

Wind Energy Citizen Advisory Committee
Meeting Minutes
November 8, 2007

Call Meeting to Order: Chairman Foote called to order at 6:13 p.m.

Members Present: Danny Foote, Sage Kramer, Betty Wolcott, Cristeen Custer, Alice Brenengen, Ken Critzman, Todd Quarne, Gary Evenson, Dan Wallery, Nancy Horton, John Vehrenkamp and Kevin Lien and Andrea Sveen – Trempealeau County Zoning/Planning Department.

Others Present: Bill Walz, Richard Cox, Ron Reimer and Kaye Henderson, and Ed Dauer.

Certification of Open Meeting Law Requirements: Foote announced that the Open Meeting Law requirements have been complied with through notification and posting.

Adoption of Agenda: A motion was made by Quarne and seconded by Kramer to adopt the agenda, all in favor; motion carried.

Adoption of Minutes: Wolcott wanted the name of Jeff Gosse from the Fish and Wildlife Services added to the minutes. Custer made a motion to approve the 10-25-07 minutes with the corrections, Quarne seconded, motion carried.

Much discussion on the following issues took place, however a quorum was not present until 7:47 PM. At this time Lien reviewed the changes that were discussed on each page and action was taken on the proposed changes.

Page 223 21.02 remove "is" and "to" and put a "s" at the end of provide
21.03 under FAA eliminate the word "the" so it reads Federal Aviation Administration
under Operator add the "person or" before entity

Motion was made to approve the corrections for page 223 by Wolcott, Horton seconded, motion carried with no opposition.

Page 224 21.04 Regulatory Framework

Discussed that under item (a) strike the last line "the Total Height shall not exceed Five Hundred (500) Feet"

Under (b) strike the word "Hobbyist and" and strike "permitted" and add "conditional" so as to read conditional use

Under (c) Hobbyist wind turbines may be constructed as a permitted use in areas that are zoned Exclusive Ag, Exclusive Ag II, Primary Ag, and Rural Residential.

Motion was made by Brenengen to adopt the changes on Page 224, Quarne seconded, motion carried with no opposition.

Page 225 Change the numbering sequence. Currently there are two number 8's.
Item (11) strike the word "or" and put "and"

Motion was made by Horton to approve the above listed corrections for Page 225, Wolcott seconded, motion carried with no opposition.

Page 225 (8) Motion was made by Wallery to change the one million dollar amount to "five million dollars", Critzman seconded, motion carried with Quarne and Brenengen opposing. Motion passed 9-2.

Page 226 14 (a) Kramer questioned what “wells” meant. Some discussion followed on how the different water sources are certified. Discussion took place on the “certificate of Public Convenience” and who has the jurisdiction. It was then recommended that number (14) be stricken completely. Renumber after (14) and what is currently (a) would be number (14) which would read “If a Wind Turbine foundation is proposed in a bedrock area a baseline of all wells and certified public drinking sources in a ½ mile radius shall be established and permanent remedies shall be the responsibility of the owner/operator if contamination occurs. What is currently (b) would be number (15) with no period behind towers. (15) would start with number 16. Under (e) of what is currently number (16) the words “the Committee” would be stricken. It would read “Property lines: Each Wind Turbine shall be setback from the nearest property line a distance no less than three (3) times its total height unless mitigation has taken place agreed by owner/operator and affected property owners involved and recording in the Trempealeau County Register of Deeds office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property. Custer asked if this language is to be used to throughout the ordinance everywhere that this is acceptable mitigation. Wallery responded “yes.” Much discussion took place, this wording would also be used in (e) on page 226.

Page 227 (g) What was the basis for the ½ mile from the nearest property line? Critzman stated that it was for health and safety reasons – it won’t cover all instances but it does provide some type of protection.

On behalf of Dave Vind, Dan Wallery presented some handouts to the group on decibel levels. Dan read part of the handout aloud to the Committee. Dan summarized some of the handout by saying that the individual who wrote one of the handouts thinks that 45 for a decibel level is too high – it should be 40. Much discussion followed on the content of these handouts and what the decibel level should be. Wallery stated some of the content is that studies should be done in advance of how the noise is going to affect the area of the wind turbine. Another item is methodology which will be used to do the sound study. Lien summarized the changes that under 18(a) recommended that that be changed from ambient to background and the decibel level changed from 45 to 40 based on the review of the ordinance which was done by a sound engineer. Custer asked if it was possible to have a meeting before the public hearing in order to provide time to digest the information presented and to discuss it. Lien suggested a meeting at 5:00 on 11-15-07 and stated that a quorum would be needed. It was decided that this section of the Ordinance would be left as is until the 11-15-07 meeting.

Page 229 Lien added that all the changes that have been made are in red ink. Wallery questioned the line “connection must be made through a substation”. Wallery asked if there were requirements for where substations are? Lien responded that he understood the only way these can be connected is through an existing or new substation. Wallery asked if we should be covering that? Lien replied that he didn’t feel this Committee had jurisdiction over electric utilities.

Page 230 #3 Wallery questioned the statement “ all electrical equipment shall be lockable.” Wallery made a motion to have the statement read “ All accesss doors to Wind Turbine towers and electrical equipment shall be lockable and locked when unattended.” Horton seconded the motion, motion carried unopposed.

Miscellaneous Discussion

Wallery mentioned that there are no fees in the Ordinance for violation, he questioned if there should be some? Lien responded that the County has standard protocol through our Violation Ordinance which has a two step warning. Depending on the violation, a letter is usually sent stating that the violation has to be corrected within a certain time line. The second letter is usually a shorter timeline for correction and then citations. Citations can be issued on a daily basis. Lien added that this Violation Ordinance is in effect for violation of any County Ordinance. Wallery questioned the fees for violations. Lien responded that the minimum citation is \$50.00 and the maximum is \$1,000 per day and the citations can double on occurrence. Wallery questioned whether there would be a need for these turbines to be inspected on a regular basis to see whether they are structurally sound or mechanical problems, etc. Lien responded that a professional would

have to be consulted for that purpose because that is not his area of expertise. Some discussion followed which included the setbacks already in affect.

Definition of Affected Property Much discussion took place as to what the definition of affected property should be as it is listed as burdened and affected property in the Ordinance. A motion was made by Wallery to have the definition of affected property owners as “property affected by the commercial or personal wind generators.” Critzman seconded, motion carried unopposed.

On behalf of the Advisory Committee, Dan Wallery and David Vind will present the Ordinance to the Zoning Committee at their November 15th meeting.

Set Next Meeting Date: November 15th, 2007 is the next meeting date at 5:00 p.m. in the County Board Room.

Adjourn: Motion was made by Vehrenkamp and seconded by Quarne to adjourn the meeting. Motion carried. Meeting adjourned at 8:47 p.m.