

Zoning Board of Adjustment (BOA) – May 19, 2016

Approved by the Board of Adjustment on September 20, 2016 changing our to out on page 15 of 27, line 29.

**Zoning Board of Adjustment Public Hearing – May 19, 2016**

**Buck Ridge Quarry – Milestone Materials – Conditional Use Permit #2016-2**

The hearing was called to order by chairman, Dale Klopp. Role Call Joe Wantoch, Ron Kazmierczak, Dale Klopp were present.

Others there for all or part of the hearing are as follows (afternoon session): Barry Drazkowski, Candy Anderson, Tony Tomashek, Rod Harschlip, Ann Yelle, Shirley Evans, Carol Sandberg, Donny Sandberg, Beth Segerstrom, Steve Segerstrom; (evening session): Beth Segerstrom, Steve Segerstrom, Shirley Evans, Kevin Cassidy, Barry Drazkowski, Candy Anderson, Tony Tomashek, Rod Harschlip. Other may have been there that did not sign in.

Mr. Klopp introduced Mr. Barry Drazkowski. He was recently appointed by the County Board of Supervisors as the 1<sup>st</sup> Alternate to the Zoning Board of Adjustment.

Mr. Klopp reviewed the agenda items for the hearing.  
Notice of public hearing was read.

Hearing Minutes are summarized as follows:

Application presentation and testimony.

Mr. Tony Tomashek introduced himself and stated that he was Vice President with the Mathy Company, Onalaska, WI representing Milestone Materials. He also introduced Candy Anderson, Permit Specialist and Geologist with Milestone. Mr. Tomashek explained that Ms. Anderson would also be participating in the presentation.

Mr. Tomashek gave a brief overview of the company explaining that two booklets have been submitted to Buffalo County (CUP Application and Reclamation Plan) and explained that they would be reviewing the main points of their application and answer any questions regarding information in the booklets.

Mr. Tomashek continued as follows:

- The project site is located in the Town of Mondovi, just off Highway 37
- Mathy Construction considers this an expansion of the existing Mondovi Quarry, which accesses right off Highway 37; Mathy acquired the Mondovi Quarry in 2004 from American Materials
- American Materials originally leased 40 acres of Segerstrom property in 1996 which is part of this application and that 40 acres was never permitted to mine limestone; American Materials just held the property for future use.
- Mathy Construction purchased American Materials in 2004 and then started looking into mining on the 40 acres leased in 1996.
- In 2015 Mathy entered into an agreement for an additional 80 acres with the Segerstrom Family, which was formerly known as the Edna Moy property
- In 2011 the Segerstrom's also entered into an agreement with Buffalo White Sands to extract industrial sand off their property

- Milestone has a separate aggregate lease with the Segerstrom's for the limestone on top of the sand.
- Buffalo White Sands also operates under a separate CUP, Reclamation Plan and other permits for the same property.

Mr. Tomashek stated that he had conversations with Buffalo County Zoning staff on how to approach permitting this property for limestone extraction; several options were discussed and it was decided that Mathy should pursue their own CUP. To the maximum extent possible Mathy operations will be separate from anything that Buffalo White Sands will be doing. Mr. Tomashek explained that Mathy will remove the limestone at their current market rate, however if Mathy has to move product more quickly due to a change in the industrial sand market, they are prepared to do so.

Ms. Candy Anderson continued with the presentation at this time about the operations, geology and groundwater information.

Ms. Anderson introduced herself as a Permit Specialist and Geologist with Milestone Materials and continued by saying that they are looking only to mine oneota dolomite at the site; it is a 120 acre parcel and they will only be mining approximately 60 acres.

Ms. Anderson continued as follows:

- The depth of the limestone is anywhere from 40 to 100 feet
- To get to the limestone, the final quarry floor, would be about 1200 feet
- Under that is a transition layer of sandstone
- Under that would be the layer that Buffalo White Sands would be looking for
- Milestone Materials is only interested in the limestone on the property
- The property will be mined in phases
- Each phase ranges from 4 to 19 acres, starting with phase I

Mr. Tomashek stated that there was a small quarry that was pre-existing on the Segerstrom property, so they would start in that quarry and move westerly.

Ms. Anderson stated that they did a history search and these quarries date back as being in existence in the 1930's and 1940's.

Ms. Anderson continued as follows:

- By the time they get to phase III of the operation, there would be enough room for stock pile and equipment, so reclamation could begin; but would need to leave access road in the reclamation area
- They would build access road from the existing Mondovi Quarry back to Buck Ridge and continue truck traffic the same as it has been through the existing exit and entrance on Highway 37
- The existing entrance was updated several years ago with a turn lane off Highway 37 to the quarry road.

Mr. Tomashek stated that Segerstroms and Buffalo White Sands have a separate access to the mine and there is at least a quarter mile between the two driveways; there should be no issue with conflicting truck traffic.

Ms. Anderson continued as follows:

- Milestone Materials plans to use the Buck Ridge quarry to replace their existing Mondovi quarry; has been a great resource for the area
- The existing Mondovi quarry is becoming depleted and this is the reason they are looking to find a replacement and they have had a lease at the Segerstrom forty for twenty years; it is time to get that opened.

Mr. Klopp – how many years before there is no material in the existing Mondovi quarry

Mr. Tomashek – probably in five years

Ms. Anderson – two to five years

Mr. Tomashek – we do have rock in that quarry going back along the ridge

Mr. Wantoch – how many years has the quarry been in operation

Ms. Anderson – have aerial photos from the 1930's that show a quarry there, but American Materials got a permit on the Mondovi quarry in 1991

Mr. Tomashek – probably most activity has been since 1991

Ms. Anderson – with the reserves at the Buck Ridge quarry, they are expecting a 30-year supply

Ms. Anderson continued by saying that they completed a hydrogeology analysis to study ground water in the area and were able to determine with a final quarry floor elevation of 1200 feet, the groundwater is at about 940 to 860 feet, so they would be mining anywhere between 260 and 380 feet above the ground water table; the groundwater flows northwest to southeast.

Mr. Tomashek eluded to the fact that the groundwater flows east to the Buffalo River

Ms. Anderson – the Buffalo River is at an elevation of about 755 and about one mile away from the site

Mr. Tomashek – the water table was even well below the unit that Buffalo White Sands is going to mine

Mr. Kasmierczak – how thick is the sandstone layer below the limestone layer

Ms. Anderson – about 110 feet

Mr. Tomashek stated that about the upper 30 feet of the sandstone is not even usable for them; that is called a transition layer; there is about 60 – 70 feet of good sandstone.

Ms. Anderson stated that the Milestone Materials final reclamation plan has a final land use as pasture; the final land use was sand mine; it is kind of hard to determine how that will be done; that is what the plan is. In the meantime, Milestone has a reclamation plan and bond in place to assure they do their part and get the site reclaimed.

Mr. Tomashek stated that they would need to continue to keep a bond on the existing Mondovi quarry for access even after all mining at this quarry is completed.

Ms. Anderson continued as follows:

- There were no wetlands found on site
- They will have to operate under Buffalo White Sands stormwater permit; DNR will only issue one permit for a site
- Milestone Materials has their own reclamation plan
- Erosion inspections are required at the site while they are monitoring and building

- All of the portable equipment that is used at the site is equipped with spill kits; they have inspections that have to be done by foreman when they are out there
- All the rest of the plans will be under Milestone Materials; stormwater permit will be under Buffalo White Sands.

Mr. Tomashek continued as follows:

- Milestone Materials reclamation permit will include Milestone doing stormwater retention and stormwater management
- will have at least one, if not two stormwater retention ponds
- All equipment used for the operation is portable and they do not plan to have any permanent equipment at the site
- The equipment comes and goes based on market demand
- All washing activities will remain at the existing Mondovi quarry site and none at Buck Ridge/Segerstrom property
- There is an existing high-capacity well at the Mondovi quarry
- Have no intention of drilling a high capacity well on the Segerstrom property
- All of the topsoil and most of the over burden will be saved in berms for future reclamation
- Blasting will be used
- They hire all their blasting done by third party blasting company
- Mathy drills their own rock for the blasting, but do not do their own blasting
- All erosion control measures will be done on-site as the quarry expands west and south which includes temporary and permanent storm water ponds
- All portable plants have their own set of permits as necessary that must be followed
- Products that are necessary while the portable plants are there include diesel fuel, oils, grease and lubricants; minimal chemicals on site
- Quarry work is seasonal in nature; March through November
- Proposing the same hours as they currently have at the Mondovi quarry
- Production hours Monday through Friday; sometimes 24 hours a day, depending on a particular job
- Sometimes they crush on Saturday, 6:00 a.m. to 3:00 p.m.
- Sales and trucking usually happens Monday through Friday, 6:00 a.m. to 8:00 p.m. and Saturday 6:00 a.m. to 3:00 p.m.
- All hauling will go out through the current access road to Highway 37
- Typically do not operate on Sunday or Holiday's, only when there is an emergency where they are called out by the government for road repair
- Dust depression at the site is done with a combination of water trucks, spray bars on equipment, calcium chloride and asphalt paving; they are regulated by DNR & MSHA for dust emissions
- Regarding property value agreements, there are no outside residence within 1300 feet of the quarry; Segerstrom residence is the closest residence to quarry boundary
- Milestone will not be mining into the groundwater; they are 260 – 380 feet above groundwater
- Milestone will operate under all their own permits, except stormwater
- Interim reclamation is pastureland; future use would be a sand mine and Buffalo White Sands final land use reclamation is agricultural use

This concluded the applicants presentation.

Dale Klopp – are there residents within a mile of your proposed excavation

Ms. Anderson – In our Zoning Book we went out one-half mile and there are other residents within a mile; we didn't look at the mile radius; we had to list all the wells with-in one-half mile

Mr. Kazmierczak – Mike (Owecke) for our last several leases on property value guarantees, how far have we gone out. A one-mile radius?

Mr. Owecke – In looking at past record for permits for quarries, there have never been property value agreements required

Mr. Kazmierczak – What about on the last CUP's we did for frac sand

Mr. Owecke – for sand mining as an example, Segerstrom was required to go within one mile of the mine site

Mr. Tomashek – There probably are a few residents within that one-half mile to one mile because there are wells in that distance

Mr. Wantoch – Are you familiar with the Bork quarry on County Road M in Buffalo County?

Mr. Tomashek was familiar with the quarry after Mr. Wantoch provided more detail about the quarry operation and who operated the quarry. Mr. Wantoch stated that the Bork quarry runs a good operation.

Mr. Kazmierczak – Are you planning on doing any asphalt manufacturing at your site at all or strictly mining of limestone?

Mr. Tomashek – Strictly mining of limestone; we are not looking to do that at this site; just aggregate production and washing.

Mr. Kazmierczak – you indicated that you planned on removing the aggregate out of there at market rate. What is your truck load exiting the site and I realize it varies depending on construction season and what your demand is (*Mr. Kazmierczak asked them to bear with him because this question will make more sense with the next question*)

Mr. Tomashek – We gave a range in our application; our market rate is about 100,000 ton/year, operating approximately 200 days per year; that would be about 22 loads per day, however we don't operate this quarry 200 days a year straight; it is operated sporadically. Mr. Tomashek explained that the average haul for January through May and November and December is 0 (zero) to 40 loads per day and June through October is 0 (zero) to 150 loads per day. Peak hauling is mid-May to the end of October any one days might be 0 (zero) to 200 loads per day or 10 – 15 loads per day.

Mr. Kazmierczak – Where I am going with this question, you don't anticipate any changes with this new facility over what you are doing with the current facility; basically adding life time to the existing facility. Correct?

Mr. Tomashek – Correct. I think the biggest year we had was in 2010 when we worked on I-94 near Osseo we made some base rock and concrete rock for that project; we had some substantial hauling in the summer months that year, otherwise it is just smaller projects in comparison to that project.

Mr. Kazmierczak – for blasting, what has been our recent standards for notification? Applicant is recommending one-half mile in this plan; what have we been requiring?

Mr. Owecke – Actually, the one-half mile is the standard and this is one of the standard conditions.

Mr. Tomashek – We also typically do two or three seismographs around the perimeter of the quarry in different directions; state code only requires one.

Mr. Kazmierczak – Also assuming you offer pre-blasting inspections for people in those homes if they agree to it.

Mr. Tomashek – We do.

Mr. Kazmierczak – Questioned the reclamation plan stating that he did not see the reclamation plan and was not given copies of it and referred to interim reclamation plans calling for pasture and asked for an explanation from the applicant on how they propose to do that with the assumption that they take overburden and put it back over the reclaimed area and seed it down.

Mr. Tomachek – Obviously we have to open up enough quarry so we operate and reclaim as we go, but reclamation will depend on what Buffalo does.

Ms. Anderson continued with an explanation of how reclamation is proposed.

Ms. Anderson – In our reclamation plan, the phases we have broke out; what we are hoping is that we will have about 20 acres open by the time we would start doing reclamation. Reclamation will require that we save all the top soil on the site, which will be put around the perimeter in berms and seeded down as soon as possible for erosion control purposes. There will be a substantial amount of over burden clay over the limestone in certain areas; the majority of that will also be saved for reclamation unless for some reason we might sell a little bit. The final land use will be pasture. Buffalo County has a pretty expensive reclamation ordinance requirement for pastureland, so we have the specifics seeding plans, so we will be watching it for up to 10 years to make sure that it is established. We are proposing in the reclamation plan to leave partial quarry walls if they are stable; so what we would do is take the overburden, put it on the quarry floor and then put it up about 10 feet up against the wall. If we feel the walls are stable (we have to have them certified by an engineer that they are in fact stable and safe); if they are not, the walls will have to be brought down to a 3:1 slope.

Mr. Kazmierczak – When you say you are looking at 20 acres before you start reclamation; would that be 20 additional acres, so you would have 40 acres open; because you have 19 open right now, correct.

Mr. Tomashek – Correct. You need to phase it so we have an open area, operational area and then you have a reclamation area. In a perfect world, yes, we would be mining in phase II, Buffalo White Sands would be mining in what we call phase I and they would be reclaiming in their final right behind that. Since we don't know what Buffalo White Sands in going to do, as we mine this we are going to have conversation with staff about the best way to reclaim based on the sand market. We will reclaim regardless of what they will be doing. They will have to remove any overburden when they decide what to do in there. We really are going to treat this like a separate operation and determine when we should start reclaiming.

Mr. Kazmierczak – I was trying to figure out reclamation between the two of you. I have no further questions right now.

Mr. Klopp – The reality we are looking at is close to 40 acres open before any reclamation.

Mr. Tomashek – Probably close to 40. We will only be opening up 60 acres total.

Ms. Anderson – The opening of the acres will go relatively slow because of the market; we will only open up what we need; will not go in there and open 20 acres all at one time if we don't need it.

Mr. Tomashek – We have been reclaiming our existing quarry as we go. The north and east part of it is pretty much exhausted; so we have started reclaiming that already.

Mr. Klopp – When did you start doing that?

Mr. Tomashek – We have been doing that since 5 years after we have been in there; moving soil around and filling in the old parts of that quarry.

Mr. Kazmierczak – We should be able to see that today.

Mr. Tomashek – You should be able to see where we hauled dirt in and start reclaiming.

Mr. Klopp – That should be well established.

Mr. Tomashek – Some of it is a slope like Ms. Anderson just talked about where we covered some of the high walls and some of that area has just been used for stock pile; you will be able to see where we have been moving dirt around.

Mr. Klopp – One concern I have is what you have for open acres and what is already existing on a different Conditional Use Permit is roughly 40 acres on the Segerstrom land. Do you have that information?

Mr. Klopp – I believe it is roughly 40 acres open.

Mr. Owecke – I am not clear on your question.

Mr. Klopp – The sand mine on the Segerstrom property. I believe it is roughly 40 acres that is open.

Mr. Owecke – Currently open.

Mr. Klopp – Yes; unless some has been reclaimed since 2014

Unknown voice – about 27 or 28 that is open

Mr. Tomashek – Are you talking just about the Buffalo White Sands

Mr. Klopp – yes; it is separate

Mr. Wantoch – When you do open it up like that, the stone wall is 30 – 40 feet high

Mr. Tomashek – It could be 60 – 70 feet

Mr. Wantoch – if you open up, 2 acres would be all you would need to uncover to get quite a bit of rock out.

Mr. Tomashek – quarry's typically advance at a snail's pace

Mr. Wantoch – it appears you get a lot of rock from a small area of blasting

Mr. Tomashek – We don't leave the full 60 – 70 foot phase, we bring dirt in part way up on the slope like we did on the Ellingson quarry; filled up some of the side wall, but we leave some of the exposed face of the natural feature; we reclaim part of it.

Mr. Wantoch – opening up 20 acres at a time would be an enormous amount to uncover or even 10 acres would be a lot.

Mr. Tomashek – In the actual active phase is a lot less than that; we just need room for the crusher, stock piles, scale house and everything that goes on with it. That is what takes up the room.

Mr. Kazmierczak mentioned that he received some correspondence to his residence, which was addressed to the Buffalo County Board of Adjustment from Bobbie Moy, requesting that the Conditional Use Permit be denied and her personal reasons why were included in her letter, which he passed on to the zoning staff for the record. Mr. Kazmierczak stated that he thinks there is some confusion about what is being asked and what is being proposed today as well.

Mr. Wantoch stated that he also received the same letter from Bobbie Moy.

Mr. Klopp stated that he received the letter from Bobbie Moy and also mentioned that he received a correspondence from Kevin Cassidy concerning today's hearing as well.

Ms. Anderson mentioned that they presented their application to the Town of Mondovi and did make an effort to contact the adjoining landowners and was only able to contact two of them and they didn't have a problem with the proposal.

Mr. Klopp – do you remember the names of those landowners that you talked with.

Ms. Anderson- Bradley Meir

Mr. Klopp – Is he a resident of the County

Ms. Anderson – No, actually there are not any adjoining landowners that are residents other than the Segerstroms.

Motion by Mr. Kazmierczak, seconded by Mr. Klopp to recess to look at the site. Mr. Klopp called to adjourn and reconvene at the site with the address of S499 State Highway 37, Town of Mondovi and reconvene at the site in 35 – 40 minutes. All in favor. Carried.

Mr. Klopp – We are reconvened at the site of the Mathy Quarry.

Mr. Klopp – If someone has a question, they should state their name.

Mr. Tomashek provided a short training for those visiting the site, which is required by MSHA before persons are exposed to mine hazards.

Mr. Tomashek pointed out some of the areas of the mine, truck scale location, where aggregate is washed, wash pond location, where the high capacity well is isolated, fuel tank and electrical box are located.

Mr. Tomashek – cords and piping are ran from the area of the high capacity well to where the wash plant sits; aggregate comes from the north.

Mr. Wantoch – What is the age of the high-capacity well

Mr. Tomashek – Estimated it to be probably 7 years already.

Mr. Wantoch – no complaints from neighbors that it lowers water in their wells

Mr. Tomashek – Not to us.

Mr. Tomashek - Off to the right is waste screenings that will be used in reclamation; have not started pushing down and sloping because we still have activity here with piles.

Mr. Tomashek explained that the overburden dirt to his the left has been moved in; that will be finished off with a dozer and then black dirt brought over the top of that, that is the clay overburden that comes off the top of the rock.

Mr. Tomashek – We still got some rock remaining in this areas to the northwest that we can mine back basically to the tree line, so there is probably 2 acres of rock up there that you can see of varying heights; they will mine that back yet at some point.

Mr. Tomashek pointed toward the loader and talked about an area that is the boundary where you can see the rock.

Mr. Wantoch – This whole open area. How many acres are you sitting on; stock pile, equipment.

Mr. Tomashek – Acreage we currently have is 58 active acres, which includes anything up above that has been disturbed for stripping, the active quarry floor and the access roads and above by the wash pond. That is all considered active acres as part of the operation.

Mr. Tomashek - We just recently got done crushing up here, so the quarry is relatively full; sometimes it is pretty empty, compared to how much product is in here now.

Mr. Klopp – So the area here is roughly 2 acres.

Mr. Klopp – So you are looking at 3 to 3 years of production.

Pointing to a location, Mr. Tomashek stated that there are probably 1 to 1 ½ years of production; that particular rock has a fair amount of clay; so we will probably end up with a fair amount of that wasted; may only yield 50% of that rock because it is the boundary rock; a poorer rock. The

limestone as it dips toward that north valley; so where we are standing, the quarry bench was higher than that bench, but the rock dips down and basically goes away as you go into that valley and so the quarry is somewhat day lighted this direction. You can see we have a berm around the outside to safe guard people going over the edge. *(Audio picked up noise, which prevented from picking up Mr. Tomashek's comments at this time).* *(Audio noise cleared.)* Mr. Tomashek continued by saying that this was all exposed high wall a couple years ago and now they have moved the dirt around and piled it up waiting for final reclamation.

Mr. Klopp – Are there any other areas here that you plan on mining.

Mr. Tomashek – Up behind the wash plant. This will be the final area before we start doing final reclamation. Mr. Tomashek pointed to the area where the crusher sat before it moved out this spring and stated that is why this area is wide open.

Mr. Wantoch – The rock that is in that face there, is actually a low quality rock; that is not a good quality rock.

Mr. Tomashek – It is both. The upper rock is a good quality rock that is one of the reasons we are here on the Segerstrom property. In Buffalo County there is varying rock quality and good rock quality rock for all types of work.

Mr. Owecke questioned whether a pile was ag lime

Mr. Tomashek – This is actually washed manufactured sand we use in our black top. Ag lime is up on top of the hill (pointing to a location). Some of this dirty screenings, farmers use for ag lime, but our better ag lime is up on top.

*Some comments may be omitted at this time due to poor audio reception.*

Kevin Cassidy – You said earlier that you had started reclamation.

Mr. Tomashek – (Pointing to a location) This is some of the dirt that we hauled in to start reclaiming back here. Obviously, we have still been active, so we can't bulldoze it down to do the final sloping and reclamation. That will be our next order of business when we have cleaned these piles up.

*Some comments may be omitted at this time due to poor audio reception.*

Mr. Tomashek – That is kind of a look of an active quarry base; how the piles are laid out.

*Some comments may be omitted at this time due to poor audio reception.*

The water truck came into the quarry at this time and Mr. Tomashek explained dust control in the quarry and other uses for the water truck.

Mike Owecke asked how you get water from the high-capacity well to ponds.

Mr. Tomashek – We just run piping up to the pond and we recycle water out of the ponds.

Joe Wantoch – Piping just laid on the top of the ground.

Mr. Tomashek – Plastic pipe

The group went up by the ponds.

Mr. Kazmierczak – Do you pump from the high-capacity well up to the ponds to fill.

Mr. Tomashek – Then we draw and recycle the water back and forth.

Mr. Kazmierczak – Then you have a portable wash plant.

Mr. Tomashek – Yes. (pointing to one pond) This one pond is kind of silted in right now; it has not been cleaned; the silt is working its way back that way. There is a fresh water pond over the top of the rock berm; we pump the silt in here and we bring the fresh water back from there and kind of round robin it. This material can actually be dug out and used for reclamation.

Mr. Wantoch – at one time, was this one filled with water.

Mr. Tomashek – Yes, it was more silty water actually, but that end of the pond would have been full of water as the silt made its way to the west here.

Mr. Kazmierczak – would this be what you would consider reclaimed side wall

Mr. Tomashek – Again, that is not completely finished. That is dirt that was brought in as we made some of these ponds and other things.

*Some comments may be omitted at this time due to poor audio reception.*

There was some discussion about not completing all mining at the Mondovi quarry.

Mr. Klopp – Why would you stop mining this.

Mr. Tomashek – We have some time restraint with the Segerstrom lease that we would like to get going down there so we can get done and then we come back here and finish up in the future; that is our plan.

Mr. Klopp – roughly, how many years do you feel (*poor audio, unable to hear the rest of the question*)

Mr. Tomashek – Maybe on the inside 5 and the outside 10 years. It is a very narrow ribbon that, probably 150 yards wide that goes across the hill, so 5 + or -. This was basically 2 years of activity to remove what you see there right now besides still mining some out to the north. We can go around the corner and walk out to that if you want to. We can walk around the loop here.

Group walked to the ponds.

Mr. Kazmierczak – questioned another pond

Mr. Tomashek – I was thinking there was a small dike down here.

Joe Wantoch – When you talk about the water table, you are talking about 270 feet below the floor

Mr. Tomshek – Below that floor. The main water table is down 260 to 370 feet; the water table dips back towards the river. There may be small perched water tables within that zone, but the main water table is down 260 – 370 feet.

Mr. Kazmierczak – The material on the west is all overburden

Mr. Tomashek – Yes, brought back in

*Some comments may be omitted at this time due to poor audio reception.*

Mr. Tomashek – As you can see we will build a haul road similar to the ones that are already here. Will try to leave as many trees as possible along the perimeter and then ribbon the road right around into the Segerstrom property.

Mr. Tomashek explained where the haul roads will go and why they are being constructed in the specific locations. Mr. Tomashek continued by explaining that they started bringing in clay back

along the edge and they have only been mining back here for 2 years and started bringing some of the stripings back in.

Mr. Owecke – Do you haul products here

Mr. Tomashek – To where the wash plant is or we haul directly to the base

*Some comments may be omitted at this time due to poor audio reception.*

Ann Yelle – Explain the fresh water pond and silt pond

Mr. Tomashek pointed out the black pipe and explained that water is pumped from the high-capacity well to a fresh water pond (he pointed out the fresh water pond) until it is full and then they start running the wash plant. They recycle the water and the water will trickle from the silt pond back to the fresh water pond where a portable pump is set up and it recycles. Mr. Tomashek continued by saying that they run the high-capacity well for maybe 2 to 3 weeks, 24 hours to fill these ponds and then we shut that off and only run it once or twice a week and stated that once they start recycling the water they do not have to run the high-capacity well full-time.

Ann Yelle – So the fresh water is part of a recycling process.

Mr. Tomashek – The well actually fills these ponds and does not go the equipment. The equipment has separate pumps that pump from these ponds and you can see where the silt goes back in on that end.

Kevin Cassidy – To be clear with the amount that you can still mine here and mine over here, the attention right now is to get moving on the Segerstrom right away.

Mr. Tomashek – Correct.

Mr. Wantoch – This water pond; the only way you lose water here is through evaporation, basically.

Mr. Tomashek – Evaporation; a little bit still goes down even though it is silted down in the bottom a little bit still goes down; but most of it is evaporation, some comes off the pile as they seep in the quarry floor; the big loss is evaporation.

Ann Yelle – What is the expiration of your current lease with Segerstrom

Mr. Tomashek – Have a 10 year lease, with a 10 year extension.

Mr. Tomashek – It would take us a year to just get started; building an access road, moving rock and opening up rock over there, even though there is some active quarry floor open already.

Donna Harschlip – Where is your wash plant now

Mr. Tomashek – gone. We have seventeen, they come and go (meaning they are portable wash plants), based on market demand

Donna Harschlip – It is not owned by you.

Mr. Tomashek – It is owned by use, but the wash plants come and go. It is at a different quarry. Same as the crushers. They come and go.

Mr. Klopp – the wash plant was in here this spring

Mr. Tomashek – The crusher was, I don't think the wash plant has been here yet

Kevin Cassidy – You don't do any air monitoring in this quarry.

Mr. Tomashek – We do on the production equipment and miners get tested by MSHA, but we are not regulated for boundary mining like silica sand mines are, but we do monitor our crushing equipment and we monitor our employees. Since we are not mining the silica sand, we don't create the silica dust that you are thinking of. We create a PM10 dust, but we don't create a PM4 dust like silica miners; basically the same dust because silicosis could happen to limestone miners; that is what the MSHA guys monitor for PM4 dust on the miners. Our process really doesn't create that dust.

Shirley Evans – Where you going to mine the sand, is that the former Edna Moy property.

Mr. Tomashek – Mine the limestone. Correct. It would be part of the Segerstrom original farm and part of the Edna Moy farm; that was the additional 80 acres that we talked about this morning.

Shirley Evans – What name is that under.

Mr. Tomashek – It is all under Segerstrom and Sons now

Mr. Klopp – We will reconvene down at the Steven and Beth Segerstrom residence in about 10 minutes.

Motion by Mr. Wantoch, seconded by Mr. Kazmierczak to reconvene down at Steven Segerstrom residence. All in favor. Carried.

Mr. Klopp – We are reconvened at the Steve and Beth Segerstrom property.

Mr. Klopp asked the applicant to explain where the leased property is and how it lays on the aerial photography.

Mr. Tomashek and Ms. Anderson pointed out on the maps/aerial photography where the leased property is and the approximate location at the site.

*Some comments may be omitted at this time due to poor audio reception.*

Mr. Tomashek – Just for reference, the quarry where we parked basically points straight north. You can see an old telephone pole structure up there, right about where the well was behind where we parked and then we walked westerly from there to where the wash ponds are. Straight above the white building. If you split the two white buildings and go straight up, that is about where the boundary between the Mathy property and the Segerstrom property is and it goes straight west, so a small portion of that old quarry is on the Mathy property. Most of it is on the Segerstrom property, which we can look at on the maps.

Mr. Tomashek – Geology wise, there are two limestone benches up there that are exposed and that would be our full face that we would be mining. So right above that white sand you see on the slope; just above that is about 30 feet of limestone that we would take and then far in the distance up toward the woods you can see the top of the second bench and basically the Moy property is what is in the woods and then going farther west. The two quarries that Ms. Anderson talked about would be the bigger quarry and then there is also a smaller quarry that is on the point above the trailer house a little bit to the south; there is a small quarry that is shown on the map.

Mr. Tomashek – That is basically the dimension of the length of our whole quarrying operation (Mr. Tomashek pointed to those areas) from that north end down to that point with the bulk of the land being up on the Moy property to the west. For reference, that is the distance that we would mine over time, so we are not taking anything down on this end. All of the mining will be restricted to that area up there. Again, that bench varies from 40 to 100 feet at the highest back in the Moy property. The limestone goes up and down as you saw in the other quarry; the top of the rock does dip.

*Some comments may be omitted at this time due to poor audio reception.*

Explanation continued with matching the leased areas on the maps/aerial photography with the location at the site.

Ann Yelle – Did I hear you correctly that one of those buildings is on leased land from the Segerstrom's.

Mr. Tomashek – Most of the buildings are on, but that is also on the Buffalo White Sands lease.

Ms. Anderson – The buildings, I don't think are on leased property.

Ms. Anderson pointed out on the map/aerial photography the 40 acres that was originally leased.

Mr. Tomashek – So we just missed the buildings.

Ms. Anderson – The buildings were never on leased property.

Mr. Klopp – Looking down the field there, would you say that you probably have half of it.

Mr. Tomashek – We are actually in the woods

Ms. Anderson – We have a little bit more of it than half.

Mr. Tomashek – Looking at the map/aerial photography, that valley back there is ours.

Ms. Anderson – We own most of it.

Mr. Klopp – When was the last year that quarry was active.

Ms. Anderson – I have been here 20 years and it was never active in that time.

Ann Yelle – That is the one that is directly behind

Mr. Tomashek – Buffalo White Sands was up there getting some sand ready, but they didn't mine it; they exposed that sandstone; or started to. As far as limestone crushing.

Ms. Anderson – Not in the 20 years I have been here.

Mr. Klopp – You were saying earlier that on the other site, there is a lot of good rock in that quarry.

Mr. Tomashek – Correct.

Kevin Cassidy – So, the area that, in your application that you talk about reclamation being a sand mine, but if your reclaiming alone, you would put it into pasture. *(audio was poor during the middle of Mr. Cassidy's question, so parts of his question are missing from the minutes).*

Mr. Tomashek – No, it will all be sand mined, if and when they mine it. We will put it all back to pasture based on if we get going and they are not mining yet, we will put it back to pasture. Ultimately, it could all be put back to pasture before they even start mining it. That is completely up to them; whatever their market is. Everything we touch will be put back to pasture if they don't mine it for a sand mine.

Kevin Cassidy – So if the market is good for sand and the market is good for building interstate, you guys may be doing the same thing at the same time.

Mr. Tomashek – Correct.

Kevin Cassidy – So you would you have trucks and the sand company would have truck and now they are not going to use conveyors, they will use trucks; in their modification, they said they were going to move the sand by truck; so that might be going on at the same time.  
Correct.

Mr. Tomashek – on the property

Kevin Cassidy – yes

Mr. Tomashek – It could be. That would probably be more off road moving product; not necessarily highway truck.

Mr. Tomashek - As a point of reference, in the last 20 years, there has actually been 3 quarries active in this area, one has been reclaimed. The market is here for multiple quarries. The other reason, the good rock is here, that is why the quarry companies are here.

Ms. Anderson – We find a lot of benefit to this site versus trying to open up a brand new site; we have an existing access on a state highway that also makes it a lot more valuable to us as well. It is already established. We already have our processing operation that we have up here.

*Some comments may be omitted at this time due to poor audio reception.*

Discussion was held (*audio was not real clear*) talking about where truck traffic would go. Mr. Tomaszek stated that the majority of the trucks go north, but they may head south to Alma is they have a riprap job there; the bulk of the rock goes north. It would all depend on the market for a given year.

*Some comments may be omitted at this time due to poor audio reception.*

Mr. Klopp - Motion and second to recess to the courthouse. We will reconvene at 5:30 this evening. All in favor. Carried.

Mr. Klopp called the hearing of the Zoning Board of Adjustment back to order at 5:30 p.m.

Mr. Kazmierczak asked to postpone agenda item #10 until after the public comments.

Mr. Kazmierczak stated that he had all the answers to his questioned answered during the site visit. Mr. Wantoch also stated that he had all his questions answered during the site visit as well.

Mr. Klopp stated that the public comments will be for 3 minutes. A sign to notice 30 seconds remaining will be used.

Public Comments are summarized as follows: Shirley Evans – Modena Township. She felt that a decision on this application should be tabled; expressed concern for having 2 companies on the same acreage and if a permit is approved, she suggested that the Board of Adjustment think deeply about conditions and restrictions and felt there were still to many unanswered questions; Kevin Cassidy – Expressed concern for the fact that Buffalo White Sands was not at the hearing; felt they should have been; felt there has been some missing information on the property that should have been part of the previous conditional use hearing on the properties for this application; concern if both industrial sand and limestone are being mined at the same time; expressed concern for 2 conditional use permits for non-metallic mining on the same piece of property and asked that the application be denied or at a minimum tabled until all parties come before the Board of Adjustment and better explain how this is all going to work. Rod Harschlip – Town of Nelson. Opposed to this conditional use permit and urged that it be voted down. He expressed concern for multiple permits with 2 different companies. He also expressed concern for when the limestone is removed; what happens at that point, whether it is a quarry or sand mine. This concluded the public comments.

Mr. Wantoch – What happens when you take the limestone off and then there will be sand. If the sand market is not there, then it would be reclaimed back to pasture. It would not be left open.

Mr. Kazmierczak – Just to clarify, Ms. Anderson, you were the one to mention this, just so we are clear, go to the speaker and bring the diagram that shows the cross section, so we are all talking on the same page. You are taking off the limestone on the very top. Correct?

Ms. Anderson – Correct.

Mr. Kazmierczak – and then there is a layer of sandstone. Correct.

Ms. Anderson – Correct.

Mr. Kazmierczak – and then there is sand

Ms. Anderson – Yes

Mr. Kazmierczak – so what is proposed is you are going to take off the very top layer. There will be a layer above the “frac sand”; the quality sand that will be mined for sand.

Ms. Anderson – We are going to mine to about 1,200 feet, which is the elevation of the quarry floor that we saw on the Mondovi side. The transition sand, we can't use in any of our products; it doesn't meet state specifications for road construction material, so we are not taking the transition sand.

Mr. Kazmierczak – that is not “frac sand” quality sand either. Correct.

Ms. Anderson – Correct.

Mr. Kazmierczak – So it is basically a barrier or layer between the two or so; if in fact what is being proposed is that you would take the limestone off and assuming there is not a big demand for sand at this point, then you would be creating pasture on top of the sandstone.

Ms. Anderson – Yes we would be creating pasture on a layer (she pointed to a layer on the cross section demonstration board).

Mr. Kazmierczak – That is what I thought. I just wanted to verify that my understanding of the situation is correct. I think there is a little confusion about what is going to transpire there.

Mr. Wantoch – How many feet of this poor quality sand is there before you get to the good sand.

Ms. Anderson – 30 feet.

Mr. Wantoch – So there would be basically an overburden for the sand company. They would have to move that all off to get to their sand.

Ms. Anderson – They would have to move this (meaning limestone) off as well, but there is wonderful use for this limestone that serves the residence of this area. That is going to be taken off anyway. We would like to be able to take it off and make it into the products that you saw.

Mr. Wantoch – How much over burden is there over this limestone right now; approximately.

Ms. Anderson – In the higher spots there is maybe six inches of top soil and from the soil logs anywhere from five to 40 feet of clay.

Mr. Wantoch – Approximately 25 feet.

Ms. Anderson – That is a pretty good average.

Mr. Kazmierczak – Mike (*Owecke*), and I think this came up at the Zoning Committee meeting as well. We have two operators basically on the same parcel, obviously the limestone has to come off first for the sand to come out as well. One issue is if something comes up over there, do we have any sort of a written agreement between the two operators indicating who is responsible for what or can we require something of that nature before such a permit would be issued if such a permit were to be issued.

Mr. Owecke – The reason that we went the direction of having two separate permits instead of modifying the existing Segerstrom permit is that the uses are so different and they occur in different areas of the cross section based on elevation of each product. I think that we can look at compliance issues at the site, just by looking at elevation and if they both happen to be working in the same area, we will be able to know who is doing what. There is no agreement between the two operators and I think that is really best to keep them separate; separate responsibilities and separate operator requirements. There has been concern about what happens if Mathy finds silica sand in their mining, that they may seek to capitalize on that, there is a reasonable means of addressing that would be to attach another condition on their permit saying that they cannot operate below a certain elevation. They have that in their plan, but there is nothing that says they can't go below that elevation. That would be a reasonable means of addressing that. You cannot operate below 1,200 feet.

Mr. Klopp – Otherwise as far as if it were to be approved, a condition could be put in there that they only mine rock, gravel and only that.

Mr. Kazmierczak – I agree with you. My point was if there was a problem of some sort, you are confident that because of the levels, we would be able to deal with it in that fashion.

Mr. Owecke – I believe we could.

Mr. Kazmierczak – I have to trust you on that one.

Mr. Wantoch – If sand would pick up in two years and this application for quarry is out there and they want to go in and get the sand, all the limestone is in the road, could the sand company just go in there and dispose of this quarry rock and get to the sand.

Mr. Owecek – If that were to occur, Mathy Milestone would intend to speed up their time table to go in and remove that rock and stock pile it and work ahead of whatever sand mining may be happening.

Mr. Wantoch suggested that something be in writing that would give Mathy Milestone the ability to go in and move their product prior to any sand mining.

Mr. Klopp – The way it sounded out there is that mining limestone is not a fast process.

Mr. Owecke – My understanding is that it is as fast as you want it to be or have to be. If they need the material they go in and clear 10 acres a year even though a normal year is only 1 or 2 acres. This may be a question for Mr. Tomashek.

Mr. Tomashek – As Mr. Owecke is stating, generally our quarry operation is slow product removal, our quarry typically works at more of a snail pace, but yes, if the sand picks up and if we have to remove all the limestone, as Mr. Owecke stated, we would haul blasted rock over onto our Mondovi quarry and process it from there and expose as much sand as they would need or at least the transition layer. Obviously, we don't have to remove that, we could work at our pace. If need be, we would take off as much as we need for the sand. As far as an agreement, I will touch on that real quick. When we were looking at the original option of just mining the rock off under Buffalo White Sands, we did start drafting an agreement with Buffalo White Sands, but when we talked with Mr. Owecke and staff and decided to go our own way, we dropped negotiations and just verbal agreements that we will get the limestone in time for them to get the sand. We didn't see a need to enter into a formal agreement if we had separate conditional use permits and all other permits. We both have to get the same types of permits except the common storm water permit that was mentioned earlier. You will have double reclamation, bonds and air quality permits, so you will really have double protection.

Mr. Klopp – Does the county have a bond for reclamation on Buffalo White Sands.

Mr. Owecke – I know that has been worked through and the amount has been established, I am not sure if the bonds has been actually handed to the county yet. The County Conservationist who approved the reclamation plan is not able to be here at this time, but will stop in to make an appearance; if you have any questions about reclamation, I would think she should be here shortly. On that same note, the applicants may be able to answer your question on the bond for reclamation.

Mr. Klopp – for Mathy

Mr. Tomashek – Our reclamation plan has been approved, but there is one or two outstanding questions that I have on the reclamation plan that we are working through with Land Conservation. Based on the outcome of tonight, we will post the bond immediately after that.

Mr. Klopp – One of her comments as far as reclamation she stated no more than 38 acres unreclaimed at any time, I don't know why she put that figure in there, that is a pretty astronomical figure for open acres. I guess we talked before, you talked about maybe having 19 or 20 open and then another 19 or 20 and then go back and reclaiming 19 or 20 acres.

Mr. Tomashek – That 38 acre question is one that we posed to conservation; where did she get that number. As you can see from today up there, it takes quite a bit of room for stock piles,

- operation, wash plant and crushers. Although we are not going to have a wash plant on the Segerstrom property, acreage could be cut down, but it is all how you work the quarry and what's happening. I think we could keep the acreage to a minimum. I hate to put an amount in there, we are going to pay active acres on the bonds anyway, but we try to keep them to a minimum.
- Mr. Wantoch – When you open the Segerstrom mine, is all that product going to be brought over to your present mine and processed.
- Mr. Tomashek – No, the base core stocks will probably stay back at the Segerstrom property, so we can haul direct from there to the haul road, but the washed product, probably half will be coming and re-processed if you will to the wash plant.
- Mr. Wantoch – At the site today, that site will actually stay open indefinitely.
- Mr. Tomashek – Part of it will stay open. The north part will be closed up.
- Mr. Klopp – I assume you are leasing the land now.
- Mr. Tomashek – Correct.
- Mr. Klopp - Is there another lease on the land.
- Mr. Tomashek – Other than the Buffalo White Sands
- Mr. Klopp – Yes
- Mr. Tomashek – I don't know of any other leases.
- Mr. Klopp – I guess, one thing that concerns me, with these 2 applications is; you mention if the sand mining industry takes off and would be stock piling a lot of the material, back to the present quarry, would there be enough room; it depends on what would need to be taken off; I assume you are looking at probably 5 to 7, maybe 10 acres that you would want to be open for mining sand. You mentioned hauling material back, is hauling material back, is it sufficient for (*unable to understand from the audio what the word is here*) to haul, do you have room.
- Mr. Tomashek – In our discussion with Buffalo White Sands at the peak, they were going to need about an acre of sand a year to meet their capacity of their plant versus us typically taking a quarter or maybe a half. They would take double what we would take off a year that was at their peak. Those are the kind of volume we were talking about. That is what we have to work with; which is our quarry that would not be a problem; we could stock pile that and make it work.
- Mr. Klopp – One of your initial leases is for 7 years, with 5 consecutive years after; the next lease, I believe was for thirty years. Correct.
- Mr. Klopp – One additional question. On the permit application for hauling information, for the second primary route, you indicated, that it does not apply. Can you explain that.
- Ms. Anderson – When I filled out the permit application, our primary route is to exit onto Highway 37 and then most of our traffic goes north, but it could also go south. Because we have projects on specific routes, we do not have dedicated routes that we take to any one place that is why we completed the application that way, because we go many different routes. I didn't know how to explain on the application all the different routes that we could possibly take.
- Mr. Klopp – You usually go north or south.
- Ms. Anderson – I could have put that on the application.
- Mr. Klopp – Your answer just caught my eye.
- Mr. Wantoch – I would think the designated part would be basically Highway 37, north or south.
- Mr. Kazmierczak – One point in your application you mention you might haul as many as 400 truck loads a day, which comes out to 17 truck loads an hour. Can you in fact haul that much.
- Mr. Tomashek – yes.
- Mr. Kazmierczak – You got that capacity, if need be.

Mr. Tomashek – We came close to that a couple years ago when I talked about the I94 project; we don't do that day in and day out. Those are maximum numbers. Typically 100 – 125 loads is a big day, but in certain situations we could get to those numbers.

Mr. Kazmierczak – Mr. Owecke, do you have the proposed conditions on this CUP.

Mr. Owecke – they were included on the staff report. There were the standards and the additional 18 conditions.

Mr. Klopp – As far as blasting, how far down to you usually drill.

Ms. Anderson – *(was unable to understand her answer from the audio)*

Mr. Tomashek – As far as that quarry out there, we will probably work that quarry in 2 benches.

We will take the knobby stuff off down to some level and drill the second bench, but we will not drill any deeper than the sandstone layer relatively elevation 1200 feet. There is no reason to go any deeper than that level. In fact, we try to stay a foot or two above the sandstone if our blasting product gets into that sand, it could dissipate the energy.

Mr. Klopp – You stated out at the site, that you would probably commence fairly soon.

Mr. Tomashek – We would probably do some logging this fall and start doing some road construction maybe this fall; get a haul route built and start with the logging and the stripping on the Segerstrom property to be able to expand that quarry.

Mr. Klopp – It seems to me, you mentioned years that you have left on your own quarry and it seems a little different that you would go from what you have to another property and not finishing what you have at the existing quarry.

Mr. Tomashek – You can look at it from a business perspective. We consider it a contiguous property. How bad you can see going to the north and basically start a new operation going west for use to jump over a quarter of mile from ours to theirs and since we do have kind of a time frame on the lease at the Segerstrom, they would like to see us get going. You can look at it that we are saving our rock for the future and that will be the last rock that we take off the property and we would mine our way through the Segerstrom first.

Mr. Klopp – When you have the crusher in there, do you ever have any complaints from anybody. I assume probably not, as far as noise.

Mr. Tomashek – I have not. We are kind of secluded up there. As you can see down by the Segerstrom, you can hardly see us up there; as far as the Town of Mondovi at that meeting they didn't say anything about complaints.

Ms. Anderson – There was one of the neighbors, Dale Anibas that said that he hears the beeper sometime, so the Town did put a recommendation on their Town Board approval form that would use the white noise backup alarms during the daytime and evenings we would use strobe lights.

Mr. Tomashek – Some nights when we do operate at night, the sky get a little *(was unable to understand his word from the audio here)* from the light plant, we try to use downcast light.

Mr. Tomashek – We don't like hauling at night. Sometimes the DOT mandates that we have to deliver products at night; we try to do the bulk of our hauling during our normal hauling hours. There are sometimes when we got to haul at night, because of the DOT, so we can't predict that. That is why we need a 24 hour capability; not that we run 24 hours a day; that we are there all the time. We need that capability once in a while.

Mr. Klopp – As far as when you crush, how long is the crusher at the quarry.

Mr. Tomashek – Depending on the demand, we typically go there twice a year and crush and we will probably go back there this fall and crush and it is usually between 3 to 6 weeks. Same when the wash plant comes later, 3 to 6 weeks.

Mr. Kazmierczak – When we were on your site, there was a large pile of what looked like wood chips on the top, was that from when you did the logging on that area.

Mr. Tomaszek – That is correct. When we grind the wood chips up and then we will use them for reclamation area. It is hard to get burning permits these days.

Mr. Owecke – I have one other suggestion for another condition. This is a result of talking with our County Conservationist yesterday about the reclamation plan. *Mr. Owecke referenced a document that the Board of Adjustment members should have received prior to the meeting to review, the “Reclamation Permit”, issued by the Buffalo County Conservation Department and referenced Permit Condition #3 (agricultural pasture and cropland), specifically to the very last sentence.*

Mr. Owecke would like this sentence changed because the sentence as written will require Mathy Milestone to do reclamation before industrial sand mining can begin and explained that if they are both operating, it makes absolutely no sense to make them reclaim it, before Buffalo White Sands can come in and take the sand; it would be a waste of money and time for everyone. Mr. Owecke suggested that the sentence read, “If industrial sand mining is to commence within 1 year of a phase being completed, reclamation of that phase is not required.

Mr. Kazmierczak stated that he has a concern with that and explained that the concept makes sense, but what happens if the sand mining does not commence within that year. How do you be sure that reclamation will happen.

Mr. Owecke – I would say that if the sand mining did not move into that area, it would have to be reclaimed.

Mr. Kazmierczak – Need to add that if within that 12 month period of time, no active sand mining has occurred, the site must be reclaimed.

Mr. Wantoch – Who would do the reclaiming, Buffalo White Sands or Mathy Milestone.

Mr. Owecke – Would be reclaimed by Mathy Milestone.

Mr. Klopp expressed concern for the 12 months the mine would be open and the number of acres prior to reclamation.

Mr. Tomaszek – The way that NR135 works, irregardless of phasing, we could have 12 phases up there of one-half acre each, which is not practical or we could have one phase of 60 acres, which isn’t practical either, trying to give you some idea of workings of the mine. Irregardless of whether it is 10 acres or 40 acres, we are going to be paying fees on it and it is hard to distinguish exactly how many acres will be open at any given year, because of the fact that one year maybe a quarter acre and the next year it is three-quarters of an acre; it is hard to know how many active acres we will have open at any one time. I have an issue with specifically putting in an acreage on how much will be open or now, because we are paying fees for the open acres. I agree with Mr. Owecke, the issue we had, is that it says final reclamation must occur, which means that could be a 5 to 7 year process, also that is our heartburn before Buffalo White Sands could take the sand off. I think that condition has to be re-worked a little bit, if you follow what I mean on that, under NR135 you have to wait 5 to 7 years to get final acceptance.

Mr. Kazmierczak – I would offer kind of a proposal and based on what you told us earlier, basically if mining is going to occur, they will mine at twice the rate of Mathy, so you are going to have to get in there faster than you can. My recommendation would be to the site, if it is open for more than six months, it has to be reclaimed. That would take that issue of the table because if they are going to be actively mining, they will be in their fairly quickly after you

- are out of there and if they want you to have it covered, you are paying additional money on that for all the open stuff; so you are not going to want it open longer than you have to.
- Mr. Tomashek – Correct, but we may be in phase II for 5 years and we may need the bulk of phase II for 5 years, but maybe not phase I. People don't like the word as soon as practical, but the discussion with us and staff when they go out or determine active acres each year, they could ask us whether we can reclaim any more acres, as you saw today. We need a lot of acreage to try to mine, because of the type of deposit and how it is laid out.
- Mr. Klopp – I guess the concern is what we have done in the past, with sand mining applications and that is small phases of 5 acres and expect that they will start reclaiming the first phase when they start mining the next. They don't have 10 acres open; that is what we put on as conditions. I am looking at phase I and we have almost 12 acres to be opened for a years time; the acreage is what bothers me. With the berms in, it just depends on what mother nature does, when that 12 acres is open, when nothing has been reclaimed.
- Mr. Kazmierczak – I have two other concerns on the proposed conditions as well. I would recommend that we stay with the one mile radius which is what we have taken with the sand mines and I think we can set the standard that anyone within a 1 mile radius is offered those guarantees there could potentially be a negative impact on their property. I would also suggest that there be language in the conditions that they mine limestone only, rather than try to set a depth. Mr. Owecke, you said that it will probably be an elevation of 1,200 ft; if we just hold you to limestone, that will solve the issue of that as well. That would be two additional conditions. I don't know if that will resolve your concerns yet, Dale.
- Mr. Tomashek – What is the distance for property value agreements for limestone quarries; in this particular case, we already have property value agreements under the Buffalo White Sands; are we doubling up on that again.
- Mr. Kazmierczak – I am just trying to ensure that there is a guarantee out there because, in fact, Buffalo White Sands never operates and you do.
- Mr. Tomashek – I would just ask what is the code saying that we are trying to follow as much as we can.
- Mr. Owecke – Right now, there is no requirement in our statute about property value agreements.
- Mr. Kazmierczak – What we are trying to do is establish some uniformity in the way that we approach these and we have been pretty firm on the one mile radius.
- Mr. Owecke – In the same light, I would also suggest that no limestone quarry previous to this has ever had that as a requirement.
- Mr. Kazmierczak – I understand that
- Mr. Owecke – If you are looking at standards
- Mr. Kazmierczak – Mr. Owecke, I would also offer that prior to 2 years ago, no frac sand mine had property value agreements either; the first couple were approved without anything.
- Mr. Klopp – I guess I look at this. This is not a normal rock quarry. I don't look at it that way, because they can mine rock and sand at the same time. This is just not a rock quarry.
- Mr. Owecke – If and when sand mining ever does commence, they will have to have property value agreements within a one mile radius, that is already been established for the sand mine.
- Mr. Klopp – I that what Mr. Kazmierczak was looking at, if sand mining did happen.
- Mr. Kazmierczak – This is not a little 5 acre quarry that we are talking about; let's be real honest. There is 25 acres out there that is open now, maybe 30.
- Mr. Tomashek – 50 (meaning acres).
- Mr. Kazmierczak – This is not a little gravel quarry.
- Mr. Owecke – I am not arguing with you, you were pointing out precedence, I was also pointing out precedence.
- Mr. Kazmierczak – I agree.

Mr. Owecke – If the Board so chooses to go in that direction, I would suggest that the wording from the staff report say that property value agreements are required to be offered to a landowner, not that they are required to be obtained.

Mr. Kazmierczak – I agree totally that has been our position all along. There are people that will not go into these agreements; it is that they be offered; they can be turned down, we are not going to require anyone to do anything like that, however I think the offer should be available.

Mr. Owecke – If a property owner so chooses, they will need to return a signed document saying that they are not interested in a property value agreement.

Mr. Kazmierczak – I don't think that is an unreasonable situation. If we look at our standards, for making these kind of decisions; you look at the size of the site, in relation to location and those kind of things, substantial justice to all parties concerned. That is a consideration to take into account. I really honestly feel that way.

Mr. Kazmierczak – your limestone one, I don't know the right wording for that, no excavation other than for the limestone if that would do it, I would be comfortable with that.

Mr. Owecke – I think, maybe, looking that we can monitor more easily rather than going identifying what kind of rock is being extracted; we can identify elevation.

Mr. Kazmierczak – Would you prefer elevation, would that be easier for everyone.

Mr. Tomaszek – That's fine.

Mr. Kazmierczak – If you and the staff set an elevation that you are comfortable with; I think you said that the base of the limestone is pretty uniform around 1,200 feet.

Mr. Tomaszek – We actually had an exact core elevation, so we could discuss our actual core elevation and establish the south end of the Segerstrom and the north end of the Segerstrom.

Mr. Kazmierczak – and that would be fine.

Mr. Klopp expressed concern again for acreage that is open that needs to be addressed in a condition.

Mr. Kazmierczak – How do you want to word that

Mr. Klopp – 6 months or less

Mr. Wantoch – You are talking about the acreage open for possibly the sand company may come in behind

Mr. Kazmierczak – If they don't mine the sand

Mr. Klopp – They can say that maybe that is going to happen in 12 months and then it doesn't; that is just a concern as far as doing the reclaiming and then it sits there for how long

Mr. Owecke – Perhaps there could be a disclaimer if the sand mining operation does not commence within

Mr. Wantoch – I would feel like 12 months is not too long because chances are you might hit in the fall and nothing going over winter, and the six months right away will be expired. You put one year on it.

Mr. Klopp – I would like to keep the 12 where it is need be, but if you have winter coming, you have a hard time getting anything established.

Mr. Klopp – As far as that last sentence, on #3, the reclamation permit

Mr. Owecke – Mr. Chair, our County Conservationist just came in and maybe I could bring her up to speed on where we are in our discussion.

Mr. Owecke explained that he was addressing the last sentence in the County Conservationist's third permit condition. Mr. Owecke stated that he made a suggestion to the Board that it didn't really make any sense to do a final reclamation on acreage that could be sand mined; so I proposed

wording to a condition that would allow that; Mr. Owecke read his proposed change and went on to say that right now they were trying to come up with some final verbiage on that.

Mr. Kazmierczak – We are kind of debating and that may not be the right term, wondering if 6 months would be more reasonable and the question between us is 6 months versus 12 months and why 6 months may not be enough time. Should we just leave it at a year and then if sand mining has not commenced within that 12 month period of time, then reclamation has to occur.

Ms. Olson – That sounds reasonable to me.

Mr. Klopp – Put that in a condition as #19.

Mr. Kazmierczak – *summarized the recommendations by stating.* Mike Owecke you have the standard conditions in your proposed permit and then we had the changes that you added; 18 of them and I would change condition #14 to property value agreements are not required, but must be offered to all property owners of parcels of land within a one mile radius of the mine, whatever you want to call it. Condition #19 would be the condition that was in the reclamation plan with the one year condition for reclamation to start. Condition #20 would be a condition that would require them to go to elevation as determined by Zoning staff and Zoning staff would provide the elevation number with the understanding that they do not below the limestone and I think we all agree to that. This will make it definite.

Mr. Kazmierczak – As I sit here and look at this, I look at the location, nature and size of the proposed use, to what is out there now and basically looking at a mine on top of a mine that has already been permitted; so I think they are compatible.

The size of the site in relation to what is being proposed out there, I think it is large, there is no question about it, but I think it is well screened, and Mr. Tomashek, I think you provided that to us as well and Ms. Anderson when we were at the site, I think we got a pretty good look at that.

Existing and future roads giving access; you will use the same road that is there, it is paved; it comes out on State Highway 37. As far as routes and things of that nature, I understand that your material is going to have to go where the projects are. That is logical. I think some majority is going to go north, but we are not sure of that. It could be a major project and may decide to build I96 just south of Fountain City; you never know where the projects might be.

Compatibility to existing use on land and adjacent to. Right now we have a proposed sand mine and this is part of the existing mine. Yes, some of the neighboring areas are not mined, I understand that, but this is a permitted use or conditional use within the Agricultural District, which is where we are at.

Future development of the district. I don't know what future development that is going to occur out there. I don't anticipate anything other than the mine.

Topography, drainage, soil type, vegetative cover. We have a mine permitted out there already. So we are going to be taking off and using material that had it not been; if we don't grant this permit, it is going to have to be removed anyway to get to the sand at some point in the future.

As far as public interest and substantial justice. If we cover some of the issues with property value agreements, the hours of operation you proposed, which is a slight change than what was proposed by the company. I think those white noise alarms and the strobes at night; I think they are all reasonable requests with that condition and those list of conditions, I would move that we would approve this conditional use permit.

Mr. Wantoch – With what Mr. Kazmierczak said, I think it is a well run operation there; well hid out of sight and with that said, I would second his motion.

Mr. Tomashek – Mr. Chair, before you vote, could staff please read the conditions for the benefit of the audience and the applicant.

Mr. Owecke read the Conditions in addition to the Standard Conditions as follows:

### **Standard Conditions**

The following Standard Conditions will apply to all permitted nonmetallic mines that fall under the guidelines of these policies and procedures:

- a. Access road into quarry site shall be adequately secured (gated), prior to any product leaving the site.
- b. If blasting will occur within 2,640 feet of any habitable structure outside the active mine boundary, the blaster in charge shall offer to perform a pre-blasting survey for the residents or owners.
- c. A buffer zone of at least 75 feet from the active mine boundary to adjoining property lines and 100 feet from thoroughfares, highways, roadways and other right of ways shall be provided. However, should there be a written agreement with adjoining owners, if those adjoining owners also hold valid permits for nonmetallic mineral mining, under which all relevant parties agree to mine up to property lines, the buffer zone shall not apply. Such written agreements shall not impact any buffer zone requirement unless it is submitted to the County. If a written agreement is submitted to the County, the County may establish additional conditions to ensure appropriate site operation and protection of other nearby property owners. Except with written County approval for adjacent operation, the buffer zone shall be maintained at all times.
  - i. Processed and unprocessed material stockpiles, equipment storage, vehicle parking areas, processing facilities, and other accessory uses related to the operation of the mine such as offices and scales are not allowed within the buffer zone. Setbacks from property lines for nonmetallic mining structures with heights greater than 75 feet shall be equal to or greater than the height of the structure.
  - ii. Areas within the buffer zone may be used for vegetative screening, fencing, security gates, earthen berms, topsoil stockpiles, and egress/ingress but may require a permit condition for internal haul roads. The County may require additional screening to buffer the nonmetallic mining operation from neighboring properties and uses.
- d. Non-metallic mining operations must at all times remain at least ten (10) feet above the water table level, unless an alternative level proposed by the applicant and established by water table elevation monitoring is approved by the County.
- e. Water created from a processing plant shall not be diverted into a storm water management pond.
- f. Operator shall provide the Zoning Department with copies of permits for the site obtained through state and federal agencies prior to commencement of operations. The operator shall promptly disclose to the County any notice received, enforcement action, additional permit(s) or modification related to the permits throughout the life of the mine.
- g. Approval of the conditional use permit does not constitute approval of any other zoning

requirements. County required zoning and sanitary permits must be obtained for the site as outlined in the Buffalo County Zoning Ordinance.

- h. A complete review of all operational and reclamation activities related to the mine site will be conducted by a third party professional after three (3) months of when the mine becomes active and then once a year, every year thereafter.
- i. The operator shall obtain an agreement with the Buffalo County Highway Department before the mined product can be hauled on the County Trunk System as applicable.
- j. The operator shall obtain an agreement with the applicable Town before the mined product can be hauled on any town road as applicable.
- k. Non-metallic mine must be active within 24 months of permit issuance.
- l. Property value agreements must be in place, prior to removal of any product (Exception will be granted for those parties not interested in a property value agreement).
- m. The operator shall inform the Zoning Department on the date that the mine becomes active.
- n. The mine operator shall provide an annual status report to the Zoning Department. The report shall detail the current status of the mine site and all activity over the previous twelve months. Annual reports are due January 1<sup>st</sup> every year the mine is permitted whether the mine is active or non-active.

### ***Conditions – in Addition to Standard Conditions***

1. Trucks shall be adequately covered (tarpred) at all times while on public highways.
2. Mine crushing/processing hours are limited to 24 hours per day Monday thru Friday. Hauling/trucking hours are limited to 6:00 am to 5 pm Monday thru Friday and 6:00 am to noon on Saturdays. Expanded hours and Sunday operations for all operations are permitted in the case of an emergency or a DOT contracted project. Extracted material may not be hauled on any of the following holidays: New Year’s Day, President’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.
3. A twenty four (24) hour blasting notice will be given to all landowners whose property is located within a ½ mile radius (2,640 feet) of a blasting area. Prior to any initial blasting at the mine site the operator shall offer to perform baseline structure/foundation surveys for all property owners located within a ½ mile radius of the mine site. Surveys shall be conducted by a third party professional. The operator shall comply with all WI Department of Safety requirements with regard to permitting and blasting protocol.
4. Topsoil and subsoil material may not leave the mine site for the entirety of the mine and shall be utilized in the reclamation of the site.
5. Best Management Practices for erosion control and stormwater management shall be utilized and installed to minimize soil loss from the mine site. BMP’s include the installment of straw bales, silt fence, berms, settling ponds and temporary seeding and mulching of temporary stockpiles to prevent erosion.
6. All lighting at the facility shall be shielded and directed toward operations at the mine processing site.

7. The mine operator shall comply with all state, federal and county regulations and amendments thereof. Approval of the conditional use permit does not constitute approval of any federal, state or other local requirements. Mining activity must comply with the most recent WI DNR standards. These include but are not limited to standards for air quality, stormwater, erosion control, water quality, and high capacity wells.
8. A Buffalo County Zoning Permit shall be applied for and issued prior to any structures being erected in conjunction with the mine development. The operator must immediately notify the Zoning Department of any change in ownership, operator, lease terms, or material haul route.
9. Financial Assurance meeting the requirements of the Nonmetallic Mining Reclamation Permit issued to the operator is required throughout the life of the mine. Financial assurance must be secured prior to any land alteration or excavation activity.
10. Any significant proposed operational change, such as the physical extent of the mine, shall require an amendment to the conditional use permit. A permit amendment will require a standard fee and proceeding through the same permitting process as the original permit application.
11. The existing perimeter tree canopy must remain undisturbed to the maximum extent possible to preserve the visual appearance, aesthetics, and reduce the possibility of dust from leaving the mine extraction and processing area.
12. Stumps and wood debris from stripping, in preparation for extraction, are to be chipped and utilized as mulch on site, to the maximum extent possible.
13. To minimize disturbance to neighboring property owners, all heavy equipment operating at the mine site shall be equipped with 'white noise' backup alarms. Equipment operating between the hours of 9:00 pm and 5:00 am must replace the audible back up alarms with strobe lights.
14. Property value agreements are not required however they must be offered to all property owners of parcels of land within one mile of the proposed Buck Ridge Quarry site. At minimum a signed document from each landowner stating that a property value agreement was offered to them by Milestone Materials shall be submitted to the Zoning Department prior to any land alteration at the mine site.
15. The operator shall contact the Zoning Department prior to commencing any land alteration of the mine site to schedule a pre-construction meeting to review all terms and conditions of this permit.
16. The owner and operator shall allow staff from the Zoning Department to enter the property at any reasonable time to inspect the premises for compliance with the conditions of this permit.
17. A comprehensive review of the operational activities will be conducted by the Zoning Department and a third party professional after three months of when material extraction

begins and once a year thereafter. The expense of the third party review will be the responsibility of the mine operator.

18. Noncompliance or disregard for any of the terms and conditions stated herein may be grounds for the immediate revocation of this conditional use permit

19. New condition pertains to reclamation proceeding when and if sand mining is going to occur immediately or within 12 months of that

20. Newly established elevation; minimum elevation that they can be operating at.

Mr. Wantoch – One of the first ones there, about the trucks being covered; might have a problem with covering trucks when hauling breaker rock or rock for riprap. I do not know if those trucks necessarily need to be covered.

Mr. Tomashek – The only issue we have is that all Mathy and Mathy leased trucks have tarps, some of the county trucks have tarps, but not all farmer customer and Townships that come in there have tarps. We can police the trucks under our hire, but the county trucks or Township do not have tarps, it is going to be hard for us to force them to have tarps. We will post a sign and enforce that all Mathy hire and Mathy owned trucks will tarp their loads.

Mr. Wantoch – No matter what they are hauling.

Mr. Tomashek – Correct, which is supposed to be our standard practices and we can enforce customer trucks that do have tarps to use them.

Mr. Wantoch – I thought you might have a little problem tarping breaker rock and rock for riprap.

Mr. Tomashek – Farm corn trucks are the biggest problem when they come up for a load of limestone and they don't have a tarp. Those loads are few and far between. The Mathy trucks that are our own and our hire trucks we would enforce the tarp rule on that.

Mr. Wantoch – Ok. Good enough.

Mr. Klopp – You would enforce that with a sign.

Mr. Tomashek – Correct and with warnings that if they do not comply

Mr. Wantoch – But you won't refuse loading a truck they don't have a tarp.

Mr. Tomashek – Farmers trucks no, but if our trucks are under our hire, we will not load them without a tarp.

Mr. Wantoch – If the county comes in there with an untarped truck

Mr. Tomashek – We will load them, they will see the sign that they are supposed to tarp their loads.

Mr. Kazmierczak – I would assume there is staff to talk to the highway staff to ensure that is compiled with.

Mr. Owecke – I believe most of all new highway trucks are tarped.

Mr. Klopp – There has been a motion and second to approve Conditional Use Permit #2016-2 Buck Ridge Quarry-Milestone Materials. Is there any additional discussion.

Mr. Kazmierczak – I have none.

Mr. Wantoch – I have none at this time.

Mr. Klopp – I have reservations about some of the items on the application, but as far as going out on the site, I feel the company runs a very good business. It is pretty well secluded and that makes quite a difference.

Mr. Klopp – With that. There has been a motion and second to approve Conditional Use Permit #2016-2. All in favor, say I. Mr. Wantoch, Mr. Kazmierczak, Mr. Klopp all voting yes. Opposed. None. Carried.

Mr. Klopp asked if there were any correspondence. There were no correspondence sent to the Zoning Department prior to the hearing to mail to the Board to review prior to the hearing.

Mr. Wantoch – Just one last thing. I was looking at the map in there for residence close by and it does not seem like there is close residence within three-quarters or a mile of the quarries; is there.

Mr. Tomashek – There are some wells. There is four residence within probably three-quarters of a mile and maybe more within a mile. We will check for sure.

Mr. Wantoch – That is quite a distance.

Mr. Tomashek – We will confirm the one mile radius residence list with the staff before we send out the letters.

Motion by Mr. Klopp, seconded by Mr. Kazmierczak to adjourn. All in favor. Carried. Hearing was adjourned at 6:45 p.m.

Respectfully submitted,  
Recording Secretary  
Julie Lindstrom