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Minutes are generally approved at the following meeting

APPROVED BY:

John Leo, Chairperson

Date

**MINUTES – Pierce County Board of Adjustment Meeting
January 31, 2008**

Members Present: Lee Wright, Ed Hanson Corliss Hendrickson, Arby Linder and Kenneth Peterson. & Mike Graham.

Others Present: Jim Kleinhans, Carol Denninger, & Louie Filkins.

Vice Chairperson, Lee Wright called the Board of Adjustment meeting to order at 7:03 p.m. in the Pierce County Boardroom, Ellsworth, Wisconsin.

Approve Minutes: Ed Hanson made the motion to approve the minutes of October 25, 2007 as written and Ken Peterson second the motion. All approved. Motion carried.

Next meeting dates: Feb. 21, March 13, and April 24, 2008.

(LW) Lee Wright This evening we are here to discuss and take action on a mechanical lift in the St. Croix Riverway on property owned by Wayne & Patricia Schultz located in the E ½ , Sec. 2, T27N, R20W, Town of Clifton (physical address of N8775 1250th St. River Falls, WI., Pierce County WI.) Before we get into this conditional use request, I just want to make sure anyone in attendance this evening has signed the attendance sheet at the podium and they also have to be sworn in. The board is a judicial board that is required in each county that has adopted a zoning ordinance and will give everybody an opportunity to speak. While anyone is speaking we do not wish to have them interrupted. They will be given ample time to discuss their petition and we will have enough time to discuss what questions we might have. Jim, has the meeting been published correctly in our county paper?

(JK) Jim Kleinhans – Yes. It was published the week of January 16th and the 23rd. Jim was asked to read the public hearing.

(LW) Lee Wright – I am aware of the fact that Mr. Schultz has some medical condition that might give him problems to be at this meeting this evening so I think there is a gentleman here this evening who represents Mr. Schultz.

(LF) My name is Louie Filkins and I am with Ogden Engineering.

(LW) Could you step forward and give us your name and address where you live. Mr. Filkins was sworn in by Vice Chairman, Lee Wright.

(LF) Louie Filkins - Mr. Schultz and his wife are requesting a mechanical lift on the St. Croix River. They recently purchased a lot and home there. Apparently there is a trail going down to a rocky shore in that area. Our map here shows the house, the driveway, the topo, the slopes and how it kind of breaks away from the house. It is about a 13% slope but then as you get out there is more of a bluff line where it drops and it is more of a 40% to 50% slope down to another landing

area and then it is even a little steeper right there before you drop down to the water. There is a set of stairs existing at the bottom and there is a set of stairs existing at the top. So the lift would be in addition to the dirt trail. It was snow covered when we were out there. According to Wayne, the lift would be used to haul things or if they have somebody who isn't quite up for the trail they can go on the lift. It is a pretty small lift. Our end of this project was to provide the topo survey. Preferably we have a 6 feet minimum of iron pipe driven in the ground. I am sure they are going to encounter some bedrock because you can see it poking out of the side of the hill. We came up with an alternate anchoring method there and that is to hammer drill a hole 18 inches minimum into consolidated bedrock and then to attach the pipe anchor into that. That is the summary of it.

(LW) Lee Wright – Does anyone from the board have any questions?

(AL) Arby Linder – I have had the opportunity to ride a lift in St. Croix County. In fact, I do service right in the area where you are talking. To make it down there, if they are handicap, they are not going to make it down from the top of that hill. St. Croix County allows them in. There are several up along North of Hudson. I have some places there and I have rode down and they are pretty neat right down to the bottom and back. It becomes necessary if you are handicap. Checking with the DNR they already gave a boat dock access to that property. I would not be able to make it up and down with out this device and therefore it would be a piece of land that would not be used for the river because I would not be able to go down there, unless I had it. I have talked to the Dept. of Natural Resources and they have no problem with this at all. All they are hoping is that they follow Jim's advice in putting in shrubbery that will cover this up in five years.

(LF) Louie Filkins – That is one thing that I forgot to mention is the hill is completely wooded. You can see we located the trees along the route of the track and there is some that we just can't help removing. Obviously, you can't run a straight line for 300 feet and not run into any trees. We tried to minimize that and I think there is a few cedars and one oak that are going to go out, but it is a pretty good canopy and I would say a medium to dense forest hillside. I can't see how you would ever see the lift from the river during the summer months and I don't think you can see it during the winter very well either.

(EH) Ed Hanson – Down by where the stairs cross, the lift has got to be a safety feature if the path or stairs were level so you weren't stepping up over a big thing. You could find yourself stepping down in the middle of something.

(LF) Louie Filkins - That is a good point. Mr. Schultz was not sure how he was going to facilitate that, but somehow he still wants to use the trail.

(EH) Ed Hanson – Doesn't the stairs just run for a short distance?

(LF) Yes. I am guessing the stairs just run down about 20 feet in elevation. Then the trail picks up and then when you get way down to the bottom there is a little platform and then there is stairs right down to an elevation where a dock could start. There is a chunk of concrete at the bottom for a footing I suppose and there are a couple of steel plates on the side of that, that have anchor holes in and he told me that before they had there dock anchored to that.

(EH) Ed Hanson – It seemed like some kind of a grid on either side so that you are at least level with the track if you are stepping over it, if somebody might decide to go down the trail.

(LF) It is something he needs to think about in the future. We talked a little about it and I think he wants to see once the track is built what elevation it is and maybe a set of stairs up to it. Maybe there is a way to put a platform between the tracks and the steps down.

(LW) Lee Wright – Wouldn't there possibly be some type of step that would be similar to a railroad crossing where you fill the void between the tracks. Obviously, you can't interrupt the flow of the cable or the car, but if that cable would happen to be in operation and somebody was trying to traverse that track, there is a potential of getting wrapped up in that cable.

(LF) Louie Filkins – The ones that I have seen, the cable kind of sags down between the tracks and it usually has some guides every now and then.

(LW) Wouldn't your feet end up going down between the tracks as you are trying to cross them?

(LF) No. I would think that you would want just like a railroad crossing, you would want it level with the top of it.

(LW) Correct, but at this point there is nothing mentioned like that. I would think that would be important that there would have to be some type of crossing engineered so that we are not dealing with a personal injury of crossing while it was in operation of being caught in the cable.

(LF) Louie Filkins – I know he mentioned that he wants to do something there, but he is quite regulated also on what he can't do. There are certain widths and amounts of stairs. Just like lifts, the stairways are also regulated. I don't know what he is going to do, if he is going to work something out with Jim and getting something after the track was in, but it certainly can be a condition if need be and work it out before hand or draw something out before hand.

(AL) Arby Linder – In cases in St. Croix County the ones that I have been on the insurance companies really take a look at them. They won't let them operate if there is anything unsafe about them. I don't know if they come down here to Pierce, but up in St Croix County the insurance company is steadily checking them.

(LW) Lee Wright – We received some literature that came from the Manufacturer. It looks like it is a lattice type track that you certainly wouldn't want to get caught in, especially in operation. Are there any other questions?

(KP) Ken Peterson - I see there is a 3 phase motor. I assume that is available in single phase. There is no 3 phase out there. When I was out there the other day, there was only single phase power.

(LF) Louie Filkins – Rick Summers is the man when it comes to the actual track, motor and cable operation, but I would say that is probably a miss print there.

(LW) Are there any other questions or comments from the board? If not, I request that Jim give the staff report.

(JK) I met Mr. Schultz out at the property after he purchased this and he discussed making easier access down to the water because of the slope that we described. Louie's firm had done some topographic work in the years past, so it was easy for him to upgrade and submit additional information so we could access the entire route for the lift. Looking at the ordinance language the

car and lift may not exceed 4 feet x 6 feet and this one is 44 inches by 60 so that complies with our standards. Number 7 talks about vegetation removal and screening the lift within five years. The location for the proposed lift would not be visible just because of the dense canopy. I think the route that they pick would be considered visually inconspicuous. The only issue there is that last set of stairs coming down toward the water and that has been there for a long time and it is not part of this proposal so I am apprehensive about saying we need to do anything to screen that one. It is already there as you can see on the photograph. Item # 10 requires that a registered professional engineer architect show that the lift components be secured and anchored. Louie has put that together in the plan. The lift will be earth tone colors. The Town of Clifton recommends approval of this lift. When I was out there talking to Mr. Schultz, we discussed the elevation of the track and crossing it along the trail, because you never know until they start laying the track where it is going to hit that trail. What I want to do is include a condition that would allow for some kind of a step that would go down on the bluff face because we look at this lift as a structure. Some people might interpret any kind of a step or a stairway as a structure too. Just so that would be covered under this approval if the board goes along with this. I would say the proposed lift meets the intent of our code and I would recommend that the Board of Adjustment approve the lift for Mr. & Mrs. Schultz with the following conditions:

1. A land use permit shall be obtained and the lift be constructed within 12 months of approval.
2. A safe track crossing shall be provided along the walking path locations where the lifts track traverses the path and is greater than 6 inches above existing grade.
3. The Land Management Department shall be contacted during installation of the lift to verify compliance with the plans as approved.
4. Best management erosion control measures shall be utilized during the construction of the lift. Disturbed area shall be seeded and mulched.

(LW) After hearing Jim's staff report, does anyone have any questions?

(AL) Arby Linder – a motion was made by Arby to accept this proposal under the rules that Jim has put down. The motion was second by Ken Peterson.

(LW) The motion has made and seconded to approve the lift with conditions as proposed by the Zoning Administrator. All 6 board members were in favor of the proposal. All approved. Motion carried.

(LW) Jim, is there any other business to attend to this evening?

(JK) No. Not at this time. We will send out the conditional use permit to Mr. & Mrs. Schultz and we will work with them for the permit part and the inspection.

A motion was made by Arby Linder and seconded by Ed Hanson to adjourn the meeting at 7:25 p.m. Motion carried.

APPROVED BY:

John Leo, Chairperson

Date

**MINUTES – Pierce County Board of Adjustment Meeting
May 8, 2008**

Members Present: John Leo, Lee Wright, Ed Hanson, & Corliss Hendrickson

Others Present: Jim Kleinhans, Carol Denninger, William McMahon & Gloria Leo

Chairperson, John Leo called the Board of Adjustment meeting to order at 7:01 p.m. in the Pierce County Boardroom, Ellsworth, Wisconsin.

Approve Minutes: Ed Hanson made the motion to approve the minutes of January 31, 2008 as written and Lee Wright second the motion. All approved. Motion carried.

Next meeting dates: June 26th, July 17th and Aug. 21st.

(JL) John Leo - This evening we are here to discuss and take action for a conditional use permit to maintain and add electrical distribution line by Pierce Pepin Cooperative Services on various properties along the St. Croix River. The board is a judicial 5 member board that is required in each county that has adopted a zoning ordinance and will give everybody an opportunity to speak. While anyone is speaking, we do not wish to have them interrupted. They will be given ample time to discuss their petition and we will have enough time to discuss what questions we might have. Before we get into this conditional use request, I just to make sure anyone in attendance this evening has signed the attendance sheet at the podium and they also have to be sworn in. Jim, has the meeting been published correctly in our county paper?

(JK) Jim Kleinhans – Yes. It was published the week of April 23rd and April 30th in the Pierce County Herald and on May 1st in the Prescott Journal. Jim read the public hearing.

(JL) Jack asked William McMahon to come forward and be sworn in stating to tell the truth, and nothing but the truth. He also stated his name, and address of N4478 390th St. in Menomonie, WI.

(WM) My name is William McMahon, Superintendent for Vegetation Management, from Pierce Pepin Coop Services. We applied for this condition use permit for the fact that we want to maintain our lines. We have to trim and maybe remove danger trees along that river bank. It is a routine thing that we do and it is a six year cycle plan. Every 6 years we will go through and clean out the power line in that area.

(EH) Ed Hanson, can you keep them trimmed down every 6 years?

(WM) Yes, that is what our cycle is. We trim them back for 6 years, depending upon what species the tree is. If it is a Spruce tree, we don't have to trim it as much, but if it is a Popple tree we will have to trim it a little more, maybe have to top it. If it is a danger tree, then that is something that we might have to take out. There might be a new house that goes in there and we might have to put a new line in.

(LW) I haven't been up around the airport, but you don't have a line that runs along the runway, do you?

(WM) No. I think we furnish underground to some of the houses up there.

(LW) Does that dotted line traverse the runway?

(WM) I was assuming that was the boundary for the riverway

(JK) That is what the dotted line on the map indicates.

(LW) So the lines are in those boundaries?

(CH) Now you have some lines out there under ground and some above?

(WM) Yes, up on top. A lot of the new construction will put it underground. Once you get closer down by the river where a lot of those houses are down below, it is so rocky we can't put anything underground. We have to go overhead and unfortunately trees and power lines don't mix.

(CH) I went through these this afternoon again and I came up with some points that I was questioning.

(WM) I know there was the draft that Mike and I had gotten. It said a lot about transmission line in there and we are distribution lines. We don't have transmission lines. There is a transmission line that goes across the river there. I believe that is Xcel Energy that owns that, but we are distribution lines. It is a cooperative.

(LW) You have explained that there is a difference between transmission line and distribution line. A transmission line is a high voltage and a distribution line is a lower voltage that goes to each household and it could also obtain underground services. Jim, just a question I have. Does the fact that it is a distribution line verses a transmission line, looked at any different in our codes?

(JK) I think there is interpretation here. The Dept. of Natural Resources attorney said you should run with a conditional use permit. In the past I have met individuals like Bill out on the site and we decided what trees are going to get trimmed and which ones are going to be removed. For some reason the DNR decided this code was adopted in 2006 and interprets this is a regulated item through a conditional use permit. I have never processed this activity before. There is a lot of different vegetative management provisions allowed in the riverway and I think the state just wants us to do this to establish some guide lines for how these local utilities are operating. Then I won't have to meet them out there unless I get complaints on what is going on. They will understand what we expect and how they are going to operate.

(EH) Is it all trimming or are you allowed to use any spray?

(WM) We kind of shy away from the spray because of the erosion concern down over the bank. Personally, as a cooperative, we like to maintain so if we cut a tree down for example, we would like to treat the stump. As far as coming in and foliage spray like we do every summer that is something that we would not do in that area. That is because of the scenic river. Spraying is used to a real minimum.

(EH) It would make sense if you cut trees down, then you would put on it whatever you need to.

(WM) Yes, we would treat the stump to kill that particular stump. It also depends upon where it is. If it is down over the bank, I kind of like to shy away from it because of erosion purposes. It will just sprout back up again, but we will just have to keep on cutting it.

(LW) Do you ever use Tordon?

(WM) We do, but for stump treatment, we use Garlon. We use Tordon for foliage spraying.

(LW) Tordon is really quite mobile with moisture. It is deadly for a year. You want to make sure you do not use Tordon on a slope.

(WM) We always use Garlon when it comes to a slope. We use more of a basal unit as a cut stump. We use a Garlon 4 and Andric oil mixture. We can use that just spraying the top surface or just spraying the stump and let it seep in that way. If you cut a tree down, you have to spray the top of that stump within a short period of time, otherwise it crusts over and it won't let the chemical in. It doesn't matter what we use. We can cut a tree down and come back 3 days later and it will seep in. It is more like a basal treatment. For basal treatment you can actually spray a tree without cutting it.

(JL) If there are no other questions before the board, I would entertain a motion if everybody is satisfied. So I am having some problems right now with public utilities and with the 6 year plan to come back in 6 years and do it again.

(LW) If you go in there and take a 6 year trim out of there, obviously you are going to have trees that are going to continue to encroach in on the side. If you spray it the trees that are underneath the line should be controlled by the herbicide. So your 6 year plan should be less than it will be right now if you are going in and taking out those trees that are growing up. Would that be correct or are we talking about just absolute trimming on the side of the right-away?

(WM) Basically, you would be cutting underneath the power lines. If we are not spraying, they are also growing up to.

(LW) If you keep spraying, you would have less labor involved if you sprayed it. Now with this 6 year cycle are you going to be able to control with herbicides or does that take more man power to go in there.

(WM) It will take more man power.

(LW) What I don't understand they don't have an ATV with a tank on the back and every 2 years come down and spray it.

(WM) I would love to spray in there. Are the members going to allow us to spray in there? One thing about chemicals is we want to spray, but I won't force the members to let us spray.

(LW) So with selective herbicide, you wouldn't take the grass off it, you would just take the broad? The broad leafs are the problem. There are people that don't want to do anything to affect nature, but the bottom line is if you don't spray it, you are going to go back there with man power and hand spray. It is also going to cost more than if it is maintained on a 2 or 3 year rotation.

(WM) If we are allowed to , the cut stump would be the perfect answer. After you cut it off the first time and spray the stump, it would just grow back out of that same stump, but to come in there and foliage spray, I really don't think the members would let us.

(CH) You are kind of asking for erosion problems too.

(LW) Corliss, if you are only taking the broad leaves and leaving the grass alone, that shouldn't effect the erosion.

(WM) If it is on a steep hill you want the root system.

(LW) I am not talking about River Bluff type. I am talking about the typical right-of-way that rolls through the country with exception of the steep. I am just thinking about the overall cost of the utility. It would have to be cheaper to go in and spray it. For broad leafs only. Then to go back there and wait until the stuff is too high and you got to go and cut it and then spray it anyway. That is a cost issue to the utility.

(JL) Until somebody says hey, wait a minute. Why are your utility costs so high? Isn't there another way of doing it? If you were allowed to spray, we might be able to cut some of our costs.

(LW) There are people who would do anything to keep you from spraying and then worry about their rate another day.

(JK) Jim read the staff report. Mike Most submitted an application for a conditional use permit for maintaining their distribution lines and primarily for the vegetation cutting clearing in those areas where they have above ground transmission services. The riverway code has some language in it about some transmission lines. I guess that was where it was kind of clumped in to say well this was close enough to a transmission line and the DNR thought this should be approved with a conditional use permit. I think what we will do is try to establish some ground rules to operate under considering the new verbiage in our St. Croix Riverway Code to see what applies, because they did loosen up some management provisions for vegetation. I have included all of that information from the St. Croix Riverway Code for Pierce County in the staff report. I will just touch on a couple of those items. In the bottom of the first page of my report, it says vegetation and lands within the ordinary high water mark setback, bluffline setback, and the slope preservation shall be left undisturbed, except as provided for elsewhere in this subsection or as provided in Subsections D and K. Specifically this addresses things like communication and transmission facilities. Under Sub K I think the important part is if we are constructing or doing maintenance on transmission services as said under Sub 2 as conditional use, a permit is required. If we move down to D-1, I think those are the important items. 1. An understory layer of

vegetation shall be maintained to prevent erosion and allow succession. 2. Vegetation management shall protect the quality and diversity of the plant community and prevent erosion. 3. Herbicide use shall be limited to direct topical application to cut stems to prevent regrowth. 4. The pruning of normal tree growth for safety reasons or to prevent interference with the transmission service and removal of noxious weeds is allowed. We have done this historically. We try to keep those lines safe and hazard free. One of the things provided by Pierce Pepin was a clearance specification for rural and urban settings. I read through that and it appears that the urban setting was a little bit more liberal than the rural setting. The rural setting was a little bit more liberal than the urban setting. The part that bothered me was the comment about removing trees more than 4 inches in circumference, with land owner consent. I have gotten complaints from people when they come home and see a big oak tree lying on the ground in sections, and they weren't notified. It may have been a problem tree, obviously it must have been or they would not have cut it down. I would like to see a condition, that if any trees are cut and removed from the property that the land owners are notified first so my phone doesn't ring for such issues.. For any new distribution lines in the river way this committee is going to be aware of that because you review all land divisions in the St. Croix Riverway. I think at the point when we review a land division, we can identify where those new distribution lines are going to be routed to the potential building site. I am going to go through my recommendations and try to establish some kind of parameters to follow that would still allow techniques that they typically use to maintain the safety and the service area that is acceptable for above ground transmission lines. So I recommend that the Board of Adjustment approve the conditional use permit for maintaining transmission services in the St. Croix Riverway with the following conditions. (1) Follow standards for tree clearing and management in the county Riverway Code for vegetation management, ie. 239 10G 5-a-e and 139 10 K d 1-4, (2) Complete all tree clearing and trimming in a timely fashion to discourage tree disease. I talked to Gary Zielske, our County Forester. He indicated that they modified some of the dates for the concerns for Oak wilt, so from April 1st through July 15th, so we don't do any cutting to encourage the spore production and migration. He also indicated that if we get into a Red Pine plantation or stand that we don't encourage the beetles to spread by chipping, but rather hauling away any of the logs that may be infested. I would like to add something more and be more specific in condition # 2 that we don't harvest or prune oak trees between April 1st and July 15th. Also to use caution in dealing with Red Pine & to discourage bark beetle infestations. (3) Notify individual landowners prior to cutting on private property and stating vegetation will be maintained according to the approved permit. (4) Avoid clearing areas with concentrated surface water drainage ways to prevent erosion. (5) Complete initial tree clearing and maintenance within 12 month of this approval. (6) Conditional use permit shall be effective indefinitely.

(JL) So you are not going to put a 2 or 5 year plan on this?

(JK) No. I think once we review this, it should be enough, unless we get some complaints where we might bring them back to this committee for a compliance issue. I have worked with this group and other contractors and I think I know what they do. We were advised to bring this in front of this board on this occasion.

(JL) What was the addition to # 2 Jim?

(JK) At this time the state recommends not pruning any oak trees from April 1st through July 15th to prevent oak wilt.

(JW) Also Jim there was something regarding to Red Pine with beetle infestation that this area is dealing with.

(JK) If you get into a stand of Red Pine there is a potential of bark beetles that could infect the trees and Gary recommended chipping and hauling away the stumps so that they just don't infest the area further.

(WM) Could I get a copy of the recommendations?

(JK) When the conditional use permit is approved, we will send you a copy of all the conditions in the permit. If you don't like the conditions, they can be appealed as well.

(LW) Jim, you mention large trees that is a trouble or problem tree. Outside of problem trees, so that we don't end up with a sizable tree that gets cut without any dialogue between the land owner. Could there be anything regarding marking them in advance so that there is time before it topples and is gone? You had addressed a concern getting a call regarding a tree that somebody wasn't expecting to be removed off private property. Is there any need for provision there to mark them in advance so the landowner can discuss the fact whether that tree is a problem or not?

(WM) It is our policy that we contact every property owner. The contractors, in the specs, includes what they are supposed to do.

(LW) You can't take the time to identify each and every tree that is being cut. What I am trying to make sure we don't have problems with their favorite oak tree all of sudden is gone.

(WM) Normally what they do is, just say for an example: It is in an urban setting yard. The contractors come through and they bid, they are bidding for trimming only. Every removal that they can talk to the property owner on given us, I go out there and inspect the tree and put a ribbon around it and I negotiate with the company on how much I am going to pay them extra to take the removal out. That is the only way that I can get the contractors to push for the removals of the trees underneath the power lines. It is the same with the danger trees. I go through and I look, and I mark them. It is about 99.9 % of the time the property owners know what trees are being taken out. A lot of the time I take the owners right out there with me. A lot of the time trees usually stand there with the ribbon on for a month or two.

(LW) Going onto Ilwacco Road, we have a line that drops down off over the river bank and it goes 2 spans and then it turns. That line has not been cleaned out for ever. It is really bad. I am surprised that the line is even up yet. I have talked to Mike Most on trying to figure out a way of putting the line underground for the cost. It is so rocky you can't, so we have to go in there and clean it out. We talked to the daughter who has inherited the property and she had assigned a written permission to do what we have to go in there and do. According to her we can cut our right-a-way out. We are going to choose not to. We are going to go in there and basically take out the danger trees. I did go though and marked all the trees that we want to take out. As far as the daughter here, we are good to go. I am not sure what we can do here. If we can go in there and cut it, I figured at that I was probably going to get a hold of Jim and see if he wanted to go and look at that with me and okay it. I don't know exactly where we stand, if we can do it or we can't do it. Are we going overboard or not.

(JK) I think the intent of this code is to prevent accelerated erosion on the bluff faces and also to maintain that rugged character of the river. If you can maintain service and still meet those criteria, you are meeting the intent of the riverway code.

(WM) Like in this particular spot, it is actually an old road that went down there and the trees are huge. You can not see it from the river. It is quite a ways from it and there is a lot of trees. What we were kind of thinking about was to go in and mow the brush up. In order for us to do that, I will grant you the grasses are going to be there. It would be more of a clear cut where we would take that mower because we can't leave the low grow species if we mow.

(JK) Are there invasive species in there, things that they consider noxious?

(WM) Mostly Box elder and trees like that. There are some pickley ash and stuff like that, that we wouldn't have to take. Either we are going to have a big mess from all the brush and trees or we try to clean it up. The mower is the very best way of doing it. In order to get a chipper down in there we would have to have some kind of a track unit to even remotely try to get that thing down in there. The track units that we have now are small, they are ASV's they call them. They are like a modified bobcat with a mower in the front.

(JL) My thoughts on # 3 Lee are is to try this and see how it goes and see if we have any problems with it as far as the property owners go

(LW) It seems like the testimony here is that these bigger trees are being identified and that the landowner can understand that there is cutting going on and have the option of going out and seeing these trees that are identified and are coming down.

(JL) With the approval conditions that Jim added as far as pruning of the oak between April 1st and July 15th, following the recommendations and let Jim word them as he sees fit. I would like to make this one comment. I realize these things have to be done efficiently and effectively as they can be otherwise we make it to difficult for them to do the job and somebody has to pay for it.

A motion has been made by John Leo and seconded by both Corliss Hendrickson and Lee Wright to approve the conditional use permit as presented with recommendations 1-6. All approved. Motion carried.

A motion was made by Lee Wright and seconded by Ed Hanson to adjourn the meeting at 7:55 p.m. Motion carried.

APPROVED BY:

Lee Wright, Vice Chair

Date

**MINUTES – Pierce County Board of Adjustment Meeting
June 26, 2008**

Members Present: John Leo, Lee Wright, Ed Hanson, Arby Linder, Corliss Hendrickson, & Kenneth Peterson

Others Present: Jim Kleinhans, Carol Denninger, Brad Roy, Gayle Christensen, & Betty Hanson.

Chairperson, John Leo, called the Board of Adjustment meeting to order at 7:00 p.m. in the Pierce County Boardroom, Ellsworth, Wisconsin.

Pledge of Allegiance

Approve Minutes: Corliss Hendrickson made the motion to approve the minutes of May 31, 2008 as written and Ed Hanson second the motion. All approved. Motion carried.

Next meeting dates: July 24th and August 14th

(JL) John Leo - The purpose of the meeting tonight is to discuss and take action for a variance for Lakes Gas Company for a setback variance in an area which is zoned industrial. The board is a quasi-judicial board and is a five member board that is required in each county that has adopted a zoning ordinance and we will give everybody an opportunity to speak. Anyone speaking this evening will also have to be sworn in by the chair. While anyone is speaking, we do not wish to have them interrupted. They will be given ample time to discuss their petition and we will have enough time to discuss what questions we might have. Before we get into the public hearing request, I just want to make sure anyone in attendance this evening has signed the attendance sheet at the podium. Jim, has the meeting been published correctly in our county paper?

(JK) Jim Kleinhans – Yes. It was published the week of June 11th and June 18th in the Pierce County Herald. Jim read the public hearing.

(JL) Gayle, please come forward and talk to the board about your petition. Please raise your right hand. Do you swear to tell the truth and nothing but the truth under penalty of law?

(GC) Gayle Christensen – I do.

(JL) Please state your name and address.

(GC) My name is Gayle Christensen and my address is Ellsworth. We would like to get the variance setback down to 15 feet to construct a 32' x 48' building at that distance with a more modern office creating some inside work area that we could be utilizing in the winter. Presently at this time there is no space available for inside work. Everything is done outside. I have floor plans of the building to show you layouts of that. The lot is of limited size. It is only 92 feet wide. The area that we are looking at building there is an existing building there and 2 driveway accesses onto the property. That will make it a little more difficult to go into any alternative spot plus the well location and the sewer requirements. I have set up a rough sketch of some of the drawings. I was just handed this picture here tonight and there is an aerial photo there with 2 driveway accesses. The survey type sketch will show relatively where the new building would sit. The well and the existing sewer are also listed on that map.

(JL) Talking to you today, you said that the building that you now use for storage is going to be moved. Is it an 18 wheeler off from the wheels?

(GC) It is an old dry box of some type just sitting on some skids there. I did see it here in your notes that you didn't know what was going to be happening with the existing buildings? With the new sewer going in, the trailer that you are referencing is going to be removed. The sewer is going to be underneath that building so it would have to be moved to get that in. The storage from there will go into the existing office that is there.

(JL) I don't understand what this pink outline is on the map.

(JK) Parcel lines on our geographical information system do not line up well. The right-of-ways will line up with the parcel lines after all parcels are corrected for coordinate geometry. There is a certified survey map with the staff report and that really shows where things are.

(GC) The building that you are looking at that we would be removing would be the one laying right next to the man hole and adjacent to the property line on that map.

(KP) What is that other little building to the east of that?

(GC) That is roughly an 8' x 8' portable shed. It is just used to keep some rubbish under.

(JL) Since it was published in the paper, have we heard anything from any of the surrounding neighbors ?

(JK) No. I haven't.

(BR) No. I have heard nothing.

(AL) I spoke to one neighbor down there today and he had no problem with it.

(EH) The main thing is whether it meets all the requirements of being a hardship. I see in Brad Roy's report that the structure could be placed in a location on the parcel that meets the setback requirements. Do you agree or disagree with that?

(GC) I guess I would disagree with the location of the driveway. The building would be blocking that driveway 100 % with the location of our storage tanks and everything is brought into the plant by semi trailers.

(EH) Where the old building is, is that what you are saying?

(GC) The old building is going to be staying there. If we were to go to the 40 foot setback of the new building, you are going to be butting up to the existing building.

(EH) I thought the old building was going to be moved out of there.

(GC) The building that is going to be removed is an old storage facility.

(EH) The present office is going to stay?

(GC) Yes.

(EH) Why do you need the 2 buildings there then?

(GC) With eliminating the one building, the storage from there will go into the existing building.

(KP) Your new building is going to be office?

(GC) The new building will be staff, front office, public area, & bathrooms.

(EH) I guess I misunderstood you. I thought that you were going to move that other building out of there and put your present office there and put the whole thing in one building.

(GC) No. That building is going to continue to stay.

(LW) Am I correct in asking for 25 feet of relief from the required 40 foot setback to 15 feet?

(JL) Yes.

(KP) Is there space in here where that building would fit, along the north?

(GC) No, there wouldn't be.

(LW) Basically, if we look at the buildable area on that lot it would follow the setbacks. The new structure is completely out of that buildable area.

(GC) Please note that the sketch for that new building is not to scale.

(EH) Here is the present building right here. There is an area right in here that doesn't have anything in it right now.

(AL) The main building is right here to the east.

(JL) You could possibly put a building in there, but you would not have access into a truck bay. You would have a building on both ends.

(GC) The trucks that we have right now are not allowed to be kept inside. They would have to be stored outside.

(EH) This area where you would put your other building, what is in there now? Can the trucks be parked there now?

(GC) That would be just in the front area of the lot.

(JL) I guess it would seem that you would put your building in the front and keep your hazardous products more confined into a fenced area.

(EH) Technically it has to be proven that this is an unnecessary hardship in order to grant this variance. You could make it work if there is a possibility of making it work and it is not an unnecessary hardship. That is the requirements that we are under to allow you to have a variance if something else can be done with it, then that is what should be done. It isn't for us to say that, that is the most convenient location and that is where it should go. That is not our prerogative.

(KP) When you bring a tanker of propane, where do they turn around? Do they have to back in that whole distance?

(GC) Yes.

(CH) I was down there this afternoon and went through it. It is not necessarily a hardship, life or death. Are we going to govern things to keep the cost down? I have to start looking now so we can get more efficient and not interrupt anything or not mess up anything. That is something we have become more efficient and do a better job of. Maybe that is something we should take a look at. I can see where this has been a big help where he could service his customers better by taking care of all the little things. He is so crowded where he is and he is having a hard time servicing everything he has got. If his business expands, he will get that much worse.

(KP) I was down there last night and looked at it and it looked pretty crowded.

(EH) I may be the only one looking at it that way, but I guess regardless wherever you put the building in it is going to be crowded no matter where you put the building in it still has to go in that area shown on the map.

(CH) He has some limitations because of wells and sewage system where he can go.

(KP) Is there a new septic system going in there?

(GC) Yes. With the existing system there are some problems and it will not be up to the new code. That requires to be on virgin ground. That is only virgin ground that we have otherwise with the well and the septic and the setbacks from the well there is no other spot for the sewer.

(LW) The issues of crowding for this business are kind of personal to the business if they can deal with the business situation. I don't think that is our responsibility to rule one way or the other. This issue is the setback. Can we give 25 feet of relief in a light industrial zoning area adjacent to residential? Twenty five feet given in any standard that we have used in the past is well beyond what we have power to do. I don't know any other way to do it. It is just too much relief.

(CH) I am asking you about the property around it and there is nothing really that he would be intruding on that would evaluate other property. He was always close to the street or highway. On the south side of him there is nothing there as far as property to deteriorate.

(EH) Just because what is there today, might not be there tomorrow.

(CH) I understand you, but some of these things we have to look at in a practical point.

(JL) I don't know if that is the issue here tonight. I think the issue here tonight is that Lakes Gas property itself standing alone is our hardship.

(EH) I don't really feel it is. I feel that zoning could be consolidated into another building. It is possible to build there in that area there without issuing them a variance. I believe that 25 feet is a pretty hefty setback.

(AL) I am wondering what the setback is from the railroad tracks?

(BR) There wouldn't be any setback from the railroad tracks because it is industrial. You can go right to the tracks.

(LW) Isn't industrial to industrial 10 feet?

(BR) Yes it would be, but only the setback to the railroads is eliminated. To the neighboring industrial property they do have a 10 foot setback.

(LW) Industrial adjacent to residential that's where the 40 foot setback is and that is what we have in this case.

(BR) Yes.

(KP) If that building had to be relocated back into the buildable area here, would it present any hazard from the propane you are hauling. Trying to get turned around, is it going to create any additional hazard to the surrounding property?

(GC) I guess it would bring public a little bit closer to that area.

(AL) I understand we are in Wisconsin and in the winter the weather is bad, you need a place to bring the trucks in to work on, but as long as I have been here we have never gone that far.

(GC) Are you referencing the setbacks to residential when you say that?

(AL) Industrial is what we have been dealing with.

(GC) So industrial is a different area?

(LW) Yes, Industrial is only 10 feet. This is industrial/residential and that is the whole issue here.

(AL) If you were residential here on this side of that road, you wouldn't even need to be here.

(LW) If we look at issues pertaining to your request, we would have to refer back to chapter 240 Attachment 2. The table of dimension requirements states that the industrial district side yard

setback is 40 feet from the parcel in a residential district and 10 feet from a parcel in the industrial district. I think that is the need of our meeting here tonight is the ordinance that the county has already adopted. They are running a full blown operation on the site right now so it would be hard to claim hardship, because they are having use of the property. You can look at this new building as a convenience.

(CH) If we let a man be efficient or we say he has got to be inefficient, that becomes a hardship, doesn't it?

(LW) I don't know if we can truly say Corliss that this would create a lot of hardship.

(CH) A lot of the time I go with the hardship. I went down today and surveyed it and went through it and see how it lines up.

(JK) There is a code called COMM 10 that talks about setback buildings for fuel dispensing. Some setbacks for instance on the type of tanks. I am not sure the type of tanks but I see the location between the existing office and the refueling facility on the survey called CONC. I think that is where they refill cylinders. There is a setback from the nearest important building on the same property. Depending on the size of the tank and the type of the tank, sometimes that setback is anywhere from 5 to 50 feet. I am just trying to think about the feasibility of going to that spot where Ed was talking about. I will set this code on the table so you can see what I am talking about.

(EH) I feel that this building could be incorporated with in the whole thing here in some situation so that they could still maintain use. There is quite an area right in here where 3 trucks were parked the other day when I saw it.

(JK) That is what got me thinking about this. There are setbacks for above ground tanks for motor vehicle fueling. I don't know this whole code. There is a table right here and if your tank capacity is 0 to 15,000 there is no setback, but if it is considered a protective tank or a fire resistant tank sometime those setbacks go from 15 all the way up to 50 feet. So that is something you might want to consider for this area right here, because this is a fueling station right here.

(LW) So what you are saying Jim is that some of this area which would give you the impression as buildable, is not buildable because of the proximity to the existing tanks?

(JK) Yes, because of the use of the property.

(LW) The plumbing probably goes to this area right there. So the tanks are there, but the plumbing is there, so the distance from there to there, might not be usable according to the statues.

(EH) My thinking is not a hardship If you could possibly move this building and put your building in place of that and consolidate all that in one building.

(JL) What is your existing building size Gayle?

(GC) It is maybe 20 feet by 30.

(JL) What you are saying is to eliminate that building and put the whole thing in there.

(LW) In relationship to this buildable area on this map that you have given us, on the north side that would be industrial railroad track north of it, wouldn't it?

(BR) Kind of where the point is? That is where the roadway setback is. That is why that isn't extended 10 feet or right up to the lot line.

(LW) The roadway that you are considering is that 170th Avenue?

(BR) Yes. So then we took 75 feet from the dash line that runs through the shaded area that says bituminous. We have measured 75 feet from that line just to get the roadway setback.

(LW) I am just saying from the stand point of buildable area on this lot and I am not saying that this is convenient or what anybody wants to do, but from the main building that is down there now that could be widened and elongated to the north. You would ultimately end up with a larger structure and obviously it would lose that facility and that would be a buildable portion of that lot.

(GC) Yes.

(LW) That would be meeting all setbacks? Then if there were an encroachment into the driveway setback of 75 feet, the minimal amount would probably be more feasible than a 25 foot into a residential area.

(JL) Anything going toward 170th Ave. infringes on another driveway access there.

(LW) I see the access of the railroad to the tracks, that looks like that is deeded. It is probably on the abstract.

(GC) I don't recall if it is. This property originally was railroad.

(LW) It does say 400 feet deeded. I am just assuming by that that there is probably some place on the abstract that the railroad retains the right to utilize that road which would eliminate development on it.

(EH) As I am looking at this map here, where this fence is today, you own further west than that where the fence is there, apparently you own up to where that fuel tank was sitting.

(GC) No. That is actually not on our property.

(EH) So where is your fence, right here?

(GC) The fence is right here on the map. The survey posts are exactly right in the line of the posts of the fence. If you are coming into the property, the fence would be to the left side.

(EH) How far from the building here before you hit the driveway?

(GC) About 4 feet.

(JL) I don't see any scale on this map.

(JK) I have a scale. I drew in that requested building. It would be right between that existing building and the dock.

(JL) You would eliminate the existing building and build the new building here.

(EH) That is my thought also.

(GC) You want us to move a building that was built in the sixties and have a still structure be there?

(EH) My thought was that you could move a building out of the place. I am not telling you how usable the building is. It is possible to build your building and take up the space of the main building and still have enough room if that building were not there and build a size of the building that your are asking to build.

(GC) You are basically asking us to take down that building, but you are not telling us what to do with the building.

(EH) That is your problem right there, I guess. What we are saying here is that we have standards for granting a variance includes the existence of an unnecessary hardship, presence of a unique property limitations and the protection of the public interest. Those are the ones that you have to show is an unnecessary hardship

(GC) If we were to increase the size of the building that is currently there, that would be obstructing the drive way and create a hazard to get any kind of a product into the plant.

(EH) If you take that building and put it on the other side, it is going to be the same obstruction there.

(GC) With the building going with a 15 foot variance that would give us approximately 25 to 28 feet between buildings and still maintain a straight accessible path.

(EH) I guess whether you have it on one side of the lot or the other, it still is going to take up the same number of square feet.

(CH) If you take that one building out and you are going to have to have room to work, you are going to have to make the new building even bigger.

(JL) That is pretty much what it comes down to Corliss, you eliminate the existing building and replace it with another building. You are going to have to maintain the same square footage You are going to have to make the new building larger than anticipated. We are not here tonight to solve the problem, we are here to say, is there a hardship?

(CH) If you deteriorate business, it becomes a hardship.

(JL) Are we curtailing business?

(CH) Well, you are slowing it down. He can't give the service he should give.

(JL) We don't know that. Is there a hardship right now? That is what we are trying to determine.

We can discuss this a little bit more, but right now I would like to hear a staff report.

(BR) Do you want everything that is in there or do you want just what hasn't been covered.

(JL) Just what hasn't been covered.

(BR) Brad Roy read some of the items in the staff report that have not been covered yet.

(JL) Is there any more discussion?

(EH) Ed Hanson moved to deny this variance. I believe that this building could be built on the property without the variance. The motion was second by Lee Wright. Motion carried.

All in favor say aye. Opposed – Corliss Hendrickson voted no.

(GC) Do we receive any documents stating your position?

(JK) Yes. That will be sent out within a couple of days and there will be appeal right with it.

(JK) That is standard practice.

(CH) Will you then include all the things that should be met, like having this extra building and all these things that were suggested here to solve the problem? Are you going to include them things?

(JK) We have finding, facts and conclusion that we will fill out before we leave here tonight.

(CH) There will be a 7 page document when you get done.

(JK) It is 2 pages right now, but we can add to it.

Motion to adjourn by Lee Wright and seconded by Arby Linder at 7:53 p.m.

APPROVED BY:

Lee Wright, Vice Chairman

Date

**MINUTES – Pierce County Board of Adjustment Meeting
August 14, 2008**

Members Present: Lee Wright, Ed Hanson, Arby Linder, Corliss Hendrickson, & Kenneth Peterson

Others Present: Jim Kleinhans, Carol Denninger, & Steve Forristall from Lakes Gas Co.

Vice Chairperson, Lee Wright, called the Board of Adjustment meeting to order at 7:07 p.m. in the Pierce County Boardroom, Ellsworth, Wisconsin.

Approve Minutes: Ed Hanson made the motion to approve the minutes of June 26, 2008 as written and Arby Linder second the motion. All approved. Motion carried.

Next meeting dates: Sept. 25, Oct. 21st, and Nov. 13th

(LW) Lee Wright – The purpose of the meeting tonight is to discuss and take action on request by Lakes Gas Company for an exception to the requirement that a petition that has been heard and decided shall not be resubmitted for 6 months following the decision. Lee asked Steve Forristall, District Manager, from Lakes Gas if he has signed in.

(SF) Yes, I have.

(LW) Steve was asked to come forward. Please raise your right hand and swear to tell the truth, the whole truth and nothing but the truth under perjury of law.

(SF) Yes, I do. My name is Steve Forristall. My regular address is 1861 260th Ave. Luck, WI.

(LW) I assume you represent Lakes Gas.

(SF) Yes, I do.

(LW) Have a chair and share with us what issues have changed from our last hearing.

(SF) Actually, I am representing Gayle Christensen, which is the manager for the Hager City Branch. I am the district manager for the area, so I stepped in for him and I am going to use his notes that he gave me. Basically what he pointed out is after the request for the variance this last time was denied. Gayle and some other agents for the company considered various locations for the office building. We found the limited size of the property very restrictive for any place other

than the location that we were requesting with this variance. With the elimination of one storage building to allow space for the new sewer system we would utilize the existing building for that storage and for onsite cylinder repairs that we currently use a different company for. The building is needed to accommodate office space and display items for retail. The climate of Wisconsin requires to have a shop for truck repairs and growing needs. It goes into the American Disability Act about how the restrooms need to provide space for the handicap persons also. We feel this size is needed to meet codes and also the needs for our business. It also states that National Security requires Lakes Gas to restrict public access from the hazardous storage areas from the plant which also puts the office in the front area of the entrance area on our property. We considered a location that was suggested by Mr. Hanson earlier to locate the new office to the northwest side of the existing building. We found a list of locations not possible due to the setback from the railroad and the fact that the railroad has an easement to access the property there. We also met with Xcel Energy in regard to the power line and the pole and also located in that area they require that we have a 20 foot setback from the pole also. The pole can not be relocated as it needs to remain on our property and also remain the service to Burlington Northern. According to the Pierce County Tax Office we border the railroad on three sides of our property and Excel Energy will not relocate a pole onto railroad property. We do have a letter attached to this saying that.

(EH) You mentioned that we considered a location by board member, Mr. Hanson, to locate the new office on the northwest side of the existing building. That is not correct. My suggestion was to remove this building and put it where the present building is.

(SF) I guess one of the reasons we would rather not move the building is that it does take away a lot of our storage. We are removing one of our storage already due to putting in the sewer. If we do it there, we still have to move it out to be away from our power pole. I think a lot of this comes down to how our driveway would be located out of here and we are trying keep in mind to keep it as safe as possible.

(LW) Is that basically what information you are wanting to provide us with Steve?

(SF) yes. Anything that goes toward the front of the property we are going to run into an easement with a railroad. We do not have room behind there of course due to you have already mentioned here with the NFA codes that requires the setback from the LPT tanks that are there, the storage tanks.

(LW) Do any members of the Board of Adjustment have any questions?

(CH) Otherwise you intend to put it back here where it was?

(SF) Correct, yes.

(KP) There was a 10 foot setback from the property line?

(LW) It is a 40 foot setback that is required. They wish to use 25 feet of that so there request would require to give them 25 feet of relief down to 15 feet.

(EH) Do you have some new information other than what is on this sheet here?

(SF) No, I don't.

(EH) This is basically what we had before.

(SF) It is not brought to my attention, no. I do have a letter from the power company and I also have a letter from the zoning.

(KP) Based on the power pole and the clearances there if you can't put the building where you proposed it, is there any place else on the property that is would fit?

(SF) No there isn't. I would also like to keep in mind that even trying to move this building over, as I have looked at this, and trying to relocate a driveway, 2 separate things come into effect at that time. One is we would be taking away an access road used by the public right now for into the back and the other one would be driving directly over the sewer. We even looked at trying to move this out a ways and now we are trying to establish an s shaped delivery onto the property and that would be unsafe, especially when we have a transport truck that would be coming in.

(EH) Are you aware of some of the things that we as board members have to consider when we give a variance?

(SF) I would imagine I am not aware of everything, but I am aware of some of it.

(EH) Are you aware of an unnecessary hardship?

(SF) In certain terms, yes.

(EH) I would like to read to you from zoning variances. This is from the zoning board handbook.

(SF) Is this for Pierce County?

(EH) This is for every county in the state of Wisconsin. The most difficult task is demonstrating an unnecessary hardship. Unnecessary hardship is present or in the absence of a variance, no other reasonable use can be made of the property. The other one is financial hardship is not deciding economic loss or financial hardship does not justify a variance. These are from the books that we have to go by. Quite often we think we have unlimited powers that we don't have. I wanted to bring these things up so everybody understands what is going on here. I made 2 trips out there to look at your property, not that I engineer but I can see one thing. This is a very limited piece of property that you have here. Even if the board okayed this particular site, how long is it going to be before you are going to have to do something else? Now some of these things are taken care of off site right now with your trucks. That doesn't necessarily have to be on site for repairing your trucks, does it? Some of the storage could be off-site. I realize this is limited and the other point is if you have a forty foot setback and when you take over half of it, it almost makes a farce of the setback. If you have to have 25 feet out of a 45 foot setback, you wonder why there was ever a setback. You get to the point where you wonder if you are changing the rules and regulations. If a 40 foot setback was called for in the first place and you can't even meet half of that, it is getting to be rather difficult. I understand where you are coming from too, but the longer you look at this and look at the 125 foot setback you have from these fuel tanks, how long is it going to be before you look for a different location?

(SF) I can't give you an answer on that because I think 911 did a lot of changes right there. If that were to happen again, I think you and I would see a lot of changes in everything.

(EH) That is where I am coming from. This may be just my way of thinking, but I can not see anything different than what we discussed at the last meeting.

(LW) This meeting is not to discuss whether we are going to allow a variance because we have already decided that we would not. This is a meeting to see if there has been any over site or any new information that might allow us to re-open a hearing for the variance.

(KP) I think there is with the inability to build a building on the north side of the property due to the power line. I think that was unknown at the last meeting. When we looked at it we thought there was potential to put a building on that side. Obviously they have done some research and found out with a 20 foot clearance from the power pole and that is not a workable site any longer.

(SF) We know it is not.

(EH) I didn't think he was even considering that location. If you read the minutes I don't even think he was considering that.

(KP) Of course we were dealing with the variance request. The only other place to put the building on the property would have been on the north side and now that is no longer an option because of the power line.

(EH) That must be a new one, because a power pole today is only about 5 to 6 feet away from the building.

(SF) That is correct. I think it is within 10 feet.

(AL) Is there anyway possible that this building could be smaller in width? Say asking for a 25 foot variance and we could get it down to 10 feet.

(SF) I guess it could be possible.

(AL) We are setting a precedence when we go that far out. We all like Lakes Gas. We like businesses and we want them in Pierce County.

(EH) If you go with a smaller building you will have to move into another location and do building repairs and maintenance, right?

(SF) That is Correct.

(EH) That will require you to have the office in one and that would require you to hire extra personnel.

(SF) Yes. As far as the design of that building, with Lakes Gas Company with multi locations that we have, that has been a very standard modified layout of not only a new office but also a one stall shop basically. We have had other area to where we have tried to down size as much as possible. I have already put that into this as far as the size of the building. The only other option I have is to pull the shop out.

(KP) If you take a truck off site for service, does that truck have to be secured behind the fence, not just sitting in somebody's lot?

(SF) Not only does the truck have to be secured, we are not allowed to have any volume in the truck at all. If it is kept overnight inside of a building, we also have to bleed vapor and everything out of that vehicle. It can be kept on site with the barrel bled down with zero volume and vapor in the tank.

(KP) If you could take it over to some garage somewhere to have it worked on, it can not sit in their yard if there is fuel in the tank. Is that correct?

(SF) That is correct. Even if it is empty with the security now it would have to be in a fenced locked area to. I can provide documentation of that also.

(CH) One thing I think we have to realize is, before you didn't have to be so strict on your inspections or your installing tanks and the way you were preparing them, right?

(SF) How far back are we going?

(CH) The reason I asked this question is, my son is on the Board of Directors of the Petroleum Coop. They now are doing more inspecting now then they ever did because it is required by law. If you have to have 2 buildings and meet all these specifications you are going to have to have extra personnel.

(SF) Your National Fuel Code is re-wrote every 3 years, so it could be changed every 3 years and that is what we have to abide by.

(LW) I would like to ask the board if they feel that sufficient new evidence has come forth to warrant re-opening, other wise close this request.

(EH) I will go back again to the minutes of the last meeting and this is where I had suggested on moving the building out and putting the other one in. This is where Gaye Christensen stated, if we were to increase the size of the building that is currently there, that would be obstructing the driveway and create a hazard to get any kind of a product into the plant, which says to me that he did not even consider that location. That was his comments. This is the record of the last meeting. I don't think he even considered going into that location, so I don't feel that the power pole would be an issue there..

(LW) Based on the information that Jim has regarding tank setback, that older building would have to be considered a legal nonconforming structure. There is no way that we could increase the foot print of the building given a set back from the existing tanks, so that is not a buildable area.

(SF) I understand that you have this on 125 feet that they go from that. I do have out of the NFPA Code 58, Chapter 6 talking about the setbacks and it is saying both tanks are holding 30,000 to 60,000 gallons require a 75 foot setback. Over 60,000 must be 125 feet. We have (2) 30,000 gallon tanks there right now so that would be 60,000 gallons, so technically we would be under the 75 foot setback.

(LW) I think Jim has some information pertaining to the fire code.

(JK) I talked to John Anderson. He is the fire inspector for the State of Wisconsin. He told me that the 2 tanks were cumulative so we will go with the higher setback.

(SF) Accumulative, they would be 60,000. It does say that over 60,000 would require 125 feet.

(JK) I do have a map that shows 75 feet on here too. We can pass this around. That would make the existing building legal.

(LW) The new request is for outside of that area anyways. That would only be if the old footprint were to be used. Jim, does the staff wish to have any report or comment prior to the board making any decision.

(JK) Yes. I have a couple points. After the board denied the variance request, Lakes Gas considered appealing the decision of the board to Circuit Court but realized that those decisions are based on your procedural technique and as long as your procedure is followed that would be kind of a mute point. I think that is why they returned here to try to present some new information. At the last meeting, I was trying to come up with administrative codes on the setback, but I don't have the new NFPA codes, so I couldn't come up with the numbers. In the meantime I was working on that and that is why I gave you that map. I checked with Don Johnson who is the former chairperson from Trenton. I was trying to get a little historical perspective on this development and he said this site had been developed by 2 prior to Lakes Gas owning it. He estimated it has been there for over 50 years. He said at that point they used to download propane right from the railroad into the tanks. That is why the tanks are so close to the railroad property. John indicated that is not the proper location for those tanks the way those trains come through there. Don said that the facility has been sold several times since it was originally permitted. John asked me if I could locate the red stamped state approved plans for this and I am sure this was developed before zoning was even imagined. It is probably sitting with somebody who originally bought this place if they even did state approval. Another option for these folks, if we don't bring it back here for a variance is to just reconfigure the site, to move the tanks around and reconsider where their offices would be. I am always looking for options for the individuals to try and figure out what they can do and if that doesn't work to reconfigure this spot and find another industrial property where they could purchase and develop their site and have more room because the area on this property is very limited. With that 40 foot residential setback that is somewhat unique. It is a definite setback standard that we have in the zoning code so it impacts this property. They would have to convince you that they had a significant amount of new material that would show that you might reconsider it and if you are comfortable with that. You have to identify new material and that you would actually consider reconsidering that variance. I guess if you don't have it you should give these guys a straight answer. We may not feel it is adequate to reconsider the variance or if you think something new is substantial. I think on Lakes Gas part if you look at those setbacks and if we are going to look at those 75 foot tank setbacks we are going to have more options with the existing building. We could maybe reconfigure and consider that as far as a variance application if they came back, knowing what the minutes said from the last meeting and looking on how these folks decided on their variance because like Ed said, they have to meet some standards when we do approve a variance. Those standards have to be addressed by this committee when they do the finding, facts and conclusions. If they are not met, the group will not approve the variance, so you need to give that some consideration when submitting another application.

(LW) Does the board have any discussion?

(AL) Steve, has Lakes Gas ever considered moving from the property there? Has anything been in your plan or any properties looked at to see if there is commercial property in the area?

(SF) To my knowledge it has not been discussed yet.

(GC) Do you service Minnesota?

(SF) Yes, we do.

((KP) Jim, If they were going to add on to the existing building or modifying it since it sits on the property line, what kind of restrictions is it going to have in terms of setback?

(JK) In the industrial area the setback to property lines where there is a railroad is 0. We have modified that several years ago in our code. Some buildings need to be adjacent to railroad terminals and spurs for loading and unloading. I think if you were to come back with a variance and do anything we certainly would want to get the NFPA setback. I can't access that because it would cost over \$300.00 to access that code. I was just relying on what I was told by the state coordinator, so that is something that should really be cleared up if you reconsider something here.

(EH) This letter from Xcel Energy states the clearance needed from the new power pole be 20 feet from the new building. We would need to install a new power pole on your property or road right of way. Is there an option? They said they could install it on your property or the road right of way. Technically, I would stop here because we would have to be deciding if there is new information and I don't think there is.

(KP) North of your property, is it all railroad Right of Way?

(SF) Yes it is.

(LW) If there is a plan in the future, where there is a change in the plan, that could come back to us after that 6 month period unless we feel there has been change that is significant to allow us to reopen this hearing. I guess I would like to have a motion from the board regarding whether we should take action on this request or deny it.

(EH) My feeling is that all of the things we have were here before. Outside of the 20 foot pole setback, there really isn't any new information and I would make a move that there is not really new information presented.

(LW) Ed has made a motion to deny the request due to not enough significant information presented. The motion was seconded by Arby Linder. Is there any discussion?

(KP) I disagree. I think there is limitations on the property that we weren't aware of last time.

(LW) We knew the pole was there.

(KP) It sits right next to the building on the plan here.

(LW) Based on the request, that was a non issue because that 20 feet doesn't interfere with the building that they were requesting does it?

(KP) It limits any options they have in terms of building.

(EH) That is true, but they didn't even consider that.

(KP) They contacted Excel Energy about clearances, so obviously they were looking at something around the existing building.

(SF) I just feel when we come out of that request and it was denied at that time, we had to look at any options we had available, which took in the research of this part that we did on that.

(EH) They considered that I said north and west of the building and I did not say that.

(LW) The request that would still be implied here is that they need 25 feet of relief. Is there any other discussion? There is a motion on the floor that has been made and seconded. All those in favor signify by saying aye: Ed Hanson, & Arby Linder. Opposed: Corliss Hendrickson and Kenneth Peterson. So I am going to be the tie breaker here and I am going to side with Ed Hanson and say that not enough information has been brought forward to change this request, so the request is denied.

(SF) How do I find out what other options I have available at this time?

(LW) I am sure Jim Kleinhans would be more than happy to work with you to look at any possible alternatives.

(JK) Anytime I make a decision and the people don't like it, they can always appeal it to these folks. Your decision for the decision of this board can go to Circuit Court.

(AL) I think he is looking for suggestions of how to get the building in down there and get it approved.

(SF) Well, if we have any options. I would like to try and take some other options to our board and that is the first thing that is going to be asked.

(JK) One thing I mentioned earlier is reconfiguring the site. Doing some make over on it. I know you have some big things down there to move around. You have a permitted sewer system now but that is something you might want to consider by going to the board and saying well, what if we do this can we get that building in somewhere? I know you need the security there to keep people from going back in there, we haven't addressed reconfiguring the site.

(SF) Will I be coming to you then Jim? I guess the concern I have then is where would be the storage tanks? We definitely have to have some restrictions as far as to where even they could be removed and I would like to explore them.

(JK) I think from that point we would have to look at where we are in relation to the residential properties, because the way John Anderson indicated they need to be setback from important structures where people are using buildings.

(SF) Which is 40 feet correct?

(JK) No. That is the setback to the property line. He told me cumulative would be 125 feet. If you are saying that is over 60,000 gallons, there is an interpretation.

(LW) I would definitely find out the correct tank setback.

(JK) Then we would have to strike a mark around there to see where those adjacent homes are around those tanks and see what kind of latitude you have for relocating those. If you guys really want to use this site, you should start thinking about some other options. Otherwise you could wait 6 months and come back again with some other ideas for this board.

(CH) Can he explore the possibility of maintaining some more property?

(JK) Do you mean buying more property?

(CH) Yes.

(JK) Everything is adjacent to the residential to the south and that is developed .

(CH) If it is residential there, is it occupied? Are them lots that big? Would these other people want to sell some?

(JK) Then they would have to be rezoned as well. We would have to go through a rezone process and that could take 4 months. That is another consideration Corliss.

(CH) If they have to buy some property and you start moving that sstuff, imagine what that would cost.

(JK) Just to buy more property is going to be expensive.

(CH) Buying property is cheaper than moving all that stuff because you would have to buy property to move on. You have to take into consideration not as part of the picture, but the whole picture.

(SF) Also I am curious about this roadway going to the residentials that we do own the property over. That to me is going to be a conflict.

(JK) It seems like most of that is in your setback from the road anyway. I colored that in brown on the diagram. Some of it influences your property by the fence, if that survey is completely accurate

(AL) The main thing is to work it down where you are not asking for such a large setback. If we set a preference, I feel that 25 feet, the more we are going to have somebody else in with 25 feet and that is a large setback.

(LW) Is there any potential for the north side where the old main building is for expansion. If we are determining that potentially there is only a 75 foot setback from those tanks, couldn't that go off into the right, which would be off to the east and to the south some and obviously you would have to move your lane of traffic further to the south into the blue shaded area. On the north side of that lot isn't there some potential for some development there? They talk about 20 feet on that power pole. That pole could be relocated some place else on the lot, couldn't it?

(SF) That pole won't be moved at all because that pole is supplying the Burlington Northern Railroad. They won't move the pole at all. We could add another power pole.

(LW) Then that wouldn't help you at all, because if there is a 20 foot setback then you are just adding more issues. Then we get back to those issues of hardship and things like that.

(SF) Now we are driving over the sewer and then we are going to have problems with that.

(CH) If you can officially operate or you can't officially operate, isn't that a hardship?

(LW) They can officially operate. They have been operating there for 50 years.

(CH) Not with all the new codes coming up.

(LW) I don't think it is the code that is causing this problem, it is the fact that they want to build a new building.

(SF) Part of that is code. Our building is not within code and that is what has endured us to a new building.

(LW) To increase the size of the building to meet code to go into the setback to require a variance of 25 feet out of 40, you are doing one right and one wrong. It is basically making a statement about needing a bigger facility.

(EH) The whole thing comes down to , it is less than an acre that is there (.89 acres).

Motion to adjourn by Arby Linder and seconded by Ed Hanson at 7:53 p.m.

APPROVED BY:

Lee Wright, Chairman

Date

**MINUTES – Pierce County Board of Adjustment Meeting
November 13, 2008**

Members Present: Lee Wright, Ed Hanson, Arby Linder, Kenneth Peterson, Greg Kerr & Barry Barringer.

Others Present: Jim Kleinhans, Carol Denninger, & Mary Ann Thompson.

Vice Chairperson, Lee Wright, called the Board of Adjustment meeting to order at 7:00p.m. in the Pierce County Boardroom, Ellsworth, Wisconsin.

Approve Minutes: **Arby Linder** made the motion to approve the minutes of Aug. 14, 2008 as written and Ken Peterson second the motion. All approved. Motion carried.

Next meeting dates: December 11th, January 22nd, and February 19th.

Jamie Feuerhelm was present and had Greg Kerr and Barry Barringer sign a letter of oath.

(LW) Lee Wright - Being that we had some changes in the Board of Adjustment , we need to discuss and take action on the election of new officers. We have to elect a chairman and a vice chairman. I think it is only fair that we nominate at least 2 people for each position. We will start with the chairman. Would anyone like to make a motion to appoint a chairman?

(KP) Ken Peterson - I will nominate Lee.

(AL) Arby Linder - I will second the nomination.

(LW) Lee Wright – It would not be appropriate to have an alternate serve as an officer, right?

(JK) Jim Kleinhans - That is correct. We want to work with regular board members.

(LW) Any other nominations for chairman?

(GK) Greg Kerr - Do we have to have 2 people?

(LW) I think we should have 2. To have this as an actual vote, you can't do it with just one, that would be like railroading somebody. Are there any other nominations?

(GK) I will decrease nominations and cast a unanimous ballot for Lee Wright.

(LW) Is there a second to that?

(AL) I will second the motion.

(LW) All those in favor of the motion signify by saying aye. All approved, motion carried. I guess I will be the chairman and then we need to have nominations for the vice chairman. Nominations are now open.

(KP) I nominate Arby Linder.

(GK) I second the nomination.

(LW) Are there any other nominations?

(AL) I will nominate Ed Hanson.

(LW) Anybody wish to move nominations be closed?

(AL) I move that the nominations be closed.

(GK) I will second the nomination.

(LW) We are going to have a hand vote. This does not have to be done by ballots, so all those in favor of Arby raise their right hand. All those in favor of Ed raise their right hand. Three votes for Arby and 1 vote for Ed. Arby is the new vice chairman.

(LW) We are here this evening to discuss and take action for a conditional use permit for a mechanical lift in the St. Croix Riverway on property owned by Arlo & Mary Ann Thompson described as lot 53, located in the SE ¼ of the SW ¼ of Section 34, T27N, R20W, Town of Clifton (6491 1323rd St., Prescott, WI.), Pierce County WI, Are the people here this evening that are representing the people who wish to have this lift.?

(MAT) Mary Ann Thompson – I don't know where she is.

(LW) Is she the representative?

(MAT) She and her husband own the business, the Hill Hiker. I don't know how much I can answer in terms of the technical stuff. They did make a lift on the river at Clifton Highlands on one of the golf courses there, along the river.

(LW) I think basically for every conditional use required, we need to have someone to at least represent those that are petitioning this request.

(JK) Mary Ann is the property owner, so she can vouch for herself. She has been here in 2006 for a stairway.

(LW) Before we get into discussion of this request, I need to give a little background as to the authority and rule of the Board of Adjustment. The Pierce County Board of Adjustment is an

appellate board required by state law and any municipality that has adopted a county ordinance. The board does not have the authority to amend or repeal provisions of the zoning ordinance. It's authority is limited to appeals regarding the interpretations of the ordinance provisions, considerations of variances and considerations of conditional use permits. The board functions like the court. Its purpose is to give a full and fair hearing to any person whose property interests are affected by these matters. Its job is to apply the zoning ordinance appropriately with standard to the facts of each case. Board meetings and public hearing are open to the public. A tape recording is being made of these proceedings. A decision of the board may be appealed by commencing an action in circuit court for this county within 30 days after the date of the filing of the decision in the office of the board. The applicant shall not commence with construction until all the permits have been issued and if there are any discrepancies that they are cleared up in advance. Since there is a recording of tonight's hearing anybody who is going to give us testimony needs to state their name and address. I ask that nobody interrupt anyone who has the floor because everybody will be given adequate time to state their case. Jim, has there been a notification of tonight's public hearing published in the official county newspaper?

(JK) Yes. It was published October 19th and November 5th.

(JK) Jim read the public hearing.

(LW) Mary Ann, would you care to step forward and I will swear you in. For the record could you state your name and address.

(MAT) My name is Mary Ann Thompson, N6491 1323rd St., Prescott, WI. 54021.

(LW) Could you raise your right hand? Do you promise to tell the truth and nothing but the truth under penalty of perjury?

(MAT) I do. We originally applied for a stairway permit because it is a very very steep long incline down to the river from our home and that was approved. We also applied for a dock and that was also approved, completed and installed. Upon more reflection of living there longer, we realized that one hundred steps or more might not be such a great option for us as well as families with babies or older folks. We contacted Hill Hiker and of course look at the NR118 and all the things that are necessary to look at. They are a very reputable company that works around the world and they do a really quality product and so I am here asking for the conditional use permit for the Hill Hiker to be put in. It is very unobtrusive and it is really great in terms of vegetation because it is all open and it won't be seen from the river. It is totally covered by trees because it goes down narrowly between the trees and it is going to be a very nice earth tone color similar to the brown of the signs on the desks. That is what we are trying to do.

(LW) Do any of the board members have any questions for Mary Ann?

(EH) Ed Hanson – you did put in the stairway did you?

(MAT) Not the stairway per say. We put in a portion of the stairway down by the river which accesses the dock. Above that is a common kind of path which the association uses and so anything we had couldn't cross that path so we have a little piece of stairway down by the river to get to the dock. Now we want to get access from our home down to the path. It will be far back from the path. It gets a little more level down at the bottom.

(EH) - The stairway shown on this diagram does not exist then?

(MAT) - I wonder if that was used as a reference as to where the location would be . These would be where the stairway was going to go, so no, there is no stairway there at all.

(GK) So you are not building the stairs.

(MAT) No.

(GK) So does that get taken off the permit application then.

(JK) The stairway permit expired because it was not constructed.

(LW) Correct me if I am wrong Jim, but the permit was good for 12 months.

(JK) Yes, that was for the permit.

(LW) That was like three years ago, so it had expired approximately 2 years ago.

(KP) I went out and looked at it and that is a pretty nasty slope there. To think of climbing it would be pretty difficult with stairway.

(GK) So everything is going to get painted?

(MAT) Yes. It is going to be earth tone and we picked a color that really blends in with the landscape.

(GK) Does the concrete have to be painted?

(JK) NO.

(LW) Concrete probably is below grade. Does that go into the soil?

(JK) That would be slightly above grade.

(EH) Some of them, aren't they just steel posts driven into that concrete?

(GK) Does that have to be part of the paint scheme or not? Does it have to be stained?

(LW) I don't recall in the past that, that has been brought up. I am not saying that that is not valid to bring it up. I have approved a number of lifts and normally most of them do not go across any gullies, so they are pretty much flush with the ground and it hasn't been much of an issue in the past of them sticking out. Now maybe not knowing where the soil is here it is possible it would stick up some, but that can be a condition if need be.

(EH) Maybe you can look at this distance between here and here on the diagram and at some time there was some concerns here as to who owned land. Has that been straighten out?

(LW) I think that is common property down there.

(GK) This outline here show the property line is that correct?

(JK) Yes.

(LW) It looks as if the lift goes just below the common property.

(JK) The Housing Association proposes some conditions that are in the staff report. Mrs. Thompson went to them first and recommend that that be part of the condition as well and that is on page 3 of the staff report.

(MAT) It is just sort of a common practice out there that other people have stairways and I think there is a lift that works out there. They all extend just a hair down below the common property. It is really dense vegetation. It isn't property that anybody uses, but the little path is much further down from where the lift would stop anyway.

(LW) Does anyone else have any questions?

(GK) On page 3 it is for the stairway, not for the lift. Is that the way I read that?

(JK) Yes. That was the condition from the last time she was here.

(GK) That was for the stairway, but not for the lift.

(JK) Yes.

(GK) Do they have anything for a lift?

(JK) We are in a similar location.

(LW) Any other questions from the board? Jim could we ask you for a staff report and we will see if there are any other questions.

(JK) Mrs. Thompson purchased this property back in 2006 from the original developers of the property. She is requesting access to get to the river and the dock. On the first page of the report, I listed the requirements under the Riverway code. On the second page it shows that the design was approved by an engineer, W. T. McCalla. The design was approved some years ago but the lift design has not changed since that original engineering approval. The landing platform for the lift is within the vegetated tree line, above the ordinary high-water mark and about 40 feet from that common trail. So during summer vegetative conditions, you won't be able to see it from the river. It is highly unlikely you would see much of anything from that path as well because the vegetation is pretty dense down on the lower end of the property. The Lift components will be painted dark brown according to Bill MacLachlan, owner of Hill Hiker. The Town of Clifton recommended approval of this installation without any specific concerns. This board approved a previous stairway request on May 18, 2006 with 8 conditions. Some of those were recommended by the Cedar St. Croix Landowners Association and I included those with this submittal because they are a very similar location and I thought they were both applicable. I talked to the Department of Natural Resources about this issue and I know the dock had been permitted. I gave a copy of the staff report to the Department of Natural Resources Shore land Staff and I have not heard any negative comments regarding what was being proposed for conditions. So I would

recommend that the Board of Adjustment approve this lift application with the following conditions.

1. The lift shall be established within 12 months of approval
2. The Land Management Department shall be contacted during installation of the lift to verify compliance with the plans as approved. Any planned deviation from the approved plan shall be reviewed by the Zoning Administrator.
3. The applicant must check with the Town of Clifton to determine if building permits are required.

I was out onsite with the building inspector for Clifton today on another proposed lift and he said he would not be inspecting the lift and he would not issue a permit. So I think we can strike condition number 3 because he said he would not issue a permit for a lift.

4. A land use permit must be obtained for the lift construction and that would be from our office.
5. The applicant shall follow the Cedar St. Croix Landowners Association Inc. concerns 1-4 regarding the proposed lift.

(LW) Jim just a point of clarification here on condition # 3, the Town of Clifton will not be issuing a permit because there is no permit required.

(JK) They will not be issuing a building permit and I was not sure of that until this afternoon. They typically look at Uniform Dwelling Codes standards so they will not address this issue.

(LW) After hearing Jim's staff report, are there any other questions?

(GK) So the DNR approval was just for the dock?

(JK) They just approve things that are below the ordinary high water mark of the river. They used to have veto authority prior to amending our code 2 years ago. It is more of the towns who have the veto authority at this point and the town has approved it. As a courtesy I still share the report with DNR staff, so if I miss something that should be included, I ask them to review it. We also send a Findings, Facts, and Conclusion from the decision of this meeting to the Dept. of Natural Resources as part of the record and we will do that after we get this figured out. I think as long as we follow our St. Croix Riverway Ordinance, the DNR is not going to appeal anything that we do here. It is just a matter of following our code and I always make sure that I include that in the staff report whatever we are dealing with.

(LW) Are there any other questions?

(KP) I move to approve the Conditional Use Permit.

(LW) Okay. A motion has been made by Ken Peterson to approve the Conditional Use Permit with the recommendations that are listed on page 3 of the staff report. The motion was seconded by Arby Linder. Is there any discussion? All approved. Motion carried.

(AL) Excuse me Lee. Is this gentleman here to speak?

(LW) Is there anyone else that has any comments this evening?

(BB) Barry Barringer – No.

(GK) Question on the concrete. We are suppose to be blending in with the environment. Can you see the other lift concrete pillars under the lift and has there ever been a concern from the DNR?

(JK) No there has not. Typically that concrete is not going to extend above the ground.

(GK) I am just checking. We have to make sure that we are following our code and also that everything be earth tone.

(JK) It says here that all visible parts of the lift be painted earth tone or non reflective colors.

(GK) I asked, just to make sure we don't get into trouble. It is the scenic river thing that we have to watch out for.

(LW) It sounds like there is plenty of ground cover so this will not be that visible. Concrete is kind of an earth tone, but I know what your concern is. If you wish we can make this a condition,

(GK) I will agree with this for this time. I really think this should be something to consider in the future.

(LW) We could go for an amended motion here if this is an issue.

(GK) I will leave it for now until I get out and look at the other ones that are out there. I think it is something that needs to be looked at by the staff on other lifts that are out there to see how visible the concrete is. I know they put them right next to the ground, but they are sticking up a couple of feet.

(JK) There will be a series of either stakes in the ground that will be hammer drilled into the rock or else where they find soil they will put these concrete footings for holding the pipes. It won't be the entire length of the lift, it will just be in areas where they encounter soil. If you are coming down those bluffs, you will see a lot of rocks that I am assuming they are going to hit. The terrain is pretty favorable as you can see it is a pretty steady slope going down there. It should be a fairly good location and easy installation.

(LW) I know there is always the exception, but the lifts that I have seen hugged the ground pretty close.

(JK) You don't want to get them too high otherwise they get a little unstable.

(LW) There has been a motion and all those if favor, signify by saying aye. The motion passes unanimously. That is everything for the public hearing. Are there any other agenda items that need to be discussed?

(JK) No, not until we get another application. The site I was at today had a rock out crop that they are going to have to cross. Hill Hiker can make it so that the track will bend, but the cart has to level as it goes down there. They are considering whether to do that or not.

(LW) I can see in a case like that where there would have to be some pillared type support somewhere along the line.

(JK) Yes, because they would be off the ground probably 5 to 8 feet. I don't know if any of you folks have ever ridden a lift, but when you are up there a ways it is kind of odd. So they are working on a design for that one.

(LW) If there is nothing else I would entertain a motion to adjourn.

Motion to adjourn by Greg Kerr and seconded by Arby Linder at 7:30 p.m. All in favor.
Motion carried.