SPECIAL TOWN BOARD MEETING
Town Hall
September 25, 2019

Present: Town Chairman Bill Verbeten; Supervisors Jesse Juedes and Ron Diny; Attorney James Kalny; Zoning Admin. Rick Gerbers; and Donna Martzahl – Clerk.

Also present: Dean Lafleur & Joshua Steffeck – Robert E. Lee Engineering; Dan Nemke, Duane Toenges, BC Organics LLC.; Ed Byrne, Kyle Ives, Al Six, Tom German, Cyril Leick, Angie Pohlman, Travis Gilson, Brian Roebke, Mike Gerrits, House of Barretts, Ann Shibler, Ken Boylan, Jeff Rueden, John Brittnacher, Conrad Liebergen, Marty Adams, Linda Clemedtson, Brian Liebergen and Dave Wiese.

6:00 p.m. Meeting called to order by Chairman Bill Verbeten. Motion by Juedes and second by Diny to approve agenda. Motion carried.

Purpose of the meeting is to review, discussion and possible action on a request of B.C. Organics for a conditional use permit to construct a communal manure digester on Mill Road, Parcel W-382.

Verbeten turns discussion over to Attorney Kalny. First area is to review State of Wisconsin Section 19.59 (c) Ethics Code with the Board. Kalny explains possible ethics conflicts to the Board. Each Board member answers no to any ethics conflict.

Next area of discussion are issues raised by Linda Clemedtson in email entitled Anaerobic Digestion to Attorney Kalny of 9/24/2019. **Noxious/toxic odor issues:** Dan Nemke indicates flare on site is an emergency tool and will only be used in an emergency; and it is old manure that causes odors rather**.** Dean LaFleur indicates following a tour of similar digesters and with the technology proposed by BC Organics, any problems with odor and emissions will be minimal and can be properly addressed by technology. **Truck Traffic:** There will be an increase in manure digestion as substrates will be eliminated from processing. Some flexibility will need to be maintained in truck traffic.

Planning Commission Findings and Recommendation document from Planning Commission meeting of September 23, 2019, is reviewed by Attorney Kalny and the Board. Kalny outlines a couple changes to previous recommendations that arose at 9/23/19 meeting and outlines same for Board: **Substantial Evidence regarding Grant or Denial**
1) Page 6 #5 was added
2) Page 7 #4 was added
3) Page 12 amend Sec IV.1&2 to provide for a road maintenance agreement in conjunction with the plan so as to require inspection and actual repair of town roads used under the CUP.
4) Page 15 Sec VI.2 (g) add "without prior approval"
5) Page 15 Sec VII.2 – clarifying that the construction of the high capacity well, if necessary, will not be constructed until any required remediation has been accomplished.
6) Page 16 Sec IX.1 – clarify that PILOT shall be paid within 60 days of the notice of the mil rate.
7) Page 16 Sec IX.2 – reimbursement of administrative costs to the Town of up to $40,000 for CUP processing.
8) Page 17 added "A memorandum of the CUP may be filed with the Brown County Register of Deeds" indicating the Town of Wrightstown successor in interest due to incorporation has ability to maintain enforcement of CUP.
9) Page 9 – Sec I.1(c) to clarify the flexibility of the amount to be pumped to the site.
No other comments from Robert E. Lee or B.C. Organics representatives.

Jesse Juedes comments that this conditional use permit seemed to be on fast track but he feels all the issues were investigated and completely covered. Jesse comments that keeping the matter moving allowed the Board and the Planning Commission to keep the details fresh in their minds. That review of the Town of Holland records was beneficial; as well as information from the consultants of Robert E Lee was very beneficial. Juedes stated that the Board

members attending the Planning Commission meetings and hearing their comments as well as comments from the public when opened up by the Planning Commission at several meetings was good. There were also comments received from public at the Public Hearing on September 3 and various emails from residents raising different questions were also helpful to set forth concerns to be addressed. Juedes feels all information has been investigated and covered. Verbeten feels entire process went very well and commends Attorney Kalny, Robert E. Lee consultants, Planning Commission and public for their interest and concern in dealing with this conditional use permit request.

Motion by Ron Diny and second by Jesse Juedes to approve the request for the conditional use permit with amendments and additions as outlined tonight.
Roll Call Vote: Ron Diny – Yes; Jesse Juedes - Yes; William Verbeten – Yes
Unanimous vote - **Motion carried.**

6:55 p.m. Motion by Juedes and second by Diny to adjourn meeting. Motion carried.

Respectfully submitted,

Donna Martzahl
Town Clerk