

Maiden Rock Town Operating Ordinance Committee Meeting Minutes for September 4, 2024

The Operating Ordinance Study Committee for the Town of Maiden Rock met on Wednesday, September 4, 2024 at the Town Hall. Present were: Maryanne Wise, Judy Krohn, Bruce Thomes, Terry Timm, Kathy Arndt, and—via speaker phone—Lisa Doerr (protectyourtown.org). Not present were John Danneker and Cindy Nelson

Maryanne called the meeting to order at 6:47; the pledge of allegiance was recited. Bruce properly posted the meeting notice. Motion to approve the August 19th minutes was made by Terry, seconded by Bruce. All voted aye.

Our first topic of discussion was to review the “findings” portion of our study. There are still a few facts that need to be confirmed/added & Lisa is consulting with Terry on the fire/emergency information, and with John on the well testing & flooding issues. According to the preparer of the maps, the Township boundaries are correctly illustrated and any discrepancy observed is accounted for by the curvature of the earth.

Road Ordinance Update: the recently adopted Road Ordinance has been published in local papers and at the Town Hall bulletin board. Copies have been shared with representatives of other townships that may be interested in adopting similar ordinances.

An outreach letter to the 11 landowners in the Town that have fields listed in the Ridge Breeze Nutrient Management Plan (NMP) is in the works. A couple of drafts of the letter have been prepared and John will be reviewing the letter with Atty. Robert Loberg. After the letter is sent, there may be a followup phone call to those landowners, and a draft script for that call is also being reviewed.

The next discussion was to review the Eureka Township Ordinance, Sections 1-18, with Lisa. Lisa updated us on the legal action against Eureka Township that questions the authority of the Town to have such an ordinance, the rationale being the Siting Law (93.90). Lisa stressed that the Town does have this authority, granted by the State under “Village Powers”.

Under Section 3—we need to determine what constitutes a CAFO for purposes of granting a permit in our Town. In WI, a CAFO is defined as housing more than 1,000 animal units (equivalent of 700 dairy cows 1,000 beef cows or 2,500 hogs) (Section 3a.) While we may not have an actual CAFO facility in our Town right now, we can regulate such facilities if they use Township land to manage waste (Section 3b.)

Section 4—requires identified CAFO’s to apply for a license from the town. We need to determine if the Benitz farm is considered to be a CAFO. This section also provides for a “grandfathering” of existing operations, unless they expand their AU numbers greater than 1000, or house a different livestock species.

Section 5 & 6 are “boiler plate language” for administration of the ordinance

Section 7—requires a CAFO owner to apply for a permit and pay an application fee (TBD—\$1 per AU) to pay for the administration of the permit. It is not illegal for a Town to request payment to cover the cost of administering a permit (Wisconsin Towns Association)

Section 8—is the “Heart and Soul” of the Ordinance—providing for Waste Management Plans approved by independent engineering firm, Animal Population Control & Depopulation Plans, Biosecurity and Animal Health plans, Animal Transportation Plans, Water Use Plans, Odor & Toxic Air Pollution Prevention, Community Economic, Land Use & Property Value Assessment Studies, Construction Fire & Road Plans, Compliance Assurance Testing, Sampling & Monitoring Plan developed by independent, third-party contractors. This section provides for the applicant to fully compensate the Town for legal, consulting and other reasonably-incurred expenses, including enforcement actions, if needed.

Section 9—is important as it requires financial surety in the event of pollution, clean-up, nuisance, abatement & proper closure of the operation if it ceases to operate.

Section 10—outlines more specific conditions that must be met by a CAFO in order to be granted a permit to operate in the Town.

The question was raised as to whether the Town can charge an outside CAFO for bringing manure into the Town.

A motion was made by Kathy, seconded by Terry to move forward with preparing a draft ordinance to recommend to the Town Board. All members present voting aye. Our next meeting will be October 7; Lisa will have a draft for review on or about October 1.

The Committee will have a site visit to Ridge Breeze Dairy on September 21 at 10:00 a.m. Town Board members will be invited to attend (we can have up to 10 visitors). We will meet at the Town Hall at 9:30 and car-pool to the site. There are a few questions (submitted in advance) regarding work force/safety protocols, stormwater management and monitoring that we hope will be addressed during our visit.

Motion by Kathy, Seconded by Bruce to adjourn the meeting at 8:30. All voting aye.

Respectfully submitted,
Judy Krohn, Scribe