

VILLAGE OF BROKAW

PLAN COMMISSION MEETING MINUTES

Place: Village of Brokaw Village Hall, 218 Second Street, Brokaw, WI

Date: Thursday March 8th, 2018

AGENDA

1. Call to order by Chair Weisenberger @ 7:00 p.m.
2. Pledge of Allegiance was recited.
3. Roll call: Present-Jeff Weisenberger, Brenda Weisenberger, Mary Baumann, Matt Deffner, Rochelle Frank, Jenny Glovinski. **Absent-Ann Ovel**
4. **Motion to approve minutes of the November 9th, 2017 Meeting/Deffner.** Second/Glovinski. Motion carried unanimously.
5. Chair Weisenberger called Plan Commission public hearing regarding Heartland CO-OP Conditional Use Permit (CUP) to order @ 7:06 p.m.
6. Heartland CO-OP CUP public hearing.:

Administrator Rusch explained that the purpose of the CUP approval was to bring the previous CUP that was approved for the previous Mill owner into compliance with the current Brokaw Municipal Code and to include language to eliminate the need for the Mill to ask for a Variance during the harvest season every year, as had been the practice in the past. He explained that everyone had a sample CUP in their packets for review. He mentioned that most of the components of the previous CUP are still in tact and only minor language adjustments were made to match the current code. The addition of a seasonal adjustment to normal operations was added as Item 5b which he read to everyone:

“Seasonal operations (October 1st through December 31st) are allowed under the following restrictions:

- *Materials can be received between 6:00 a.m. through 10:00 p.m.*
- *Roasting operation is limited to 6:00 a.m. through 10:00 p.m.*
- *Grain dryer, fans and supporting conveyors are allowed 24 hours per day, 7 days per week (24/7). The Owner will commit to running the facility 24/7 on an as needed basis only during this period. The Owner represents that the facility will not run 24/7 during the entire duration of seasonal operations.”*

Marilyn Gruenenwald (5600 N. 32nd Ave.) asked if there could be a restriction regarding operating during the holidays, specifically Thanksgiving and Christmas. Heartland Representative Justin Bloch admitted that they had to run this Thanksgiving but that their normal policy is to not run during the holidays. Heartland Representative Pat Coulliard explained that they do not like having to pay employees triple time to work during holidays and that this year was unusual. Moisture content required them to run on Thanksgiving this past year and that the season dictates how they must run to accept farmers material and to process it so that the facility remains safe. He stated that their policy is to not run during the holidays unless absolutely necessary.

John Ohrmundt (3800 Falcon Dr.) asked if there was any noise restriction in the CUP. Mr. Rusch explained that there is and read item 2 of the draft CUP:

“The Owner will limit noise emissions of regular plant operations, exclusive of other ambient sounds, to a level in compliance with the provisions of the Brokaw Municipal Code in effect on March 8th, 2018. Noise levels per code not to exceed 125 decibels at the source and/or 80 decibels at an occupied dwelling.”

Mr. Rusch explained that the decibel levels listed in this section matches the language in the existing Brokaw Municipal Code.

Mr. Coulliard presented the noise measurement information gathered from third party testing, as was required by the Variance granted for this past harvest season. The Grain bin average dBA was 48.7. The average measurement was 32.3 dBA 120 yards from the nearest residence. He handed out additional graphs showing test results. Mr. Rusch pointed out that the graph limits don't really show that the averages on the summary sheet are accurate. OSC member Andy Walters explained that averages on the summary sheet are for a 24 hr period and don't accurately reflect just peak operating times. Mr. Rusch explained to the audience that the graph results show the measured dBA range is consistently between 50 and 70 dBA at the residence.

Plan Commission Member Mary Bauman asked if it was the fans causing most of the noise, Mr. Bloch confirmed that was most likely the case. Mr. Ohrmundt asked if they could do something between the Corn bins and 32nd. He felt there could be something that should be done to make it look more *“neighborly friendly”*. He explained that he has acreage across 32nd that he would like to develop and that other businesses in the area keep up their yards better than the mill site. He thought that they should mow grass and plant shrubs along 32nd. Public Works Employee Clayton Lazcewski explained that since Heartland took ownership of the mill that the site is significantly better than what it had been under previous ownership. Mrs. Gruenenwald brought up that it was agreed to that the previous owners would build a berm and plant trees along 32nd. Mr. Rusch asked if there was any documentation established regarding that agreement because he had not seen anything in the Brokaw files. Board Member Adam Dykman confirmed that they had that discussion but that it was just a verbal agreement. Mr. Rusch commented that the Commission could add that to the CUP if they desired but that he didn't feel the Board should hold the current owner responsible for a verbal commitment from the previous owner. There was additional discussion regarding

enforcing any ordinance language for property upkeep. Plan Commission and Board member Matt Deffner commented that if we enforce ordinance language on the Heartland facility that Brokaw needs to follow through on enforcement opportunities on other business park operations. Some of which never have cut their grass. Mr. Coulliard explained that currently they do cut their grass a few times a year.

Bonnie Lemke (5715 N. 32nd Ave.) commented that in the past they had issues with “Bees Wings” but that she only noticed it once this season, she was appreciative of Heartlands’ efforts to control that. She asked if there was an emergency contact number that we could have in case neighbors noticed something that should be reported. Mr. Bloch gave Mr. Rusch the site number to include in the CUP.

Mr. Deffner asked if they knew which operation (dryer or roaster) made the most noise. Mr. Coulliard and Mr. Bloch thought it was the drying operation. Gary Mroczenki (2911 Flagstone Ln.) felt that the vibration he felt in previous years was much better this past season and asked what had changed. Mr. Rusch explained that the previous manager had run all equipment at the same time and it had been discussed that the cumulative effect of running everything was most likely the reason. The new restrictions outlined in the approved variance apparently had an impact.

Board member Dan Manowski asked what they were running yesterday because the noise was louder than it had been. Mr. Coulliard asked if the same noise existed today, Mr. Manowski said today was better. Mr. Coulliard explained that they are running the exact same equipment today than yesterday. Chair Weisenberger commented that clouds could affect how the noise transmits. Discussion regarding how wind, humidity and barometric pressure can all effect how sound is transmitted.

Chair Weisenberger asked 3 times if there were any additional comments from the audience. None were presented.

7. **Motion to adjourn Heartland CO-OP CUP public hearing @ 7:43 pm**/Brenda Weisenberger. Second/Baumann. Motion carried unanimously.

8. Items requiring Plan Commission approval:

- A. Discussion and possible action regarding the Heartland CO-OP CUP: Chair Weisenberger asked for any additional comments from Plan Commission Members.

Mr. Deffner commented that if Mr. Manowski and Mroczenki were comfortable with the terms discussed that he would support the CUP language.

Mr. Manowski asked to have the comments that were requested to added to the CUP. Mr. Rusch explained that the ones specifically being directed to be added were to add an emergency contact number and include Municipal Code requirements for property up keep.

Chair Weisenberger asked if they had scrubbers on their stacks. Mr. Coulliard said no. Chair Weisenberger asked if they would assess either adding scrubbers to the stacks or

increasing their height to help control the smell of the operation. Mr. Coulliard said they could look into it.

OSC Chair Betty Hoenisch asked if Heartland had given any thought to moving the facility if we assisted in getting grant funding to do so. She asked how much they thought it may cost. Mr. Coulliard said that it would be very expensive, most likely multi millions of dollars. Ms. Hoenisch explained that the best scenario for the future of the area would be to not have the facility located next to a residential area. Mr. Coulliard said that they would consider it depending on the assistance they could get from the municipality.

Chair Hoenisch suggested adding language to re-assess the operation on a yearly basis to keep the communication lines open and address issues if they arise. Mr. Rusch explained that it would not be a public hearing to re-issue the CUP but rather a component to keep the interested parties engaged in positive dialogue. He also explained that there is a component of the CUP that allows opening up discussion at any time, by either party, if issues arise. Neither party would not have to wait for the yearly update to open a dialogue.

Motion to approve the draft CBA as submitted with the following additions:

- **Add emergency contact number for the facility.**
- **Include Municipal Code requirements for property maintenance.**
- **Add requirement for Heartland Coop to update the Village on operations each year at the February Board of Trustees meeting.**

Motion/Deffner. Second/Glovinski. Motion carried unanimously.

9. **Motion to Adjourn @ 7:58 pm/Glovinski. Second/Frank. Motion carried unanimously.**