

**Town of Eldorado  
Plan Commission  
Public Hearing Minutes**

**Tracking # CUP-Ext-2023-09-18-WP&L  
(Conditional Use Permit Extension Re: CUP #ELD-20-001)**

**Date:** February 13, 2024

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

**Public Hearing – Application for Conditional Use Permit Extension – Jessica Bahr for Wisconsin Power & Light Company (WP&L):  
Conditional Use Permit #ELD-20-001, signed March 22, 2021, landscaping to be completed by March 22, 2023**

**Location/Description of Property:** N7872 Townline Rd / T07-16-16-25-13-003-00  
**Parcel acres:** 5.68 +/-  
**Current zoning:** A-1  
**Proposal:** extension to complete final landscaping by July 2024

**Attendance for the application:** Greg Ardrey for WP&L (Alliant). Note Brian Costello also in attendance & signed the sign-in sheet although no introduction made and did not speak during hearing.

Meeting called to order by Brenner at 7:00 p.m.  
 Brenner read the legal notice published January 28 and February 4, 2024.

Presentation of application:  
 Brenner thanked those attending in person and summarized the intent of the hearing is to figure out a path forward following incomplete actions and communications.

Borski provided EPC members with the following packet of information:

- An email dated February 5, 2024 from Greg Ardrey to Jenna Borski with attachments including:
  - Original approved landscape plan,
  - Revised landscape plan (reportedly based on input from residents),
  - Anderson Creek ATC structure images (shared with residents in advance of meeting),
  - Anderson Creek completion timeline proposed by Alliant.
- An email dated February 12, 2024 from Jenna Borski to EPC members including a draft amendment to Conditional Use Permit presented by Town Attorney Matt Parmentier to EPC for consideration.
- An email dated February 13, 2024 from Katie Hari, N7845 Townline Rd, to Jenna Borski regarding the landscape plan submitted by Alliant on February 5, 2024.
- An email dated February 13, 2024 from Jenny Ledden (Reinhold), N7837 Townline Rd, to Jenna Borski regarding the landscape plan submitted by Alliant on February 5, 2024 and a recent photo showing the location of pilings for ATC poles outside Reinhold’s front window.

Ardrey presented the purpose of the application is due to delays by ATC in receiving their materials for their poles. As a result, Alliant was not able to complete the landscaping. Materials were just recently received. The timeline submitted includes remaining construction activities on a schedule assuming approval is granted by EPC this evening and ATC is able to mobilize the following day (February 14, 2024). The timeline will be adjusted if needed.

Ardrey presented the materials submitted via email on February 25, 2024. Ardrey summarized that the original CUP did not include the landscape plan which was approved by EPC at a later date, after consultation with neighbors (plan

labeled L-100 Landscape Plan BW). Ardrey assumes then that revision to the landscape plan was at the request of the adjacent property owners after the original landscaping was completed on neighbors property and was based on discussions with neighbors on August 2, 2022 (marked in red as Addendum No. 1 on plan labeled L-100 Landscape Plan BW). Ardrey admitted the landscaping at the neighboring properties should have been completed at that time but was delayed until after the ATC poles were installed on Alliant property, which has not yet taken place. What remains to be completed are the revisions based on discussions with the neighbors on June 29, 2023 (marked in red for French Lilac, expand bed 40 ft, add Star Power Juniper, etc. on plan labeled L-100 Landscape Plan BW), along with all the landscaping on Alliant property. Since the January 2024 meeting, ATC reached out to the adjacent neighbors and provided the mock-up of how the ATC structures will look once installed. The first picture is a monopole for the transmission with feeder circuits on either side of the pole with the highest line serving as a static protection. The second photo includes two monopoles with switches on the top of each pole to separate the circuits as they enter the substation. Existing wooden distribution poles will remain.

EPC expressed concern for the location of the ATC monopole in the ditch. The existing round base concrete cylinder already installed by ATC matches the base of the monopole. The ATC monopoles were not presented in the application for Alliant's substation so EPC was not aware of these poles or the placement. Ardrey explained that Alliant sited the substation based on a willing landowner. ATC works with the Public Service Commission (PSC) to obtain necessary permits for their work. For smaller lines, ATC can do a "certificate of notification" to PSC that is less expensive. Ardrey believes ATC did not submit a "certificate of notification" for this project. ATC poles are typically installed in the public ROW. Both poles shown in the photos will be installed on Alliant parcel. Ardrey informed EPC that additional monopoles will be installed south along Townline Rd to the main line off I-41.

Ardrey continued to present the materials. The timeline was adjusted to account for this hearing. ATC is prepared to mobilize 2/14/24 to set the poles. After poles are installed, wires need to be installed (2/26 – 3/15). Transmission lines are estimated to be energized on 3/15 and the substation energized on 3/18. ATC would remove their wooden matting by 4/12. Infiltration basin installation could then take place over 2-3 weeks and simultaneously perform modifications to landscaping on neighboring properties. After the site is stabilized, ATC would perform site restoration thru May. Following site restoration, Alliant would perform their landscaping on the site. EMF testing can be done anytime before the transmission line is energized and retest anytime the lines are energized, as requested by the neighbors. The load on the lines vary. Ardrey stated the worst-case EMF is not the lines but what is in our homes already (microwaves, refrigerators, other electronics). EMF levels are designed to net to zero based on the phasing.

Dave Jahns requested clarification from Ardrey that any request for EMF level readings are at no cost to the neighbors for these initial events and any time in the future. Ardrey stated there is no cost for this service.

Questions / comments from members of the public:

Katie Hari at N7845 Townline Rd – stated she spoke with ATC (*later in the hearing clarified by K. Hari to be Brian Costello from Alliant*) who informed her it would take up to 90 days for them to figure out how to respond to any readings that are concerning. K. Hari wondering where owners are supposed to go while the concern is being figured out.

Ardrey explained that Alliant is constantly monitoring the field and can immediately correct the system before it is noticeable. Ardrey is not certain what ATC would do.

Hari also expressed concern for her fish in the pond, dog and chickens – ATC (*later in the hearing clarified by K. Hari to be Brian Costello from Alliant*) informed K. Hari that they do not normally test for these animals, only cows on a farm. K. Hari summarized previous discussions with Alliant's landscaper, Garrett, including him informing the neighbors that their requests were too expensive and they could not do what was requested. K. Hari did not want the lilacs, etc., as they do not visually shield in the winter. K. Hari also wanted a more robust fence/sound barrier on Alliant property. K. Hari confirmed that the landscaper has not recently spoken with them so what is presented here cannot be the revised plan. The lack of communication between the landscaper and residents is not acceptable and not even all the original promised landscaping is done yet.

Ardrey stated that Alliant did not give a limit for the neighbors property to the landscaper. Ardrey stated they will work with the landscaper and “will do the best they can do”.

Jenny Reinhold, N7837 Townline Rd – summarized her experience with the landscaper that provided very minimal landscaping options originally. Neighbors were repeatedly told by the landscaper what they wanted to have done was too expensive and the neighbors ended up with an inadequate plan based on being offered limited options. Landscapers then contracted out the actual landscaping work and never gave notice to the neighbors prior to mobilizing. Also, the original landscape plan was never completed and the original plan did not take into consideration any of the ATC poles or transmission lines which were unknown at the time of the plan development. The neighbors have never had their landscaping requests reasonably entertained – always limited and compromised by the landscaper. Reinhold suggested Alliant to just provide the neighbors an allowance to do the landscaping themselves so they can get what they want and coordinate with their availability since there has been a terrible lack of communication. The neighbors have been deceived about what was being installed across the street. Reinhold & her husband spoke with Kurt Hendrickson (local relations rep) with ATC and Alan Bauerle (Sr Land Contract Assoc) with Atwell since the January 2024 meeting. Hendrickson/Bauerle apologized and said it was their fault and they should have provided notice to the neighbors. Hendrickson/Bauerle blamed the issue on the fact that the homes are in a different Township than the project (across the street). Hendrickson/Bauerle stated the poles are going to be up to 100 feet tall and said that the landscape plan by Alliant includes 8 ft tall trees. Reinhold has not been offered trees that tall although that was discussed in the original hearing. Reinhold stated Hendrickson/Bauerle admitted they dropped the ball and should have notified the neighbors. Reinhold informed Hendrickson/Bauerle that the neighbors should have been notified about this long before the project came to the Town. Bauerle reportedly stated, “that is what an attorney would call a loss of opportunity.” Reinhold informed them about the damage to her and K. Hari’s homes and Hendrickson/Bauerle said they would “take care of (them)”. Hendrickson/Bauerle also told Reinhold that ATC has had all the materials for a long time with no back order concerns and they are just waiting for this permit to be renewed. Hendrickson/Bauerle told Reinhold that they would provide the neighbors with damage claim forms which have yet to be received. Reinhold showed them video of the contractor repeatedly lifting and dropping materials from a significant height that caused the damage to their homes. Reinhold summarized for EPC & Ardrey that there has been unacceptable communications and landscaping by Alliant and damage to their homes from the vibrations during installation of the pilings by ATC.

Lyle Hari is K. Hari’s dad from whom she bought half the title. L. Hari stated they were never told about this project before the land was purchased and blueprints were done. Neighbors should have been sent a letter before that to be given an opportunity to talk about it.

Reinhold expressed concern for EMF from the transmission lines, health being in their home and yard, noise from the transmission lines, health of the wildlife, etc. The neighbors are very impacted by this with stress, anxiety, damage to their homes and now there is a push for this extension so they are finally at least being spoken with, but their concerns are still not being addressed.

L. Hari asked how the site was selected in the first place. Ardrey summarized the process to site a substation: the least impact to neighbors with a willing seller and consideration for environmental issues (creek), subject to permitting. Permitting needs to be in place as well. The CUP was the last permit issued prior to purchase. L. Hari asked why homeowners were not notified prior to their purchase of the land. Ardrey admitted it should have been done and typically is done when they apply for permits in the jurisdiction. Typically neighbors are then notified. Ardrey did not know his Real Estate guy did not reach out to neighbors. Stray voltage is a concern with farms, etc. and substations need to be approximately a half mile away.

K. Hari summarized that Alliant and TN Eldorado are both at fault for not notifying neighbors. Borski clarified that the required Class 2 legal notice per our Zoning Ordinance was posted and also mailed to the homeowners within 300 feet of the property prior to the original hearing for the CUP. L. Hari contested this was done.

Brenner summarized that the primary issue is that Alliant did not engage with the neighbors immediately across the street from this project prior to proceeding and have not provided adequate communication or taken care of the neighbors as promised during the initial hearing. Also, the Town and neighbors did not know about the ATC component, which is substantial.

Ardrey summarized that ATC should not have located the poles directly across the street from their homes but they did. L. Hari continued to press for when the Town of Eldorado knew about the plans for the substation. Borski reiterated that the original landowner submitted an application for a minor land division and a conditional use permit. The Class 2 notice was published, posted and mailed to landowners within 300 feet. After continued discussion, Borski suggested L. Hari submit an open records request to review the file which will show that proper notice was given.

Reinhold stated that someone came out and asked the neighbors to sign easements to run lines underground with no compensation, which the owners did not sign. Ardrey stated that was Alliant for a line coming out of the substation.

Borski clarified for EPC that the application we are considering is regarding the timeframe to complete the landscaping that is part of the existing permit, which does not consider ATC materials or work.

EPC discussed that the understanding in January 2024 was that Alliant was going to present a landscape plan agreed upon by the homeowners and also a timeline based on an agreed timeline. Ardrey stated he was under the impression that the revised landscape plan was based on agreements with the homeowners. He is hearing now that the homeowners did not agree to the revisions.

EPC questioned the application to complete the landscaping by July 2024 when the timeline proposes landscaping with the neighbors through October 2024. Ardrey clarified that the intention is to allow for additional months after final landscaping is installed by July 2024 for additional modifications to be made with the neighbors.

K. Hari asked about the sound barrier she's been discussing with the landscaper, Garrett. The landscaper did not agree to it and continually stated it was too expensive. EPC clarified that there is no sound barrier that is part of the CUP, approved landscape plan or in the amendment application. However, there still could be negotiations moving forward with Alliant regarding a sound barrier.

EPC inquired with the neighbors about timing for the home repairs. However, this is with ATC and is not directly related to this CUP. Reinhold expressed continued concern with the on-going work by ATC and potential for additional damages. K. Hari stated that ATC work caused a large crack in the concrete of their new addition to the house.

Norb Chesney, Coyne Rd – commented that transmission lines run along I-41 and voltage on these lines are higher than what is planned for the lines along Townline Rd. There are houses all along I-41 and it is likely if there were major issues, they would be public. Reinhold commented that there are numerous lawsuits with Alliant and ATC. Ardrey stated Alliant is responsible to make sure they are not creating issues shocking cows, animals or people and they need to manage that energy appropriately.

Testimony in support of application (offered three times):

None

Testimony in opposition of application (offered three times):

Reinhold, K. Hari & L. Hari spoke in opposition of the application for the reasons stated above and wanting needs to be addressed, including an agreed plan in writing before the extension is approved.

Discussion by EPC:

EPC reviewed a draft CUP amendment provided by the Town Attorney. A revised landscape plan agreed upon by the neighbors was anticipated for this hearing but has not yet been submitted. The timeline presented will also need to be modified based on this discussion. Additional special conditions listed in the draft amendment include payment by Alliant to reimburse the Town for professional fees and expenses and forfeitures for non-compliance by Alliant. Following discussion, EPC agreed a negotiated landscape plan between Alliant and the neighbors needs to be submitted prior to considering granting the amendment for the timing to perform landscaping. This is based on the history of lack of communication and consideration of the neighbor's concerns, including new information about the monopoles ATC is installing. EPC does not have sufficient information to approve or deny the application at this time.

Motion:

Motion made by Rickert/White to table further consideration of this application until the next month meeting on March 12, 2024 with an agreed upon revised landscape plan to be submitted by March 4, 2024.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

Borski summarized for Ardrey that the draft amendment includes reimbursing the Town for expenses and also forfeitures. Ardrey anticipates Alliant will not be ready by the next meeting. Alliant will also need to revise the timeline and will need to amend the application since the landscaping can now no longer be done by June 2024. EPC recommended Alliant build in additional time to consider weather delays. EPC reiterated that the Town has no authority for the ATC work. Ardrey acknowledged that but stated ATC will not start on February 14, 2024.

Future correspondence from the Town Attorney, including the draft amendment, can be addressed to Greg Ardrey and Jessica Bahr.

Brenner adjourned the hearing at 9:02 p.m.

Respectfully submitted,  
Jenna Borski  
Secretary  
Town of Eldorado Plan Commission