

**TOWN OF LONG LAKE
BOARD MEETING MINUTES**

January 14, 2025

Town Hall

The regular monthly Town Board meeting was called to order at 6:00 pm by Chairman Bob Moullette. Supervisor I, Jeff Bauer, and Supervisor II, Terry O'Brien, were present, along with Clerk Debbie Bouma. Treasurer Brenda Drousseau was absent due to illness. The Pledge of Allegiance was recited. The Clerk confirmed the verification of notices.

Approval of Minutes from December 10, 2024, Regular Board Meeting, December 12, 2024, Special Board Meeting and January 6, 2025, Special Board Meeting: Motion by O'Brien and seconded by Moullette to approve December 10, 2024, Regular Board Meeting, December 12, 2024, Special Board Meeting and January 6, 2025, Special Board Meeting minutes as presented. 3- Ayes. Motion carried.

Approval of Financial Report: Motion by Bauer and seconded by O'Brien to accept the Treasurer's Financial Report as presented by the Clerk. 3-Ayes. Motion carried.

Public Comment: Public Comments were held.

Consider/Approval Daniel Tripp to Rezone 5.0 acres in Tax ID # 17823. 40 acres, zoned agricultural, NE NW Section 34, Township 37, Range11W, to rezone 5 to Residential Agriculture (publish dates 1/08 and 1/15, public hearing 1/28/25, County board 2/18/25): Motion by O'Brien and seconded by Bauer to approve Daniel Tripp to Rezone 5.0 acres in Tax ID # 17823. 40 acres, zoned agricultural, NE NW Section 34, Township 37, Range11W, to rezone 5 to Residential Agriculture as presented. 3- Ayes. Motion carried.

Discuss/Action Uncleared Transactions: The Board discussed the progress made in clearing most transactions.

Discuss/Action Township Audit: The Board discussed the difference between an audit and the compilation the Town has used. Motion by O'Brien and seconded by Moullette to approve hiring Two Rivers Accounting to do an audit for 2024 with the additional funds of an estimated \$4200 to come from the road maintenance budget.

Discuss/Action Facebook: The Board discussed the town's use of Facebook, and the item was tabled until the February meeting.

Consider/Approval Conditional Use Permit Request Scott Frolik/Milestone Materials Tax ID # 17880. 36 acres, SE NE in Section 33 Township 37 Range 11W, to obtain CUP to open a non-metallic mining operation Pursuant to NR 135 County Code CH 28 (publish dates 1/8/25 and 1/15/25, Public Hearing 1/28/25):

Milestone Materials Presentation (if needed): Tony Tomashek (Mathy Construction), Tom Gangnon (Monarch Paving), Matt Kubista (Milestone Materials), Jeff Johnson (P.E. Alm Holding Company), Eric McLeod (Husch Blackwell) and Todd Widdes (Todd's Redi Mix Concrete) represented the Lakken Ridge Pit and Scott Frolik. Tony Tomashek began the presentation at 6:35 pm and concluded his PowerPoint presentation at 7:00 pm. Eric McLeod, attorney, gave a brief closing statement before concluding their presentation.

The Chairman asked the Town's Attorney, Paul Mahler, for his thoughts on the presentation.

The Chairman opened to public comment on this topic only:

Bob Allard: Expressed concerns over the loss of property value and the reclaim process, leaving a massive pit with a high wall. Nowhere is a plan for bringing in the water needed. Also, there are health concerns

concerning the dust and chemicals used. The timing of bringing this CUP forward in the winter when many of the property owners are gone, after beginning it in the summer when more people were here to question and comment on the project, seems fishy.

Eric Anderson: Expressed concerns about the safety of the roads, as they are not wide enough to support truck traffic. The town board should consider the letter signed by the planning commission addressing the road concerns and this project. The Town Comprehensive Plan does apply, and the gravel pit would be incompatible with this use.

Joel Faschingbauer: How will it be determined when the road needs repair, and how often will it be repaired in the road maintenance agreement?

Tamra Schindler: Why does the speed limit have to be 40 mph, as in the presentation when the road is posted at 35mph, or could the town lower the speed for safety?

Mark Kohler: As a planning commission member, I noticed this presentation has changed from last Tuesday's. The numbers present are inaccurate compared to what was shown last Tuesday or in the CUP application. As a civil engineer, I completed a letter and presented it to the Board on road safety concerns and the need to rebuild them if the gravel pit truck traffic were to happen. This needs to be addressed not only in the current situation but also in the lifetime of the gravel pit, as ADT will increase over time. I also supplied a report on the Amish population that uses the road frequently, which needs to be factored into this equation.

Ivy Schlosser-Bauer: Why would we approve this one, given the past denial of Long Lake with a gravel pit? And if the Town does approve it, what would stop any landowner from opening one anywhere in the township? As a walker on this road, there is more traffic than you think, and the Amish use this road.

Allan Barta: In reviewing the comprehensive plan, the gravel pit does not reflect the town's rural nature as expressed in the plan, and concerns over the truck speed limits were expressed.

Dennis West: The planning commission did an excellent job researching and making recommendations to the Town Board. This decision opens many what-ifs for our community.

Joe Hoy: The CUP application, as presented, is a fatally flawed document with all sorts of ambiguity. The road comes to a blind intersection on a hill next to an Amish School. Safety is a high concern that needs to be addressed.

Mary Bangsberg: Expressed concerns about the noise levels as they live on a ridge directly above the pit.

Dan Tripp: Expressed concerns about roads and the loss of property value, but the main problem is for the safety of the Amish and their school, which the truck traffic will directly affect.

Janice Hovey: This is a detriment to our township if this gravel pit goes in; it is not progress.

Darlene Novotny: Express concerns over the gravel pit and private water wells. ATV traffic does not count as the average daily traffic on the road, and this road is part of the ATV Trails. All road users should be considered when adding this type of truck traffic.

A report was presented to the Board on the number of Amish effects in this proposed trucking route: 48 Adults, 136 kids, 129 horses, and 38 buggies.

At this time, the public comment was closed, and the board began to ask their questions.

Supervisor O'Brien: Asked and confirmed that Milestone may/will bring in recycled asphalt to crush the gravel pit, which differs from gravel pit operations.

How high is the lighting being brought in?

How much land will be mined?

It will not promote jobs for residents, as stated in the CUP.

Where is the water coming from? What is that water truck's weight, and how many trips will that truck drive on the town roads?

The trees will have to be removed from the land, and the logging trucks that are not part of the presentation or truck traffic.

The hours of 6 am to 8 pm are not acceptable.

Oak Grove is not on board with allowing the use of their roads.

A driveway permit must be applied for.

The town will have a thirty-foot hole when the gravel pit is done.

This decision will set a precedent for the town.

What are the possibility of the gravel pit expanding beyond the 30 acres currently being presented.

Supervisor Bauer read the following statements aloud: The original CUP is incomplete. It is missing items, has incomplete answers in many sections, and includes unacceptable statements such as "not planned at this time" or "to be completed at a later date. "

The Town Ordinance and Permit have not been completed. They must be completed, as ordinances protect the Town's roads and compatibility with the surrounding area. The county does not protect town roads. The Town's ordinance is not a zoning ordinance. It is a licensing ordinance and not subject to Act 67.

The Road Plan states, "at a later date". The road plan must be agreed to before the CUP application is approved. It should be written as a road rebuild and maintenance agreement plan to last the life expectancy of the proposed pit—reference Mark Kohler's letter detailing Road Rebuild Requirements.

According to WI state statutes, the town roads listed as the proposed truck routes are substantially substandard, particularly in handling increased truck traffic that hauls 1.4 million tons of material over a 10-50-year period.

The goals and objectives of the Town of Long Lake Comprehensive Plan strongly conflict with the proposed gravel pit. One specific conflict in section 6.4 in the Economic development element: "The town supports a resident's right to have a small business operation on his/her property provided that the establishment does not create an environmental hazard or create a nuisance for neighboring property owners by generating excessive traffic, noise, lighting, signage, etc. There is reasonable, measurable, and substantial evidence that this is non-compatible per the comprehensive planning survey, which found that 68% of people who own land in Long Lake answered that there should be aesthetic requirements for commercial and industrial development.

Compatibility with County Zoning Ordinance:

#3 – Location of the site with respect to existing or future roads giving access to it. No plan. Need Road Rebuild Plan

#4—Compatibility with existing uses on land adjacent thereto. There are woods and farmland but no business.

#5 – Its compatibility with the immediate and surrounding environment and the possibility for reclamation. Not compatible with the comprehensive plan

#6 – Its impact upon and harmony with the future environment and the future development of the district. It is not compatible with the area or the comprehensive plan.

#8 – Its relationship to the public interest and the purpose and intent of this division. Not compatible with the comprehensive plan.

The town pit cannot be used as an example of current business in the neighborhood. The Town crushes gravel for about a week every 5-7 years. This gravel is used solely for town roads.

Oak Grove voted no travel on their roads except for local delivery and if there is a municipal job for the town.

No washing operations. Change Item 4 to eliminate "currently at this time."

No blacktop operations. Change Item 5 to eliminate "currently at this time."

No dynamiting allowed.

Section 9.2 and 9.6 needs to be changed from: "is currently not planned to have an excavated/impounded body of water to remain...." To: "There will be no impounded body of water remaining.

Letter from Town Assessor regarding how this quarry will impact overall assessed values. Factors that could cause assessments to decrease in value are as follows. Machinery noise: rock crusher, trucks, excavators, etc.; Busier roads, large equipment; Dust (Could coat homes and require significantly more maintenance to keep exterior materials from deteriorating faster. Dust also restricts people from having windows open); Enjoyment of property: Hearing machinery noise constantly may drive the desirability of the home down as owners may no longer enjoy being outside

This would make owners request to have their assessments lowered because some or all of the factors listed above negatively affect their properties.

Local real estate experts stated that values would go down due to the adverse effects of the mining operations.

Scott and Stacy are listed as owners on Tax ID 17800 at the address W2870 County Hwy D, Birchwood, WI, 54817. Yet in the submittal is an authorization letter from Scott authorizing Tony Tomashek, ALM Holding Company, to act as an agent on his behalf and apply for all required permits and any correspondence. The address is 2463 12 3/4 Ave, Cameron, WI, 54822.

The Current Planning Committee and Town Board have been updating the Comprehensive Plan since September 2024. NONE of the items related to compatibility with the environment, aesthetics, business operation, or relationship to public interest have changed.

In the event that County Zoning approves the CUP, we need to make a motion to attach all of the town's conditions, including, but not limited to, applying for a Town Non-Metallic mining permit, road rebuild plan, hours, noise, dust suppression, no blacktop, no water, and no dynamiting.

It opens the door for anyone zoned ag to open a gravel pit. In addition, if/when neighbors decide they've had enough and sell, Milestone's opportunity to purchase the adjacent land and expand the mine is a real possibility.

Chairman Moullette stated that a lot of great information was given here tonight, but I feel we have an obligation to the township's residents to avoid having this cost us dollars and cents.

Bob Olsgard, Chair of the County Zoning Committee, stated that the county needs the town's information and directions no matter the decision, as it will provide insight for the County Committee to reach its actions, decisions, or conditions.

James Whitehead states that in conjunction with Supervisor Bauer's statements from the assessor, lower property values will directly affect the town's levy limit, and the Town will see less money for maintaining the already stretched town budget.

David Wilson, a member of the County Zoning Committee, explained the process the Committee would follow and that the Town's recommendation would be read in the record.

The Clerk read the Planning Commission's recommendation into the record:

A motion by Anderson and seconded by Williams to recommend the Town Board not approve Milestone Materials' Conditional Use Permit (CUP) application to develop and operate a gravel pit at Scott Frolik's property based on the following items:

- 1) The original CUP is incomplete at this time, with missing items and incomplete answers in many sections, including statements such as "not planned at this time" or "to be completed at a later date," which are unacceptable.
- 2) The Town Ordinance and Permit have not been completed, but the planning commission feels it should be as items of the Town Permit are not addressed.
- 3) The Road Plan states, "at a later date". The road plan should be agreed to prior to the CUP application being approved, and it should be written as a road rebuild and maintenance agreement to last the life expectancy of the proposed pit.
- 4) The town roads listed as the proposed truck routes are substantially substandard according to Wis State statutes, especially to handle the increased truck traffic that hauls 1.4 million tons of material over a 10-50 year period. Several safety concerns and pavement strength concerns with the current road would need to

be updated to Wis state statutes for Town Highways. These concerns include driving lane width, shoulder width, pavement strength, steepness of in slope and back slope as well as several other safety and structural items.

5) The goals and objectives of the Town of Long Lake Comprehensive Plan strongly conflict with the proposed gravel pit. One specific conflict at the end of Section 6.4 in the Economic Development element: "The town supports a resident's right to have a small business operation on his/her property provided that the establishment does not create an environmental hazard or create a nuisance for neighboring property owners by generating excessive traffic, noise, lighting, signage, etc. This is true because in the planning survey, 68.0 percent of people who own land in Long Lake answered that there should be aesthetic requirements for commercial and industrial development." See the attached list of conflicts from Anderson.

A five-minute recess was taken at this time.

The Board began the discussion on creating their motion and list of possible conditions if the County should decide to approve. Supervisor O'Brien suggested making the roads a Class B Road to restrict truck traffic as a possibility.

Motion by Bauer and seconded O'Brien to not approve the Conditional Use Permit Request Scott Frolik/Milestone Materials Tax ID # 17880. 36 acres, SE NE in Section 33 Township 37 Range 11W, to obtain CUP to open a non-metallic mining operation Pursuant to NR 135 County Code CH 28 based on the 5 items listed by the Planning Committee recommendations which included inadequate substantially substandard roads and safety to the public for adding the required truck traffic. The fact that the gravel pit would conflict with the Town of Long Lake Comprehensive Plan. The Town Ordinance and Permit have not been completed. In addition, we want to include letters from the Planning Commission Letter written by Mark Kohler, Civil Engineer (dated January 10, 2025) and Eric Anderson, Planning Commission Chairman, dated (January 8, 2025)

In the event the County decides to approve these are the additional conditions the town would request be placed on the CUP:

General Conditions

- Save all Topsoil for reclamation
- No Topsoil will be sold from the site
- Construct berms for visual and noise barriers
- Tree plantings along Lakken Road
- Hours and Day of Operation will be Monday thru Friday, 7:00 am to 5:00 pm
- All mining will stay above the water table
- Monitoring Wells install to measure GW level
- Baseline GW samples
- No Aggregate washing on site
- No Asphalt or Ready Mix Concrete plant
- No more than 50% of mining area open
- Secure site with gates, fencing and berms
- Reclamation to begin as soon as practical
- Should recycle asphalt happen it must be job specific with town approval at annual meeting
- Annual meeting with County for review of compliance with CUP

Town Specific Conditions

- Rebuild 30th Ave to town highway standards
- Rebuild Lakken Rd to town Highway standards
- Require an independent civic engineer to detail requirements for s road rebuild with approval from the town
- Calcium Chloride Lakken Rd for dust

- Establish trucking haul route
- Establish annual road maintenance agreement
- Notification of required night hauling
- Utilize “White Noise” back up alarms
- Annual meeting with town for review of compliance with CUP
- Apply for town permits/licenses

Roll Call vote was taken. Jeff Bauer “yes not to approve”, Terry O’Brien “yes not to approve”, and Bob Moullette “yes not to approve”. 3-Ayes. Motion carried.

Discuss/Action Road Projects:

Review Laundromat Road Pulverizing and Add Gravel Bid: Motion by O’Brien and seconded by Bauer to move forward with advertising for bids to complete Laundromat Road Pulverizing and Add Gravel project in Fall 2025 as presented. With the bids to be opened at the March 11, 2025, Town Board Meeting. 3- Ayes. Motion carried.

Public Comment on Agenda Items Only: Public comments on agenda items were held.

Reports of Town Officers

Debbie – A February 18th, 2025, Spring Primary Election will be held this year.

Brenda – absent

Jeff – none

Terry – none

Bob – Attend two BFCES meetings and view the new ATV for emergency rescue, which was paid for by donations. A reminder that the Town Caucus will be on January 21, 2025, at 6 pm.

Correspondence: The correspondence was on the table for the Board members to review and will be kept with the Clerk's meeting records.

Approve Vouchers for Payment: O’Brien motioned, seconded by Bauer, to pay vouchers # 6418-6442 and the EFT. 3-Ayes. Motion carried.

Adjournment: Motion from O’Brien and seconded by Bauer, the meeting was adjourned at 9:38 pm. 3-Ayes. Motion carried.

Respectfully submitted by
Debbie Bouma, Town Clerk