell was done on other property on highland he owns, even if it was purchased, his lower property would still be affected because that is where it would be disbursed. He stated the offer was only what he paid for it and feel he made improvements and doesn't feel his land devaluated in that time.

Jim Sprecher, appearing in favor of the request, stated he was affected by the water, his house, crop land and hog barn and feels that this ditch needs to be put in for the sake of the community.

Vogt asked for any new testimony.

Seeing as no one else wished to speak, Chair Vogt closed the public hearing at 12:30 p.m..

Vogt stated he is very familiar with the project, as he lives in the area, and is a tough call in terms of the water runoff on adjacent property owners. He feels their jurisdiction is within 300 feet of the floodplain and doesn't lie in the floodplain. However the affected land is in the floodplain, the project is at the edge of the high bank, there is a ditch through there now and how often this ditch will be used and how much water will come down it is an unknown. He spoke of the devastation and this will alleviate some of that damage. There will be some negative effect, but is this in the best public interest.

White stated that the project is a no-brainer as far as the public good. However, she is disappointed if they would have just purchased an easement on the neighboring property. She stated the condition just says you can't put water on neighboring property. She is concerned with approving the request and hope the Town does not find themselves into trouble due to the impacts of negatively affecting the neighboring lands.

Lestikow stated all agencies have approved this already and many people have been affected by this. He stated the 100 year flood doesn't come in 100 years, but much more often. We have had the 100 year flood every 5 years.

Vogt stated that he agrees but there is a fine line between what the ordinance says and what they have to decide.

White stated that this condition is in there and if someone feels that condition is violated they have recourse.

Roloff spoke of irrigation differences around the county, where owners are trying to drain wetlands near agricultural lands that are being irrigated and in other parts where the drain tile system is being destroyed in agricultural lands so that they revert back to wetlands.

Vogt asked about a condition for the permit and walking a fine line.

Roloff spoke of public projects and if there is a piece of property that can hold up the entire project, the municipality should attempt to purchase the property.

Roloff feels condition D needs to be struck or he can't support a motion to grant.

Motion by Vogt, seconded by White, to approve the request, with the conditions recommendation by Planning and Zoning. No question called.

Roloff feels condition D needs to be struck or he can't support a motion to grant.

Amended motion by Vogt, seconded by White, to approve the request with the conditions recommendation Planning and Zoning, with Condition D being removed. **Motion carried 4-0.**

- D. Mathy Construction/Milestone Materials, (SP-04-11), requesting a special exception permit to authorize the location and operation of a concrete batch plant, located in an existing quarry.

Dave Lorenz, Environmental and Zoning Specialist, appeared and provided the history and background of the request as well as photos of the site. He then concluded with the recommendation of conditions by the Planning and Zoning Department to be placed on the special exception permit if granted by the Board.

John Traxler, DL Gasser/Mathy/Milestone, applicant, appearing in favor of the request, stated that due to the Highway 12 project, to allow the land use for the same duration of the original permit, that way they have the permits in place to allow for a portable plant if they need one.

Vogt asked about this being a permanent placement. Traxler stated that is correct.

Vogt asked about the increase in truck traffic. Traxler stated there will be an increase in traffic and they do have a road maintenance contract in place with the Town.

White asked about a portable concrete plant, not just a concrete plant. Traxler stated it is for a portable plant, but requesting that the activity be allowed through the life of their original special exception permit.

Roloff asked about the conditions in 2009 . Traxler stated he did and those conditions still work.

Barry Bohman, appearing in favor of the request, stated he is the contractor coming in to do the bypass and will be brining in the portable plant. He explained why they look at current sites versus private property. He stated they had the portable plant in Kraemer's pit located off of Shady Lane, so this will be similar. The plan is to move into the site in June and be out by August.

Seeing as no one else wished to speak, Chair Vogt closed the public hearing at 1:08 p.m.

Motion by Lestikow, seconded by Vogt, to approve the special exception permit as requested, with the conditions by Planning and Zoning. **Motion carried 4-0.**

Motion by Roloff, seconded by White to adjourn.

Respectfully submitted,

Robert Roloff