

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
SPECIAL MEETING MINUTES
Thursday, March 8, 2012
Site Visit– 3:30 p.m.
Resume Public Hearing – 4:30 p.m.**

CALL TO ORDER

Committee Chair McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 3:35 p.m. at the site of Austin Powder Central States, LLC, Town of Berlin, WI. The requirements of the open meeting law were certified as being met.

Present: John Gende, Eugene Henke, Susan McConnell, Don Peters, Thomas Traxler, Jr.

Absent:

**Also Present: Al Shute, County Surveyor/Land Development Director
Jack Meyer, County Board Supervisor
Dan Sondalle, Corporation Counsel
Gary Podoll, Emergency Management Director
Mark Podoll, Green Lake County Sheriff**

APPROVAL OF AGENDA

Motion by Traxler/Henke, unanimously carried, to approve the agenda.

SITE VISIT OF AUSTIN POWDER CENTRAL STATES, LLC, AS IT RELATES TO THEIR CONDITIONAL USE PERMIT REQUEST

4:30 P.M. RESUME WITH PUBLIC HEARING ITEM BELOW, AT COUNTY BOARD ROOM

Item I: Owner/Applicant: Austin Powder Central States, LLC Agent: Michael McGill Site Address: N7377 Springbrook Rd, Parcel #002-00644-0201, Lot 1 Certified Survey Map 1534, Part of the SW¹/₄, Section 33, T17N, R13E, Town of Berlin, ±3.709 acres Explanation: The applicant is requesting a conditional use permit for manufacturing, bagging, and storage of explosives.

- a) Public Hearing – complete** (see March 1, 2012, minutes for details)
- b) Committee Discussion and Deliberation - resumed after site visit**

Motion by Traxler/Peters, unanimously carried to suspend the rules to allow the public to ask questions and express concerns.

Frederick Roberts, N7409 Springbrook Road – Asked questions regarding hours of operation. Suggested that they not leave with trucks at three or four in the morning because it does wake him up. Asked that they leave later in the morning. Stated that there is a deeded easement to the south of the property. It's seldom used but should be the road that the company uses.

Kathryn Darnick, 259 E. Moore Street – Expressed concerns regarding safety. Would like to see additional berms.

Jack Meyer, N665 Fountain Lane, Dalton, County Board Supervisor – An employee of the company signs off on the fire extinguishers. Is that a conflict of interest?

Attorney Sondalle – That has nothing to do with this.

Meyer – Noticed that the signs are fading and didn't care for the grounding on the magazine blasting caps. Recommended getting a regulation grounding strap.

Gary Podoll, Emergency Management Director – Spoke about safety procedures, Code Red, that would be used in the event of a fire.

c) **Committee Decision**

McConnell asked that Shute read the recommended conditions from the staff report:

- 1) The property owners shall provide the department documentation that ATFE and DSPS have been notified of the proposed use and that the site is in compliance. Also, the owners shall provide documentation that local fire and law enforcement agencies have been notified of the proposed use.
- 2) There is no water source on site, so a POWTS is not required, however the Committee may want to require that restroom facilities be provided onsite.
- 3) The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any "development" related to this industrial operation.
- 4) Proof that all Commercial Building Code requirements (if applicable) have been satisfied in relation to the proposed use.
- 5) Note the Town of Berlin's concerns related to hours of operation, noise, and dust control.

The committee discussed each of the recommended conditions.

Motion by Traxler/Gende, unanimously carried, to suspend the rules to allow Mike McGill to speak.

Mike McGill, 1235 Wilderness Park Circle, Eagan, MN – Explained the placement of the berm to the west of the building.

Shute – In lieu of the berm, you can set distance standards, too. The trailers could be set back further.

Meyer – Advised that the setback for the trailers should be 25' from the perimeter.

Henry Conti, W1911 Forest Avenue, Green Lake – Commented on the road easement issue. The easement that they would be using is located in Volume 488, page 345 as document #290910; it's a quit claim deed that was granted by Ronald Darnick to Steven and Mary Lou Rodensal, recorded on 3/5/1988.

The committee reviewed the conditions and attempted to incorporate some of the concerns into the list with the following motions.

On a motion by Traxler/Henke, to place a second berm along the west property line, approximately 3' wide by 3' tall.

Roll call: Henke - aye, Traxler - aye, McConnell - nay, Gende - nay, Peters - nay. Motion failed (2-3).

On a motion by McConnell/Traxler, to limit the hours of operation from 4:30 a.m. to 10:00 p.m.

Roll call: Gende – aye, Peters – aye, Henke – nay, McConnell – nay, Traxler – nay. Motion failed (2-3).

On a motion by McConnell/Traxler, carried on a 4-1 roll call vote (McConnell – aye, Traxler – aye, Gende – aye, Henke – nay, Peters - aye), to approve the conditional use permit with the following conditions:

- 1) The property owners shall provide the department documentation that ATFE and DSPS have been notified of the proposed use and that the site is in compliance.**
- 2) A port-o-let is required, to serve as the temporary on-site sanitary facility for this operation.**
- 3) The owner/applicant shall apply for and receive a County Land Use Permit prior to commencing any “development” related to this operation.**
- 4) Proof that all Commercial Building Code requirements (if applicable) have been satisfied in relation to the proposed use.**
- 5) Daily hours of operation shall be 5:00 a.m. thru 10:00 p.m.**
- 6) The owner/applicant shall work with the County Sheriff and the County Emergency Management Director to develop a CODE RED zone for evacuation purposes.**
- 7) Grounding straps between the two magazines and the grounding rod shall be upgraded and evidence of the work done provided to the Land Use Planning and Zoning Department.**
- 8) Signage at the entrance gate shall be upgraded to be legible and of adequate size.**

d) Execute Determination Form/Ordinance

The determination form will be signed at the April meeting.

NEXT MEETING DATE

April 5, 2012

Business Meeting - 4:30 p.m.

Public Hearing - 6:00 p.m.

ADJOURN

Motion by Gende/Traxler, unanimously carried, to adjourn.

RECORDED BY

Al Shute

County Surveyor/Land Development Director

APPROVED ON:

May 3, 2012