

**TOWN OF OSCEOLA  
BOARD OF SUPERVISORS MEETING  
Monday February 9, 2009**

**MINUTES**

The Board of Supervisors of the Town of Osceola met for a regular monthly meeting Monday February 9, 2009 at 7:00 p.m. at the Osceola Town Hall, Dresser, Wisconsin.

**CHAIRMAN STEVE STROSHANE CALLED THE MEETING TO ORDER AT 7:00 P.M.**

**Chairman Stroshane verified that the meeting notice and agenda had been posted Friday January 30, 2009, at the Town Hall, the Dresser Post Office, Rural American Bank and the Town of Osceola Website.**

**Chairman Stroshane led the PLEDGE OF ALLEGIANCE.**

**ROLL CALL:**

**PRESENT:** Steve Stroshane, Mike Wallis and Bob Wright

**ABSENT:**

**ALSO PRESENT:** Lorraine Rugroden - Clerk/Treasurer, Chuck & Kay Burch, Susan Burch, Dodd & Nancy Knutson, Peter & Kathy Shay, Kirk Carlson, Jerry Viebrock, Cindy Stimmler, Lloyd & Bev Kobs, Herschel Brown, E. R. Lindholm, Milo & Ramona Hendricks, Scott & Mary Geddes, Jeffrey & Janis Masek, Scott Williamson, Amy Middleton and Kyle Weaver from The Sun.

**PRESENTATION OF BILLS:** The Board audited the bills and approved for payment check numbers 11757 through 11800 with total disbursements of \$29,786.10.

**AGENDA:**

**MOVED, SECONDED BY WALLIS/WRIGHT TO APPROVE THE AGENDA FOR FEBRUARY 9, 2009 MEETING. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT:**

Cindy Stimmler gave a letter of interest to serve as a member on the Plan Commission in the future when a position becomes available.

Dodd Knutson said that the Special Exception Permit Summary of Issues report could use updating. He said that it was more subjective than objective and was wondering if the board will go over it again. Chairman Stroshane said if they do anymore updating it will be at Town Board meeting.

Mr. Knutson said that he hopes the Board will follow the Plan Commission's recommendation and vote no on the rezone application.

Pete Shay was concerned with the interpretation in some of the documents on the town's website not being facts but assumptions. Chairman Stroshane said that if we are going to estimate all the negative impacts, we should estimate all the positive impacts also.

Nancy Knutsen wanted to know what documents would be sent to the County in support of the Town's decision and if Board members would also make a presentation to the County. She said the Town has paid a handsome sum for the information it has gathered and the Town should use it as they go forward.

**MOVED, SECONDED BY WRIGHT/WALLIS TO APPROVE THE JANUARY 12, 2009 REGULAR TOWN BOARD MEETING MINUTES, THE JANUARY 19, 2009 SPECIAL TOWN BOARD MEETING MINUTES AS PRESENTED BY THE CLERK/TREASURER. MOTION CARRIED UNANIMOUSLY.**

**NEW BUSINESS:**

**Secondhand Dealer License Renewal**

Horst Rechelbacher doing business as HMR Enterprise Inc. and Jim Dallager & Beverly Lee doing business as Jim & Bev's Antiques have filled out paperwork to renew their secondhand dealer license for 2009. Horst Rechelbacher is requesting a secondhand article dealer and a secondhand jewelry dealer license totaling \$57.50. Jim & Bev's Antiques is requesting a secondhand dealer license totaling \$27.50.

**MOVED, SECONDED BY WALLIS/WRIGHT TO APPROVE THE ISSUANCE OF A SECONDHAND JEWELRY DEALER LICENSE AND SECONDHAND ARTICLE DEALERS LICENSE TO HMR ENTERPRISES AND A SECONDHAND ARTICLE DEALERS LICENSE TO JIM & BEV'S ANTIQUES FOR THE 2009 CALENDAR YEAR. MOTION CARRIED UNANIMOUSLY.**

**Resolution 09-01 Rochford Re-zoning Request – Commercial to Agricultural to accommodate Kraemer Quarry. Discussion and action.**

Supervisor, Mike Wallis recused himself and stepped into the audience.

The Plan Commission has recommended to the Town Board to deny the Rochford rezoning request by a 6-1 vote at their meeting on January 26, 2009.

William Thiel, Kraemer's attorney requested that the Town Board exercise their independent judgment after considering Kraemer's most recent submittals to the Cedar Corporation (wells/ground water) report and Kamperman's (noise/blasting) report. Mr. Thiel said they invite the board to propose the rezone, subject to conditions of what the board perceives to be in the public interest such as noise, well protection, traffic routing and blasting and they would be happy to engage in a dialog to formulate those conditions.

The Board had a discussion with Kraemer Mining & Materials about questions it had about the information that Kraemer most recently submitted. Kris Anderson, Business Development Manager maintained that they would meet all standards. The Board's discussion also included:

- Air Quality/dust
- Relocation of wells
- Berms and stock piles
- Blasting/ground motion/rock crusher
- Length of time before getting to depth

- Length of time for 400' hole to fill with water

Chairman Stroshane said Kraemer has offered to relocate wells, the prickly pear cactus has been relocated, but the impact of truck traffic would be significant. His main concern is the noise and he was concerned that the residents built their homes in that area before the quarry was proposed.

Supervisor Wright said that there are no houses within ½ mile at Kraemer's Burnsville quarry. It has been an industrial area since at least 1965 and is completely surrounded by interstate. Kraemer's Mile Lacs quarry is bordered by low lands with two houses within ½ mile of the site. This is quite a bit different from the house density within a ½ mile radius of the proposed quarry location.

Cathy Munkittrick, the Town's Attorney said there are often differences in opinion between experts and it is not for the Board to decide if the quarry will meet air quality or other standards applicable to the operation of the quarry. Instead, the Town Board must decide whether the proposed rezoning to agricultural to facilitate the location of a quarry is in the best interest of the health, safety and welfare of the Town residents. The Board needs to look at the whole package and decide if the proposed use as a quarry and all the various aspects of it (trucks, economics, dust, noise, blasting) is consistent with the Comprehensive Plan and is compatible with surrounding land uses.

The Town Board reviewed and discussed the proposed Resolution 09-01 section by section and made some revisions to the draft at the meeting. Supervisor Wright noted that he and Chairman Stroshane have worked over 400 hours on the mining issue and it is not an arbitrary or capricious decision on their part.

**MOVED, SECONDED BY WRIGHT/STROSHANE AND CARRIED TO APPROVE RESOLUTION 09-01 AS AMENDED. MIKE WALLIS ABSTAINED**

**MOVED, SECONDED BY STROSHANE/WRIGHT AND CARRIED TO DIRECT THE CLERK/TREASURER TO FILE A CERTIFIED COPY OF RESOLUTION 09-01 WITH EXHIBITS TO POLK COUNTY. MIKE WALLIS ABSTAINED**

**RESOLUTION #09-01**

**WHEREAS**, on October 13, 2008, Kramer Mining and Materials submitted an application to operate a 61 acre quarry with a 23 acre processing site on 155 acres in the Town of Osceola, and

**WHEREAS**, a 21.5 acre parcel, presently owned by James Rochford Sr. , within the proposed quarry was zoned as Commercial-1 with quarrying not being a permitted use within a commercially zoned district, and

**WHEREAS**, James Rochford Sr. requested the parcel be rezoned to an Agricultural-1 District which permits quarrying with approval of a special exception permit, and

**WHEREAS**, by a vote of 6 to 1 at its January 26, 2009 meeting the Town of Osceola Plan Commission recommended that the Osceola Town Board disapprove the petition to rezone the property to Agricultural and

**WHEREAS**, the following reasons were provided for the recommendation to disapprove the proposed rezoning:

Blasting

Ground Vibration/Air Overpressure will be below state mandated levels but will cause unacceptable shock vibration of the structures as per the January 22, 2009 report issued by Kamperman Associates (Exhibit 1). The type of vibration is referred to as "House Rattle" and will negatively impact residences both north and south of the quarry.

Noise

The operational noise of the rock crusher and other vehicles within the quarry will exceed an acceptable level considering the existing ambient background noise level as stated in the Kamperman Associates report

Dust

The limitations for airborne emissions (dust) will likely exceed the State of Wisconsin limit of 150 micrograms per cubic meter in a 24 hour period if local background conditions of 39.7 micrograms per cubic meter are considered per state requirements (as discussed in Cedar Corporation Report shown in Exhibit II).

Truck Traffic

At peak operation, the quarry will significantly increase area truck traffic by an estimated 200 trucks (400 trips) per day on area roadways. The route traveled will most likely pass through a residentially zoned area in the Village of Dresser and result in a substantial (estimated 571%) increase in truck traffic based on recorded traffic counter readings from 2004. The statistics were presented in Chairman Stroshane's traffic summary document shown in Exhibit III.

Private Well Concerns

Private wells within 1200 feet of the quarry will need to meet additional requirements of NR 812.12 (16) which requires the well to operate at a depth below that of the quarry floor of 400 feet as described in independent analysis completed by Cedar Corporation.

Incompatible Land Use/Residential Density

The residential density within the area adjacent to or near the quarry results in an incompatible land use. The adverse impact to the nearby residences from quarry operations cannot be adequately mitigated because of the proximity of the homes to the proposed quarry. Maps showing land uses adjacent to or near other quarries were reviewed to determine what type of residential density was typical when a quarry begins operation. Examples were provided in a report from Stevens Engineering and Supervisor Wright in Exhibit IV and Exhibit V. The maps show that there is a higher density of homes in closer proximity to the proposed quarry in the Town of Osceola than the other quarries the Plan Commission reviewed.

Incompatible With 1998 Land Use Plan

The type of activity for the proposed quarry is not compatible within an agricultural land use as designated for this area in the 1998 Land Use Plan. In addition, the proposed rezoning to allow for a quarry would be inconsistent with goals stated in the 1998 Town of Osceola Comprehensive Plan, including the following: 1) to try to ensure that adjacent land uses are compatible with regard to factors such as smoke, noise, odor, traffic, activity, and appearance; and 2) to prevent incursion of incompatible, non-residential uses into single family residential areas; and 3) to maintain the rural character of the Town;

and 4) to maintain the Town as one of the most beautiful areas in the state. There was also information showing a substantial growth in residences in the Town of Osceola in the area of the proposed quarry since 1998 when the Comprehensive Plan was adopted as shown in Supervisor Wright's Exhibit V.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of Supervisors finds that the above reasons for recommending disapproval of the proposed rezoning are supported in the record, and, further finds that the proposed rezoning would be contrary to the interest of the public health, safety, and welfare. Therefore the Town Board hereby adopts the above reasons for disapproving the rezoning petition, and pursuant to its authority under Wis. Stat. 59.69 (5) (e) (3), does hereby disapprove the Rochford petition to rezone the parcel from Commercial -1 to Agricultural -1 as requested in the October 13, 2008 application. A certified copy of this Resolution shall be filed with the Polk County zoning agency as provided in Wis. Stat. 59.69 (5) (6) (e) (3).

Dated this 9<sup>th</sup> Day of February, 2009

**Resolution 09-02 Personal Property Tax Chargeback**

Forms for chargeback of uncollected net personal property taxes for 2007 taxes uncollectible in 2008 have been filled out and a resolution has been written to address non payment in the Town of Osceola. Due to delinquent taxes owed by Osceola Auto Center and River Valley Landscaping, net personal property taxes will be charged back to the taxing jurisdictions. The Town has previously paid out this money in 2008 and the Town's auditor advises that the Town request reimbursement.

**MOVED, SECONDED BY WALLIS/WRIGHT AND CARRIED TO APPROVE RESOLUTION 09-02. MOTION CARRIED UNANIMOUSLY.**

**RESOLUTION #09-02**

**WHEREAS**, on River Valley Landscaping and Osceola Auto Center failed to pay the personal property taxes for 2007 and were uncollectible in 2008, and

**WHEREAS**, neither business is presently operating and the Town of Osceola has been unable to find said owners, and

**WHEREAS**, the Town of Osceola intends to charge back to each taxing jurisdiction within its taxing district its proportionate share of personal property taxes for which the taxing district settled in full the previous year, and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of Supervisors does hereby require the following reimbursements:

<b>Taxing Jurisdiction</b>	<b>Osceola Auto Center</b>	<b>River Valley Landscaping</b>
<b>State of Wisconsin</b>	<b>\$7.08</b>	<b>\$5.55</b>
<b>Polk County</b>	<b>\$170.27</b>	<b>\$133.43</b>
<b>Town of Osceola</b>	<b>\$62.81</b>	<b>\$49.23</b>
<b>School District of Osceola</b>	<b>\$327.51</b>	<b>\$256.67</b>
<b>WITC</b>	<b>\$40.50</b>	<b>\$31.74</b>
<b>Total</b>	<b>\$608.17</b>	<b>\$476.62</b>

Dated this 9<sup>th</sup> Day of February, 2009

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

A special meeting was held January 19, 2009 to discuss the Non-Metallic Mining Ordinance. Since then the ordinance has been reviewed by the Attorney and by George Kamperman, noise consultant in regards to blasting/noise/ground vibration. Minor changes were made. The Board discussed any remaining questions it had with the ordinance. Additional definitions will be added and changes will be made before sending the document to existing quarry operators in the Town for review and comment.

A public hearing will be held the night of the next Town Board Meeting on March 9, 2009 to hear comments and questions on the Non-Metallic Mining Ordinance. The ordinance will also be placed on the Town Board agenda for discussion and possible action during the Town Board meeting immediately following the public hearing.

**UNFINISHED BUSINESS:**

**PLAN COMMISSION REPORT:**

- 1 Presentations were made at the January 26, 2009 Plan Commission meeting from Glenn Stoddard representing FORCE WI and William Thiel representing Kraemer Mining and Materials.
- 2 The Plan Commission recommended to oppose the re-zoning of the Rochford 21.5 acres by a vote of 6 to 1.
- 3 The Plan Commission met on Tuesday, January 27, 2009 to continue its discussion of the land use element in the Comprehensive Plan.
- 4 A map of proposed land use was created.
- 5 A joint meeting of 4 commission members and representatives from the Village of Dresser Plan Commission will meet to discuss joint land use issues.

**PATROLMAN’S REPORT:**

The Town has used 68 loads of sand this season with 84 loads being the most it has ever used in a season.

**CHAIRMAN'S REPORT:**

1. Contracted Police Report (January):
  - a. Tickets Issued: 6
  - b. Warnings Issued: 11
  - c. Hours Patrolled: 6 shifts
2. Dresser-Osceola-Garfield Fire Department
  - a. Dresser Fire Department is planning its up coming Spaghetti fundraiser. The new fire truck should be completed by March 2009.
3. Ambulance Board
  - a. No January meeting was held.
4. Kraemer Quarry
  - a. Cedar Corporation submitted an independent evaluation on Kraemer's groundwater analysis on January 20, 2009.
  - b. Kamperman and Associates completed and independent review of Kraemer's Blasting/Noise/Ground Vibration Study on January 22, 2009.
  - c. Stevens Engineering and Supervisor Wright completed separate current and historical land use reviews of existing quarry operations in Minnesota and Wisconsin.
  - d. Additional documents were completed on Land Use, Economic Impact, Traffic, and notes from information learned on a tour of the Dresser Trap Rock Inc.

**SUPERVISOR'S REPORT:**

**Supervisor Bob Wright reported that:**

None

**Supervisor Mike Wallis reported that:**

None

**CLERK/TREASURER'S REPORT:**

Clerk/Treasurer Lorraine Rugroden reported that as of January 31, 2009 bank account balances were \$4,365.93 in the Town's checking account, \$448,523.80 in the Regular Money Market Account and C/D's and \$1,653,447.57 in the tax deposit account and C/D, amounting to combined total Cash-on-hand of \$2,106,337.30.

Personal property tax bills are being sent out late after discovering that the company that we contracted with to send out tax bills did not send out personal property tax bills.

The spring primary election will be February 17, 2009.

**SUBSEQUENT MONTH'S AGENDA DISCUSSION:**

REGULAR TOWN BOARD MEETING;

Monday, March 9, 2009 7:00 pm

New Business:

- Public Hearing

Unfinished Business:

- Chapter 13 Non-Metallic Mining Ordinance Discussion and Action
- Increase Board from 3-5

**ADJOURNMENT:**

**MOVED, SECONDED BY WALLIS/STROSHANE TO ADJOURN THE FEBRUARY 9, 2009 TOWN BOARD MEETING. MOTION CARRIED UNANIMOUSLY.**

Being no further business to come before the Board, the Meeting was adjourned at 9:30 p.m.

**APPROVED: 3/9/2009**

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Lorraine Rugroden, Clerk/Treasurer