

TOWN OF OSCEOLA
PUBLIC HEARING

REGARDING A
PROPOSED AMENDED NONMETALLIC MINERAL EXTRAC-
TION PERMIT AND REGULATION ORDINANCE

Monday, May 10, 2010

MINUTES

The Board of Supervisors of the Town of Osceola met for a Public Hearing Monday, May 10, 2010 at 7:00 p.m. at the Osceola Town Hall, Dresser, Wisconsin.

THE PURPOSE OF THE PUBLIC HEARING WAS TO LISTEN TO QUESTIONS AND COMMENTS FROM TOWN OF OSCEOLA RESIDENTS REGARDING THE PROPOSED ADOPTION OF AN AMENDED NONMETALLIC MINERAL EXTRACTION PERMIT & REGULATION ORDINANCE.

CHAIRMAN STEVE STROSHANE CALLED THE PUBLIC HEARING TO ORDER AT 7:00 P.M.

Chairman Stroshane verified that the Public Hearing notice had been published in the Wednesday, April 28, 2010 and May 5, 2010 publication of the SUN newspaper.

ROLL CALL:

PRESENT: Steve Stroshane, Bob Wright and Eugene Lindholm

ABSENT:

ALSO PRESENT: Lorraine Rugroden – Clerk/Treasurer, Pete & Kathy Shay, Dodd & Nancy Knutsen, Michael Wallis, Dan & Suzy Burch, Kay Burch and Jim London.

Supervisor Wright prepared a summary of the proposed amendment of the Town of Osceola Code of Ordinances Chapter 14 Nonmetallic Mineral Extraction Permit and Regulation. Summary follows.

Background:

On March 9, 2009 the Town Board adopted Chapter 14 Nonmetallic Mineral Extraction Permit & Regulation (Ordinance #09-03-01) under its Village Powers authority. The intent of the ordinance is to enhance the Town's ability to provide for the health, safety and welfare of its residents in regard to nonmetallic mineral (NMM) extraction operations in the Town. Since December 2009 The Board has been reviewing the ordinance for clarity and consistency. The amended ordinance (#10-01-01) is being presented for public comment on May 10, 2010 at 7:00 pm.

Significant revisions:

1. Clarification of the definition of which properties fall within two thousand six hundred and forty (2640) feet of the boundary of an existing or proposed NMM extraction operation. In some forms the previous definition could have been construed to mean only properties that are adjacent to (“touching”) the boundary of the proposed operation.
2. Designated Area. The definition of this term has been revised to be consistent with Revision 1 above, but to also allow for modifications that may be warranted after a review of the application. See Section 3 (m) of the revised ordinance for the full definition of this term.
3. Clarification and consistency in the definition of the persons considered to be in the Designated Area. The term “residents” has been eliminated and replaced with “property owners” or “owners of property”.
4. Clarification that there is no fee for a conditional permit.
5. Noise and Vibration Standards. The consulting firm QRDC, Inc. was contracted to review and provide recommendations on the noise and vibration standards in the ordinance as initially adopted.
 - a. Several definitions were revised or eliminated (considered unnecessary). One was added (designated area).
 - b. The requirements for C-weighted noise immission measurements and limits were removed. From QRDC, Inc.’s report: “C-weighted is used in scientific studies whereas A-rated scale is used in all measurements related to study of influence of noise on human ears. Using both could result in confusion”.
 - c. Vibration standards were revised to include those recommended for residential structures and buildings, as defined by the ISO (International Standards Organization).

Jim London, Owner of Riteway Gravel expressed concern with the applicant/operator being obligated to pay all engineering and attorney fees. The ordinance states that “the Town may have the study elements reviewed by an independent consultant(s), at the applicant’s sole expense for verification.”

Mike Wallis spoke in favor of the Town having the ability to hire independent consultants. He stated that the applicants are hiring consultants way ahead of time and paying them a lot of money. The Town then hires consultants to review the work performed by the applicant’s consultants in order to gain answers. Instead, the ordinance encourages the applicant to come together with the Town early on and agree to a third party consultant with the agreement that the Town and the applicant will accept the consultants results.

Dodd Knutsen stated that he thinks the amendments to the ordinance should be approved.

ADJOURNMENT:

MOVED, SECONDED BY LINDHOLM/WRIGHT TO ADJOURN THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

The Public Hearing was adjourned at 7:26 PM.

APPROVED: 06/14/2010

Lorraine Rugroden, Clerk/Treasurer