

**TOWN OF OSCEOLA
SPECIAL BOARD OF SUPERVISORS MEETING
January 19, 2009
MINUTES
Townofosceola.com**

The Board of Supervisors of the Town of Osceola met for a special meeting Monday January 19, 2009 at 7:00 p.m. at the Town Hall at 516 East Avenue N. in Dresser.

The purpose of the special meeting was to discuss with the lawyer a non-metallic mining permit ordinance and to discuss contract for additional evaluation assistance and pros and cons of a referendum.

TOWN OF OSCEOLA CHAIRMAN STEVEN STROSHANE CALLED THE MEETING TO ORDER AT 7:05 P.M.

Notice of the Special Meeting was posted Thursday January 15, 2008 at the Town Hall, the Dresser Post Office, Rural American Bank and the Town Website.

ROLL CALL:

PRESENT: Steve Stroshane, Bob Wright and Mike Wallis.

ABSENT:

ALSO PRESENT: Lorraine Rugroden Clerk/Treasurer, Dan & Suzy Burch and Dodd & Nancy Knutsen.

Acceptance of Proposed Agenda:

MOVED, SECONDED BY WRIGHT/WALLIS TO APPROVE THE AGENDA FOR JANUARY 19, 2008 MEETING. MOTION CARRIED UNANIMOUSLY.

Public Comment

None

Agenda:

Chapter 13 – Non-Metallic Mining Ordinance 08-11-01 Requiring that a Conditional Use Permit Be Obtained From the Town Prior to Operations

Tom Levi, attorney from Bender Levi & Associates is working with the board to develop a permit ordinance for non-metallic mining. After a thorough review by Mr. Levi, a conference call was set up during the meeting to discuss remaining questions and issues pertaining to the ordinance.

Discussion included:

- Residential density of the surrounding neighborhood of land proposed to be used as a quarry.
- Distance of land owners in regards to proposed quarry.
- Precautionary approach

- Factors the Town considers before making a decision on the permit
- Extraction permit fee
- Protest procedure
- Concerns of property owners

The Town will ask sound engineer George Kamperman to review the noise standards of the ordinance for input and accuracy.

MOVED, SECONDED BY STROSHANE/WRIGHT TO AUTHORIZE MIKE WALLIS TO REVIEW THE NOISE STANDARDS WITH KAMPERMAN ASSOCIATES. MOTION CARRIED UNANIMOUSLY.

Supervisor Wallis will make edits to the ordinance and send to Attorney Tom Levi for comment.

Contract for Additional Assistance for Kraemer Quarry Evaluation

Mike Wallis recused himself and relocated to the audience during this discussion.

Chairman Stroshane sent a scope of service to George Kamperman, a sound specialist from Wisconsin Dells. It was noted that Mr. Kamperman is very knowledgeable in his field and is familiar with David Braslau Associates who did the sound study for Kraemer Mining & Materials.

Mr. Kamperman was asked to review and comment on study findings:

- Are the conclusions reached reasonable?
- Is the proposed noise level acceptable even though it is below Minnesota standards?
- What is the likely effect on the residences?
- Is there anything that can further mitigate the sound?

Mr. Kamperman was also asked to attend a meeting to present the findings (in person or via phone conference). A proposal was received back from Mr. Kamperman estimating that it would take 8 hours to complete the review.

MOVED, SECONDED BY STROSHANE/WRIGHT AND CARRIED TO ACCEPT KAMPERMAN ASSOCIATES JANUARY 18, 2009 PROPOSAL FOR \$1,200. WALLIS DID NOT VOTE.

Other consultants that have been contracted to review studies include:

- Cedar Corporation – groundwater and well issues.
- Stevens – land use maps of other quarry sites.

Discuss WTA Comments on Referendum

Mike Wallis recused himself during this discussion.

The Wisconsin Towns Association responded to questions asked about the Town doing a referendum. They said that the decision to have an advisory referendum is up to the Town Board and that the statutes do not contain a specific advisory referendum procedure. The referendum would only be advisory and not binding and would adhere to the usual notice requirements. The Wisconsin Town's Association does not recommend holding advisory referenda because it is expensive, the board is not bound by the outcome and it would set a

precedent. One might ask, "If we have a referendum on this, why won't you have one on paving my road?" Similar comments were voiced by Attorney Levi.

After some discussion the board decided not to proceed with a referendum.

MOVED, SECONDED BY WALLIS/WRIGHT TO ADJOURN THE JANUARY 19, 2009 TOWN BOARD MEETING. MOTION CARRIED UNANIMOUSLY.

Being no further business to conduct at this special meeting, the meeting was adjourned at 9:12 p.m.

APPROVED: 2/9/2009

Lorraine Rugroden, Clerk/Treasurer