

**Minutes**  
**DCTA Membership Meeting**  
**February 15, 2012 – 7:00pm**  
Windsor Town Hall  
4084 Mueller Road, DeForest, WI 53532

**Executive Board present:** Jerry Derr, Bob Lee, Ted Olson, Steve Schulz, Tim Roehl, Jim Pulvermacher.

**Absent:** Pat Downing.

Meeting called to order by President Derr at 7:10 PM.

**Introduction of Guests**

President Derr thanked Windsor Chair Bob Wipperfurth for hosting the meeting and recognized Representative Keith Ripp, Representative Kelda Helen Roys and Dane County Supervisor Patrick Miles.

**Mineral Extraction: the Growing Market for Frac Sand in Dane County**

Dan Everson, Dane County Planning and Development, discussed the frac sand mining process and operations in northern Wisconsin. He distributed the following handouts:

- Planning and Zoning for “Frac Sand” Mining, Center for Land Use Education, UW Stevens Point, February 2012.
- Mineral Extraction Operations, Dane County Planning and Development Document, 2011.
- Standard Conditions of Approval for Mineral Extraction Operations, Dane County Planning and Development Document, February 2012.

(Note: all documents are posted on [www.danecotowns.net](http://www.danecotowns.net), click on “resources” then “mining”)

Dan noted the difference between siting a new location that would require town/county Conditional Use Permit (CUP) approval versus renewed operations at a “grandfathered” nonconforming site that would not require a CUP.

Steve Schulz, Chair of Medina and professional geologist, stated that he did a lot of work in Wisconsin in the 1980’s, the frac sand is located beneath too many rock deposits to be economically viable in this area.

Renée Lauber read from an email she received from Berry Town Chair, Tony Varda, stating Berry is moving forward to put more detail into its Comprehensive Plan as to mining and will be voting on it on Monday. Renée will send the language to all the towns and post it on the website. The language is virtually identical to the Town of Cooks Valley ordinance recently upheld by the Wisconsin Supreme Court.

Renée noted that for most CUP sites if they are not used for a year, the CUP use is terminated. Section 10.21 (1)(d) of the county zoning code, includes an exclusion for nonconforming mineral extraction sites so that the use is not terminated if the site is not used for a year or more.

## **DCTA Reports**

### **- DaneCom**

Mark Hazelbaker passed out an amendment to the DaneCom Agreement. The amendment removes the last sentence in section 3, (the sentence stated the Agreement has to be signed by December 2011) of the Agreement. No other terms of the Agreement are changed. Mark noted that Dane County is not requiring this amendment but the DCTA thinks the amendment will help to avoid future issues.

John Brixy, expressed concerns that it will cost an additional \$900,000 for tower construction and that the expense will be charged to towns. Mark Hazelbaker explained that the DaneCom agreement is for operations and maintenance not capital expenditures. In addition, there is an \$825,000 cap on operations and maintenance expenses. Mark will look into the additional capital expense.

### **- Chapter 10 Task Force**

Pat Downing, Chair of the Task Force, could not make the meeting and asked Renée to give the report. The Task Force is considering cell tower regulations. They are breaking the topic into three sections: Application requirements, siting/design/aesthetics, and co-location. Each section, when ready, will be sent to towns for review and comment. The Task Force will also be talking about the state requirements for Farmland Preservation Planning. The subcommittee working on updating the Farmland Preservation Plan is nearing completion. The next step will be educating towns on the proposed Plan and also updating the A1-Ex, A-4 and A-B ordinances.

Several town residents approached the Task Force asking for an OA to allow the keeping of chickens in residential areas. The Task Force decided to keep working on its current task list and Task Force member Patrick Miles offered to work with the residents on chicken OA. A lengthy conversation on the health concerns, property rights, and a town's ability to use police powers to regulate the keeping of chickens ensued.

### **- Audit Committee**

Mark Hazelbaker's office has assumed the financial record keeping for the DCTA. A financial report will be ready at the Annual Meeting.

### **- CARPC**

Capital Area Regional Planning Commissioners Jeff Baylis and Sue Studz gave reports on plans to move the location of CARPC offices, the FUDA Process, and work on recommendations from the Policy and Criteria Advisory Group. The DCTA Executive Board will be meeting with County Executive Parisi on February 21<sup>st</sup> to discuss CARPC.

## **Other Business**

Kris Hampton asked if the DCTA had received an answer from the Department of Revenue on the levy limit/DaneCom issue. Mark Hazelbaker replied that he has not received an answer and will follow up with the Department.

Mark Hazelbaker distributed a table with statistics on Commuting from Surrounding Counties, 1990-2008. He discussed regionalism, Dane County growth policies that are perceived to have pushed people to reside outside Dane County. He would like to look at land use policy impacts and farmland preservation on a regional level.

Art Riese, WTA District #1 Director, noted that Wisconsin Towns Association District meetings are coming up. The closest meeting is in Deforest and this year the topic will focus on Board of Review training. Also on February 23<sup>rd</sup> at Sheraton Hotel in Madison the agricultural meeting will focus on dealing with big farms, big dairy and road issues.

### **Adjourn**

Motion: Kris Hampton/Lyle Updike: To adjourn (9:32 pm). Carried unanimously.