MINUTES
LIVESTOCK FACILITY SITING REVIEW BOARD
TELECONFERENCE MEETING
MAY 21, 2010

Boardroom 106
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, Madison, WI

Chair Holte called the meeting to order at 12:00 p.m. Other LFSRB members present were Andy Johnson, Bob Selk, Fran Byerly, Lee Engelbrecht, Jerry Gaska and Bob Topel. A quorum was present. All LFSRB members participated by phone. DATCP staff present were Cheryl Daniels and Lori Price.

Call to order: open meeting notice; approval of agenda; approval of April 16, 2010, meeting minutes

Holte confirmed the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. Holte requested to add the following item to the agenda just before the LFSRB was to review the decision in the Larson Acres v. Town of Magnolia case: "Consideration of Attorney Glenn Reynolds' Request to Delay LFSRB Decision in Larson Acres, Inc. v. Town of Magnolia Case, Docket No. 10-L-01." Johnson moved to add this item to the agenda, and Byerly seconded the motion. A roll call vote was taken and the results were 7 ayes and 0 nays. The motion passed. Engelbrecht then made a motion to approve the amended agenda, and Topel seconded the motion. The motion passed.

Holte presented the April 16, 2010, meeting minutes for approval. Selk made a motion to approve the minutes as written, and Johnson seconded the motion. The motion passed.

Status of appeal on Larson Acres, Inc. v. Town of Magnolia, Docket No. 07-L-01, court of appeals decision

Daniels reported that the Court of Appeals has not come out with a decision in this case yet. She hopes to see a decision by the end of June.

Consideration of Attorney Glenn Reynolds' Request to Delay LFSRB Decision in Larson Acres, Inc. v. Town of Magnolia Case, Docket No. 10-L-01

Daniels reviewed the correspondence received from Glenn Reynolds, attorney representing Town of Magnolia, requesting the LFSRB to stay its decision in the Larson Acres, Inc. v. Town of Magnolia Case, Docket No. 10-L-01, until the Court of Appeals has ruled in the previous Larson case. Daniels then reviewed the response from Eric McCleod, attorney representing Larson Acres, asking for the request to be denied, and Attorney Reynolds subsequent response to the McCleod letter. Also, Daniels clarified that notification for request for position statements was properly done. She is not sure why the Town chose not to send in a position statement on the appeal.

The LFSRB discussed Attorney Reynolds' request to stay its decision in the case and concluded that the LFSRB should move forward with the decision because it is bound by law to make a timely

decision and the LFSRB already discussed whether to consider the previous case during the hearing. It was also noted that the Town of Magnolia issued the permit without consideration of the prior permit status. Gaska made a motion for the LFSRB to deny Attorney Reynolds' request, and Topel seconded the motion. A roll call vote was taken and the results were 7 ayes and 0 nays. The motion passed.

Review and approve LFSRB decision in Larson Acres, Inc., v. Town of Magnolia, Docket No. 10-L-01

Holte asked the other LFSRB members if they had any changes to the draft decision. Being none, Johnson made a motion to approve the decision. Topel seconded the motion. Gaska made a friendly amendment to the motion to include the Opinion of the Board document with the decision. The motion was amended by general consent of the LFSRB. A roll call vote on the amended motion to approve the decision and include the opinion with the decision was taken and the results were 7 ayes and 0 nays. The motion passed.

Daniels requested that the LFSRB members send in both signatures pages from the decision and opinion as soon as possible. Once all the signatures are in, the decision and opinion will be posted on the LFSRB's webpage.

Board schedule, future agenda items, and case file reproduction

Daniels did not anticipate receiving any requests for review in the next few months; therefore, the LFSRB may not need to meet in June, July, and August. The LFSRB members did agreed to meet in September by teleconference to hear about potential changes to ATCP 51. The date of the September meeting was moved from the 17th to the 10th. Byerly said that he was not available for the October 15th meeting. Daniels responded that if the LFSRB should need to meet in October, she will poll the LFSRB for an alternative date.

Daniels explained to the LFSRB that they will want to encourage future submittal of case files, including meeting audios, in electronic format. This will save on reproduction and mailing costs. Daniels will put together draft bylaw changes that reflects submittal of case files in electronic format for discussion at the September 10th LFSRB meeting. Holte suggested that staff get feedback from the Wisconsin Towns Association and Wisconsin Counties Association on submitting case files in electronic format.

Adjourn

Being no further business before the LFSRB, Johnson moved to adjourn the meeting and Byerly seconded the motion. The motion passed, and the meeting adjourned at 12:45 p.m.

Respectfully submitted,

11.22.10

Bob Selk, Secretary Date

Recorder: LP