

**TOWN OF OSCEOLA
PLAN COMMISSION MEETING
JANUARY 26, 2009
MINUTES**

Townofosceola.com

The Plan Commission of the Town of Osceola met for a regular monthly meeting Monday, January 26, 2009 at 7:00 p.m. at Dresser Elementary, Dresser, Wisconsin.

The agenda for this meeting was published in The SUN newspaper and posted at the Town Hall, the Dresser Post Office, Rural American Bank and the Town of Osceola Website on Friday January 16, 2009.

CHAIRMAN STEVE STROSHANE CALLED THE MEETING TO ORDER AT 7:03 P.M.

ROLL CALL:

Present: Steve Stroshane, Bob Wright, Wally Neumann, Ron Strom, E. R. Lindholm and Amy Middleton and Keith Johnson.

Absent:

ALSO PRESENT: Lorraine Rugroden - Clerk/Treasurer, Scott McCurdy from Cedar Corporation, Glenn Stoddard – FORCE Attorney, Cathy Munkittrick – Town Attorney, William Thiel – Kraemer Mining & Materials Attorney and 100 Town residents.

There WAS a majority of Plan Commission members present.

AGENDA APPROVAL:

MOVED, SECONDED BY NEUMANN/MIDDLETON TO APPROVE THE AGENDA FOR JANUARY 26, 2009 MEETING. MOTION CARRIED UNANIMOUSLY.

MINUTES ACCEPTANCE:

MOVED, SECONDED BY LINDHOLM/NEUMANN TO ACCEPT THE DECEMBER 15, 2008 REGULAR PLAN COMMISSION MEETING MINUTES, AS PRESENTED BY THE CLERK/TREASURER. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT:

None

UNFINISHED BUSINESS:

Update on Chapter 13 Non- Metallic Mining Ordinance

The Town Board has been working on a Non-Metallic Mining ordinance for the last two months. This ordinance will fill in some of the gaps that the County has in their mining ordinance. The County currently does not require any of the studies that Kraemer has submitted.

The ordinance has been sent back to the attorney for comment since the Town Board reviewed and made changes at the last Town Board Meeting on January 12, 2009. George Kamperman, noise consultant will also be asked to review the noise portion of the ordinance and make comments.

Discuss Kraemer Mining & Materials Quarry Evaluation

Update

The website has been updated to include Cedar Corporation's groundwater and well evaluation, Kamperman's sound/noise evaluation and a traffic summary.

It is assumed that the majority of the truck traffic will use the County Road F through Dresser to Highway 35. Currently there are approximately 35 trucks or semi-trailers that use this route daily. With the proposed quarry, it is estimated that truck traffic could increase by 200 trucks to 235 per day or 400 additional trips (one loaded/one unloaded). An alternate route is south along County MM and west into the Village of Osceola along County M.

The Village of Osceola has commented that they are concerned with increased truck traffic through its downtown area. A 2004 bypass study indicated 180 "through" trucks and could possibly increase by 200 trucks per day with the proposed quarry. Currently a bypass study is being performed to select an alternate route around downtown Osceola and a Hwy 243/Hwy 35/County M intersection realignment is in the planning stages to reduce congestion at the intersection. No dates have been set as to when this project will be completed. Village of Dresser residents have also voiced their concern over increased traffic.

The Polk County Highway Department has not indicated significant concern over increased truck traffic on County F. A representative from the WI DOT said that consideration would be given during the study presently being completed for an Osceola/Dresser Bypass and that the Highway 243 Bridge would not be impacted as long as the truck weight requirements were followed. Dresser-Osceola-Garfield Fire Department stated that the impact on emergency response would be minimal.

The Town believes that bypass and acceleration lanes would be needed on County Road MM to insure traffic safety. A truck acceleration lane from the quarry entrance to the stop sign near County F/County MM intersection would be recommended because of existing traffic encountering a high number of slow moving, large trucks leaving the quarry entrance.

Scott McCurdy – Cedar Corporation Groundwater Evaluation

Scott McCurdy from Cedar Corporation was asked to review various reports submitted regarding the proposed non-metallic mine application and rezoning petition by Kraemer Mining & Materials. He has also reviewed pertinent chapters of the Polk County Ordinances, Wisconsin Administrative Code, Wisconsin Statutes, etc. as pertains to:

- Endangered Species
- Non-Metallic Mining
- Blasting
- Potable Well Construction
- Non-Metallic Mining Air Emissions
- Wisconsin Pollutant Discharge Elimination System General Permit for Non-Metallic Mine and Rock Crushing Operations
- Wetlands

It was not the Town's intent to recreate Kraemer's reports but complete an evaluation of the reports and determine any issues that may pertain to the proposed project.

Details of this report may be accessed on the Town's website at www.townofosceola.com.

George Kamperman – Kamperman Associates on Noise/Ground Vibration

George Kamperman from Kamperman Associates spoke via speaker cell phone to the group. Because it was hard for everyone to hear Mr. Kamperman's comments, Steve Stroshane summarized the content to include:

- Residents north of the proposed quarry would be exposed to more noise than residents south of the quarry.
- Quarry operational noise would increase at night due to temperature inversion.
- Berms must be above the line of sight in order for there to be any noise control. Planting trees on top of berms would reduce the noise reduction effectiveness of the berms.
- Illinois noise limits during nighttime are about 43 dBA and are lower than the Minnesota nighttime standard of 50 dBA. Illinois noise limits were developed for an urban/suburban environment not for a quiet rural environment.

George Kamperman's findings are available for review on the website at www.townofosceola.com.

Glenn Stoddard representing FORCE WI

Glenn Stoddard represents residents of the Town of Osceola, named "Friends of Rural Communities and the Environment of Wisconsin" ("FORCE WI"). Mr. Stoddard said that the rezoning request could be considered illegal spot zoning because the rezoning request is for a quarry and is not being proposed in the broader public interest, but, instead only to enhance the private, economic interests of Kraemer Mining & Materials., and the underlying property owners. He also felt that the Plan Commission and the Town Board could not reasonably consider the rezoning request without considering that it would allow for development of the proposed Kraemer Quarry. Since the Town Board only has veto authority over the rezoning and not the special exception permit, he urged the Town to deny the rezoning request.

Mr. Stoddard said the Town Board has two options that would be consistent with the Town's 1998 Comprehensive Plan.

- Deny the requested rezoning.
- Approve a rezoning of the property to A-1 Agricultural, contingent upon the landowner placing a restrictive covenant on the property that would preclude it from being used for a quarry and any other land use that would be inconsistent with the Town's 1998 Comprehensive Plan.

Stoddard urged the Plan Commission to adopt one of the above options to protect the Town residents from adverse impacts of the proposed Kraemer Quarry.

William Thiel representing Kraemer Mining & Materials

William Thiel, attorney for Kraemer Mining & Materials said that the pending proposal for rezoning in the Town of Osceola does not constitute spot zoning. He also said that the Plan Commission is looking at a potential change in land use that would benefit Kraemer but will also benefit the community at large. Mr. Thiel said that the Plan Commission should consider:

- Consistency with the 1998 Comprehensive Plan
- Consider the welfare of the entire community, not just Kraemer, and not just the surrounding land owners
- Consider the nature of the property itself and actual and potential land uses

He went on to say that quarrying is an appropriate land use activity in agricultural zoning districts and the Town should focus its efforts toward determining whether to recommend to Polk County that the rezoning request is appropriate.

Continued Discussion

Amy Middleton, Plan Commission member said that she lives ¾ miles from Dresser Trap Rock. She went around her neighborhood and surveyed her neighbors who lived ¼, ¾ and 2½ miles from Dresser Trap Rock and “they are all feeling the blast”. Eleven years ago when she first moved into her house and was painting one day, she said it sounded like a train was in her basement and later found out it was due to the blasting at Dresser Trap Rock. A friend of Amy’s visiting from California said that the blast felt like a 4.5 earthquake. One well in the neighborhood has had to be redone, another is showing signs of going dry, others have sediment after the blast. Neighborhood homes have:

- Cracked drywall
- Split siding
- Sprung window seals

The crusher acts as her alarm clock every morning.

Bob Wright, Plan Commission member presented a power point comparing the Kraemer limestone quarry at Burnsville, the Kraemer granite quarry at Mille Lacs in Bradbury Township, the Rybek gravel/limestone quarry south of Osceola, and Dresser Trap Rock basalt quarry north of Dresser. Bob worked with Stevens Engineers to get a series of maps that showed the number of residences near the quarry at beginning of operation.

Quarry	Residences Within		
	¼ Mile	½ Mile	¾ Mile
Burnsville	0	0	84
Mille Lacs	0	1	4
Rybek	1	17	41
Dresser Trap Rock	2	10	48
Kraemer Proposal	13	58	119

Time Line	Residences Within		
	¼ Mile	½ Mile	¾ Mile
1980 Rochford Rezone	2	18	43
1998 Comprehensive Plan	6	31	66
2008 Quarry Proposal	13	58	119

Most current aerial photos were also shown of the four quarries as compared to start up. Bob Wright stated that those who built houses around the existing quarries knew the quarry was there and still built. Kraemer is proposing a quarry in a residential area where many people have built their homes with no thought of there ever being a quarry. Bob Wright questions if the quarry is compatible with the surrounding land use. His power point presentation may be accessed on the website at www.townofosceola.com.

Steve Stroshane, Chairman of the Plan Commission summarized issues to be considered for a quarry special exception permit. He stated the advantages, disadvantages and possible mitigation for each issue as he sees it. Issues include:

- Ground Water
- Storm Water Discharge/Water Discharge
- Environmental/Cultural
- Traffic/Access
- Economic Benefits

- Blasting/Noise/Ground Vibration
- Compatible Land Use

Estimated distance from neighboring properties to the proposed processing site of the quarry is:

- North: 800'-900'
- South: 1400'-1800'
- East: 2600'
- West: 4500'

Benefits were also discussed. Mr. Stroshane said that he knew that it wouldn't be a popular statement but the Town Board represents 2,700 people in the township. The Plan Commission will be deciding if the benefits of a quarry outweigh the possibility of land use incompatibility in existing residential surroundings. A summary of issues is available on the website at www.townofosceola.com

Cathy Munkittrick (Town Attorney): Town considerations for zoning change request and special exception permit.

Cathy Munkittrick, the Town's attorney, explained factors to consider before deciding on the rezoning petition. They include:

- Is a hard rock quarry compatible with the uses in the surrounding area?
 - Will a hard rock quarry adversely impact the surrounding area (noise, traffic, activity, appearance, property values)?
- Is it consistent with the 1998 Comprehensive Plan?

Cathy Munkittrick said that "it is up to the Town to weigh the facts regarding the application, and make the best decision it can considering factors such as use compatibility, possible mitigation of adverse impacts, traffic, noise, economic development, etc. and make the best recommendation it can in the interest of the public health, safety, and welfare". She also said that the Town has veto authority over amendments to the county zoning ordinance that changes zoning districts within the town but does not have veto authority over county approval of a special exception permit. In her opinion if the Town makes its recommendation and, if applicable, exercises its veto authority, based on the facts presented, it will have acted within its authority and according to law, and it is unlikely that a court would invalidate the Town's action.

Public Comment Regarding Rochford Rezoning Request and Kraemer Special Exception Permit

Jerry Viebrock said that in 1993 he worked with the Board to develop Lotus Lake Development and is asking the Plan Commission to protect the home owner's investments.

Tom Nelson said that because he lives so close to the proposed site he is concerned with noise and if the berms would be effective.

Brian Andrewson has lived on both sides of Dresser Trap Rock quarry throughout his life and has heard the crusher and the blasts. He sees the proposed quarry as a major concern for area residents, with wells being affected as well as safety issues with children.

Dan Burch has received 23 pages of signed petitions in opposition to the proposed quarry. He asked, if the quarry was in operation today and a developer wanted to build near the quarry, would the Plan Commission find the reverse situation compatible?

Nancy Knutsen checked what the zoning was before moving into the area 4½ years ago. She asked the Plan Commission to help them maintain the life style that they moved here for.

Scott Williamson is not convinced that 16 ft berms will hold out the noise adequately after using a GPS system to determine the elevation of houses in the area compared to the elevation of the proposed central processing area.

Jan Masek said that she spoke to the Minnesota Department of Revenue who said if the rock is shipped to Minnesota, then sales tax would be paid to Minnesota and not Wisconsin.

Mike Vaneps wanted to speak for sons and daughters and grandchildren and wanted the opportunity to preserve the rural community as a heritage to pass on to other generations.

One resident commented that even though he works at a quarry they didn't want to live by one. The question was answered that if acceleration lanes were needed, they would be paid for by the quarry. Truck traffic and safety was a big concern.

Rochford Re-zoning Request – Commercial to Agricultural to accommodate Kraemer Quarry. Discussion and action.

At the December 15, 2008 meeting the Plan Commission voted to table the Gene Lindholm/Bob Wright motion to oppose a zoning change from commercial to agriculture for property located in section 17 as requested by Mr. Rochford. Chairman, Steve Stroshane read the motion that was tabled and the reasons for the motion. The Plan Commission next voted to take the motion off the table and discuss the motion and possibly vote.

MOVED, SECONDED BY LINDHOLM/MIDDLETON TO TAKE THE MOTION OFF THE TABLE FROM THE DECEMBER 15, 2009 MEETING TO DISCUSS THE MOTION AND VOTE. MOTION CARRIED UNANIMOUSLY.

Reasons that the Plan Commission does not want the Rochford property rezoned:

- Noise/vibrations/blasting/crushing/dust
- A large number of people don't want the quarry
- Not compatible with the 1998 Comprehensive Plan
- High residential density
- Increased truck traffic
- Water and Well concerns

Steve Stroshane said that he has trouble with making a decision because he believes that everyone should have the right to develop their property but there are issues that would affect other property owners if rezoned.

MOVED, SECONDED BY LINDHOLM/WRIGHT TO OPPOSE A ZONING CHANGE FROM COMMERCIAL TO AGRICULTURE FOR PROPERTY LOCATED IN SECTION 17 AS REQUESTED BY MR. ROCHFORD. BALLOT VOTE, KEITH JOHNSON: YES, GENE LINDHOLM: YES, AMY MIDDLETON: YES, WALLY NEUMANN: NO, RON STROM: YES, STEVE STROSHANE: YES, BOB WRIGHT: YES. MOTION PASSED 6-1.

Discussion and Possible Action on Kraemer Mining & Materials Special Exception Permit Request

There was discussion to vote on the special exception permit but Cathy Munkittrick, the Towns attorney recommended that the Plan Commission wait to make a recommendation on the special exception permit application until there is a final decision on the rezoning petition. The consensus of the Plan Commission was to wait to take action.

SUBSEQUENT MONTH'S AGENDA DISCUSSION:

Monday, February 23, 2009 regular monthly Plan Commission meeting

New Business:

Unfinished Business:

- Comprehensive Plan Land Use Element

ADJOURNMENT:

**MOVED, SECONDED BY STROM/MIDDLETON TO ADJOURN THE JANUARY 26, 2009
PLAN COMMISSION MEETING. MOTION CARRIED UNANIMOUSLY.**

Being no further business to come before the Plan Commission, the meeting was adjourned at 10:40 p.m.

APPROVED 2/16/09

Lorraine Rugroden, Clerk/Treasurer