

Buffalo County Minutes

Committee/Board: Zoning Board of Adjustment

Date of Meeting: April 23, 2019

Electronic and Hardcopy Filing Date: June 11, 2019

The meeting was called to order at 9:00 a.m. by Chairman, Dale Klopp. Barry Drazkowski, Ronald Kazmierczak, Dale Klopp were all present.

The public notice for the hearing was read aloud.

Others present for all or part of the public meeting include Mike Owecke; Zoning Administrator, Jennifer Tepovich, Zoning Specialist, Julie Lindstrom; Administrative Assistant in the Zoning Department. Marvin Meier, Chairman, Town of Gilmanton. Others may have been in attendance that did not sign in.

Agenda item #3 was reviewed by Mr. Klopp.
Minutes are summarized as follows:

Applicant Presentation and Testimony. Charles Nelson, Applicant presentation as follows: What we are trying to accomplish is to bring back small dairies into the state of Wisconsin. We want to build an artesian cheese making facility. A month ago I was at UW- River Falls to a round table discussion that dairy farming is declining in the state. They figure by 2030 there will be no small dairies left in the state, only corporate dairies. I have talked to some other artisans that are doing very well, so I decided to try it in Buffalo County. I partnered up with two young guys. They are going to do the milking part of it, and I will be the cheese maker. I am currently studying to get my makers license and just have fun with it. A new adventure. Something different.

This ended the applicant's presentation.
There were no public comments.

- Mr. Drazkowski – When you talk about small dairy, are you talking about under 100, under 500 cows.
- Mr. Nelson – This is designed for 60 cows.
- Mr. Drazkowski – As I read through the material, you already have a herd or are you going to buy one.
- Mr. Nelson – This whole thing is a ground zero start.
- Mr. Drazkowski – So the idea is that you would acquire the cows and build a dairy.
- Mr. Nelson – For now, we are just going to rent the dairy because there are milking facilities available to us.
- Mr. Drazkowski – Dairy facilities.
- Mr. Nelson – Not a plant.
- Mr. Drazkowski – The six acre parcel that we are talking about here is for the facility.
- Mr. Nelson – Yes.
- Mr. Drazkowski – And the dairy, would be rented from some other groups of farms. From other farmers.
- Mr. Nelson – yes.

- Mr. Kazmierczak – How soon do you figure you will be up and start milk production and then cheese production.
- Mr. Nelson – If I pass my test hopefully by October we will be up and running.
- Mr. Kazmierczak – Then you have other testing you have to do as well after that.
- Mr. Nelson – No. Once you get a makers license, you just have to renew it every two years.
- Mr. Drazkowski – When I look at the plans. A haul truck would come up and drop the milk and you do all the processing right there on site.
- Mr. Nelson- Yes. Our milk truck is going to consist of a one-ton pickup with a 500 gallon balk tank on it, which is going to be set up to look like a miniature milk truck.
- Mr. Drazkowski – You are doing your own hauling and not working through a hauler.
- Mr. Nelson – With the hauling, we just have to get a haulers license.
- Mr. Kazmierczak – If this goes as well as everyone here expects, do you have plans on expanding.
- Mr. Nelson – No. This is artesian. This is micro.
- Mr. Kazmierczak – So you won't try and increase production and build a bigger facility. If it really took off wouldn't that be a reasonable consideration.
- Mr. Nelson – I am going to be 57 years old. I am getting to old to play the big game. I like small.
- Mr. Klevgard (*owner of the property asked permission to speak*) – That is a good question and maybe someday down the road, someone might want to expand. I guess that has to be brought into consideration.
- Mr. Drazkowski – I am familiar with the cheese making process. Is there a waste and disposal function, processing the milk and the whey and the curds. Does your septic need to be sized to accommodate that.
- Mr. Nelson – We are pumping the whey into a different tank. We are keeping that separate.
- Mr. Drazkowski – Is there a market for that. Is there something they can do with that stuff.
- Mr. Nelson – There is, but we don't have a high volume of that. We are still going to test it, to see if we can get rid of it. Get something for it. But otherwise in Buffalo Count there are no restrictions to land spread it.
- Mr. Kazmierczak – And you have adequate acreage for something that size.
- Mr. Nelson – That is where Mr. Klevgard comes into play.
- Mr. Kazmierczak – Will you spread that on your property Mr. Klevgard
- Mr. Klevgard – Yes I will.
- Mr. Kazmierczak – That is kind of what I thought, but I just wanted to make sure.
- Mr. Klopp – Mr. Nelson, as far as your classes, when did you start.
- Mr. Nelson – I just completed my 240 hours of apprenticeship. There are five classes total, I have to take. I have completed two of them. Next week I will have the third one completed. One class has been cancelled. I will need to talk with Mr. Mark Lehmann at DATCP in Eau Claire County to see what my options are. If not, I have a young gal from UW-River Falls that has graduated and already passed her cheese makers license. I have talked with her before and she thought about coming to help get started. In the state of Wisconsin, you cannot sell any cheese without a makers license.
- Mr. Klopp – As far as your retail store, are you looking at just selling cheese curds, or maybe some more product in there.
- Mr. Nelson – We need cash flow, so if it occurs it is going to go out (*not able to understand from the audio what Mr. Nelson said here*).
- Mr. Klopp – The product, do you plan on just keeping that at your retail store.
- Mr. Nelson – No. We have several outlets already established.
- Mr. Klopp – How did you come up with the Bennett Valley Cheese Plant. Come up with that name.

- Mr. Nelson – We wanted to first build it in the Bennett Valley area, but the guy that had the land that we wanted to build on, denied us.
- Mr. Nelson – People know the name. It kind of rolls off the tongue.
- Mr. Klopp – A concern of mine, as far as the milk truck. You would have to have something on your own. If you just have one place to pick up milk and bring it to your facility. It would probably be a costly project to hire a milk truck company to haul your milk.
- Mr. Klopp – As far as the septic, what does that entail.
- Mr. Owecke – You would have to go through pretty much the same process like a new home would be. Need a soil test. Need to determine what kind of treatment system those soils would be appropriate for and then size the treatment system. It will be a commercial system, so it will need to be sized accordingly. Whoever designs the septic system will need to know that. It will have to go to the state for review and approval. All the channels are there to make sure it is done correctly.
- Mr. Klopp – Have you received your permits from WI DOT for driveway access.
- Mr. Nelson – Yes. That is all in place.

Photo presentation.

- Mr. Owecke - View from State Highway 88. The stake is the center location of the driveway entrance approved by DOT. The corner stakes are here, but may be hard to see. Shows the location of the facility. The area there and surrounding area is obviously all cropped. This looking east from Highway 88. Looking South. This is the two closest residents to the facility right here and here (*pointing to two places on the photo*). The Community of Gilmanton is just down the road. I think I said in the staff report that the elementary school is about 1,500 feet south of the plant location. This is looking due West across the road and it is all cropped and grazed. This is looking North, up Highway 88, another residence. So there is not much in the area. Pretty sparsely developed and settled. Traffic won't be an issue with people wanting to visit the plant. There is plenty of parking in the design of the building for customers.

This ended the photo presentation.

- Mr. Klopp – Mr. Nelson there is a farm house to the north. Does anyone live there now. I think the previous occupants moved to Nelson.
- Mr. Klevgard – No. It was vacant for quite some time.

There was no correspondences in regard to the application.

- Mr. Draskowski – And no other comments.
- Mr. Kazmierczak – I looked at the proposed conditions and I don't have an issue with any of them. I am prepared to make a motion.

Motion by Mr. Kazmierczak, seconded by Mr. Draskowski to approve Conditional Use Permit 2019-3, subject to the conditions suggested by the Zoning Office as follows:

1. *Appropriate measures shall be taken by the applicants to ensure the public's health, safety and general welfare while visiting their property as customers and guests.*
2. *Guest/Customer parking on STH 88 shall not be allowed.*
3. *Applicant shall apply for and obtain a Zoning Permit allowing the construction of the commercial structure.*
4. *Utilize Best Management Practices in all land disturbing activity including the proper installation of silt fence downslope of all disturbed areas.*

5. *Silt fence shall remain in place until the entire developed site is stabilized.*
6. *Minimize open/disturbed areas as much as possible.*
7. *Vegetation is the most effective erosion control measure; seed and mulch disturbed soil as soon as final grade is established.*
8. *Access to the facility shall be constructed according to WI DOT specifications and shall be maintained to provide ease of access and maneuverability for service and emergency response vehicles.*
9. *Advertising signs may not be located in the highway right-of-way. A single free standing on premise sign shall be allowed with a maximum area of 24 square feet.*

All in favor. Carried.

Agenda Item #5.

Applicant Presentation and Testimony. Bug Tussel Wireless, Lee Larson, Agent – CUP #2019-4. Mr. Larson presented as follows: We chose to put the tower in the corner of the field to avoid landowner irrigation. We found out the irrigation can be shut off in that corner, if needed. Mr. Larson stated this area is the worst in the county that he has found for no cell service, internet, cellular and first responders. It is a real a dead zone there. Obviously, the whole network that we are trying to produce here is driven by the first responders. Mr. Larson explained the contract between AT&T and the Federal Government that was explained and discussed at a previous BOA public hearing. First responders are all going to be able to talk on that same network. That is not the case right now. It is a mess. Bug Tussel is one of four companies that is doing towers around the country. If you look at a coverage map for everybody of Wisconsin, what you will see is there are a lot of holes between US Cellular, Verizon, first responders. The map that we looked at is completely covered. So we are doing full coverage in every county. I can't say how many towers we have right now. The goal is for 700 towers in Wisconsin. The whole driving force is the first responders. The benefit beyond that is AT&T cellular throughout the whole state on every tower and Bug Tussel internet will be on every tower. Every tower will be a little bit different.

This ended the applicant presentation.

- Mr. Drazkowski – From your last comment, you talk about 911 coverage and the confusion for me is so does it mean that I am a person that has Verizon cell phone, I would be able to make a 911 call anywhere within the county.
- Mr. Larson – I don't know the answer to that because I don't know Verizon's network. I don't know that typically requires co-location user phone. 911 may be different because of that emergency band network. So meaning if there is cellular available, does it cross the band. I don't know.
- Mr. Drazkowski – So the purpose of the 911 complete coverage as you described, isn't really for individuals and their cell phones, it is for the first responders or the emergency community.
- Mr. Larson – Correct. That is not just for the call in, now they are on the network. They are not getting dropped calls. They are basically in communication with paramedics, maybe a Doctor, an ambulance driving. They won't get dropped off the network.
- Mr. Drazkowski – So is the call with a radio or actually with cell phone.
- Mr. Larson – Both.
- Mr. Drazkowski – And so saying, my confusion when I think about the logistics. So if I were in Urne, this tower is up and I am a responder, and I connect to that system, how does that filter out. Maybe there are 100 other people tying into that system around Wisconsin.
- Mr. Larson – That is the beauty of that network. It is channel 14. It gets priority network. So it is above everybody. So say there is an emergency, local customers get cut off, and it is available for the emergency communication. People on Zoning Board, Mayors, they will be able to be on this network as well, and be able to answer the questions that people have. Communication is important and that will all be available to you guys.

- Mr. Drazkowski – It would be a radio system and not cell phone.
- Mr. Larson – Both. It is called a black chip, you put the chip in the phone.
- Mr. Drazkowski – So any cell phone with that chip could communicate.
- Mr. Larson – Yes. It is a pretty neat system. We are starting to understand it better because it was so new to all of us. It has been happening in other states and now it is here. Since fall we have been learning more and more about it. Now we feel comfortable about presenting it and giving more information about it.
- Mr. Drazkowski – A question I have that is related to the irrigation system. You talked a little bit about it, when I look at the site drawing, right outside essentially your boundary, is the edge of the irrigation. So is that an issue for you. You mention the smart system of the irrigator. So does it just turn off that end sprayer.
- Mr. Larson – Yes and so if it gets close to anything it can also turn in.
- Mr. Drazkowski – So when it gets in the proximity of your site, you are not going to be spraying the tower.
- Mr. Larson – Or the guide wires. We don't want the area to wet.
- Mr. Larson – We are not talking about too much water there, except there is a mound there. So the position of that is very important. There is a little bit of a dip. They don't want to put the tower on the dip. They want something higher.
- Mr. Larson – The compound is only 40 ft. by 40 ft. So that is really the main factor.
- Mr. Kazmierczak – I was assuming the irrigation issue would not be a problem, because I assume rain is not a problem for your system there.
- Mr. Larson – This is good soil. There is good drainage.
- Mr. Kazmierczak – Are you still encouraging co-location on your towers.
- Mr. Larson – We are.
- Mr. Kazmierczak – Including these types of towers.
- Mr. Larson – If there is a tower in the neighborhood we are actually trying to get on it. I can't tell you the number of emails, and phone calls I have made to Dairyland Power, they have a tower and zero response from them. That basically tells us they are not interested in co-location. We always look. We are always available to co-locate with other people as well.
- Mr. Kazmierczak – My usual question. I ask at every one of these. Looking at this one, I do have a little concern. If it is a 300 foot tower. It looks like it is about 200 feet from County Road F and the property line. Is that an incorrect assessment, I hope.
- Mr. Larson – The center of the road goes to the edge of the property line. We have some issues going with property lines, because the access road, there are mound issues, the next mound is another 1,000 feet to get there. We always make sure that we do not go into buildings and things like that or roads. I will say this, for all the counties, Buffalo County is the only county that has a concern with that, but we are honoring that we are working hard to make sure we are within that parameter.
- Mr. Kazmierczak – And I understand that, but frankly it doesn't make sense to have this designed so it will fall on something it should not fall on.
- Mr. Larson – But we follow the state statute and it allows that engineering fall zone.
- Mr. Klopp – So there are other counties that don't care where a tower will fall.
- Mr. Larson – State Statute was written for an engineered fall, so we have a company that gives us that in an affidavit, that it will fall within this area. There has been enough testing on those. If there is a tornado, then all bets are off for everything. Houses are going to be flying, but in a 90 mph straight line wind, or 50 mph or something like that, they fall within that parameter, that has been established. They build them that way.
- Mr. Kazmierczak – And I won't get into my lecture that you and I have had. That is what happens with engineering.

- Mr. Larson – We agree to disagree.
- Mr. Klopp – Did you receive your driveway permit.
- Mr. Larson – We always go through this process first.
- Mr. Owecke – They did submit the application.
- Mr. Owecke – In short form, the County Highway Commissioner reviews sites and did not have an issue with the location. There was too much snow when he was out there, he couldn't evaluate it for a culvert, so we are still waiting on that. The location of the driveway has been approved.
- Mr. Larson – There is a slope down and it really does flow very well.
- Mr. Owecke – I was out there yesterday to get some photographs and I don't think there will be a need for a culvert.
- Mr. Larson – It is a farm road that has been there forever.
- Mr. Klopp – I guess I was going to ask you if it was a new access to County Road F.
- Mr. Larson – It is a farm road, so we have to turn it into a driveway, with a new address. We always like to go off of an existing farm road, they have been established. We just come in with our 8 inches of gravel and the three - quarter inch on top of that.
- Mr. Drazkowski – So when I look at the drawings. The farm road, it looks like your road comes down at an angle, but your access to County Road F is just adjacent to the farm road, but it will actually, be on the farm road.
- Mr. Larson – Yes.
- Mr. Drazkowski – I am kind of wondering if you went straight down to the farm road and followed the farm road or is that more cost for construction.
- Mr. Owecke – It appears that the farm road is on the parcel to the south, but they must share that.
- Mr. Larson - But the landowner assures me that it was their property. I can tell you this, as a surveyor, you will make that right. If they have to go with a new one next to the existing one, they will do that. We don't want to have an easement issue and getting into that.
- Mr. Klopp – *(Asked Mr. Larson to approach the BOA members). (Pointing to a location on a map). (unable to hear real clear from the audio, what Mr. Klopp is asking in his question)*
- Mr. Larson – No. I guarantee it is not. We talked about the driveway because we thought it was close to the property line, and they said it belonged to the applicant. It always has.
- Mr. Klopp – Do you know where you want to put your tower. Do you have any kind of a flag out there or even a block of wood as far as the area where you want to locate the tower.
- Mr. Larson – At some point there was.
- Mr. Klopp – The reason I want to ask is because I went by there last week and in that area, it seems to me like there is a lot of water that has come into that area. But we look at the photos and go from there. Unless the area I thought is not what you are planning on.
- Mr. Klopp – You said it is on a hill.
- Mr. Larson – There is a mound back there.
- Mr. Klopp - There is water congregation and then it goes down the field there.
- Mr. Klopp – I didn't see any flags. All I saw was this block of wood and didn't know if that is where you wanted to put it
- Mr. Larson – And then what they do in a compound they build it up. It is all gravel.
- Mr. Klopp – The thing is if there is a water congregation, I wouldn't want it in a spot like that.
- Mr. Larson – They wouldn't want one either.

Photo presentation as follows by Mr. Owecke: So this is a view from County Road F looking due west. Obviously the existing field road. This is actually a survey stake. I am assuming that could be the property

line, so that indicates that the address to the tower, would be just north of the existing field road. You can see the amount of development in these area is very minimal as far as impacting anyone.

- Mr. Klopp – The survey marker, is that the property line.
- Mr. Owecke – That is what I was thinking.
- Mr. Klopp – So then the field road wouldn't be Weisenbeck's.
- Mr. Owecke – No.
- Mr. Klopp – From the photo can you point out, where the tower location will be.
- Mr. Owecke - Right around here, you can see, this is low here and there is a bit of a rise right here.
- Mr. Klopp – That low spot I think you would kind of need to put a culvert in there.
- Mr. Klopp – There is a culvert going toward Urne. A few feet where a lot of that flow comes from.
- Mr. Klopp – When I saw that I was concerned as far as rainwater and melt off going right through that area.
- Mr. Drazkowski – Does it flow to the west or does the flow comes towards us. Coming down and hitting that field road and going to the west.
- Mr. Kazmierczak – The culvert would be on the right side of this photo.
- Mr. Klopp – There might be another one right in that area. I know there was two of them.

Mr. Owecke continued with the photo presentation. This is looking northwest from the access road. Pointing due north toward Urne. Due east. Due south. Southwest; this is the only residents that you can really see from the tower site. This is standing roughly in the area of the proposed tower site. It is 300 feet to the road. My guess it would be north. Due west again.

This ended the photo presentation.

- Mr. Owecke – From my perspective. One of the better locations. Flat, with very little land alterations where they need it and nobody that will be impacted by that tower.
- Mr. Klopp – Down at the end of the road there would have been a nice spot too.
- Mr. Drazkowski - Across the road you showed us there was a driveway. Looking at the photo, it looks like there is a structure.
- Mr. Owecke – I think it was a tent set up back there.
- Mr. Klopp – Maybe it is a trailer.
- Mr. Drazkowski – A question about the siting map. As a side technical question. Do you know is that analysis, utilizing like the high resolution elevation data for calculating the location. Like the county lidar data.
- Mr. Larson – The engineer does that one. I have no idea how they do it. Elevation matters. Dropping down 25 feet, we call and ask if we are losing a lot, so it is accurate.

Motion by Mr. Kazmierczak, seconded by Mr. Drazkowski to approve the conditional use permit, subject to the conditions that are included as provided by the Zoning staff as follows:

1. Applicant shall apply for and Obtain a Zoning Permit allowing the construction of the commercial structure.
2. Applicant shall apply for and obtain a Uniform Addressing Number for the site.
3. Utilize Best Management Practices in all land disturbing activity including the proper installation of silt fence downslope of all disturbed areas.
4. Silt fence shall remain in place until the entire development site is stabilized.
5. Minimize open/disturbed areas as much as possible.
6. Vegetation is the most effective erosion control measure; seed and mulch disturbed soil as soon as final grade is established. Utilize erosion control matting on disturbed slopes where additional stabilization may be required.

7. Forward to the Zoning Department all FAA and FCC permits, licenses, and other approvals.
8. Provide to the Zoning Department a bond or letter of surety in the amount of \$20,000 to cover the cost of potential tower abandonment and subsequent removal by the County. Buffalo County Zoning Department will be named as obligee and shall approve the bond terms.
9. Modifications or additions to the original tower structure or site facilities must be approved by the issuance of a zoning permit by the Zoning Department.
10. Access to the facility shall be constructed and maintained in a manner designed to provide ease of access and maneuverability for service and emergency response vehicles.

- Mr. Klopp – Do we need an additional condition as far as driveway permits.
- Mr. Kazmierczak – That has been included as a general condition.
- Mr. Klopp – There has been a motion and a second to approve Conditional Use Permit #2019-4, Bug Tussel Wireless, Lee Larson, Agent. Any other discussion. *No additional discussion.* All in favor. Carried.

Agenda Item #7 – Conditional Use Permit #2019-5, Bug Tussel Wireless, Lee Larson Agent.

Applicant Presentation and Testimony. It is a very hilly in this area and a very challenging site, however it is a really good site for the center of our search ring for the coverage that we need. We looked into co-location and other towers in the area. (*Audio not clear at this point*). There are two mounds near the proposed site and we chose the first mound, because the second mound is not as good of a site for the tower and the access road was extremely long to get to that second mound. This is where engineering and construction are used for us to locate a tower.

This ended the applicant presentation.
There were no public comments.

- Mr. Drazkowski – On the site diagram on the photo, it looks like one of the guide wires is actually going to be anchored in the woods, so you need to clear that to be able to anchor it into there.
- Mr. Larson – Some of that is more tree overhang. We don't want to have any trees within height to fall on guide wires. They are very cautious about that. Similar to a power line coming through, trees would need to be cleared far enough back to prevent a lumber problem.
- Mr. Drazkowski – Is this a wetland.
- Mr. Larson – That is correct.
- Mr. Drazkowski – So all of the access will be outside the wetland as well as the anchor for the guidewires.
- Mr. Larson – Yes. They won't let us go through that area. That is a non-starter for us.
- Mr. Kazmierczak – When you look at the co-location. In an earlier discussion we had with you on a different site, co-location was almost mandatory. Dairyland Power was only 1.3 miles away. I know that earlier today you said something about no response from Dairyland Power. I am still questioning why this could not be sited on their tower.
- Mr. Larson – Two things. First, Zero response from them. They obviously were not interested. I had three emails and five phone calls to these guys and nothing.
- Mr. Kazmierczak – I thought lack of interest as far as federal requirements for this was not a factor based on an earlier discussion. This was an opportunity that could be utilized. It had to be utilized.
- Mr. Larson – With co-location, it would be at a lower height on that tower and that is a factor. We don't get the top of those towers. Elevation on the towers is a factor. Topography in the area is pretty rough.
- Mr. Owecke – The Dairyland tower is only 91 feet tall.
- Mr. Kazmierczak – I don't know what the elevation was of the site it was sitting on.

- Mr. Kazmierczak – We don't have that information. I would imagine it is actually higher than this one would sit.
- Mr. Kazmierczak – My guess if it wasn't at the top of this tower, it would be significantly higher than the proposed tower.
- Mr. Larson – One of the challenges is putting three functions on the towers. They do drop down and you got basically first responder, then the cellular service and then the wireless internet. Now you are at a height that are lower than the standard.
- Mr. Larson – I have seen where 25 feet on a tower can go from 10,000 what you call potential connection point to 2,000. You are losing 75% for not very much height. Topography is a big factor in this area.
- Mr. Kazmierczak – I understand that. My statement is geared more towards the other. The Dariyland tower is on top of a bluff and not below it. So even if you are dropping 25 feet, you are still going to be higher and have a longer range than the one you are proposing.
- Mr. Klopp – You have any orange marker on County Road VV. From there to the tower is that 300 feet.
- Mr. Larson – Yes.
- Mr. Klopp – The reason why I ask is you are coming onto County Road VV. You want a 300 foot tower. I think we are encroaching onto County Road VV where we shouldn't be.
- Mr. Owecke – Their design has 300 feet to the edge of the road.
- Mr. Drazkowski – So that is right at the edge of the road.
- Mr. Klopp – You want this tower on County Road VV, in that area from this property going towards County Road A. Did you look at any other properties.
- Mr. Larson – Oh, yes.
- Mr. Klopp – I guess there are no correspondence that I know of, but the neighbor, all they have to do when they get up in the morning is to look out their bay window and they are going to see that tower sitting right across the creek from their house. I am glad that is not me. That would not be a good view in your backyard. We will find out if there was any correspondence from them. I guess of all the cell towers that we have had, I have never experienced one quite like this one. Right in someone's back yard.
- Mr. Drazkowski – Actually the one off County Road G and State Highway 95. There is a trailer home resident and it can't be more than a quarter mile there is another resident.

For clarification, the tower will be located on Betty Reiman's property.

- Mr. Owecke – My biggest concern is, you know we have a navigable water and wetlands. If you look on their map, third page in, they have the erosion control plan. These are all in our steep soils overlay. Soils on a 12% to 20% slope. Right now if you look at their site plan, they have the red line where they have indicated they are going to install silt fence. Pretty much that entire road, the access going up to the tower is steep and they are going to have to be graded considerably to make that level. I would like to have to protect that creek, to have silt fence down grade of that entire road as well, so the red line would follow the bottom edge all the way down to the bottom. I did include that as one of the conditions.
- Mr. Drazkowski – So where it says silt fence downslope of all the disturbed area.
- Mr. Klopp – Did you submit the application for a driveway permit.
- Mr. Owecke – Yes and it was approved.

Photo presentation at this time as follows: From County Road VV coming in from the west. This is the mound. There was a flag right about there on top of that rise. There is the view taken right from the existing

field road to access the site. This is looking due west. There is a dwelling here. Looks like it was seasonal. Not occupied right now. I think this is the home that Mr. Klopp was talking about. I think that one is about 800 feet from the tower location. This is looking directly across from the driveway entrance and this is looking north up County Road VV. This is the property owners driveway right here. Her residence. (*Mr. Owecke made some reference to a cabin, but audio was not clear enough to understand what he said*).

- Mr. Klopp – Could you back up. That orange mark on the road. That is the 300 foot mark. If I am correct.
- Mr. Owecke – So this will be the driveway where it will come up and cut over to the tower.
- Mr. Kazmierczak – What direction are we facing right here.
- Mr. Owecke – This is looking pretty much, east, southeast.

Mr. Owecke continued with the photo presentation. This is looking south from the driveway and this is the view of the creek. This is up by the property tower site looking due west. South.

- Mr. Klopp – That must be an abandoned farmhouse.
- Mr. Owecke – Yes. Down below there. Not much left of it.
- Mr. Owecke – So as far as impact, this home is really about the only one the tower will impact. You can see the flag right here. So that is the tower site.

This ended the photo presentation.

There were no correspondence mailed or emailed to the Zoning office prior to the hearing.

Motion by Mr. Drazkowski, seconded by Mr. Kazmierczak, to approve the conditional use permit and the conditions that were being proposed by the Zoning staff with a focus on the silt fence to stabilize developed areas that would also have to include the road in your current erosion control plan. We want to see those disturbed areas protected. Proposed conditions are as follows:

1. Applicant shall apply for and obtain a Zoning Permit allowing for construction of the commercial structure.
 2. Applicant shall apply for and obtain a Uniform Addressing Number for the site.
 3. Utilize Best Management Practices in all land disturbing activity including the proper installation of silt fence downslope of all disturbed areas.
 4. Silt fence shall remain in place until the entire development site is stabilized. Silt fence shall be installed the entire southern downslope extent of the driveway to protect mapped wetlands and Farrington Creek.
 5. Minimize open/disturbed areas as much as possible.
 6. Vegetation is the most effective erosion control measure; seed and mulch disturbed soil as soon as final grade is established. Utilize erosion control matting on disturbed slopes where additional stabilization may be required.
 7. Forward to the Zoning Department all FAA and FCC permits, licenses, and other approvals.
 8. Provide to the Zoning Department a bond or letter of surety in the amount of \$20,000 to cover the cost of potential tower abandonment and subsequent removal by the County. Buffalo County Zoning Department will be named as obligee and shall approve the bond terms.
 9. Modifications or additions to the original tower structure or site facilities must be approved by the issuance of a zoning permit by the Zoning Department.
 10. Access to the facility shall be constructed and maintained in a manner designed to provide ease of access and maneuverability for service and emergency response vehicles.
- Mr. Klopp – There has been a motion and a second to approve Conditional Use Permit #2019-5, Bug Tussel Wireless, Lee Larson, Agent.
 - Mr. Kazmierczak – I recognize our limitations on what we can impose and not impose. I feel this is not a real good location. I am very disturbed by the fact that not that I don't trust you Mr. Larson, I do

trust you, but the Dairyland Power site is not being used. That we are putting up another tower in the area that is going to impact the neighbors. I realize that our authority to limit where this goes and how it goes is problematic, as far as what we can do and not do. Yet it appears that another concern I have it appears that it is in the 300 foot tower would impact on the property owner where the tower is not being built on to the north. These comments were made for the record recognizing the authority we have to impose other conditions are very limited by state statute.

Motion was made and seconded to approve Conditional Use Permit #2019-5. Mr. Kazmierczak and Mr. Draskowski, voting yes to approve. Mr. Klopp voting no to deny. Carried.

Motion by Mr. Klopp, seconded by Mr. Kazmierczak to table the minutes for the next meeting.

Motion by Mr. Klopp, seconded by Mr. Kazmierczak. All in favor. Carried.
The public hearing was adjourned at 10:30 a.m.

Respectfully Submitted,

Julie Lindstrom, Zoning Administrative Assistant

DRAFT