MINUTES
LIVESTOCK FACILITY SITING REVIEW BOARD
TELECONFERENCE MEETING
May 12, 2008
Room 266, 2811 Agriculture Drive, Madison, WI

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

Call to order

Holte stated the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. There was one change to the agenda: change the "a.m." to "p.m.". Engelbrecht moved to approve the amended agenda. Byerly seconded the motion. The motion passed.

Ronald S. Stadler v. Crawford County, Docket NO. 08-L-01: discuss pre-hearing matters including motions to file amicus curiae briefs

Before the discussion began, Holte disclosed that he currently sits on the board of directors for the Wisconsin Farm Bureau Federation, one of the groups requesting to submit an amicus brief in this case. He stated that this position will not affect his actions in this case and that he has not spoken with anyone at WFBF about this case.

Daniels stated that after the board's April 18th meeting, Roth filed a motion for reconsideration of the case. She notified Stadler, Midwest Environmental Advocates (representing additional aggrieved parties), and Crawford County that the motion was filed and that they would have until May 9th to send in any position statements regarding the motion. One position statement in opposition to file the motion, two requests to submit amicus briefs, and one request to deny requests to submit amicus briefs were received by May 9th. At today's meeting, the board will be deciding whether to accept the amicus briefs into the record. The position statements will automatically be accepted into the record because they are from the parties involved in the case.

Board members raised the following issues in their discussion on whether to accept the amicus briefs into the record: the requests were not filed to meet the deadlines that coincide with the filing of the original position statements; the amicus briefs clarifying information previously considered by the board at the April 18th meeting; the persons involved in the action can adequately argue the positions without the intervention of outside interests; and the possibility that accepting the briefs would open up the record to receive further legal documentation. Daniels clarified for the board what will happen with the motion for reconsideration that will be discussed at the April 16th LFSRB meeting. The board will need to 1) decide what are the appropriate procedures for the board to utilize to look at the motion for reconsideration; 2) vote for whether the board believes a motion for reconsideration is appropriate; and 3) if the reconsideration is accepted then decide if there is information in the case record that would change the board's decision. Topel made a motion to have the LFSRB not accept the amicus briefs. Johnson seconded the motion. A role call vote was

taken with Byerly, Engelbrecht, Holte, Johnson, and Topel voting "aye"; and Gaska voting "nay." The motion carried.

Board schedule and future agenda items

Daniels commented she is in the process of preparing the materials for the May 16th meeting and will send them to the LFSRB members by this afternoon. The meeting materials will also be posted on the board's webpage.

Adjourn

Byerly moved to adjourn the meeting, and Johnson seconded the motion. The motion passed. The meeting ended at 12:56 p.m.

Respectfully submitted,

5.16.08

Bob Selk, Secretary Date

Recorder: LP