

Plan Commission

July 22, 2020

Call to Order, Roll Call and Pledge of Allegiance

Chairman Goetsch called the July 22, 2020 Plan Commission meeting to order at approximately 7:00 p.m.

Roll call was taken with the following present: Chairman Perry Goetsch, Plan Commissioner Curt Pernat, Plan Commissioner Don Loppnow, Plan Commission June Herman, and Plan Commission Mary Rupnow

Also Present: Clerk/Treasurer Nancy J. Zastrow, Attorney Stan Riffle, Supervisor Carl Jaeger, Supervisor Brian Derge, Supervisor Jeff Taylor, and Supervisor Peter Mark. There were approximately 32 residents also in attendance and representatives from WE Energies.

The Pledge of Allegiance was recited.

Proof of Posting and Notice

The agenda was posted at Ixonia Bank, Ixonia Post Office, and the door of the Town Hall. It was also posted on the Town of Ixonia website. Notices were sent to residents within a ½ mile of the project.

Discussion and Possible Action regarding a request received Michael & Misty Draeger for a conditional use to allow for the keeping of dogs as household pets on a non-commercial basis in excess of two per premise in an R-1 zone at N8380 Swansea Drive, Ixonia – PIN 012-0816-2112-002

Misty Draeger addressed the Plan Commission. She explained they are asking to be able to keep their dogs. They currently have five (5) dogs and zoning code only allows two (2) dogs. They need to apply for a conditional use in order to keep the dogs at their residence.

Commissioner Pernat asked if the Commission can limit the number of dogs to just what they currently have. The Conditional Use Permit runs with the property and Chairman Goetsch stated we can limit the permit to the pets that are there.

Commissioner Herman asked how old the dogs are they currently have. Ms. Draeger stated the oldest is eleven, the next will be nine in October and the rest are three years old. They are rescue dogs. Ms. Draeger stated they would accept limiting the number of dogs to the five they have. They just want to be able to keep the dogs they currently have.

Doug Johnson – N8745 North Road – Mr. Johnson asked what bred of dogs? Ms. Draeger stated Shepherd Mix, Lab Mix and St. Bernard. The dogs are fenced in the yard or otherwise kept in the house.

Commissioner Herman moved to allow five (5) dogs for the conditional use permit and as the dogs pass away no more until they are at the allowable two dogs in the R-1 zone

at N8380 Swansea Drive, Ixonia. Commissioner Loppnow seconded the motion and carried.

Discussion and Possible Action regarding a request by Dale and Jeanine Griebenow to divide over 150 acres of A-1 land into 2 lots with a possible outlet off of North Rd/Hill Rd consisting of PIN 012-0816-1521-000, 012-0816-1522-000, 012-0816-1523-000, 012-0816-1524-000, 012-0816-1033-000 and 012-0816-1034000

Discussion and Possible Action regarding a request by Dale and Jeanine Griebenow for a conditional use to allow for a utility (liquid natural gas) that qualifies under §91.46(4) of the Wisconsin Statutes in an A-1 zone off of North Rd/Hill Rd on PIN(s) 012-0816-1522-000, 012-0816-1523-000 and 012-0816-1524-000

Rick O'Connor and Renee Bowerman we present to give the presentation regarding the proposal to divide over 150 acres of A-1 land into 2 lots and also the conditional use application for a utility (liquid natural gas).

Mr. O'Connor explained We Energies has filed an application with the PSC – Public Service Commission for a Liquid Natural Gas facility in the Town of Ixonia and the Town of LaGrange in Walworth County. The proposed site for Ixonia is on North Road and Hill Road. He presented a power point explaining the project and the need for the facility.

Commission Herman asked if they looked in other locations. Mr. O'Connor explained there were two other sites they looked at and the slide will show where the current gas lines are. He explained there are a couple of components to the gas plant. This plant will bring the gas to 260 degrees below zero. The storage tank will stand 150' tall and will have a double thick wall. The tank is steel. The vaporization equipment will be protected, and the site will have a small office area. The only truck loading/unloading will be only if the equipment experiences any outages. He stated the total project is \$185 million. Mr. O'Connor explained the project benefits to the community include an annual payment of \$550,000 thru shared revenue and the county will receive over \$1,000,000 in shared revenue. He stated this option is to meet the needs of the customers during peak demands for natural gas. He continued, the other option would be to bring in another pipeline to serve the needs for natural gas, this option is the lower cost and more environmentally friendly. During construction there will be approximately 150 jobs in the two-year period.

Mr. O'Connor stated safety is paramount to WE Energies. They will meet all NFP – National Fire Protection standards and well as the PHMSA requirements. The reason they will be requiring the 164 acres is to meet the setback area requirements. He noted 140 acres will be the setback area. WE Energies will work with the fire department to put together an emergency response plan. There have been very few incidents at any of the other locations and they have special teams trained to handle emergencies on site along with the local departments. They will provide training to the fire departments in the area. O'Connor noted the Ixonia lateral provides gas into Waukesha County and east. Mr. O'Connor explained the site plan stating they will be utilizing 25 acres of the 164 total acres. There will be a 30' wide access road coming off of North Road and the

structure will be about 1,000 feet from the road. WE Energies will work with the Town of Ixonia and Jefferson County on the driveway entrance.

Mr. O'Connor explained the permitting process for this project:

- NFPA standards
- PHMSA
- DNR permits – air & wetlands
- Town approval
- County approval and permits
- Building Permits
- Driveway Permit

The schedule for the project is as follows:

- Receive approval by the end of the year from State
- Begin project in 2021
- Finish project 2023/2024
- Operational in 2024

Chairman Goetsch asked the Plan Commission if they had any questions.

Commissioner Pernat asked if when you are cooling is there steam or smoke. Mr. O'Connor stated the process is enclosed; nothing will be released in the air. There will be no cooling towers so no plume.

Commissioner Herman asked about the construction jobs, will these be local jobs or special teams. Mr. O'Connor stated all equipment is made in the USA and all construction jobs are local.

Commissioner Herman asked about lighting and noise. Mr. O'Connor stated the lighting will be in a down position and would be LED lighting and project downward, it does not spread out. The lights will shut down at night and will be motion activated. The sound will be inside the buildings which are insulated, but there is no loud equipment.

Commissioner Herman asked about the emergency response. She stated she was glad to hear very few incidents at other facilities. He explained a detailed response plan will be created with the fire department which will include an evacuation plan. If there would be a fire, it would be contained in the 164 acres and would not need an evacuation.

Commissioner Herman asked about staffing and security. Staff at the facility when operating and will have 24/7 monitoring.

Commissioner Herman stated there is a 30-year design life. What happens when the life has ended? WE Energies will work to create a de-commission plan and if they do not renew after thirty (30) years the plan would be implemented. The de-commission plan will be included with the Developer's Agreement.

Commissioner Rupnow asked about plans for expansion. There are no plans for expansion and if the need would arise, they would need to come back and begin the process for approval again.

Commissioner Rupnow asked about the exclusion zone. The exclusion zone is 1,100 feet from the center of impoundment. There can be no schools, daycare in this area and not other homes in this area. Chairman Goetsch stated that is why the containment area is 100% - actually 110% containment.

Commissioner Rupnow asked about the actual containment area if the tank leaks. If the LNG would leak the vapor will disperse. Commissioner Rupnow asked if it is flammable. With the PFSMA standards it would stay within the property. Commissioner Herman asked about explosion. There could be no explosion and it would all stay on the property. This is part of the fire protection equipment – they will have a foam generator and it would start covering the pond with foam to slow down the process. It is not likely to happen, but the design is to protect. Over the last 75 years, there has been no leaking from any LNG going back to 1944.

Commissioner Rupnow stated her research found incidents of natural gas in the gaseous phase. This will be in liquid form and is not flammable.

Commissioner Pernat asked how many employees. There will be between 2 – 5 at this facility.

Commissioner Pernat asked specifically about the fire equipment. There are fire nozzles and a run around the tank. There is equipment to sense hi and low temperatures and an emergency shutdown system. There will be an elaborate control room in Pewaukee monitoring all activity at this site.

Commissioner Herman stated the fire department services are pretty taxed right now. If something happens, We Energies will take care of it and they will work with the local department. There are a lot of trained operators in the immediate area of Ixonia.

Chairman Goetsch explained that he and Chief Schilling visited the site in Illinois on Monday. There is a lot of redundancy to shut down the facility if an emergency arises. They have the monitor area and the foam can be activated automatically or manually. They have a simulator set-up in Illinois for training purposes. Chief Schilling saw the foam generator and how it works.

Attorney Riffle put into perspective the town role. He explained the town is under county zoning the town can make recommendations on the conditional use permit. The land division we are the sole decider and authority. The bigger picture of siting is really the State through the PSC while we can get informed and tweak. He addressed those in attendance and stated Madison will make the determination if the plant goes or does not. There will be two hearing with the Public Service Commission on this, those dates have not been set yet. Attorney Riffle stated the he and the Plan Commission want to hear comments and local concerns. He is putting the Developer's Agreement together to protect the Town and County interest. There is a negotiation process and we want to hear concerns safety and aesthetics based. The PSC is in charge to make sure it is 100% safe. The town can only go so far.

Vic Karaliunas – W262 Hillendale – stated he has several concerns and thanks for the opportunity to speak. He wished there would have been more opportunity to speak. He did speak to Renee about his concerns and the first concern are there going to be any

heavy carbon fuels to bring into site. Mr. O'Connor responded no, just taking gas. Mr. Karaliunas asked only import? Mr. O'Connor stated this is not a facility to sell to Fed-Ex or ships. This is not a port for sale of LNG this will not be export. Mr. Karaliunas stated there is a drainage ditch on the footprint, what would flow into this. Response was just stormwater; the existing ditch and wetlands stay. We are preserving the wetlands and they will stay untouched. Mr. Karaliunas asked about the containment area. The response was nothing leaves that area – only stormwater will flow into the ditch. Doug Johnson – N8745 North Road – stated he owns property across the street from this beautiful farmland. If they are spending \$185 million, there will be lots of traffic, excavator, and other equipment he sees North Road as a hazard. He does not feel the road is sufficient. He asked if he would have to look at a gate to close off the facility. The response was there will be traffic during construction. The gate will be coming off North Road. The town will want a turn lane, deceleration lane. Mr. Johnson stated another concern is the properties on North Road do not have natural gas. Can WE Energies run a main for the residents. The response was WE Energies is always interested in new customers, but it is hit or miss for distribution. They have gas distribution staff working on this. This is not part of the plan there are tariffs and state have rules, nothing final but they are looking into it.

Commissioner Herman asked about a landscape plan and will it be included in the Developer's Agreement. Commissioner Rupnow asked what they are going to do with the rest of the ag land. The response is they will lease the land to the current farmers and allow them to continue farming the land.

Dian Pasano – N9071 Ridge Lane – stated she has strong objections with sighting this in Ixonia. The residents are already dealing with a factory farm and they have to self-monitor their drinking water, they are forced to live indoors because of the factory farm. Now to think another burden with LNG is more than anyone should have to live with. The rural landscape is marred by the CAFO and she does not need anymore. She worries about the fire department and the foams flowing into the Rock River. She asked how far away to respond, the school is less than $\frac{3}{4}$ mile from the site should an explosion occur. She also asked why the Hwy P was not selected, there is no wetlands or water bodies affiliated with that site. The response was the Hwy P site was not bad but would require about three miles of pipe and you would be running through wetlands and properties and there would be a greater cost to run the pipe. In response to the response question there will be on-site trained and there is the facility in Watertown which is about five miles away and they are trained also.

Chairman Goetsch stated that Chief Schilling said it would be a major MABAS call out. There will be training provided on site just like the Industrial Park and FS Insite – extensive training will be conducted.

Lyndsay Wendorf – N8062 North Road – stated her concerns are the same. This is a monstrous site and a two-year construction; we have done construction on the road and now you are going to add two years after two years. Are we going to have more done to the road? I have kids and pets, how many vehicles during those two years how many up and down the road. North Road and Hwy 16 is not a good intersection. She also asked if this meeting is a formality? Attorney Riffle responded this is an opportunity to address the concerns. A traffic analysis will be done, and any repairs needed for the road will be in the Developer's Agreement. The benefits of this project are

\$550,000/annual shared revenue – this could reduce your taxes. He stated the town and county will do a design to minimize traffic impacts.

Bill Rupnow – Hill Road – stated he has a new house and what assurance will I get that the property values will not be reduced. The response was we find it does not reduce the surrounding property values. He asked why we are footing the bill to supply to Milwaukee, not being served by natural gas, why is this not in Milwaukee. The response was WE Energies will do their best to bring gas to the residents of Ixonia. Attorney Riffle stated he will attempt to put natural gas for residents into the agreement. John Schwefel – W1254 Marietta Avenue – asked if these tanks could be stored in ground. The response was it is pretty expensive and more risk. Mr. Schwefel stated if there is \$550,000 for town, he is naïve' to think taxes will go down, but could it be used to supply the fire department with some of their needs or used for the new sewer plant, things to make the town better.

John Nord – N8869 Triangle Road – stated he echoes what everyone else has said. He does not think enough sites were looked at.

Mike Draeger N8380 Swansea Drive – stated he has a safety question. If there is remote monitoring what do you put in place to protect from having a cyber-attack. He stated he could sit at home and turn off a valve, what does WE Energies do to protect this from happening. The response was they have an entire department that works on physical and cyber security for all locations. Mr. Draeger asked if these facilities are air gapped or internet. WE Energies has their own system for cyber security.

Donna Hann – W2011 County Road CW – asked the size of the storage tank the plant in Illinois has 12 million but is two tanks. The second thing is the comprehensive plan is this land in the plan for growth? She is concerned with the location because it is located on town road. When the comprehensive plan was created the Plan Commission worked hard on this and should support the plan. She stated WE Energies should look at a different plan. Chairman Goetsch stated there is nothing in the comprehensive plan for an LNG facility.

Teri Yarborough – N8340 Cardinal Pass – stated people did not get a timely notice and feels this is underhanded. She asked how this information is given to be better informed, better communication. Ms. Bowerman responded stating that COVID-19 had a major impact on how WE Energies would roll out a project like this. She noted they sent out letters and then they updated their database and it added more homes, which received a letter last week. She stated they are not trying to hide anything. She noted the letters were sent to a one-mile radius and would be the same list the PSC will use for notification of their hearings. Ms. Yarborough continued, in back of facility a pond for leakage will this be poisonous run off? The response was the pond containment is there if it were to leak, if rains the water will be pumped out into the storm water. The fence will be 8' tall with barbed wire at the top. She noted she has seen this land flood, how will that affect the stability of the structure. The response was there will be a pretty extensive foundation for the tank and it will be razed five or six feet to keep water from the fields away. She stated she supports Mr. Rupnow regarding home values. She is not confident that they will increase like Oak Creek. She stated the kids cannot go up Hill Road to go biking or walking which is a concern. Lastly, she stated the County and

Town will received \$500,000 or \$1,000,000, what will the town put into this. The response was the town will not be putting any funding into this project.

Kelly Bratz – N8648 North Road – stated this sounds like a done deal unless the PSC says different. Her understanding is the Plan Commission has the authority to change the land CSM, she stated Plan Commission has a choice in their recommendation to the County.

Denise O'Halloran – N9246 Green Valley Road – she begged the committee to vote against this, we want to keep our sweet community, you represent us, and it will send a message. It may motivate people in the County. She would plead that the County would change zoning to make this more difficult.

Adam Zach – W1166 Winterberry - stated he bought the lot across from the proposed site. He asked for open records from the PSC and they stated to look online, how does he get this information. He asked why the town is only going to get ½ million. Attorney Riffle explained if we were a city or village, we would get 2/3, but we are a town and statutorily we get 1/3. Mr. Zach brought safety up with the example of Sun Prairie explosion. He asked to town to give tax breaks to the people in the area.

Carl Jaeger – N9036 Triangle Road – stated he has lived here 72 years. He does not want this here either, but if it moves forward, he would like to see staffing 24/7 and two fences. He asked how thick the tanks are and expressed concern with rifle ammunition which can travel a mile. He wants to make sure the tank is thick enough for gun shells. He also wants to make sure the two drainage ditches drain properly. He also stated we need to look for perks, maintaining North Road and fire department training. The response was WE Energies will work with the town and his suggestion need to be brought forward for consideration.

Susan Harter – N8022 Woody Lane – stated she came to Ixonia cause she wanted to live in an idyllic city. She does not want Ixonia to be known as a gas site. She noted every year since moving here her electricity goes out – she feels they have poor equipment her. She asked if there is an electric grid outside of the facility. The response was they will bring in an underground grid and generator. She stated there are a lot of regulations and asked if once approved and running will they ever report back to the town on leaks or problems. The response was FSMA require annual reporting. Attorney Riffle stated the annual report will also be provided to the town.

Doug Johnson – North Road – asked if any other color than white for the structure. The response was the majority are white because the whole goal is to keep cold and white is the best to maintain the temperature. They can work on the landscaping.

Clark Eckert – W1361 Gopher Hill Road – asked if it is common for purchasing land prior to projects and do they ever go into the community before they purchase and get to that point. He noted he has not heard one good comment. Ms. Bowerman explained the site location and they knew the area they wanted to work in and did site negotiations and identified the best site. Attorney Riffle stated that no matter where they would go there would be a full room.

Vic Karaliunas asked about the \$550,000 coming to the town and is that rate payer's money?

Teri Yarbourgh questions on \$550,000 is that guaranteed to save us in taxes. Chairman Goetsch said absolutely no guarantee.

Lindsay Wendorf asked when did WE Energies buy the land. The response was we have an option to purchase.

Lorna Gartzke – N8974 Ridge Lane – stated 150' is 15 stories and one facility has two tanks, could you make 2 75' tanks instead and get the same thing. The response was for efficiency they would want only one tank. She also stated she is concerned with security with an 8' fence and also the number of planes that fly over this area. The response was they will work with the FAA for the height requirement.

There were no other comments.

Commissioner Herman asked if these could be broken into two separate motions or do, they need to be just one. These are two separate items on the agenda and can be voted separately.

Commissioner Herman moved to approve the request by Dale and Jeanine Griebenow to divide over 150 acres of A-1 land into 2 lots with a possible outlot off of North Rd/Hill Rd consisting of PIN 012-0816-1521-000, 012-0816-1522-000, 012-0816-1523-000, 012-0816-1524-000, 012-0816-1033-000 and 012-0816-1034000, Commissioner Pernat seconded the motion and carried 5-0.

Commissioner Herman stated she does not feel good for the town, but we cannot stop it.

Commissioner Rupnow stated it does not meet CUP, it does not enhance properties. There is R-2 all around this parcel and it is not fair to the community.

Commissioner Herman moved to recommend denial of the request received by Dale and Jeanine Griebenow for a conditional use to allow for a utility (liquid natural gas) that qualifies under §91.46(4) of the Wisconsin Statutes in an A-1 zone off of North Rd/Hill Rd on PIN(s) 012-0816-1522-000, 012-0816-1523-000 and 012-0816-1524-000, Commissioner Rupnow seconded the motion. Motion carried 3 – 2, Herman, Rupnow and Loppnow in favor, Goetsch and Pernat opposed.

Motion to Adjourn

Commissioner Pernat moved, seconded by Commissioner Loppnow to adjourn the Plan Commission meeting at approximately 9:05 p.m. Motion carried.

Respectfully submitted,

Nancy J. Zastrow
Clerk/Treasurer