

**NOTICE  
VILLAGE OF OSCEOLA  
BOARD MEETING**

Date: May 13, 2020  
Time: 6:00 pm CST  
Place: Remote Video Meeting (Public)

**In an effort to support community health management initiatives surrounding the COVID-19 pandemic, The Village of Osceola will be conducting all public meetings virtually through a web-based/telephone meeting platform called “Go To Webinar”. Please follow the instructions on the posted agenda to listen and/or participate during the meeting.**

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/767099397>

**You can also dial in using your phone.**

United States: [+1 \(224\) 501-3412](tel:+12245013412)

**Access Code:** 767-099-397

**New to GoToMeeting? Get the app now and be ready when your first meeting starts:**

<https://global.gotomeeting.com/install/767099397>

1. Call to order
2. Approval of the agenda
3. Approval of the minutes
  - a) Regular meeting dated April 14, 2020
4. Public input and ideas (Limit 5 minutes per speaker)
5. Reports
  - a) Staff Reports
    - i. Fire (reviewed by Board rep)
    - ii. Building permits
    - iii. Administration
    - iv. Police (reviewed by Board rep)
    - v. Public Works (reviewed by Board rep)
    - vi. Library (reviewed by Board rep)
  - b) Chamber of Commerce/Mainstreet
6. Other business – discussion and possible action re:
  - a) Potential Rybak Mine expansion update 20-minute limit (resident request for discussion)
  - b) 2014 & 2015 Airport Entitlement Transfer
  - c) Special Agency Agreement between Bureau of Aeronautics and Village of Osceola (OEO)
  - d) Revision to Direct Deposit for Employee Payroll (Section XXIX Pay Periods)
  - e) Approval of 2020 Park Mowing Contract (Jagusch Lawn Care, \$11,847.50)

- f) Resolution #20-10 Resolution Amending Resolution Authorizing the Issuance of Not to Exceed \$2,400,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,400,000 Note Anticipation Notes in Anticipation Thereof
  - g) Ordinance #20-02 Chapter 161 – Fireworks
  - h) Ordinance #20-03 Update to Chapter A222 – Fees and Salaries
  - i) Update on billing disagreement with Mill Pond Learning Foundation
  - j) Sale of Public Property to Federated Cooperative (\$70,000)
  - k) Resolution #20-11 Extending Term of General Obligation Promissory Note
7. Permits and Licenses
- a) Licenses
    - 1. Operator License for Tiberg and Murphy
8. Board, Committee, Commission and Agency Reports:
- a. January 29, 2020            Police & Fire Committee
  - b. March 3, 2020             Planning Commission
  - c. March 12, 2020            Osceola Library Board
  - d. March 17, 2020            Osceola Library Board (Special Meeting)
  - e. April 1, 2020               Admin & Finance Committee
9. Approval of vouchers payable
10. Board appointments
11. Appointment of Joe Greene to the Airport Commission for a one-year term to expire 04, 2021
12. Discussion of and action on any other appropriate items
13. Adjourn

The Power of 10 are the 10 most significant assets in the community identified by the Board. They are listed below:

- |                        |  |
|------------------------|--|
| 1. Schools             | 7. Personalization/Historic of Downtown Feel                               |
| 2. Airport             | 8. Access to major population center                                       |
| 3. Industrial Park     | 9. Medical Services  |
| 4. River               | 10. Recreational opportunities and the Braves (tied ranking for number 10) |
| 5. Falls               |  |
| 6. Downtown Businesses |  |

**NOTE:** It is possible that members of other governmental bodies of the municipality may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Meetings may be recorded for public viewing and record retention.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Village Hall at (715) 294-3498.

**VILLAGE OF OSCEOLA BOARD PROCEEDINGS**  
**APRIL 14, 2020**

**1. Call to Order**

The Village of Osceola met for a regular meeting on April 14, 2020 via remote video. President Jeromy Buberl called the meeting to order at 6:01 pm

Present: Buberl, Deb Rose, Travis Murphy, Van Burch, Tim Anderson, Bob Schmidt, and Bruce Gilliland  
Staff present: Benjamin Krumenauer and Frances Duncanson  
Others present: Beth Hanson, Germaine Ross, Steven Vold, Lisa Erickson, and Jordan Mederich

**2. Approval of the Agenda**

Motion by Burch and seconded by Gilliland to approve the agenda.

Ayes-7                      Nays-0                      Motion carried.

**3. Approval of the Minutes**

Motion by Schmidt and seconded by Anderson to approve of the minutes of: Regular meeting dated March 10, 2020 with the correction of the spelling of Dunham, Special meeting dated March 18, 2020, and Special meeting dated March 19, 2020

Ayes-7                      Nays-0                      Motion carried.

**4. Public Input and Ideas**

Public input and ideas (Limit 5 minutes per speaker): There were no public input or comments.

**5. Reports**

a) Staff Reports

- i. Library-Rose-Reported the staff doing was doing well and morale was good. They are making plans for when things do reopen and have had such heavy ebook use it was unable to register it all.
- ii. Fire-Tim Anderson-Nothing was received and there were no updates at this time.
- iii. Building permits-Krumenauer- Eight permits have been issued year to date with four of those new homes.
- iv. Administration-Krumenauer- Reported he is still working with potential buyers of Village properties for sale. There has not been much success in resolving the Learning Center issues with the Mill Pond Foundation and he will continue to keep working on this. Buberl thanked all who helped with elections.
- v. Police-Schmidt-Reported it has been quiet with school and businesses shut down. The Dept. is looking for part time officers and there was a much appreciated local donation of PPE.
- vi. Public Works-Van Burch-Reported the Dept. has been doing seasonal maintenance programs and training. Social distancing has let them do things like revamping storage and doing some street patching and sweeping. Equipment is being changed over from winter to summer. By state and local regulations playgrounds, parks and restrooms are closed. They are still doing park spring cleaning to be ready for when they can open. Public Works has been provided with cleaning agents for virus control and has no issues with shortages. In the Utility Dept. 9.3 million gallons of wastewater was treated. One of the pumps failed, a spare was used and a new one ordered. Valve and hydrant maintenance is underway and sewer maps have been updated to add manholes.

- b) Chamber of Commerce/Mainstreet-Germaine Ross-Reported they are using Zoo for meetings. There was a survey for all local businesses COVID is affecting them. There were 51 responses and 50% stated they may have to close permanently within six months if this continues. 21 businesses reported they have not been affected. The main concern is loss of revenue, with



many reporting by more than 75%. This data was supplied to State officials and decision makers. Burch asks about businesses receiving financial help and asked how can we save small businesses. Ross is helping to walk them through the application process for federal monies. Curbside for restaurants is working well. Buberl asks if large or small businesses are considering closing permanently. Ross replied would have to look at surveys. Anderson asked about purchasing gift cards.

## 6. Other business – discussion and possible action re:

- a) Detachment request by Village properties on Jared Road  
(Parcels 165-00342-0000,165-00458-0000,165-00458-0100, 165-00458-0001,165-00459-0000,165-00342-0200)

Buberl stated there were six properties in question and asked the conversation open from the property owners requesting to detach. Buberl asked them to state their case and facts, and to work through them slowly. Then Krumenauer will comment on the Village position and allow for further discussion.

Christopher and Martha Zant formerly of 2526 Jared Road stated they recently sold their house and the new owners were now residing there and that they would have no comments.

Steven Vold of 2525 Jared Road stated he had been there a couple years. Vold went on to comment they lived on a private road that they maintained themselves with no access to public utilities, yet they paid the fire hydrant charge on their tax bill. Vold expressed it seemed more logical to be in the township.

Jordan Mederich of 2531 Jared stated they had been here for three years and that it had been a journey on figuring out the rules. Mederich commented detachment was difficult for them to pitch as they need to give their reasoning on how it would benefit the Village to have them succeed. Mederich expressed that they get no benefits of maintenance, plowing, or utilities, that other Village residents receive. He feels this forces them to pay for something they don't receive and understands they can't use tax base as a reason to leave. He explained they have to go through the township to access their property. Their taxes are \$6,000 a year although they can't use that as an argument, they had no justification to stay. He felt it was accidental the road was left in the Village. They own their own sewer and septic and there is a \$2,300 difference in tax cost between those down the road in township and what they pay and he was hoping to plead their case it was more appropriate for them to be in the township.

Beth Hansen of 2521 Jared Road stated they do not get the same amenities and services as others in the Village get. She went on to say she hope they had drove out to view the property and their reasoning was stated nicely in the paperwork and examples.

Village Administrator Krumenauer stated in fairness and openness they could speak about the different pieces of their argument including taxes and asked Mederich if he wanted to comment on taxes. Village President Buberl concurred.

Mederich stated they were on two lots and that they own a business in Osceola and loves the area with no desire to cause harm. They are paying almost \$6,000 a year in taxes causing them a tremendous hardship. Mederich again stated taxes were not enough reason to succeed. Mederich expressed the lack of benefits from the Village amounts to \$200 a month in additional costs and feels that as Town residents they would get the same benefits for less money. His taxes \$2,300 a year more in the Village than in the Town. He stated neither the Town or Village will fix the road issue for them and they will never get the same services as other Village residents and he was pleading with the Board to allow them to go to the township.

Village Administrator Krumenauer gave a synopsis from the Village's side. The initial conversation regarding detachment occurred late in 2019. The first calls about tax increases came from this area. Earlier in 2020 the official petition came in. The Village Board is allowing the petition to be reviewed. A decision may be made later, and if no decision is made it counts as a no. Krumenauer highlighted current and future land use plans pertaining to this area and noted it is consistent with future use and current use. There is a forested area on a gravel road that is not up to village code. It is near a creek running through a rural portion of the Village. Other properties that straddle the line are like Jared Road. Removing these properties would put Village in tough spot in regards to future growth. Town parcels need to be contiguous with other town properties. If detached, there is the potential of slivers of land that would be islands within the Town or Village. From a services perspective utility laterals are not funded through taxes. The properties in question are on private well and sewer as several other properties in the Village are. The tax bill charge called fire hydrant fee is for critical infrastructure for public fire protection for all residents and is proportional to value similar to taxes. If there is a fire, our Department taps in to the municipal system if possible as it is consistent and cleaner. Krumenauer reviews where the utilities currently are; they are not in that area but due to future growth or demand the Village may provide them. Utilities are not part of tax bill with the exception of hydrant rent.

Vold asked about further expansion of the Village border. Krumenauer stated the Village has sanded road in the past even if it is not in our jurisdiction but as a public safety issue for our police and fire. Vold asked for a structured approach, they could leave now, and come back in later when the Village grows and expands. Krumenauer spoke about boundary agreements with adjoining municipalities as a larger discussion with the Town, and cannot be rolled in to the detachment request now. Buberl asked if they had a homeowners type association for maintenance of the private road town they share. Vold responded there was not any interest in that and they had an informal agreement. Vold claimed they are double and triple paying more by remaining in the Village than the Town and paying for the roads maintenance themselves. Vold also claimed the School owns a small part of the road and has never paid for maintenance.

Krumenauer state the Village does provide police and fire protection. All taxes go to all services, that are sometimes forgotten like parks, public roadways, library, and other things and there were still some benefits out there for them. Krumenauer stated we were not going to debate if our services were better than the Towns and if detachment took place we would have to find revenues somewhere else. Town taxes are lower and Town services are less. This could lead to a slippery slope of detachment requests creating concern of about how we would move forward.

There were a number of questions from Board members. Anderson asked about bringing the road up to Village standards and who would bear the costs. Krumenauer responded that would be a discussion point for the Planning Commission and Board. Burch stated he doesn't want the Village of lose smart growth planning and access to the east. Schmidt agreed with Krumenauer about smart growth and any road would need to be built to Village standards to consider acceptance. Schmidt stated he is not in favor of detachment. Buberl comments on claims of no services received and responded the Village does provide police and fire protection with a much quicker response than if they were under County and Town jurisdiction. Public Safety is the largest part of the Village budget and although you may not have had a need for them yet they will be there when needed. Buberl stated you knew the property was in the Village when you bought it and although he appreciates the questioning he does not agree with the statement the border is an arbitrary line.

Several resident spoke again. Mederich stated the detachment laws were there for a purpose for them to use and that there is no better case than theirs. One hundred feet down the down the road in the Town they get to keep \$2,300 more of their personal income. Mederich implores Board to consider their case on a subjective and rational basis. Hansen claimed until recently

she didn't know she was in the Village and was told she was in the Township when she purchased the property. Hansen also commented on the disparity in taxes and said they would have a good case on appeal and the Village would not want to spend money on this.

Board member Gilliland commented when homeowners bought the property they knew it was a private road and they can't expect the public to take care of it. Differences in tax rates have been there from the beginning. Gilliland state the rest of the taxpayers would have to make up for the loss of tax revenue.

Board member Murphy stated the bigger cost of service would be maintaining the roads and they not getting that service. Beth Hansen stated future development and growth to that area is ridiculous. Rose disagreed. President Buberl stated taxes affect all of the board members too. Buberl stated the discussion had went on for over an hour. Gilliland asks for options. Krumenauer stated they could accept or not accept the petition to detach and that no action or motion is the same a no.

Motion by Burch to take no action on the petition tonight. The motion died for lack of a second.

Motion by Schmidt seconded by Gilliland to reject the detachment request by the property owners on Jared Road and identified as (Parcels 165-00342-0000,165-00458-0000,165-00458-0100, 165-00458-0001,165-00459-0000,165-00342-0200)

Roll call vote: Ayes: Schmidt, Buberl, Gilliland, Anderson      Nays: Rose, Burch, Murphy  
Motion carried.

Rose stated she did not support detachment but would have preferred the Village take no action letting the petition die. Burch stated he agreed.

b) Resolution #20-07 Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$1,500,000 General Obligation Promissory Notes

BK per Village financial plan and to authorize Village staff to work with Baird to refinance the remaining debt.

Motion by Gilliland and seconded by Burch to approve Resolution #20-07 Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$1,500,000 General Obligation Promissory Notes

Ayes-7      Nays-0      Motion carried.

c) Resolution #20-08 Authorizing the Issuance of Not to Exceed \$2,400,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,400,000 Note Anticipation Notes in Anticipation Thereof

Motion by Anderson and seconded by Rose to approve Resolution #20-08 Authorizing the Issuance of Not to Exceed \$2,400,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,400,000 Note Anticipation Notes in Anticipation Thereof

Ayes-7      Nays-0      Motion carried.

d) Tax Increment District One and Two update and Resolution #20-09 Tax Incremental District 1 Termination

Motion by Rose and seconded by Gilliland to approve Tax Increment District One and Two updates including Resolution #20-09 “Tax Incremental District One Termination”.

Ayes-7                      Nays-0                      Motion carried.

e) Updates on COVID-19 and Village response/impact

Krumenauer gave an update on the Library and Village Hall closure as well as Park. The Board consensus was to continue these practices.

**7. Permits and Licenses**

a) Licenses

- i. Approving Change of Agent for Class “B” Beer and Class “C” Wine License  
Pizza Cellar – 102 Second Avenue, Osceola, WI 54020

Motion by Schmidt and seconded by Anderson to approve the Change of Agent to Robert Brace for the Class “B” Beer and Class “C” Wine License at Pizza Cellar – 102 Second Avenue.

Ayes-7                      Nays-0                      Motion carried.

**8. Board, Committee, Commission and Agency Reports**

Motion by Rose and seconded Burch by to accept the following reports from Board, Committee, Commission and Agencies Reports:

- a. July 24, 2019                      Historical Preservation Committee
- b. December 16, 2019                      Police & Fire Committee
- c. January 30, 2020                      Admin & Finance Committee
- d. February 4, 2020                      Planning Commission
- e. February 6, 2020                      Osceola Library Board

Ayes-7                      Nays-0                      Motion carried.

**9. Financial update-Krumenauer**

Krumenauer reviewed revenues and expenses and noted not all tax revenue was recorded. The Summary is a work in progress.

**10. Approval of vouchers payable**

Motion by Rose and seconded by Burch to approve the vouchers payable as listed.

Ayes-7                      Nays-0                      Motion carried.

**11. Discussion of and action on any other appropriate items**

Burch thanked Krumenauer and Duncanson for their work and coordination on elections. The Board thanked Travis Murphy for his service as Trustee and wished him the best. The Board then welcomed Joel West as Trustee. Buberl thanked the staff and all those helping to make things work in this crazy time.

**12. Adjourn**

The meeting was adjourned by Buberl at 8:33 p.m.

Frances Duncanson, MMC-WCPC  
Village Clerk

## Municipality Permits Report

4/1/2020 to 4/30/2020

<b>VILLAGE OF OSCEOLA</b>			<b>Total Value</b>	<b>Total Fees</b>	<b>Total Fines</b>
VOS20-09	BRADLEY LARSON		\$500.00	\$130.00	
717 CHIEFTAIN STREET	DECK				
VOS20-10	CENTURY BUILDING TEAM LLC   1309542		\$160,000.00	\$1,332.08	
380 STAPLES ROAD	NEW SINGLE FAMILY DWELLING				
VOS20-11	CENTURY BUILDING TEAM LLC   1309542		\$160,000.00	\$1,258.16	
391 LADD LANE	NEW SINGLE FAMILY DWELLING				
VOS20-12	PATRICK BROWN		\$2,000.00	\$76.80	
495 CASCADE STREET S HANGER D-4	ALTERATIONS				
VOS20-13	ASHLEY WEEDA		\$2,000.00	\$60.00	
1241 SUTTON AVENUE	FENCE				
VOS20-14	A Better Way To Build, LLC   BC745232 DBA Mayday		\$178,875.00	\$240.00	
105 MEADOWLARK LANE	REROOF				
VOS20-15	Ryan Moen		\$9,000.00	\$146.90	
110 PRAIRIE GRASS DRIVE	ALTERATION				

### Permit Distribution

Deck=1  
 New Home=2  
 Alteration=2  
 Fence=1  
 Re-roof=1

<b>Totals</b>	<b>Total Permits</b>	7	<b>Total Value</b>	\$512,375.00
<b>Admin</b>	\$405.40		<b>Impact</b>	\$223.14
<b>Inspection</b>	\$2,545.40		<b>State Permit Seal</b>	\$70.00
<b>Fines</b>			<b>Other</b>	
			<b>House Number</b>	
			<b>Total Fees</b>	\$3,243.94

## Municipality Permits Report

1/1/2020 to 4/30/2020

VILLAGE OF OSCEOLA			Total Value	Total Fees	Total Fines
VOS20-01	JOSEPH OLSON JR		\$164,000.00	\$1,412.38	
1211 OAKEY COURT		NEW SINGLE FAMILY DWELLING			
VOS20-02	PREFERRED BUILDERS INC   653785		\$180,000.00	\$1,520.40	
621 KREEKVIEW DRIVE		NEW SINGLE FAMILY DWELLING			
VOS20-03	ROBERT MUSSELL		\$1,600.00	\$72.00	
410 SEMINOLE AVENUE		EGRESS WINDOW			
VOS20-04	Isaac Lindstrom		\$8,935.00	\$146.90	
801 OAK RIDGE DRIVE		SOLAR			
VOS20-05	THOMAS OSHAUGHNESSY		\$500.00	\$120.00	
110 CASCADE STREET N		SIGN			
VOS20-06	Due North Homes   11901077		\$280,000.00	\$1,784.84	
504 Smith Ave		NEW SINGLE FAMILY DWELLING			
VOS20-07	Gregory Contracting		\$15,000.00	\$130.00	
133 INDUSTRIAL DRIVE		Deck			
VOS20-08	JAMES & NORA BRUNBERG		\$110,000.00	\$1,524.80	
221 MEADOWLARK LANE		NEW SINGLE FAMILY DWELLING			
VOS20-09	BRADLEY LARSON		\$500.00	\$130.00	
717 CHIEFTAIN STREET		DECK			

## Municipality Permits Report

1/1/2020 to 4/30/2020

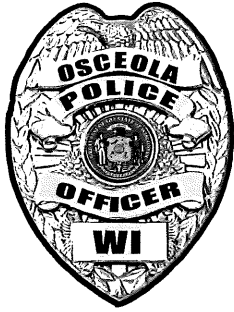
VOS20-10	CENTURY BUILDING TEAM LLC   1309542 380 STAPLES ROAD	NEW SINGLE FAMILY DWELLING	\$160,000.00	\$1,332.08
VOS20-11	CENTURY BUILDING TEAM LLC   1309542 391 LADD LANE	NEW SINGLE FAMILY DWELLING	\$160,000.00	\$1,258.16
VOS20-12	PATRICK BROWN 495 CASCADE STREET S HANGER D-4	ALTERATIONS	\$2,000.00	\$76.80
VOS20-13	ASHLEY WEEDA 1241 SUTTON AVENUE	FENCE	\$2,000.00	\$60.00
VOS20-14	A Better Way To Build, LLC   BC745232 DBA Mayday 105 MEADOWLARK LANE	REROOF	\$178,875.00	\$240.00
VOS20-15	Ryan Moen 110 PRAIRIE GRASS DRIVE	ALTERATION	\$9,000.00	\$146.90

### Permit Distribution

New Home=6  
 Alteration=3  
 Other—SOLAR PV  
 INSTALLATION=1  
 Sign=1  
 Deck=2  
 Fence=1  
 Re-roof=1

<b>Totals</b>	<b>Total Permits</b>	15	<b>Total Value</b>	\$1,272,410.00
<b>Admin</b>	\$1,080.00	<b>Impact</b>	<b>Plan Review</b>	\$744.66
<b>Inspection</b>	\$7,920.60	<b>State Permit Seal</b>	<b>House Number</b>	
<b>Fines</b>		<b>Other</b>		
			<b>Total Fees</b>	\$9,955.26





## OSCEOLA POLICE DEPARTMENT

310 Chieftain Street – Lower Level

P.O. Box 217

Osceola, WI 54020

Phone: 715-294-3628 Fax: 715-294-2862

Ron Pedrys - Chief of Police

To: Village President Jeremy Buberl and Village of Osceola Trustees

CC: Administrator Benjamin Krumenauer

From: Police Chief Ron Pedrys

Date: Tuesday, May 5, 2020

Re: April 2020 Village Board Police Report

In April 2020, OPD Officers made 4 custodial arrests (3 felony arrests and 1 misdemeanor arrest). Officers logged a total of 7 traffic stops that resulted in 5 traffic citations being issued. OPD Officers also issued 4 municipal citations. 51 incident reports were processed and a total of 272 Calls for Service were logged by Officers.

Some other incidents OPD Officers responded to in April included four disturbances (three of which were Disorderly Conducts), three mental health welfare checks, nine suspicious activities, two narcotics investigations, seven alarms, three noise complaints and three juvenile incidents. One individual was also arrested for OWI (1<sup>st</sup> Offense).

### **Administration:**

To date, March and April have been very quiet relating to the number of police calls received, based on typical monthly averages. This includes significantly less traffic stops, written warnings and citations issued. As mentioned in last month's report, this is likely attributed to almost all businesses being closed, no students or staff in the schools and travel restrictions in Governor Evers' Safer-at-Home Executive Order. With less calls for service, OPD Officers have been able to talk more with residents outside enjoying our long awaited spring time weather.

OPD is still looking to find, hire and train at least one qualified part-time Patrol Officer. As mentioned last month, we currently have a very limited part-time Officer roster. Lack of adequate part-time Officer staffing will significantly hamper filling vacation and sick time shifts for our full-time Officers. It will also not allow for extra police staffing for Holidays or high traffic summer weekends.

In April, OPD worked with Public Works and tested all three storm sirens during Wisconsin's severe weather week. All three sirens worked as expected. This month, all three sirens will be inspected and tested by the company the Village has an annual contract with. As mentioned in past reports, it is highly recommended, in the near future, that another severe storm siren be added to the downtown area. Currently, storm sirens are not heard well there (or along Cascade Street and River Street).

---

In closing, I'd like to make a few comments about my observations during these strange and, for our businesses, very hard times. I believe the Village of Osceola, by far, has the best business owners around. This was reaffirmed recently when I had to have unexpected conversations with many of the business owners due to statements and actions at the County level. It is my opinion that many of those statements and actions at the county level caused avoidable unrest, confusion and added unnecessary stressors to the very businesses doing all they can to survive. Regardless of one's personal opinions about Governor Evers Emergency Order or one's personal political agenda, I believe the priority should be to work with each other and help our businesses however we can. During my conversations with the owners and employees of some of our Osceola businesses, I was wowed by the positivity and dedication to "do what's right for the community", despite very difficult financial times for the businesses. I was also able to see how much our business owners were concerned about and focused on making sure their employees were okay. Every business owner I spoke with said, without hesitation, they would continue to follow current guidelines and orders until it was deemed safe for our community to reopen. I know we all want that day to come soon. I am personally looking forward to shopping in our stores downtown and enjoying food and drink on a sunny patio...or two. I'd like to give a big public thank to all of the Village of Osceola businesses for their cooperation, patience, dedication to our community and their incredible positivity during these challenging times.

Thank You.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Ron W. Pedrys".

Ron Pedrys – Police Chief

Village of Osceola



# Memo

**To:** President Buberl and Village Board Members

**From:** Todd Waters (Public Works Coordinator) and Rick Caruso (Utilities Coordinator)

**CC:** Fran Duncanson

**Date:** May 12<sup>th</sup>, 2020

**Re:** May Board Update

---

#### Streets:

- Street sweeping operations continued in April and Public Works was able to work with both the Village of Dresser and East Farmington to clean their streets. Both entities in return will be providing equipment and hours to the Village of Osceola by utilizing trucks, wood chipper, and spray patching equipment.
- Storm sewers and holding areas have been plagued by beaver dams. Public Works has completely removed two dams and jetted Geiger Park to Depot Road to alleviate backups.
- Right of Way clearing continues along roads and residents will be alerted of sidewalk clearing in the nearest newsletter.
- Public Works picked up over 1000 compost leaf bags from residents, chipped brush amounting to 25 yards of chips, and removed 2 dump truck loads of resident brush during the Spring cleanup. The program ended May 1<sup>st</sup>, 2020.

#### Parks:

- Park cleanups continued through May and an additional 20 yards of wood chips were added to Smith Park.
- Maintenance and the pre inspection of park maintenance equipment are complete. Public Works is ready to maintain 27 Village spaces, while an additional 8 spaces are contracted out. These spaces are mowed, weed whipped, landscaped and sprayed for invasive species.

#### Building Maintenance:

- Temperature changes, lighting programs, fire inspections and Spring maintenance have been the priority at the Discovery Center in April.
- Public Works continues to maintain spaces that remain closed to the public at this time. Daily rounds to ensure water, heat, and other liabilities are addressed in an effort to ensure that no damage has occurred and reduce costs of operation to these spaces.

#### Water / Sewer:

- Water pumped in April totaled 5.2 million gallons, waste treated totaled 8.315 million gallons.
- Winter water has been turned off for the season.
- Hydrant flushing and hydrant flow testing is underway.
- The Millpond lift station has been retrofitted with a new pump.
- The WWTP ultraviolet system is up and running for the summer season. Per our discharge permit we are required to disinfect our effluent before it meets the river from April through October.



## Memo

**To:** Wilberg Memorial Library Board of Trustees

**From:** Library Director; Shelby Friendshuh

**CC:** Village Board of Osceola

**Date:** May 2020

### ADMINISTRATIVE

This month has been challenging as we are all continuing to navigate this new normal. Much of April was spent preparing for curbside pick-up and planning that procedure. It has been a great success, though! Participation in this service has been steady but not overwhelming, and the drive up window has been a great asset. It has been great to see our patrons again even if it is through a window!

### MATERIALS CIRCULATION

April 2020, Total Items Circulated: **251**

*Curbside pick-up began at the end of April and has been a great success.*

eBook Checkouts for April 2020: **1,112**

New Patrons in March 2020: 0

### COLLECTIONS

In the month of April we acquired 132 new items. Anne has been continuing to make purchases and cataloging items as they come in.

### EVENTS & ACTIVITIES

#### April Events/Participation:

While we have not been able to hold in person events and activities we have been working diligently to provide our patrons with online resources and outdoor at-home activities. One of the most exciting new activities we have been promoting this month is our Story Walk on the Stover Seven Lakes Trail. This is a story that has been displayed page by page on signs along the trail.



## **FACILITIES & STAFF**

Staff is doing well working from home. We have been doing a lot of work with continuing education and learning new things about the library field. We are also planning for the future, though we don't quite know what that will look like in the next few months. Rebekah has been working on providing outdoor activities (the outdoor together-apart program, the story walk, etc) and planning for a social distancing summer learning program. As stated previously, a few of us are also working the curbside pick-up. I have and will continue to check in with all staff working curbside to ensure that the procedures we are using are keeping everyone safe and comfortable. So far- so good!



# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/8/2020  
**Re: Item 6a: Potential Rybak Mine expansion update 20-minute limit (resident request for discussion)**

## **ITEM DESCRIPTION:**

A subset of Village residents have requested an audience with the Village Board in order to provide an update on the proposed Rybak mine expansion located in the Town of East Farmington. The Primary lead, Mike Forecki, has developed a packet of information for the Board to review. This includes positional opinions from professionals hired by community members requesting the audience. None of the attached information is provided by the Village or verified from the staff in any fashion.

## **Presenters:**

1. Mike Forecki, Resident
2. Sarah Korte, Attorney
3. Jeff Broberg, Geologist
4. Paul Wotzka, Hydrologist

## **ATTACHMENTS:**

1. Item 6 a Supplements\_Mine Discussion

Presentation to the Village of  
Osceola Board  
May 13, 2020

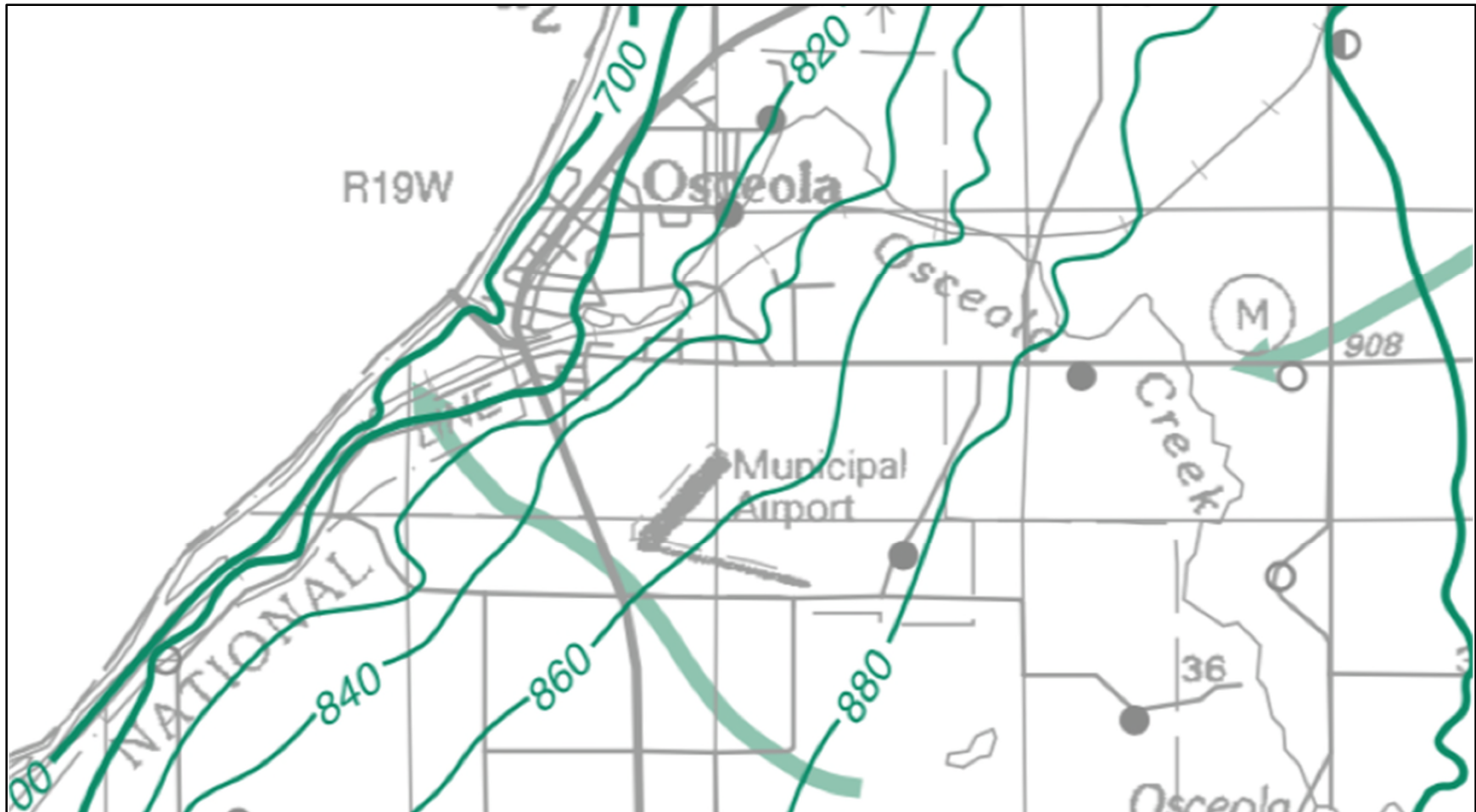
Mike Forecki, Resident  
Sarah Korte, Attorney  
Jeff Broberg, Geologist  
Paul Wotzka, Hydrologist



# Sampling Locations for 5 Water Samples from Rybak's Water Test Plan



# Regional Generalized Map of Water Table Elevations and Flow Direction



## **History of the Rybak Mine**

The mine on the Southern edge of Osceola, commonly referred to as the Rybak Mine, began operations as a gravel pit sometime in the 1970's. In 1990, the quarry was sold to Selzer Excavation, Inc. Their permit provided, among other items, that the Operator shall not quarry to a depth deeper than 25 feet from the highest point on the property. (A copy of that permit is marked Exhibit A and attached.) The gravel pit was sold to Osceola Sand and Gravel in 2004 under the same depth requirements (Exhibit B). The property again changed hands when Ryback Aggregates, LLC purchased in 2009 (Exhibit C). All of these permits provided no mining below a depth of 25 feet from the highest point on the property. In 2014, in preparation for an anticipated sale, Rybak Aggregates asked for and received the Town Board's approval to mine to a depth of 800 feet above sea level or approximately 80 to 95 feet below the surface. For some reason, this sale never took place.

In August of 2018, Rybak donated \$8,000 of gravel to the Town. In January of 2019, North 40 Resources appeared before the Board to request a new permit to quarry. The agenda item for this request was described as "Meet Matt Torgeson" (Exhibit D). At that meeting, the Board agreed to general terms of the permit. The details were worked out by email between the miners and the Board, with the miners redlining those provisions of the permit they found too restrictive. The final permit allowed for industrial sand mining to a depth of 800 feet above sea level (Exhibit E).

The request did not go before the Town's Board of Adjustment as called for in the Town's Zoning Ordinance, nor did the required public hearing ever take place (See Exhibit F for extract of Town Zoning Ordinance).

## **Citizens' Efforts at the Town Board**

On January 17, 2019, the Osceola Sun reported that a discussion had taken place at the Town Board regarding a change of ownership at the Rybak mine. The article did state that "fracking was mentioned as a future venture...", but that "any expansions or changes in program such as these would require an entirely separate set of permits and new conversations". No such additional permitting was required by the Town, nor were such hearings ever held.

Instead, for nearby residents, the first they learned of the drastic changes in operations at the mine was on April 26<sup>th</sup>, 2019, when the Rybak mine detonated a sump blast that shocked neighboring homes and area businesses. Upon investigation, area residents learned that the mine had been sold to new owners in January of 2019 and that they had received a Conditional Use Permit to mine to a depth of more than eighty feet below grade. The mine, which had historically been a local source for gravel and aggregates used locally, was now, under new owners, North 40 Resources LLC, rapidly expanding the scale of mining at the pit to include silica sand which was being transported out of our community for use in hydraulic fracturing.



Local citizens, with the help of Ecoclub, a high school environmental club, distributed a petition in opposition to the mine, which, in just over two weeks, received the signatures of 279 individuals. 119 of these signatures were from Town of Farmington residents, 106 from Osceola and 54 from outlying communities.

Citizens overflowed the Farmington Board Town Hall on July 1, presented these petitions to the Town Board and expressed their concerns about noise and blasting at the mine and the risk of contamination to groundwater. They asked for greater oversight and regulation of the expanded mine. The Town Board agreed to let the citizens present their concerns at the next, August 5<sup>th</sup> Board meeting. The citizens hired a hydrologist and prepared materials for that meeting, including detailed recommendations of items to be addressed and excerpts from other towns' ordinances that addressed these concerns - only to learn that the Board had instead scheduled Dane Christenson from Polk County Land and Water Resources to appear and Jim Devlin from the Wisconsin DNR.

At this meeting, the Town Board agreed to appoint a committee of residents to make recommendations to the board on drafting a new mining ordinance. *No Village of Osceola residents were allowed on that committee even though their homes were most impacted by the mine.* One of the mine owners, however was allowed on the committee and at critical points in the discussion had outsized influence on the proposed restrictions. The committee was chaired by one of the Town supervisors, who himself was a career mine manager.

The committee met four times and a majority of committee members agreed that the depth of any new or expanding mine should be limited to a fixed depth of at least ten feet above the water table. Other conditions on hours of operation, amount of land open at any given time and set-backs were also agreed upon. (See committee notes attached as Exhibits G and H). This citizen committee however, was not allowed to call other experts to testify. Instead the process was accelerated in order to be completed within a few months. Some critical recommendations were postponed pending a hydrologist's report. Upon receiving that report, however, the Town has not referred mining issues back to the committee for final recommendations.

On September 21, 2019, the Town Board held a Special Meeting to enact a 6 month moratorium on new mining permits to allow the Town time to develop and pass a new non-metallic mining ordinance. On February 3<sup>rd</sup> the Board voted to extend the moratorium to June 30, 2020.

### **Current Status of the Mine**

On December 11, 2019, the new owners of the mine purchased approximately 93 acres directly south of the mine (Exhibit J). At the same time, they recorded a Memorandum of Mineral Lease and Rights Agreement to give notice they had acquired mining rights to 107 acres to the South of the land they had just purchased (Exhibit K).

Despite the moratorium enacted by the Town, on January 6<sup>th</sup> North 40 Resources applied for a permit to mine these 200 acres (Exhibit L and accompanying map).

As of this writing, the Town has denied a request to extend the moratorium past June 30<sup>th</sup> because of the coronavirus. They are currently in the process of drafting a new non-metallic mining ordinance whose provisions remain unknown.

### **Risks to Groundwater**

The frac sand mining industry is a fairly recent industrial activity in Northwest Wisconsin with the first industrial sand mines opening around 2008, and little is known about the extent of the risk to surrounding groundwater. Heavy metals in unsafe quantities, and acidic pH levels, have been discovered in frac sand wash ponds and sludge in spills from mining sites. In 2014, the Wisconsin DNR proposed a 5 year study of the effect of frac sand mining on the release of heavy metals into ground and surface water. The funding for such a study, however, was not provided. A recent (2019) private study does show that private wells near mining sites have elevated concentrations of trace metals and pH levels. Zambito, et al, *Geochemistry and mineralogy of the Wonewoc-Tunnel City contact interval strata in Western Wisconsin*, University of Wisconsin Extension, 2019.

While most local ordinances enacted to regulate frac sand mining require a number of test wells around the perimeters of the mines, the Town of Farmington Conditional Use Permit for the Rybak mine requires testing only from a well not designed for sampling, located well below the groundwater table and not down gradient from the mine. The only testing required is for Volatile Organic Chemicals (fuel spills). There has been no testing of the groundwater for the presence of heavy metals or altered pH levels.

Recent sampling of the existing mining operation at the Rybak mine reveals elevated concentrations of metals in different components of mining operations. Sampling of settling pond fines, and processed fines for metals concentrations of aluminum, arsenic, copper, lead, manganese and zinc are elevated. Metal concentrations for aluminum, arsenic, and manganese are elevated in water samples from mining area #3 (unknown sampling location), settling pond water and supply water. Testing of a private well along Ridge Road – paid for by a private owner – indicates pH levels and traces of heavy metals which more closely resemble the levels in the testing of the chemical wash pond on the site than the water tested from the up-gradient well at the mine.

Chemicals known as flocculants are used on the site to wash the sand. This class of chemicals contains acrylamide, a known carcinogen. Proponents of mining note that such chemicals have been used sometimes in water treatment plants and to control sediment release in river construction projects. In neither of these cases, however, is the water destined for human consumption, nor do these comparisons take into account levels of concentration of the chemicals. At the Rybak mine, there has also been no testing for the potential release of acrylamides into local aquifers.

At the mine, mining is taking place *below the groundwater table*. Such “wet mining” magnifies all these risks of sand mining noted above because normal filtering of the groundwater is absent. Drinking from surface groundwater is like getting your drinking water from an open pond. Even where the water may have been suitable for drinking initially, exposure to bacteria from wildlife, acid rain, nearby runoff and - in the case of mining - heavy metals released from exposed material - all flow unfiltered directly into the groundwater.

The owners of the mine are now seeking to mine an additional 200 acres South of the existing mine to a depth of approximately 80 feet. The groundwater level on those 200 acres ranges from 30 to 65 feet below the surface.

### **The Wisconsin DNR does not have adequate funds or staffing to monitor industrial sand mines.**

While sand mines were rapidly expanding across Wisconsin, the Administration under Governor Scott Walker was drastically cutting staffing and funding to the Wisconsin DNR. DNR budgets were cut by \$90 million. Nearly 250 positions were eliminated, including half of the positions for research scientists. A recent report by the Environmental Integrity Project, a nonprofit based in Washington D.C., found that, for the period from 2008 to 2018, the State of Wisconsin cut more funding from its pollution control programs than any other state in the union (Wisconsin Public radio, Published December 6, 2019).

These cuts were occurring exactly as the frac sand mining industry was rapidly expanding in Wisconsin. When the sand mining industry grew to 54 facilities in 2012, the DNR estimated that an additional 10.2 monitoring positions would be needed. Only 2 new positions were eventually created and, by that time, the number of mining facilities had grown to 135.

Until 2016, there was no testing of wastewater sites: “We have a lot higher volume of material being washed and we’ve got more additive use than I’m aware of in the past, and our old permit just didn’t allow us to - we didn’t have a way to look at that.” James Devlin, DNR Stormwater Specialist. Before 2016, mines were approved under a 2009 permit system designed to prevent pollution from gravel pits, not industrial sand sites. Under the newer 2016 permit rules, companies now *self-report* chemicals used in sand wash ponds.

When Mr. Devlin appeared at the Farmington Town Board in August of 2019, he told residents that he was responsible for stormwater permitting at 110 frac sand mines throughout Western Wisconsin and that his goal was to inspect each sand mine *once every two years*. Because funding was cut for a DNR study that was to begin in 2016, he stated “We don’t know if these washing ponds discharge.” (St Croix 360 article, August 9, 2019). He also confided he personally would not want to live next to a sand mining operation.

When the DNR had been able to inspect sand mining operations, numerous violations have been discovered. A 2014 report by the Minnesota Land Stewardship Project found that over 40% of frac sand mines then operating in Wisconsin were cited for substantial (Stage2) violations of DNR regulations between 2011 and 2013, most violations for water issues. (Breaking the Rules for Profit, November 2014). Many of the more significant violations that have been found were citizen reported, such as the release from a holding pond into the St Croix River in Burnett County, and contaminated water from another holding pond into a nearby stream in Clark County.

### **Risks of Reclamation**

On April 24, 2020, the price per barrel for oil was \$16.94. Most industry experts agree that for hydraulic fracturing for oil to be profitable, the price of oil needs to be over \$40.00 per barrel. New frac sand mines out in Texas and neighboring states have undercut pricing for Wisconsin sand because of decreased transportation costs. Most industrial sand mines in Wisconsin that had previously been profitable had ready access to rail lines. Even those have closed in Wisconsin, many will file for Chapter 13 Bankruptcy. As of March 28, 2020, 10 frac sand processing plants closed in Wisconsin, and surpluses were twice the current demand. (*Star Tribune*, March 28, 2020). While there are a few other uses for industrial sand such as the manufacture of glass, glass manufacturers in the area either have their own sand mines or already have long term contracts in place. Local uses for sand, such as animal bedding, is of minimal demand.

Despite these economic conditions, the proposed Reclamation plan presented by the Rybak mine owners calls for removal of top soil and overburden to a depth of 40 feet, mining sand to a depth of 80 feet, more or less, then replacing the 40 feet of overburden to reclaim. The shallower 40 feet contains the aggregates, and sometimes lime, for which there is some local market. There is no viable market for the silica sand. This reclamation plan makes no economic sense and, if executed, would lead to financial failure.

The current owners have stated they have 40 plus products they can sell that they have mined on the existing mine. If they are able to sell much of what they are mining above the silica sand, the question becomes: what fill are they going to use to reclaim the land? There are currently no restrictions on materials being brought into the site for fill. Under the existing lack of regulation, you could have old concrete and asphalt products, contaminated soil from gas stations or other toxic materials used for fill.

Sand is washed on the site to remove silt and clay. This wash water is then pumped into the settling pond where acrylamides are added to remove the particles suspended in the muddied water. This waste material, or fines, is then in turn dried and returned to the site during reclamation. Testing of the wash pond on the site is minimal, but currently shows elevated metal concentrations. The processed fines show even higher levels and very low

ph. These fines will be used to reclaim the site and may be used to cover the exposed groundwater.

Existing Polk County funding requirements for reclamation (\$3,500 per acre), while perhaps adequate for the more traditional non-metallic mining of gravel pits or limestone quarries, are insufficient to reclaim industrial sand mining to the depth at the Rybak site.

When Dane Christenson appeared before at a Town Board meeting to discuss the County's Reclamation Ordinance and was asked to respond to a Hydrologist's remark that the amount of funds required by the County were fine for gravel pits, but inadequate to meet the cost of reclaiming to the depth of this mine, he stated that this was Polk County's first frac sand mine and that he needed to learn from other counties to ensure that financial assurances were sufficient to protect taxpayers from being liable for reclamation. In Barron County, where most sand is available near the surface, their Soil and Water Conservation Office requires financial assurances of \$9,000.00 per acre mined for reclamation of mines larger than 40 acres. That office feels even that amount may be insufficient and warns that Polk County will eventually learn that \$3500 per acre will not cover the costs of reclaiming. Reclamation costs under the proposed mining plan would far exceed the current level of financial assurances required.

### **Economic Impacts of Sand Mining**

Because industrial sand mining is relatively recent, studies measuring economic impact of mining on the surrounding community are not extensive. What studies do exist show that homes near industrial sand mines suffer a significant decrease in value when a mine opens. (*Communities at Risk: Frac Sand Mining in the Midwest*, 2014, see pp. 21-28). Property values appear to decrease by 20% or more for properties located within a mile of the mine. This, of course, is reflected not only in sales of properties near the mine, but also reflected in lack of renovations or new home construction in the mine's vicinity (*Communities at Risk*, Cantarow, 2012, *Farmers' Frac Sand Nightmare*). Along Ridge Road, we are aware of at least one party who pulled a prospective offer on a property for sale on that road because of the mine's activities.

Area tourism is also likely affected. A 2013 University of Wisconsin Study concludes that sand mines have "the potential to significantly impair property values and tourist activity" in the area. (Parker and Phaneuf, May 2013, *The potential impacts of frac sand transport on tourism and property values in Lake Pepin communities*).

### **Noise and Traffic Concerns**

Part of the reason property values are at risk of declining is because no one wants to live with the noise nuisance of living near the Farmington mine. Noise from the mine is heard at farms 5 miles distant and complaints of noise have been received from homes across the



river in Minnesota. Residents along Ridge Road have repeatedly complained of the noise to the Town Board, including being awakened by noise prior to the permit startup time of 6 a.m. Area residents have had to endure the noise from rock crushers, bulldozers and other mining equipment from 6 a.m. to 9 p.m. Monday through Friday, and from 6 a.m. to 3 p.m. on Saturdays. These are residents who moved to the area to enjoy the peace and beauty of living along the St. Croix River.

Village tourism may also be affected due to increased volume of semi and heavy truck traffic downtown. On Wednesday July 31, a small group of residents counted trucks entering and leaving the Rybak mine from 6 a.m. to 7 p.m. On that date, 98 semi and dump trucks were seen entering and leaving the mine. Area residents also counted trucks on the following Saturday, August 3<sup>rd</sup> between the hours of 6 a.m. and 3 p.m., measuring 89 trucks coming and going from the site. 93% of the trucks came from the North and returned to the North, either through downtown Osceola or over the bridge into Minnesota. The proposed mine expansion could be expected to dramatically increase these numbers.

### **Osceola Village residents are not represented at the Town**

Although the Rybak mine is largely surrounded by the Village of Osceola, the Farmington Town Board has shown it is not really interested in hearing from Village residents and their concerns about the mine. When the township formed a committee to help draft a new ordinance, Village residents were not allowed on that committee. The town was unwilling to provide documents requested by Village residents until they were cited provisions of Wisconsin Open Records Act, and have questioned whether they need to allow non-township residents to attend public Board meetings.

By necessity, village residents have turned to the Village to have their voices heard. At the Village meeting in September, residents presented a second petition to the Village Board. This petition was circulated among Village residents living along Ridge Road across from the mine. The petition, which urged the Village to consider extra-territorial zoning to prevent expansion of the mine to an additional 200 acres, was signed by all but three village residents living along Ridge Road (one who was not home, one who wanted to consider and one “who never signs anything” (See petition attached as Exhibit I).

The Rybak mine at its current level of operation will deplete all commercially valuable materials in five years or less. Then reclamation efforts can begin in earnest. If the mine is allowed to expand an additional 200 acres, best estimates are that this will allow mining to continue for 30, 50 or more years. Once they are granted a permit to expand, they will have acquired rights that cannot be abrogated. *No matter what uses the Village might have for this land in the future, they will be powerless to act.* That is current law.

The only value the mine operators see in the land in this community is in the money they can extract from that land. Don't allow this once peaceful and scenic area along the bluffs of the St. Croix River to be destroyed by the greed of a few that live outside this community. Don't allow that.



# EXHIBIT "A"

## MOTION TO GRANT PERMIT TO OPERATE QUARRY

Motion to grant a permit to operate quarry to Selzler Excavation, Inc. (hereinafter referred to as "Operator"), on property located in Town of Farmington, Polk County, Wisconsin described as follows:

### PARCEL 1

The Northwest Quarter of the Northeast Quarter of Section 34-33-19.

### PARCEL 2

The Northeast Quarter of the Northwest Quarter of Section 34-33-19.

The grant of this permit is contingent on the Operator complying with the following conditions:

1. Operator shall pay to Town of Farmington an annual fee of \$300.00, payable on or before August 1 of each year. This annual fee may be reviewed at the end of the first five years of the term of this permit and may be adjusted by the Board of Adjustments for the Town of Farmington to reflect actual costs incurred by the Town of Farmington in monitoring the permit and quarry operations. The term of this permit shall commence effective March 20, 1990.
2. Operator shall not quarry to a depth deeper than 25 feet from the highest point on the property described as Parcel 1 above, provided however that Operator may maintain two retention ponds with a maximum depth of not more than 35 feet from the highest point on Parcel 1, said retention ponds to have no more than 20,000 square feet of total water surface area. The highest point on the property is deemed to be the elevation point as previously established in the southeast corner of Parcel 1 described above. As said retention ponds are moved the abandoned retention ponds are to be filled by the Operator immediately so that the surface of the previous pond site after filling is no more than 25 feet below said elevation point. The cost of refilling said retention ponds is to be borne solely by the Operator and said cost is not to be paid from the escrow account hereinafter described.
3. No dumping of any refuse, recycling of blacktop, or establishment of hot mix plant shall be allowed on the above-described real estate.
4. A buffer zone along adjoining property lines, and public roads and highways shall be established by the Board of Adjustments based on specific factors regarding the operation, adjoining land use and other factors. Said buffer zone shall be not less than 6 feet in width. In said buffer zone the Operator shall not undertake any activities which involve quarrying, removal of top soil or stock piling of top soil or quarried materials.
5. Operator shall fully comply with the provisions of Article VI, paragraph 9(e) of the Zoning Ordinance of the Town of Farmington.
6. Operator has drilled a test well on Parcel 1 of the above-described property. Said test well is presently 166 feet deep. The depth, size and

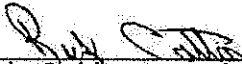
Location of said test well are hereby approved by the Board of Adjustments. At such times as designated by the Board of Adjustments or its designee, the Board of Adjustments or said designee shall take two (2) samples from said test well each calendar year to test for volatile organic chemicals and/or such other substances as the Board of Adjustments designates. Any results unacceptable to the Board of Adjustments shall be cause for immediate suspension of operations and review of this permit.

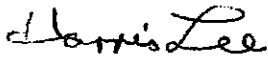
7. Sufficient top soil shall remain on the property for which the permit is issued so as to provide a layer of uniform depth of not less than 2 inches in the reclamation of the land quarried. Said retained top soil is to be respread by the Operator at the Operator's expense on the portion of the above-described property on which quarrying operations have been completed to provide a uniform depth of top soil of not less than 2 inches as soon after completion of quarrying activities as is practical.
8. The hours of operation shall be such so as not to disturb the peace of the area or the local residents. Crushing operations shall not commence before 6:00 a.m. and shall not extend beyond sunset or 9:00 p.m. each day, whichever occurs first.
9. The town road lying between the above-described real estate and State Trunk Highway 35 shall be treated by the Operator at the Operator's expense to avoid excessive dust as directed by the Board of Adjustments.
10. Operator shall annually furnish the Board of Adjustments with a certificate of insurance providing a minimum of one million dollars bodily injury liability coverage from an insurance carrier licensed to do business in the State of Wisconsin.
11. Operator shall place in an interest bearing fund, to be controlled by the Board of Adjustments, the sum of \$2,000.00 for each acre being quarried pursuant to the terms and conditions of this permit. Said fund is to be used for purposes of reclamation of the above-described property as quarrying activities on portions thereof have been completed. All interest accrued shall remain in said fund until all quarrying operations have been completed by the Operator and to the extent quarrying operations have affected the above-described real estate, all of said affected area has been reclaimed. Said reclamation shall be completed to the satisfaction of the Board of Adjustments. To the extent reclamation activities have been satisfactorily completed on the above-described property, the Operator shall receive a \$2,000.00 per acre credit for portions of the above-described real estate on which quarrying activities have been completed and reclamation activities have been satisfactorily completed. All deposits to the reclamation fund and accrued interest thereon shall be returned to the Operator upon total reclamation of the property, except for the following amounts:
  - A. Reasonable expenses incurred by the Board of Adjustments in the issuance and monitoring of this permit; and
  - B. Reasonable expenses incurred by the Town of Farmington in reclaiming the property as set forth herein and pursuant to the township zoning ordinance if said reclamation is not undertaken promptly and satisfactorily by the Operator; and

- C. Amounts credited or paid to the Operator with regard to portions of the property on which quarrying activities have been completed and reclamation has been satisfactorily completed as provided herein.
12. The Board of Adjustments shall have the right of access to the above-described property, without notice, for all purposes related to this permit.
  13. This permit shall not be transferrable or assignable and shall be reviewed upon any change of ownership of majority of the stock in the Operator's corporation, except exchanges of stock between Ed Selzler, Ruth Selzler, Larry Selzler and/or Dale Selzler.
  14. The Operator shall fully comply with all applicable federal, state and local laws, rules and regulations.
  15. The Operator shall fully comply with all use, restoration and reclamation standards set forth in the zoning ordinance of the Town of Farmington.
  16. Failure to comply with the conditions of this permit authorizes the Board of Adjustments to suspend the operation of the quarry immediately and review this permit and the permit conditions set forth herein.

CERTIFICATE

The undersigned members of the Board of Adjustments for the Town of Farmington, Polk County, Wisconsin, do hereby certify that the motions set forth above was unanimously approved at a meeting of the Board of Adjustments on March 20, 1990.

  
\_\_\_\_\_  
Rick Cottor

  
\_\_\_\_\_  
Harris Lee

  
\_\_\_\_\_  
Elmer Olson

# EXHIBIT "B"

## MOTION TO GRANT PERMIT TO OPERATE QUARRY

Motion to grant a permit to operate quarry to Osceola Sand & Gravel (hereinafter referred to as "Operator"), on property located in the Town of Farmington, Polk County, Wisconsin described as follows:

### Parcel 1

The NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 34, T33N, R19W

### Parcel 2

The NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 34, T33N, R19W

The grant of this permit is contingent on the Operator complying with the following conditions:

1. Operator shall have filed with the Polk County Land & Water Resources Office a complete reclamation plan as required by the Polk County Mining Ordinance.
2. Operator shall not quarry to a depth deeper than 25 feet from the highest point on the property described as Parcel 1 above, provided however that the Operator may maintain two retention ponds with a maximum depth of not more than 35 feet from the highest point on Parcel 1, said retention ponds to have nor more than 20,000 square feet of total water surface area. The highest point on the property is deemed to be the location point as previously established in the southeast corner of Parcel 1 described above. As said retention ponds are moved, the abandoned retention ponds are to be filled by the Operator immediately so that the surface of the previous pond site after filling is not more than 25 feet below said elevation point.
3. No dumping of any refuse, recycling of blacktop, or establishment of hot mix plant shall be allowed on the above-described real estate.
4. A buffer zone along the adjoining property lines, and public roads and highways shall be established by the Town Board based on specific factors regarding the operation, adjoining land use and other factors. Said buffer zone shall be not less than 6 feet in width. In said buffer zone the Operator shall not undertake and activities, which involve quarrying, removal of top soil, or stock piling of top soil for quarried materials.
5. Operator shall fully comply with the provisions of Article VI, paragraph 9(e) of the Zoning Ordinance of the Town of Farmington.
6. Operator has a test well on Parcel 1 of the above-described property. Said test well is 166 feet deep. The depth, size, and location of said test well are hereby approved by the Town Board. At such time as designated by the Town Board or its designee, two (2) samples from said test well each calendar year to test for volatile organic chemicals and/or such other substances as the Town Board designates. Any results unacceptable to the Town Board shall be cause for immediate suspension of operations and review of this permit.

7. The hours of operation shall be such as not to disturb the peace of the area or the local residents. Crushing operations shall not commence before 6:00 a.m. and shall not extend beyond sunset or 9:00 p.m. each day, whichever occurs first.
8. The town road lying between the above-described real estate and State Road 35 shall be treated by the Operator at the Operator's expense to avoid excessive dust as directed by the Town Board.
9. Operator shall annually furnish the Town Board with a certificate of insurance providing a minimum of one million dollars bodily injury liability coverage from an insurance carrier licensed to do business in the State of Wisconsin.
10. The Town Board shall have the right of access to the above-described property, without notice for all purposes related to this permit.
11. This permit shall not be transferable or assignable and shall be reviewed upon any change of ownership.
12. The Operator shall fully comply with all applicable federal, state, and local laws, rules, and regulations.
13. Failure to comply with the conditions of this permit authorizes the Town Board to suspend the operation of the quarry immediately and review this permit and the permit conditions set forth herein.

CERTIFICATE

The undersigned members of the Town Board of the Town of Farmington, Polk County, Wisconsin, do hereby certify that the motion set forth was unanimously approved at our Regular Town Board Meeting, held on Monday, December 6, 2004.

\_\_\_\_\_  
James LaRue, Chairman

\_\_\_\_\_  
Dennis Cottor, Supervisor

\_\_\_\_\_  
Tim Stelter, Supervisor

\_\_\_\_\_  
Debbie Swanson, Clerk/Treasurer  
(witness)

# EXHIBIT "C"

## MOTION TO GRANT PERMIT TO OPERATE QUARRY

Motion to grant a permit to operate quarry to RYBAK AGGREGATE LLC (hereinafter referred to as "Operator"), on property located in the Town of Farmington, Polk County, Wisconsin described as follows:

### Parcel 1

The NW ¼ of the NW ¼ of Section 34, T33N, R19W

### Parcel 2

The NE ¼ of the NW ¼ of Section 34, T33N, R19W

The grant of this permit is contingent on the Operator complying with the following conditions:

1. Operator shall have filed with the Polk County Land & Water Resources Office a complete reclamation plan as required by the Polk County Mining Ordinance.
2. Operator shall not quarry to a depth deeper than 25 feet from the highest point on the property described as Parcel 1 above, provided however that the Operator may maintain two retention ponds with a maximum depth of not more than 35 feet from the highest point on Parcel 1, said retention ponds to have nor more than 20,000 square feet of total water surface area. The highest point on the property is deemed to be the location point as previously established in the southeast corner of Parcel 1 described above. As said retention ponds are moved, the abandoned retention ponds are to be filled by the Operator immediately so that the surface of the previous pond site after filling is not more than 25 feet below said elevation point.
3. No dumping of any refuse, recycling of blacktop, or establishment of hot mix plant shall be allowed on the above-described real estate.
4. A buffer zone along the adjoining property lines, and public roads and highways shall be established by the Town Board based on specific factors regarding the operation, adjoining land use and other factors. Said buffer zone shall be not less than 6 feet in width. In said buffer zone the Operator shall not undertake activities, which involve quarrying, removal of top soil, or stock piling of top soil for quarried materials.
5. Operator shall fully comply with the provisions of Article VI, paragraph 9(e) of the Zoning Ordinance of the Town of Farmington.
6. Operator has a test well on Parcel 1 of the above-described property. Said test well is 166 feet deep. The depth, size, and location of said test well are hereby approved by the Town Board. At such time as designated by the Town Board or its designee, two (2) samples from said test well each calendar year to test for volatile organic chemicals and/or such other substances as the Town Board designates. Any results unacceptable to the Town Board shall be cause for immediate suspension of operations and review of this permit.
7. The hours of operation shall be such as not to disturb the peace of the area or the local residents. Crushing operations shall not commence before 6:00 a.m. and shall not extend beyond sunset or 9:00 p.m. each day, whichever occurs first.
8. The town road lying between the above-described real estate and State Road 35 shall be treated by the Operator at the Operator's expense to avoid excessive dust as directed by the Town Board.
9. Operator shall annually furnish the Town Board with a certificate of insurance providing a minimum of one million dollars bodily injury liability coverage from an insurance carrier licensed to do business in the State of Wisconsin.
10. The Town Board shall have the right of access to the above-described property, without notice for all purposes related to this permit.
11. This permit shall not be transferable or assignable and shall be reviewed upon any change of ownership.
12. The Operator shall fully comply with all applicable federal, state, and local laws, rules, and regulations.




13. Failure to comply with the conditions of this permit authorizes the Town Board to suspend the operation of the quarry immediately and review this permit and the permit conditions set forth herein.

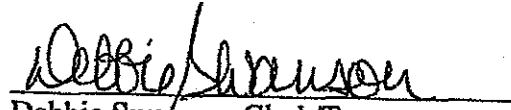
CERTIFICATE

The undersigned members of the Town Board of the Town of Farmington, Polk County, Wisconsin, do hereby certify that the motion set forth was unanimously approved at our Regular Town Board Meeting, held on Wednesday April 8th 2009.

  
James LaRue, Chairman

  
Dennis Cottor, Supervisor

  
Tim Stelter, Supervisor

  
Debbie Swanson, Clerk/Treasurer  
(witness)

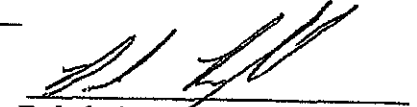
  
Rybak Aggregate llc  
Dave Rybak

EXHIBIT "D"

**MEETING AGENDA  
TOWN OF FARMINGTON**

Monday, January 7, 2019

Held at the Town Hall Beginning at 7 p.m.

Call Public Hearing for Road Discontinuance to Order – Discuss – Adjourn

Call Public Hearing for Mailbox Ordinance Change – Discuss – Adjourn

Call Town Caucus to Order – Nominate candidates for Chairman, Supervisors, and Clerk/Treas - Adjourn

Call Regular Meeting to Order

Approve Agenda - additions/corrections

Approve Minutes of December 3, 2018 Regular Meeting & Dec 27, 2018 Special Meeting

Treasurer's Report

Public Comment (5 minutes)

~~Meet Matt Torgerson – Representative of New Owners of Rybak Aggregate~~

Approve Assessor/Zoning Permits & Building Permits

Liquor Licenses

Rec Park Update

Chairman's Report on projects/meetings/information from past month

Old Business

New Business

Highway Projects/General Maintenance Items

Decide on what projects to put out for bids

Approve Discontinuance of Bjerke Road Easement

Approve Proposed Changes to the Mailbox Ordinance

Appoint Cyril Krenz & Mike Krenz to 3 year term on Board of Adjustments

Approve Payment of Bills

Set Date for Next Meeting – February 4, 2019

Adjourn

***All Items listed for discussion and possible action***

# EXHIBIT "E"

## MOTION TO GRANT PERMIT TO OPERATE QUARRY

Motion to grant a permit to operate quarry to RYBAK AGGREGATE LLC (hereinafter referred to as "Operator"), on property located in the Town of Farmington, Polk County, Wisconsin described as follows:

### Parcel 1

The NW¼ of the NW¼ of Section 34,  
T33N, R19W  
Parcel #022-01097-0000

### Parcel 2

The NE¼ of the NW¼ of Section 34, T33N,  
R19W  
Parcel #022-01096-0000

The grant of this permit is contingent on the Operator complying with the following conditions:

1. Operator shall have filed with the Polk County Land & Water Resources Office a complete reclamation plan as required by the Polk County Nonmetallic Mining Reclamation Ordinance.
2. Operator shall not quarry to a depth deeper than an elevation of 800 feet above mean sea level as described in the Reclamation Plan approved by Polk County and the Town of Farmington and dated May 2014.
3. Clean fill as allowed by State statute NR500.08(2)(a) may be brought onto the site for processing or use in reclamation. No dumping of any refuse unrelated to mining or reclamation activities.
4. A buffer zone along the adjoining property lines, and public roads and highways shall be established by the Town Board based on specific factors regarding the operation, adjoining land use and other factors. Said buffer zone shall be not less than 6 feet in width. In said buffer zone the Operator shall not undertake and activities, which involve quarrying, removal of top soil, or stock piling of top soil for quarried materials.
5. Temporary Hot Mix plant is allowed under SECTION VI, paragraph 9(e) of the Zoning Ordinance of the Town of Farmington. Storm water ponds included in the Reclamation Plan approved by Polk County shall not be considered a water hole from quarrying and will be allowed.
6. Temporary concrete plant as described in SECTION X, paragraph 3(d) is allowed when location is approved by the Board of Adjustment.
7. Operator has a test well on Parcel 1 of the above-described property. Said test well is 166 feet deep. The depth, size, and location of said test well are hereby approved by the Town Board. At such time as designated by the Town Board or its designee, two (2) samples from said test well each calendar year to test for volatile organic chemicals and/or such other substances as the Town Board designates. Any results unacceptable to the Town Board shall be cause for immediate suspension of operations and review of this permit.
8. The hours of operation shall be such as not to disturb the peace of the area or the local residents. Crushing operations shall not commence before 6:00 a.m. and shall not extend beyond 9:00 p.m. Monday – Friday and 6:00 a.m. to 3:00 p.m. Saturday. New equipment shall be converted to white noise back up alarms.
9. The town road lying between the above-described real estate and State Road 35 shall be treated by the Operator at the Operator's expense with gravel for maintenance, and treatments to avoid excessive dust as directed by the Town Board. Operator agrees to pledge \$0.05 per ton of virgin material sales to the Town of Farmington with a maximum of \$20,000 annually. Donation paid quarterly.

10. Operator shall annually furnish the Town Board with a certificate of insurance providing a minimum of two million dollars bodily injury liability coverage from an insurance carrier licensed to do business in the State of Wisconsin.
10. The Town Board shall have the right of access to the above-described property, without notice for all purposes related to this permit.
11. This permit shall not be transferable or assignable and shall be reviewed upon any change of ownership.
12. The Operator shall fully comply with all applicable federal, state, and local laws, rules, and regulations, including State of Wisconsin, Department of Natural Resources ("DNR") Nonmetallic Mining Operations (NMM) General Permit No. WI-0046515-05, as evidenced by letter from DNR dated June 3, 2014 ("DNR Permit"). The DNR Permit governs storm water management on the Property.
13. Failure to comply with the conditions of this permit authorizes the Town Board to suspend the operation of the quarry immediately and review this permit and the permit conditions set forth herein.

CERTIFICATE


The undersigned members of the Town Board of the Town of Farmington, Polk County, Wisconsin, do hereby certify that the motion set forth was approved at our Regular Town Board Meeting, held on Monday January 7, 2019

\_\_\_\_\_  
Dennis Cottor, Chairman

\_\_\_\_\_  
Rick McGuiggan, Supervisor

\_\_\_\_\_  
Dennis Neumann, Supervisor

\_\_\_\_\_  
Debbie Swanson, Clerk/Treasurer (witness)

  
\_\_\_\_\_  
Rybak Aggregate, LLC  
Matt Torgerson

## EXHIBIT "F"

2. General farming including dairying, livestock and poultry raising, forestry, nurseries, greenhouses and other similar enterprises or uses except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.
3. Mobilehome Parks. See Section 13.46 and 13.47 in Polk County Shoreline Protection Zoning Ordinance and Section XXIX of the Town of Farmington Zoning Ordinance.
4. Dams, power plants and flowage areas.
5. Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; radio and television stations and transmission towers and micro-wave radio relay towers.
6. Roadside stands.
7. Drive-in theaters, subject to the following conditions:
  - (a) That there be no direct entrance to or exit from such drive-in theater on any Federal, State or County highway.
  - (b) That no parking be permitted on any street or highway on which a drive-in theater abuts or on any street or highway anywhere within  $\frac{1}{2}$  mile of an entrance to or exit from such drive-in theater.
  - (c) That there be a distance of not less than  $\frac{1}{4}$  mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
8. Public warehouses, public shops and storage yards, provided that any such use shall be located not less than 100 feet from the nearest boundary of any lot not used for the same purpose.
9. Hot Mix Plants - Asphalt mixing plants shall be located not less than 1000 feet from any residence without the written authorization of the Owner and tenant of such residence. Hot mix plants shall conform to State regulations regarding air pollution.

The following uses, when the location of each such use shall have been approved in writing by the Board of Adjustment after public hearing and after viewing the proposed site or sites.

Such approval shall be consistent with the general purpose and intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing tending to show the desirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as (without limitations because of enumeration) smoke, dust, noxious and toxic gases and odors, noise, vibration, operation of heavy equipment, heavy vehicular traffic and increased traffic on the public streets; such uses shall also be required to meet the specific conditions attached below:

- (a) Medical, correctional or charitable institutions when any building devoted wholly or partly to such uses or accessory thereto shall be distant no less than 100 feet from any residential building not on the same premises.
- (b) Contractor's storage yard, when any such yard shall be so placed or screened by planting as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent or employee.
- (c) Fur farms, charcoal kilns, pea viners or sawmills when located not less than 1000 feet from any residential building other than that of the owner of the premises, his agent or employee, and not less than 1000 feet from the right-of-way lines of any Federal, State or County trunk highway; provided that this regulation shall not apply to portable pea viners and sawmills where there is no stacking of vines or mill residue.
- (d) Kennels, when located not less than 1000 feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (e) Quarrying, when located not less than 200 feet from the abutting highway right-of-way line, nor shall any of its operational facilities such as buildings, parking lots, storage yards or stock piles be located closer than 100 feet to the setback line and provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guarantee, for the restoration, within one year after discontinuing operations of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be the elimination of all water holes by filling and grading the side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 1/2 : 1 slope, whichever is the lesser.
- (f) Slaughterhouse, when located not less than 200 feet from any residential building other than that of the owner of the premises, his agent or employee.
- (g) Public dumps and sanitary fills may be permitted upon issuance of a Special Exception Permit by the Board of Adjustment, see Section 17.3 Polk County Shoreland Ordinance.
- (h) Licensed game management or fur farms as set forth in Chapter 29 of the Wisconsin Statutes.

Height and Area. Lot Area. Buildings or part of buildings hereafter erected or structurally altered shall provide a lot area of not less than 2 acres, with a minimum of 1/2 acres of contiguous building area. Height. Buildings or parts of buildings used for human habitation shall comply with the height requirements of Section V.

#### AUTOMOBILE WRECKING JUNK YARDS OR SALVAGE YARDS.

1. No person or persons, association, partnership, firm or corporation shall keep, conduct or maintain any building, structure, yard or place of keeping, storing or piling in commercial quantities whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth rags, clothing, paper, rubbish, bottles, rubber, iron or other articles which from its worn condition renders it practically unfit for the purpose for which it was made and which is commonly classed as junk or salvage material, whether

EXHIBIT "6"

1st meeting

**QUESTIONS ON MINE TOUR:**

On other ordinances they list a coordinate point relative to depth, what is the one on this property?

By gate at right there is a post there and that is where they took elevation, highest point was point at gatepost around 900-903 feet

**SETBACKS:**

100 ft on township roads and 200ft on any state highway or county roads, 50ft. to property line

Berms must be silt-fenced, 33-43 ft from center line to edge of township right of way with an additional 15 ft gap and then berm can start, berm height minimum of 10 ft on all township roads

Once within 150 ft of property line must build berm, 10 ft berm must be built within the 50 ft setback (if berm is 60 ft wide how can it be on a 50 ft buffer)

All berms need to be seeded so they can be mowed, question of trees still on table

Township needs explicit power to sign off on aesthetic of berm, making sure it is proper height and silt-fenced and seeded, solid enough to mow – make caveat that board approves a “berm plan” for each mine to be sure they will build to spec

**HOURS:**

**Comments:**

sun-up/sun-down regulations do not make sense

truck delivered piece of equipment in middle of night, some neighbors report some activity outside of hours – how are hours enforced, how do you report operations outside of hours, what is penalty or remediation?

Mine must communicate with sub-contractors

Contingencies for board approval (let's just say you have to put an asphalt plant in temporarily, can board trump hours on an interim basis)

Matt: we want to be open until 12-1 to sell landscape material on weekends  
how do we determine what is coming in and out: could limit to only selling certain materials  
7am-1pm suggested for Saturdays

**Resolution:**

6-6 but have start-up of washing/crushing equipment at 7 (soft start 6-7), have to specify does 6-6 mean

gates at 6 or loading at 6? Committee agreed to no Saturdays or Sundays (Matt had other questions on this listed above).

If mine comes with temporary hour expansion for a particular project (bridge etc) recommended that boards notifies immediate neighbors to vote if they want hours to expand to accommodate temporary project (put to public vote)

What is public notification for process of voting on extended hours? Open meeting laws still apply still has to be 24-hour notice and still has to be on agenda, can't call night before because that does not fit board process

### **NEW MINES:**

Suggest to variance committee no new mines in Farmington, look at existing mine and say county does not need another mine

Vote was 5-2 for no new mines

We already have a mine what do we need another mine for?

Could we just look at existing mine and say no more mines beyond that, there are new mine ordinances and existing mine ordinances

### **LIGHTING:**

#### **Comments:**

are there concerns for the airport on lighting?

Yes there could be concerns for planes

#### **Resolution:**

Regulate hours and require lights are kept in pit with shields, does this sufficiently address concern, should there be more specifics laid out in ordinance recommendation?

### **HEIGHT OF PILES:**

#### **Comments:**

Cone-wise their piles are as high as they can make them

Biggest piles would be 40 feet above grade, 30 feet above the mine floor

#### **Resolution:**

Do not want to see piles from the road, did not determine set figures for regulating this in ordinance/permits

### **RECLAMATION PLANS:**

#### **Comments:**

Need to review county reclamation plan so see what board wants to add and what sort of requirements



board can make

Barron county went to \$5,000/acre (Polk is \$3,000-\$3,500) – Matt says barron county did this because of liability of sand

They determine this figure by a rough measurement of cost to reclaim that acre, but they DO NOT take depth into consideration

As a county it would not hurt them to go up to \$5,000/acre – can township raise this amount, did state cap this amount?

Dan calling to check on cap

Can township have it's own per acre cost above the county's amount

All agree that county per acre bond is too light

Resolution:

Will review county plan in order to determine what requirements exist and what township would like to add, will also investigate how to raise bond per acre amount

**PHASING PLAN:**

Resolution:

Committee should draft requirement for mine to submit some type of phasing plan for new and existing mines that lays out a map of where they are, what and when they will mine in each area, when they will reclaim each area

This plan would also outline number of acres that can be open at any given time and the plan to “reclaim-as-you-go” or reclaim certain acreage before new acreage is opened up

Board has to sign off on this plan and any changes to it

**ROADS:**

Comments:

Township can decide tonnages

Regulated by state how much each truck can haul

Osceola village owns road and Farmington maintains it, how does this effect Farmington's authority there, how should Osceola be involved?

How to assess cost of additional trucking: 0.10\$ a ton?

Resolution:

Mine entrance and exit remain same, only one entrance/exit

If they want to move an entrance has to be brought to board and voted, board has to approve a driveway agreement and road agreements, up to miner to maintain the road

Can keep a road open on mine between expansion and old mine entrance that is not counted as reclamation

To Review:

check road agreement with existing mine/expansion, check road agreements from other ordinances  
What about great increase in number of trucks associated with mine

**BLASTING:**

Questions/Comments:

most blasting is regulated by state and mine has to hire state approved blasters

along with notification would like some indication of the size of the blast, and seismograph reading

sump hole April 26<sup>th</sup> was at 57% of allowable

Township cannot have ordinance more restricting than state's so cannot limit blasting beyond state's requirements

However, township can require notification of severity of blast and can regulate frequency and time frames etc.

0.50 is where sheet rock can crack

What about the hospital, are they requiring some notification beyond that there is a blast? Not for now.

Blowing a face will not feel same as blowing a hole

Right now notification is voluntary on a list

Do we want to put a mandatory notification within 2500ft, with option to opt-out, then people would be notified automatically?

Airport needs notification to send to pilots flying in so they know when there will be a blast

Resolution:

Recommendation that township has a notification list expanded to 2500ft within mine then township would send out a postcard to everyone in that range asking if they want to be on notification list from mine for blasts and their preferred method of notification (email, phone)

**ANNUAL MINING PERMIT REVIEW:**

annual tour of pit, address any complaints, review phasing plans and reclamation plan, if something does happen that goes wrong need to have enforcement penalties, fines (when can permit be revoked?)

**WELLS:**

need to hire a hydrologist to say where to dig test wells and how many

bring it to variance committee, then bring to board, then board hires hydrologists

have hydrologist could assess mine's plan before breaking any ground and advise

**Questions Regarding Hydrologist/Water/Depth:**

What will hydrologist look at: 20-some bullet points in handbook, flow of groundwater, impact on other uses of groundwater, where to test below groundwater?

Questions for hydrologist: depth of wells, where to put wells, number of wells, recommended precautions as mine moves toward other properties and existing wells, we could put 2-10 wells per 40 but what good does that do us if they are drilling and testing at 200 ft and our wells are at 50 or 40 ft?

Recommended distance for testing neighboring residential wells (is .25 miles far enough range because only includes a few wells, not many neighbors, should it be .5 miles or 1 mile), once you are move mining operation, you move radius of testing

Protocol for what happens if a test comes back with a warning of high levels

(Group agrees water is biggest concern)

Show hydrologist Matt's baseline well tests and other water tests to date, including sample out of sump hole area (deep water pit where sand is being mined)

Need to ask hydrologist about purged versus groundwater, when is mine operating in groundwater, how can they mine below Dan's 55 ft well and not be in groundwater or effecting drinking water?

Is state/county requirement for water tests a level that township wants, does township want own levels of requirements for water – ask hydrologist to recommend safe levels

If mine causes well to fail then mine will pay for new well

Costs \$550 to have a residential well tested, who will pay for testing wells for a baseline, and then regular tests done by mine within given radius?

If a test well has an elevated level then it triggers required tests on further wells, would be good for residents to publish their well test results online (a link off of town website)

Rick wants to have an annual meeting to highlight tests that are above normal, compare tests over the current year with previous tests, assess for changes – similar to annual budget meeting to discern if there are any concerns or questions to send to hydrologist

Will mine do baseline tests annually on supply ponds, settling ponds, or elsewhere?

Under ordinance, any mine wanting a permit would pay for hiring the hydrologist

Rick believes the board is going to have to pay for the hydrologist: there is a tonnage assesment on the mine and it is up to \$12,000 and could use that money to hire the hydrologist, Matt maybe willing to help pay, should mine be responsible since hydrologist assesment would be required at mine's expense prior to digging on new ordinance and this was not done originally on existing 80?

**OTHER COMMENTS:**

If someone wants to come in a open a new mine there is a public hearing and they must submit a phasing plan and permit review

Land has to be changed in zoning

Once someone takes 10,000 tons they have to apply for mining permit

In case of expansion all washing take place on original 80, do not build new ponds

Is committee drafting two different ordinances/permits one for mine expansion and one for new mines? If vote is "No" to new mines, then just expansion, or should new expansion have to meet general mine ordinance?

After committee has recommendations put forward it should go to hydrologist and board and then all go to a lawyer to assess

Rick would like to have existing mine comply under new ordinance, Matt says he would rather have this as well to clear up any confusion

**NEXT MEETING:**

November 11 at 6 p.m. (points 9 and 10) – questions of depth and water, hydrologist hired, refining points for recommendations

To discuss: Depth and Property Values

Want Hydrologist to consult on depth considerations

Notes on the New Farmington Non-Metallic Mining OrdinanceGeneral Overview of this Committee's Aims

The committee will make recommendations for the creation of a Town of Farmington Non-Metallic Mining Ordinance to be sent to the Board of Adjusters, drafted by a lawyer, approved by the Town Board, and implemented in the granting of any new mining permits. The committee will look at the existing 2019 mine permit for ideas on how to change or re-word future mining permits and the new ordinance. The existing permit is not an ordinance, it is a conditional use permit that has been issued to Rybak Aggregates. In general, the Town of Farmington does not have a mining ordinance. The Board should have an attorney for the township to work on drafting the Non-Metallic Mining Ordinance. Question asked: who is the town's lawyer or the appropriate person to draft the ordinance? The recommendations made by this committee will consider the current expansion of the Rybak Mine but will also reference mining ordinances from other townships in order to ensure a document be drafted that is relevant to future potential mines across the township. In this ordinance, the Board may want to ensure they create allowances to update provisions and regulations and to alter permits, as changes develop, in order to accommodate a variety of circumstances that may arise specific to individual sites or mines.

At the meeting, there was concern expressed over who will account for environmental costs, costs to local water, and costs or damages to local residents. Rick suggested changing the depth, hours, setbacks, adding test wells, testing residential wells, and securing mine responsibility to replace damaged or contaminated wells, will all help protect local residents. Other township ordinances for non-metallic mining may suggest additional issues the committee wishes to see outlined. The committee has so far identified several areas requiring specific numerical regulations/guidelines. These are:

- Distance of setbacks, Height of Berms, Height of Piles (visual elements)
- Operating hours, use of lights
- Annual renewal of permits and phasing plan
- Reclamation plans
- Regulating Blasting, other Noise-relevant elements
- Road Issues (numbers of trucks, tonnage, maintaining local roads)
- Monitoring wells to be put in at a specified number per acre (2 per 40?), and at depths and locations specific to a given site as recommended by a licensed hydrologist/geologist

More notes on these subject areas from the committee's conversation so far are given below.

In discussing the possible expansion of the existing Rybak Mine there was some disagreement among committee members about Rybak's transparency in dealing with neighbors to date. This is mentioned here in order to propose some more detailed requirements be laid out in the mining ordinance to ensure specific transparency practices (process for public notification of Township prior to blasting, prior to expansion, prior to the proposal and issuance of new permits). Uniform and clear transparency practices, chosen by the Township, could minimize conflict between the Mine, Town Board, and public in the future.

Notes on Current Practices of Rybak Mine

The existing contract is for a maximum of 240,000 tons. Limestone is their biggest seller, also selling

a lot of boulders and landscaping material. The mine has a crusher that can do up to 4 ft. limestone boulders, they do not put hard rock through the crusher. One crusher on site is diesel, one is three-phase. (this section is small now, only used information in this section from committee conversation, however could add to this from documents Rick sent, from existing permit, from visit to mine, etc., to give useful information to Town Board and Adjusters).

#### Notes on Rybak Expansion to New 40

Matt says the mine has an agreement with Mike for a mortgage on the land. Matt says they plan to open five acres at a time to the South. It will be two years at the earliest before they would move out of current acreage and five years at latest.

According to Matt, North of existing 80 is sand, gravel, limestone (not silica-feasible), South of ridge can go down to 850, 865 and you have silica. Above that there is black dirt, then rock and gravel, then about 35 feet of fairly soft limestone. Boring samples could be used to confirm this and perhaps boring samples should be supplied as part of the phasing/annual plan.

Will the mine move their processing plants? They say moving probably does not make sense, they would set up a portable wash pit on the gravel side for the expansion running a conveyor to the existing processing site. The mine will continue finishing in North Branch, MN.

The committee requests the monitoring of wash figures be made public with figures published online. The Town Board would want to stipulate no drying plants be added and no finishing take place on mines in Farmington. The committee discussed allowing the miners to put in ready-mix on the new expansion but only temporarily for a specific job, requiring the EPA test the site for contamination afterward.

Matt offered these prospective figures for the new 40 for potential expansion, but does not have boring samples yet: 3 million tons silica sand, 12 million tons limestone, 15 million tons sand and gravel. He quoted that on one acre at a depth of 25 feet you can typically yield 50,000 tons.

#### Questions Regarding Expansion for Current Rybak Mine

If there are conveyors running between the new and old mines how will Town Board sort out compliance with two separate permits and test material from separate sites if material is flowing between the two freely, what is the feasibility of operating under two separate permits with different requirements? In order to match the two would the old and new mine both have to be compliant with the new ordinance, are they one mine or two separate mines if permitted separately? Will Rybak keep stock piles and three-phase on one spot rather than moving it to the expansion? Question was raised, how does the town make an ordinance that covers all of the township and potential future permits and then make specific recommendations to the permit for a potential expansion for this mine?

#### **BLASTING**

A well-outlined plan for notifying townspeople prior to blasts should be in place and required by the ordinance in order to avoid the instance following April 26, 2019. Dave Anderson suggested a community-wide email list for notification of up-coming agenda notes, permit applications submitted, and other noteworthy business, perhaps this system could be useful also for notification regarding blasting. Some people surrounding the mine did not know prior to the blast to expect one so were unaware they needed to request to be notified, how does the committee suggest a more complete way to notify people in the future?

It was pointed out that the blaster, not the mine, notified some neighboring residences prior to April 26 blast. Matt says there are now 18 people on a list to be emailed; however, for an expansion or future new mine elsewhere in the Township, how do you ensure that people be notified even if they have not

put their names on a list? Matt says the mine does not have reporting criteria for blasts with the hospital. Should the committee recommend that area businesses, hospitals, relevant institutions be notified prior to blasting? Who should be notified and how?

Should the ordinance require seismic reports on all blasts? Matt reports that the April 26 blast was at 57% of the maximum allowance under current township mining regulation. Given that, how would the committee like to recommend the ordinance limit the power, number/frequency, hours, or noise disruption of blasts and the reporting on blasts by the mine to the township?

Matt reports that they have been hiring a blasting company. How should the blasting company be held accountable by the township ordinance in association with the mine?

### HOURS

How would the committee like to set operating hours in the mining ordinance? The quality of life for neighboring communities was discussed regarding hours of operation during the day, daylight hours versus operating under lights, noise disruption before or after certain hours, and the question of operating on the weekends. It was suggested to change the current hours from 6-9 to a twelve-hour period 6-6 or 7-7. Question raised if this is still running too late in the Winter, when it will be dark at 4. Some committee members expressed a desire for more stringent hours. The possibility of a "soft start" was proposed for the morning hours, performing certain tasks from open until 9, with no loud noises or certain prohibited operations before 9.

For the existing mine, question was raised as to how to regulate the two sites if the mine expands and they are operating under different permitted hours? How does the new ordinance protect the quality of life of nearby residents if the old mine is still operating at the 6-9 hours?

### WATER

Committee and Mine agree on the importance of test wells. However, neither are sure how the water flows and what the water map and water table depths look like in this area. It was suggested to call in a hydrologist to meet with the committee, how should the committee proceed with bringing in the hydrologist? Also, the water map and depth will vary on each piece of land. How should the ordinance regulate each individual property, requiring new input from a hydrologist for each site to determine test wells?

How deep should the test wells be? How many should there be and where should they be located? These questions must be answered specifically on a site-to-site basis but the requirement to answer such questions and implement the wells following a hydrologist's recommendation could be written into the ordinance. Someone suggested verbage "placed with guidance of hydrologist."

In addition to test wells, what other water testing does the town/ordinance want to ask for? Matt says when he worked for Pace Analytical, they took tests of settling ponds and test wells. How should the ordinance address the question of settling ponds/wash ponds? This is what tends to build up and then release heavy metals. What products are the wash ponds needed for, if this is just for deeper dug products could the township avoid this complication by limiting depth? Matt says they have never pumped a pond yet, they use a manure set-up on PTO and pump slurry into the holding pond.

How should the ordinance deal with financial responsibility for neighboring wells, requiring the mine to be responsible for damage or contamination to wells within a distance set by the town. Some mention of examples of collapsed or contaminated wells in other townships, how do other ordinances cover this? Matt suggests they would be open to pay for effected residential wells.

For contamination and water quality, how do residents test their wells or know if the mine is effecting their wells? Suggested that it costs roughly \$550 to test a residential well for up to 10 heavy

metals and a handful of other things. The committee should clearly outline how the mine will cover the costs of well tests, which wells will be included, how the third-party testing agency will be determined, how frequent tests will be, how to establish a "base-line," what to test for, and what regulations to follow in the case of a contaminated well or questionable test result, for effect of this on the mine's permit, for remediating contamination, and for determining how wide-spread this contamination may be. Was suggested that well test information and results should be made public information, perhaps on township's website.

Question was raised as to which potential contaminants are on present mine site. Hydrologist would also be helpful in determining risks and what to test for. Contaminant risks mentioned potentially present on current site were flocculants, heavy metals released by deep digs (arsenic, cadmium, aluminum, lead, manganese, copper), blue clay.

Suggested that the differences between hillside mining and the deeper mining going on here is the risk to the groundwater, the risk of penetrating the water table. Question raised whether the current mine is into ground water, how to tell, how to prevent this on future mines under the new ordinance.

### **DEPTH**

How does the committee recommend the ordinance regulate the depth of any future permitted non-metallic mining? Mentioned that this would depend on the water table and in part on the information from the hydrologist. Matt says that they do not know where the water table is under their current dig, perhaps the ordinance should ensure that miners know this depth and are permitted well above that prior to beginning the dig. Matt says they would go down to 825 for sand, at 830 they dug down and found water, now at some places they have random water coming up and he is not sure if it is purged water.

The question was raised whether it benefits the township to permit deep digs for silica sand mining. Matt reports sand is not a large quantity of their overall business or intent because the sand market is too volatile to support mining. The closure of many Barron County sand plants was referenced. This year to date, Matt reports 87,000 (missing the unit of measurement in notes, good to clarify this next meeting) sand hauled out and 103,000 sand total (remainder sitting at pit). Matt reports it is under 15% of their product and the miners want to be here longterm on limestone and gravel, that the sand is just for some quick cash now.

Matt says the current mine is down to 825 elevation on one corner and that the depth they would dig to for sand on the new 40 is 820-825. Matt quoted question "Does it pay to dig for silica?" Answering that on many mines it does not because of the volatile market and added depth. Matt says on their land it is proportional because they may have sellable product all the way down. How does the town want to address this for the ordinance and for future mine permits? If it is not a financially feasible product, one that returns on investment over the long term in a variety of geographies or potential mine locations, and it brings along the added cost, much greater depth, longer or earlier operating hours (Matt says sand is what they load at 6 am), requires more hauling for finishing, and is the source of potential danger to the water table in the area, then what is the benefit to the town of allowing mining sand at this depth? Matt added that they had to run sales in order to move out the extra material mined to get down to the sand, so even if Matt says there is potentially saleable merchandise all the way down to the sand, what if the market does not bear that quantity?

These points of reference were mentioned: Airport is at 905, their scale office is at 873, bottom of limestone layer is 860, St. Croix average water mark is 690, Dairy Queen is 720. Would mines need to dig deeper than 860? Question raised what was depth of previous pit on the current site, that seemed deep enough for that pit to run for many years without disturbing the community or causing concern. It



was suggested could regulate with depth to address the water safety issues while keeping available other products from higher elevation digs and markets for those in tact.

### SETBACKS/BERMS/HEIGHT OF PILES

Should regulations for setbacks be different depending on what is being mined and how does the town write this into the ordinance? Setback requirements may also vary depending on proximity to the road. For the current expansion the setback at the South corner must be bigger because it is closer to the road.

For all setbacks, the ordinance will require a berm and minimum 100-foot distance from any roadway. What are examples in other ordinances and what is the preferred setback distance? The berm can be on the setback but must be at least 10 feet from right of way of the road and 43 feet from the center line. The berm must be a minimum of 10 feet high, though the committee should choose an optimum height requirement. For example, some questions were raised as to why piles were not visible or noticeable at the pit prior to this year and are now visible at 40-50 feet above grade. Does the town want to require the berm on the East property line be built up another 10-15 feet? Suggested that the ordinance propose berm heights in consideration of the location. For example, berms bordering a highway may differ from berms on a town road. It was mentioned silt fencing be used for the berms until they settle.

The Town is responsible for enforcing these conditions and must consider many roads are not set in the center of the easement. Also, conditions must be provided for roads not within Town limits, such as the roads under the Village of Osceola abutting the existing mine. How will the Village and Town work together to regulate these roads, berms, and setbacks? It was suggested potential permittees stake off the site before building berms.

The question of the height of piles may also be desired to be regulated by the Town. Should the committee recommend guidelines for the heights of piles? The FAA has a height limit for piles within the flight path; however, piles on the new expansion or on mines not within the flight path will not be subject to these limits.

### PROPERTY VALUES

Suggested that neighbors near the mine would like coverage against loss of property value. The committee will reference other township ordinances (the township of Scandia was mentioned) to decide how the ordinance should designate responsibility for the loss of property value within a given distance of the mine.

### ANNUAL PLAN

Suggested that most other township ordinances require an annual mine plan to be submitted but the current Farmington mining permit does not. The committee will look to other ordinances to see what conditions other townships have created for such an annual plan. This annual plan would include a "phasing plan," such as Rick had in Chisago, wherein the mine outlines their plans for the coming year for what materials and quantities they anticipate mining in which locations. Rick mentioned the need for such a plan to consider economic fluctuation – what does this look like, how is it written into the ordinance?

Almost all other ordinances include a renewal as a part of this annual plan that gives town officials a way to talk to mine operators on an annual basis to address future plans and to make relevant changes to the permit considering the individual circumstances of each mine. At the time of renewal, the mine and town could meet to discuss new information and the new years' phasing plan.

## RECLAMATION

In current plan, the finished-floor reclamation would be 835 ft., a 60-65 ft. hole. For the current site, do we want a difference in depth between the reclaimed property and the expansion if they expand? How should the ordinance or permit address this? The committee should lay down desired reclamation guidelines for slope, depth, potential use and value of land to recommend for the ordinance. What are other points of relevance that the ordinance must outline for reclamation, what do other township ordinances recommend?

How should the ordinance require mines to reclaim as they go, before opening new acreage? If the mine were to shut down because of economic change for more than a certain period of time, would they have to reclaim a certain portion, how much and how should the ordinance outline this process? How does the town want to set reclamation timeline in the ordinance to ensure town rather than the individual mine determines reclamation timeline?

Some discussion among committee members about desire for such a plan that would keep a mine from opening up 40 after 40 without reclaiming. Rick suggested the "phasing plan" should require a mine to reclaim as they acquire new land. With the existing mine, Matt says miners would not have an issue with a reclaim-as-you-go plan that would allow no more than 40 acres open at a time.

### Next Meeting

Tuesday October 15 at 5pm at mine

# EXHIBIT "I"

August 10, 2019

Dear Village Trustees:

On July 1, a large group of Osceola and Farmington residents appeared before the Town of Farmington Board to express our concerns about the lack of regulation at the expanded Rybak mine. At that meeting, the Town Chairman, Dennis Cotter, scheduled a meeting for August 5<sup>th</sup> to discuss further regulation. We were to form a small committee to propose to the Board, in writing, the restrictions we would like to see enacted to properly regulate the mine. A copy of that proposal is attached to this letter. A number of documents were attached to that proposal: a few background documents that explained the need for regulation, as well as copies of portions of a number of other Town Ordinances to show these restrictions have been enacted in other communities in Wisconsin. We also hired a Hydrogeologist from EOR, Inc. - a water resource based engineering firm - to appear at the meeting to explain our water monitoring requests.

We were never given the opportunity to present our proposal. The Board refused to consider any changes to the existing permit for the mine. Instead, they plan to form a committee of 3-5 residents to address restrictions to be applied **only** to future mining permits in Farmington. Even though it is primarily Osceola residents and businesses affected by the mine's operation, **only Town of Farmington residents** will be chosen for that committee. The Town Board - the board that initially permitted the mine and which includes a former Mine Manager - will decide who will be on that committee. Even then, their recommendations will be advisory only: "We will see if the regulations are agreeable to the Board and the miners." (Town Chairman)

The mine owners have already begun discussions with government officials to permit an additional 38 acres just south of the mine and west of the Christian Community Home of Osceola. We believe this is but the first step in the mine's stated plan of expanding an additional 200 acres behind Osceola Medical Center and the Community Park.

The Town Board has explicitly stated they do not want to hear from residents of the Village of Osceola. The Chairman has also stated he doesn't want to hear from the Village Trustees. **Our interests are unrepresented and we need the Village to act to protect our interests.**

Under Wisconsin Statute 62.23(7)(a), the Village can exercise zoning control of lands up to 1.5 miles outside the Village limits. As part of any resolution to extraterritorially zone, the Village, *acting on its own*, may enact an interim zoning ordinance to preserve existing zoning in the extraterritorial jurisdiction while a comprehensive zoning plan is being prepared. Wisconsin Statutes 62.23 (7)(b). Such a freeze in zoning can remain in place for up to two years, unless otherwise extended as elsewhere provided in the statute. This freeze requires only a resolution, publication and certified mail notices.

A committee is then formed between the Village and the affected Towns to establish a zoning plan for the area. (I attach a brief summary of the process from both the University of Wisconsin Extension Office and the Southeastern Wisconsin Regional Planning Commission).

The Village also has the authority to "regulate or prohibit any industry, thing, or place where any nauseous, offensive, or unwholesome business is carried in ... within four miles of the boundaries of the Village". Wisconsin Statutes 66.0415.

Please set this item for action at the next Village Board meeting or a special meeting called by the Board. We urge you to please act on our behalf before it is too late.

Mary Jane Peterson 417 Ridge Rd

Angie Eddin 411C Ridge Rd.  
 Village Residents along Ridge Road:

Bill Peterson

Kyle Schaefer  
 397 Ridge Rd

Mike Joczka 397 Ridge Road

Lisa Curry 397 Ridge Road

Ashley Aulakh 405 Ridge Road

Adam Pien Johnson 405 Ridge Road Osceola WI

Rita K... 407A Ridge Rd. Osceola WI 54020

Walter J... 407 Ridge Rd. Osceola, WI 54020

Chris... 409 Ridge Rd. Osceola, WI 54020

409 Ridge Rd Osceola WI 54020

415 Ridge Rd Osceola, WI 54020

411 Ridge Road Osceola, WI 54020

415 Ridge Road Osceola, WI 54020

Uly & Ryan Bodgers 411D Ridge Road OSCOLA  
 651-815-1913  
 419 Ridge Rd. Osceola, WI.  
 Quinlan Dan...  
 Patrick...  
 Frank S...  
 Nancy...  
 Daniel...

EXHIBIT "I"



8 0 3 7 8 5 1  
Tx:4025974

State Bar of Wisconsin Form 1-2003  
WARRANTY DEED

Document Number \_\_\_\_\_ Document Name \_\_\_\_\_

Doc # 878319  
Polk County, Wisconsin  
Sally L. Spanel  
Register of Deeds  
RECORDING FEE 30.00  
TRANSFER TAX FEE 1,800.00  
Total: 1,830.00  
Exempt #:  
RECORDED ON:  
12/17/2019 03:35 PM  
PAGES: 2

THIS DEED, made between  
MICHAEL N. MALLIN

\_\_\_\_\_  
("Grantor" whether one or more), and  
MMP PROPERTY MANAGEMENT, LLC, a Wisconsin limited liability company

\_\_\_\_\_  
("Grantee" whether one or more).

Grantor, for valuable consideration, conveys to Grantee the following described real estate,  
together with the rents, profits, fixtures and other appurtenant interests in  
Polk \_\_\_\_\_ County, Wisconsin ("Property") (if more space  
is needed, please attach addendum):

SEE ATTACHED EXHIBIT A

Recording Area \_\_\_\_\_

Name and Return Address \_\_\_\_\_

Polk County Abstract - Susan D. Lee

Suite 1, 825 U.S. Hwy 8, PO Box 666

St. Croix Falls, WI 54024

File No. 36358

SEE LEGAL DESCRIPTION

Parcel Identification Number (PIN) \_\_\_\_\_

This is not homestead property.  
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except  
Easements, covenants, restrictions or reservations of record, if any.

Dated 12/11/19

Michael N. Mallin (SEAL)  
\* MICHAEL N. MALLIN

\_\_\_\_\_  
\* \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
\* \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
\* \_\_\_\_\_ (SEAL)

AUTHENTICATION

Signature(s) \_\_\_\_\_

authenticated on \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF WISCONSIN )

) ss.

POLK COUNTY )

Personally came before me on 12/11/19  
the above named MICHAEL N. MALLIN

to me known to be the person(s) who executed the foregoing  
instrument and acknowledged the same.

Susan D. Lee  
Notary Public, State of Wisconsin

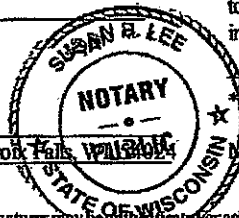
My Commission (is permanent) (expires) \_\_\_\_\_

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, \_\_\_\_\_  
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

Polk County Abstract - Susan D. Lee  
Suite 1, 825 U.S. Hwy 8, PO Box 666, St. Croix Falls, WI 54024



(Signatures may be printed or typed or acknowledged. Both are not necessary)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

© 2003 STATE BAR OF WISCONSIN

Form No. 1-2003

\* Type name below signatures

EXHIBIT A

Lot Four (4) of Certified Survey Map No. 7205 recorded in Volume 33 of Certified Survey Maps, on Page 77 as Document No. 877885, of Lot 2 of Certified Survey Map No. 7060 recorded in Volume 32 of Certified Survey Maps, on Page 116 as Document No. 871349, located in the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ), the Northwest Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ), and the Southwest Quarter of the Northwest Quarter (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ), Section 34, Township 33 North, Range 19 West and of the Southeast Quarter of the Southeast Quarter (SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ) and of the Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ), Section 33, Township 33 North, Range 19 West in the Town of Farmington, Polk County, Wisconsin.

022-01098-0000

part of 022-01088-0000

Part of #022-01102-0000

EXHIBIT "K"

**MEMORANDUM OF  
MINERAL LEASE  
AND RIGHTS AGREEMENT**

This Memorandum of Mineral Lease and Rights Agreement ("Memorandum") executed on the date indicated below, is by and between MICHAEL MALLIN, an individual ("Owner") and MMP PROPERTY MANAGEMENT, LLC, a Wisconsin limited liability company ("MMP").

**Recital**

The Owner and the MMP have entered into a certain November Mineral Lease and Rights Agreement dated November 20, 2019 (the "Lease Agreement"). The purpose of this Memorandum is to give notice of the existence of the Lease Agreement as described herein and the rights of the parties thereunder.

**SECTION 1: PROPERTY**

The property subject to the Lease Agreement is used for prospecting and mining of approximately One Hundred Seven (107) acres of real property located in Polk County, Wisconsin further described on Exhibit A attached hereto (the "Property").

**SECTION 2: TERM**

The term of the Lease Agreement is for a term of ten (10) years commencing November 20, 2019 and ending November 19, 2029 ("Effective Date"). The Lease may terminate at an earlier date as described in Section 8 of the Lease Agreement.

**SECTION 4: ROYALTIES**

MMP shall pay Owner a production royalty pursuant to the Lease Agreement.

**SECTION 5: CONFLICT**

This Memorandum is not a complete summary of the Lease Agreement. Provisions in the Memorandum shall not be used in interpreting the Lease Agreement provisions. Any capitalized terms not defined herein shall have the meaning given to them in the Lease Agreement. In the event of a conflict between the Memorandum and the unrecorded Lease Agreement, the unrecorded Lease Agreement shall control.

Document Number

**MEMORANDUM OF MINERAL LEASE  
AND RIGHTS AGREEMENT**

Doc # 878928  
Polk County, Wisconsin  
Sally L. Spanel  
Register of Deeds  
RECORDING FEE 30.00  
Total: 30.00  
Exempt #:  
RECORDED ON:  
01/09/2020 01:24 PM  
PAGES: 4

Recording Area

Name and Return Address  
Adam M. Jarchow  
Jarchow Law, LLC  
PO Box 117  
Clear Lake WI 54005

022-0109-0000, part of 022-01088-0000 and  
part of 022-01102-0000  
Parcel Identification Number (PIN)

Lot Four (4) of Certified Survey Map No. 7205 recorded in Volume 33 of Certified Survey Maps, on Page 77 as Document No. 877885, of Lot 2 of Certified Survey Map No. 7060 recorded in Volume 32 of Certified Survey Maps, on Page 116 as Document No. 871349, located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4), the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4), and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4), Section 34, Township 33 North, Range 19 West and of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) and of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), Section 33, Township 33 North, Range 19 West in the Town of Farmington, Polk County, Wisconsin.



EXHIBIT "L"

January 6, 2020

Town of Farmington

Attn: Town Board and Board of Adjustment 304 State Road 35  
Osceola WI 54020

Re: Conditional Use Permit

Dear Board Members:

We are writing to formally begin the process of applying for a Conditional Use Permit (CUP) to conduct quarrying operations on #022-01098-0000, #022-01099-0000, #022-01102-0000, #022-01103-0000, #022-01088-0000 and #022-01091-0000 (Property). The expansion property consists of 200.21 Acres(see attached) As you know, we have had some very productive conversations and meetings to date with both the Board and citizens. We have also agreed to participate in a citizens committee proceess to gain input from our neighbors, so that we may conduct operations in a manner that has minimal negative impacts on the community.

Our understanding from the Clerk, is that the Town does not have a formal application document or form for CUPs. Instead, we have been advised that the application for a CUP begins with a request to the Board and BOA. This letter is meant to be that application for a CUP for the above referenced property. As you know, we currently operate a quarry on adjacent property, and that quarry has been in operation for many years, with little, or no, negative impact on the neighbors. We would like to see this harmonious relationship continue on the adjacent Property

The Town of Farming Zoning ordinance provides as follows:

*Section VI – AGRICULTURAL DISTRICT*

*The following uses, when the location of each such use shall have been approved in writing by the Board of Adjustment after public hearing and after viewing the proposed site or sites. Such approval shall be consistent with the general purpose and intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing tending to show the*

*desirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as (without limitations because of enumeration) smoke, dust, noxious and toxic gases and odors, noise, vibration, operation of heavy equipment, heavy vehicular traffic and increased traffic on the public streets; such uses shall also be required to meet the specific conditions attached below:*

.....

*(e) Quarrying, when located not less than 200 feet from the abutting highway right-of-way line, nor shall any of its operational facilities such as buildings, parking lots, storage yards or stock piles be located closer than 100 feet to the setback line and provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guarantee, for the restoration, within one*

*year after discontinuing operations of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be by filling and grading the side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 1/2 : 1 slope, whichever is the lesser.*

The Property is zoned agriculture so it is our understanding that the above referenced provision applies.

We can also say with certainty that we will be happy to work with the Board on additional, reasonable conditions and believe we would have no issue meeting such conditions.

As you know our current permit has conditions that could be different than the proposed expansion permit. As mentioned before we are not against joining both permits together with the same conditions if some common ground can be agreed upon. We are working on drafting what we would be willing to compromise on to make the permit more clean for the years to come.

It is our understanding that this application begins the formal process. However, again, we want to work collaboratively with the Board and the

Community. We look forward to that process, which we assume will, at some point, result in requests for additional information and details, which we will gladly provide as well as a public hearing. We look forward to supplementing this formal application for a Conditional Use Permit with all such information as the Board the requests.

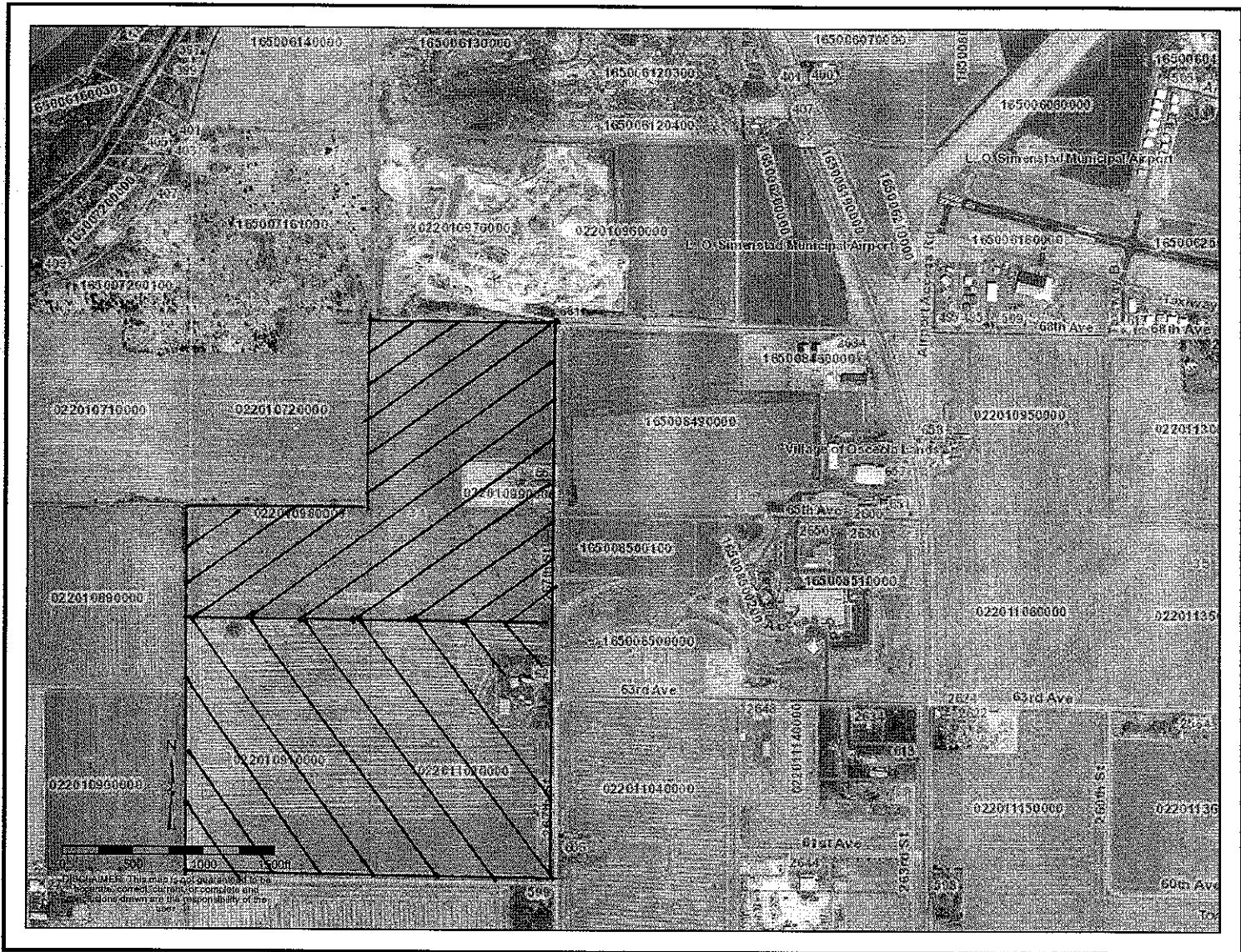
Thank you.

North 40 Resources

Pete Olson

Mike Hanson

Matt Torgerson



## Extraterritorial Zoning

### *Planning for Your Village's Future*

Sarah E. Korte, Moen Sheehan Meyer, Ltd.

#### What is extraterritorial zoning?

Extraterritorial zoning is a statutory process that allows a village to control land use outside of the village's corporate boundaries.

Specifically, per Wis. Stat. § 62.23(7a) (extraterritorial zoning) and Wis. Stat. § 61.35 (village planning), villages with a population of 10,000 and under (Osceola) may control land use in a 1.5-mile radius unincorporated area (i.e. town) outside of the village if the village takes the proper steps per statute.

The main reason villages exercise extraterritorial zoning is to ensure that new development near the village is compatible with the village's future vision for growth.

#### Can the Village of Osceola exercise extraterritorial zoning over the Rybak mine?

Statutory requirements	Village of Osceola
Village must have a Plan Commission. Wis. Stat. § 62.23(7a).	✓
Village must have an existing zoning ordinance. Wis. Stat. § 62.23(7a)	✓
Rybak mine must be within 1.5 miles of Village's corporate boundaries.	✓

#### What is the process for exercising extraterritorial zoning?

**Step 1 Adopt Resolution:** Village adopts a resolution which describes\* the extraterritorial area to be zoned and declares its intent to prepare a comprehensive zoning ordinance for all or part of its extraterritorial zoning jurisdiction. Wis. Stat. § 62.23(7a)(a).

**Step 2 Publish & Mail Resolution:** Village publishes the resolution within 15 days of its adoption in a newspaper having general circulation in the area to be zoned as a class 1 notice. The city clerk mails a certified copy of the resolution and a map showing the boundaries of the extraterritorial area to any affected town clerks and the county clerk. Wis. Stat. § 62.23(7a)(a).

**Step 3 Enact interim zoning ordinance:** Village enacts an interim zoning ordinance to preserve existing zoning or uses while the Village's comprehensive zoning plan is being prepared. Effective for up to 2 years (unless extended). Wis. Stat. § 62.23(7a)(b). Per statute, can be reviewed and approved without referring to the Plan Commission since its effects are temporary and intended to begin the larger process. *Id.*

**Step 4 Publish and mail interim zoning ordinance:** Village Board publishes the interim zoning ordinance within 15 days of its passage as a class 1 notice and the city clerk mails a certified copy of the ordinance

to the Polk County clerk and the clerk of each town affected, and files a copy of the ordinance with the Village Plan Commission. Wis. Stat. § 62.23(7a)(b).

**Step 5 Plan Commission Recommends:** Village directs its Plan Commission to formulate recommendations for the extraterritorial zoning.

**Step 6 Joint Extraterritorial Zoning Committee Established:** While the Plan Commission is formulating recommendations, Village establishes a joint extraterritorial zoning committee. This committee includes 3 citizen members of the Plan Commission (or 3 village citizens if none on the plan commission), and 3 town members from each town affected by the proposed plan.

The town appoints the town members to the extraterritorial zoning committee. Town board members are eligible to serve. The town board must appoint 3 members within 30 days of receiving the certified resolution (see Step 2), otherwise the city or any private citizen can cause 3 town members to be appointed.

**Step 7 Joint Committee & Plan Commission Work Together; Hold Public Hearing:** The Village Plan Commission and the joint extraterritorial zoning committee work together on the zoning. There are details in the statute as to who can vote on what (statute tries to balance the village and the town power and interests). Eventually, joint committee should formulate recommendations. These recommendations should receive at least a majority of a favorable vote of the joint committee (otherwise Village Board has no authority to adopt) and shall hold a public hearing. Opportunities for the town board to be heard must be permitted. Wis. Stat. § 62.23(c) and (d).

**Step 8 Village Board adopts or sends back to committee:** The Village Board may vote to adopt by ordinance the recommendations of the joint committee after the public hearing (see Step 7) or may submit proposed changes to the joint committee and send them back to committee.

#### **What is the practical effect of the interim zoning ordinance?**

The interim zoning ordinance “freezes” the existing zoning or uses within the extraterritorial area while the extraterritorial zoning ordinance is being created. Wis. Stat. § 62.23(7a)(b). (if zoning, freezes zoning, if uses only freezes uses – *Town of Grand Chute v. City of Appleton*, 91 Wis.2d 293 (Wis. Ct. App. 1979).

Zoning administration and enforcement is transferred to the Village (see Wis. Stat. § 62.23(g), *Village of DeForest v. County of Dane*, 211 Wis.2d 804 (Wis. Ct. App. 1997)). Thus, any permit requests, appeals, etc. within extraterritorial area would be reviewed by the Village Board instead of the Town Board. See also 67 Atty Gen. 238.

\*Note on the map or description needed. The statute states that the boundary line “shall follow government lot or survey section or fractional section lines or public roads” and that the description must be “sufficiently accurate to determine its location.” A legal description is not required but frequently used by Villages. See 67 Atty Gen. 238.

*The contents of this handout are prepared for informational purposes only and do not constitute specific legal advice tailored to your specific legal situation. Please consult an attorney if you need legal advice.*

**Sample Resolution Initiating Extraterritorial Zoning Ordinance**

**RESOLUTION No.:** \_\_\_\_\_

**A Resolution Initiating the Adoption of an Extraterritorial Zoning Ordinance and Designating the Area within the Osceola Extraterritorial Zoning Jurisdiction to be Zoned Pursuant to Wis. Stat. § 62.23(7a)**

**WHEREAS**, the Village Board of the Village of Osceola finds that the public interest in orderly planning will be promoted by the adopt of zoning regulations governing the development and use of property in those areas of the Town of Farmington, Polk County, Wisconsin, within the Osceola Extraterritorial Zoning Jurisdiction; and

**WHEREAS**, the Village Board wishes to promote substantial progress toward the adoption of such zoning regulations for the benefit of the Village and the Town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Osceola, Polk County, Wisconsin, hereby declares its intention to prepare a comprehensive zoning ordinance governing the use and development of the lands within the following extraterritorial zoning jurisdiction: [insert description], as shown in Exhibit A attached hereto.

**BE IT FURTHER RESOLVED**, that the Village Clerk is directed to cause the publication of this resolution in the local newspaper as a class I notice pursuant to the provisions of sec. 62.23(7a)(a), Wis. Stats., within 15 days of the adoption hereof and to further mail a certified copy of this resolution and a scale map reasonably showing the boundaries of the Village’s extraterritorial jurisdiction to the Polk County Clerk and the Clerk of the Town of Farmington.

**BE IT FURTHER RESOLVED**, that the Plan Commission is hereby directed to formulate tentative recommendations for a district plan and regulations within the above described area.

**BE IT FURTHER RESOLVED**, that the Village Board President shall nominate three citizen members of the Plan Commission to serve on a joint extraterritorial zoning committee to be established pursuant to sec. 62.23(7a)(c), Wis. Stats. For confirmation by the Village Board.

The foregoing resolution was adopted by the Village of the Village of Osceola at a properly noticed meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Village President

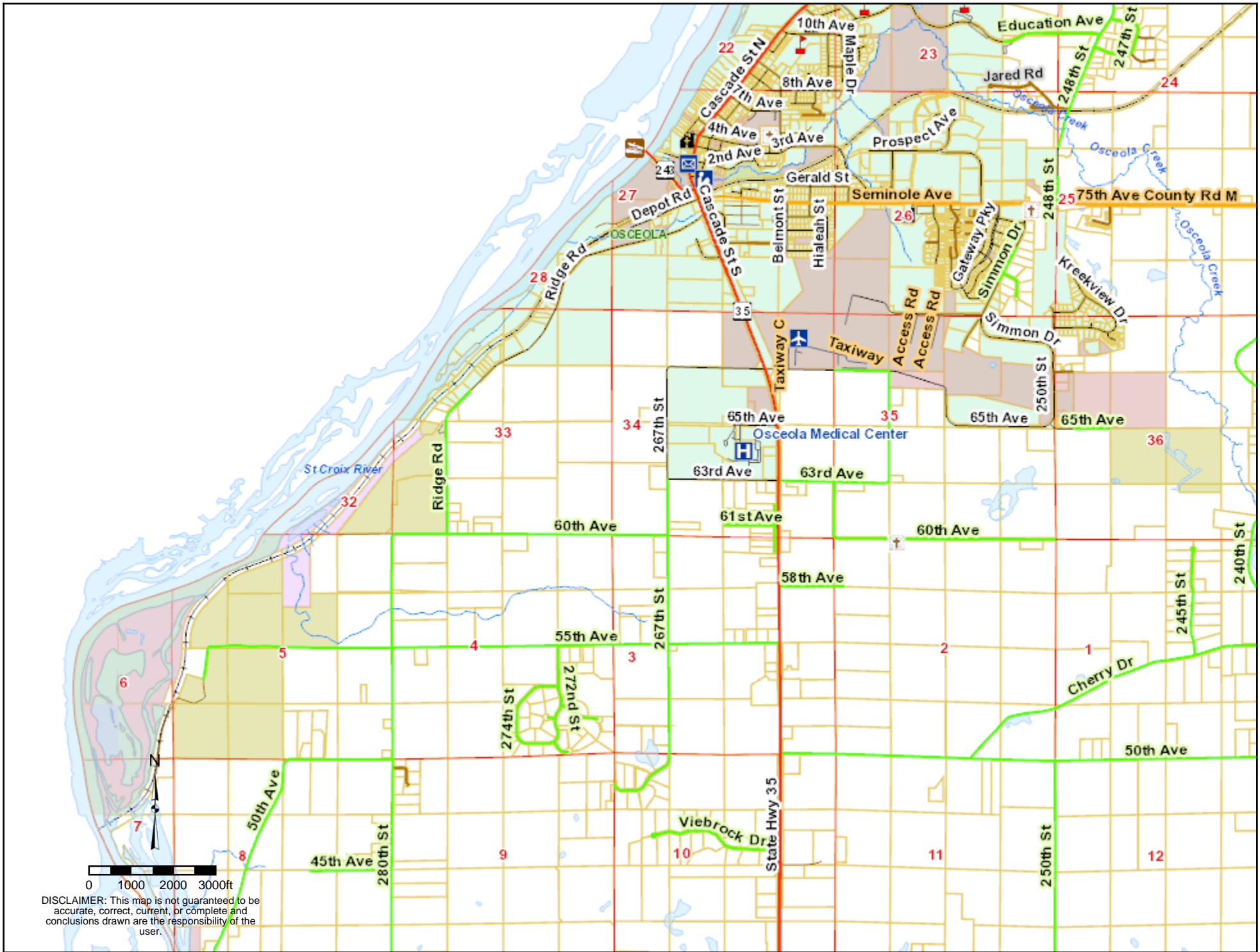
\_\_\_\_\_  
Village Trustee

\_\_\_\_\_  
Village Administrator

Attest:

\_\_\_\_\_  
Village Clerk

Date Passed: \_\_\_\_\_ Vote: \_\_\_\_\_



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



## **Village of Osceola: Financial Viability of Existing and Proposed Aggregate Mines by Rybak Aggregates LLC and the Risks to Groundwater**

### **1. Economics of Proposed Expansion and Existing Rybak Aggregates LLC Mine**

- a. The mining of industrial sand below the local groundwater level at the Rybak mine has many uncertainties and the small area already mined is a serious concern for groundwater.** The proposed expansion for decades of mining, sand processing, and truck hauling deserves a cautious approach to permitting and needs much more information than is currently required by Farmington Township.
- b. The Rybak Mine has the potential for a variety of burrow, aggregate and industrial sand that can be mined from the surface at elevation 890 to a depth of approx. 860 ft.** The soils, sand and gravel on the surface cover limestone bedrock, which in turn covers the Jordan Sandstone.
- c. All of the shallow aggregates and limestone bedrock are above the groundwater level.** All of these materials have local markets for construction materials, roads, grading and landscaping. **The sand, gravel, clay and soils are generally used within 20 miles and are mined and hauled from the site used during the construction season.**
- d. The mining of the deeper “Northern White” frac sand from the Jordan Formation is quite different.** First it requires that the overlying soil, gravel and limestone bedrock must be removed. Second, the sand mining would all be below the groundwater level in a drinking water aquifer. Third, this industrial sand has very limited local use and is typically shipped to the oil field or to glass and filter manufacturing plants and can have a market demand all year long.
- e. The industrial sand market is competitive and dictated by logistics, and transportation costs. It is difficult to earn profit mining industrial sand without a rail link into the mines.**
- f. The financial viability of reclamation plans for the existing mine and proposed mine present difficult choices for both the mine owners and mine regulators.**

### **2. Monitoring of groundwater impacts of existing mine and Rybak Aggregates LLC proposed expansion**

Rybak Aggregates LLC, pursuant to a request that was made at the April 6, 2020 regular Farmington Town meeting, submitted their Stormwater Pollution Prevention Plan (SWPPP) and their General Permit B046515-6 for Nonmetallic Mining operations for Industrial Sand Mining and Processing to Farmington Township. According to the WDNR, Rybak has been covered under this permit since May 22, 2019. A Non-Industrial Sand Permit has also covered Rybak since August 1, 2016. In addition, Rybak submitted a Water Test Plan dated March 29, 2019 and results of water quality tests conducted under the Plan. Sampling was done on September 4, 2019. Note that although this sampling was conducted in September 2019, Rybak released results only after they were requested in April 2020.

Compliance with existing permits is helpful to establish a track record of the permit holders following the permitting process. In addition, permitting authorities and permit holders need to have the same information concerning activities regulated by the permit in order to know if the stipulations in the permit are followed. Trust and credibility are essential in this process. *The goal of the Nonmetallic Mining Operations General Permit is to require the*

*facility operator to develop plans and implement procedures to prevent water pollution of both surface water and groundwater.*

Our analysis of the results of the mandated water quality testing conducted by Rybak:

**a. Monitoring groundwater impacts of the existing mine from this sampling yields very little valuable information because:**

- i. The 2 monitoring wells used to sample for groundwater impacts are not located and constructed for that purpose. One well is poorly constructed to a depth of 166 feet and the other well is 270 feet deep and constructed to eliminate contamination of groundwater from activities on the ground surface. Both are located upgradient of the potential groundwater polluting mining activities (see figure 1 for sampling locations and Figure 2 for generalized groundwater flow direction in the mine from southeast to northwest). In March 2020 Cedar Corp., Farmington Township's consultant, made the following recommendations for a groundwater monitoring well network at an adjacent proposed 40 acre mining site: *Four (4) monitoring wells are recommended at this site in order to adequately analyze groundwater conditions upgradient, sidegradient, and downgradient of the mining site, particularly as it relates to potential receptors such as potable water supply wells. Monitoring wells installed throughout the site are estimated to be approximately 40-75 ft. deep and screened across the water table to monitor groundwater conditions at the soil/groundwater interface.*" (Section 2.2 of Proposed Scope of Work , March 2020). The 2 monitoring wells used by Rybak to monitor the impacts of its mining operations on groundwater do not provide necessary information to Farmington Town Board or the public to protect groundwater.
- ii. Sampling conducted in September, 2019 was done without a stated objective(s) and did not follow the Water Test Plan drafted for the sampling in March 2019. Different locations were sampled, different water quality methods used and not all water quality analyses were run for each sample according to the Plan.

**b. Sampling of Rybak's existing mining operations reveals elevated concentration of metals.** Sampling of existing mining operations reveals elevated concentration of metals in different components Rybak's mining operations. Sampling of settling pond fines, and processed fines for metals concentrations of aluminum, arsenic, copper, lead, manganese, and zinc are elevated. Metals concentrations for aluminum, arsenic, and manganese are elevated in water samples from mining area #3 (unknown sampling location), settling pond water, and supply water (see Figure 1 below).

**c. The sampling conducted by Rybak in September 2019 validates concerns about current mining within the groundwater table at the site but also raises many unanswered questions.**

- i. The complete picture of the purpose of the sampling is missing. Rybak does not state it if it was done for the purpose of meeting the monitoring requirements under General Permit(s).
- ii. We are waiting for Rybak to fulfill all of the monitoring requirements under its General Permit 046515-6, specifically the Discharge Monitoring Report

required in Section 4. Rybak has been required to submit daily flow via infiltration at least once per quarter under the General permit.

- iii. Monitoring groundwater for pollution requires a detailed plan with explicit objectivities, not a haphazard effort to meet some unknown purpose. For example, in the Cedar Corp. Report for Farmington Township, Section 2.1 states: “*The objective of this study is to collect groundwater quality data and define groundwater flow and aquifer characteristics so as to provide a baseline understanding of groundwater in the vicinity of the site **prior to expanded mining operations.***” (Emphasis added)

The above concerns show the regulatory efforts of the existing mine have not protected the health, safety and welfare of the citizens of Farmington Township and have indicated a very spotty record of Rybak complying with the requirements of the permits. **We simply do not know what impact the mining activities are having on local groundwater after regulating it since 2009.**

The limited understanding of how the existing mine is impacting the groundwater and Rybak's poor track record of compliance with current regulations should mandate a moratorium on the expansion of mining activities until these issues are resolved.

**Figure 1 (from Rybak SWPPPP) Rybak Water Test Plan sampling locations.** #s 1 and 2 represent locations of monitoring wells; # 4 is assumed to be one of the settling ponds; #5 is the supply pond; #3 is mining area (assumed location).

Figure 1 SWPPP Site Map

#1

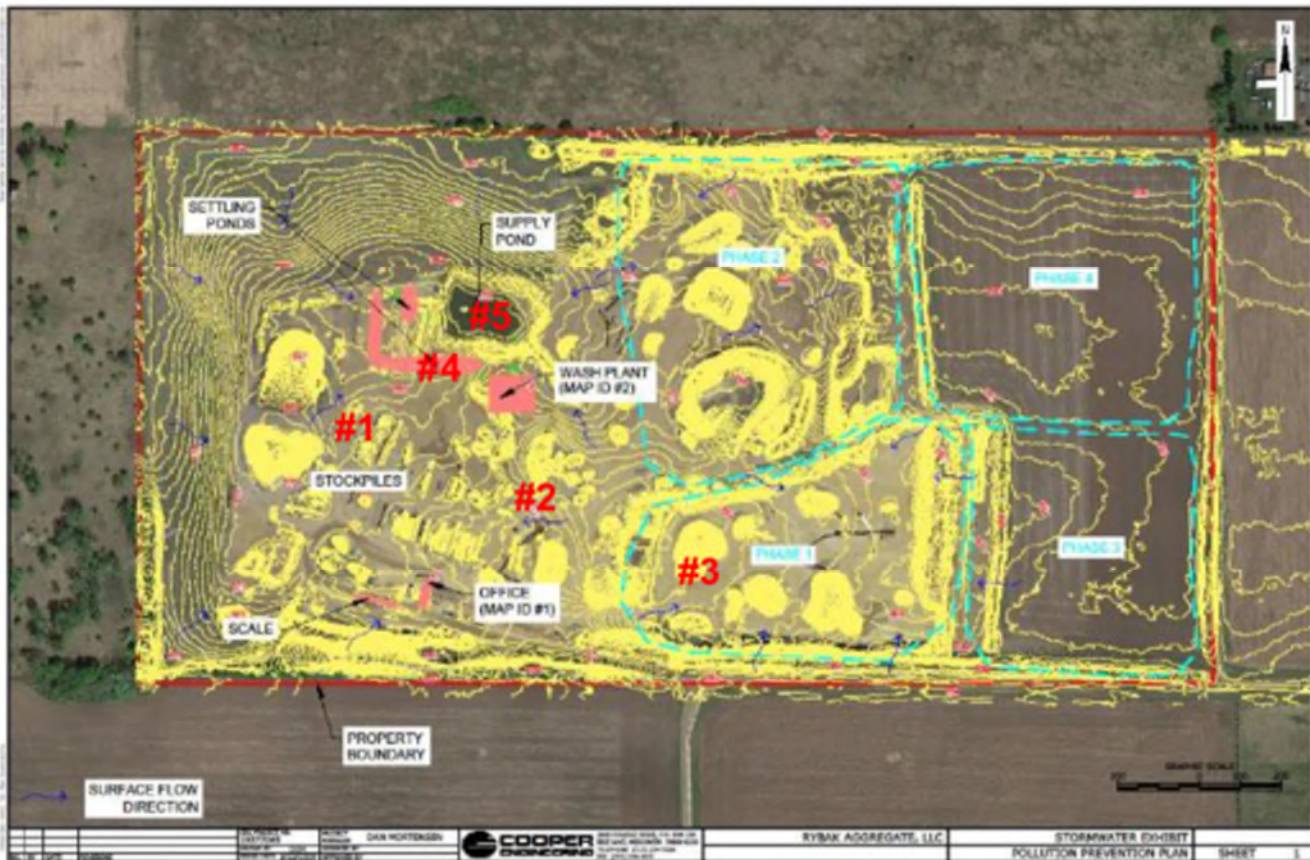
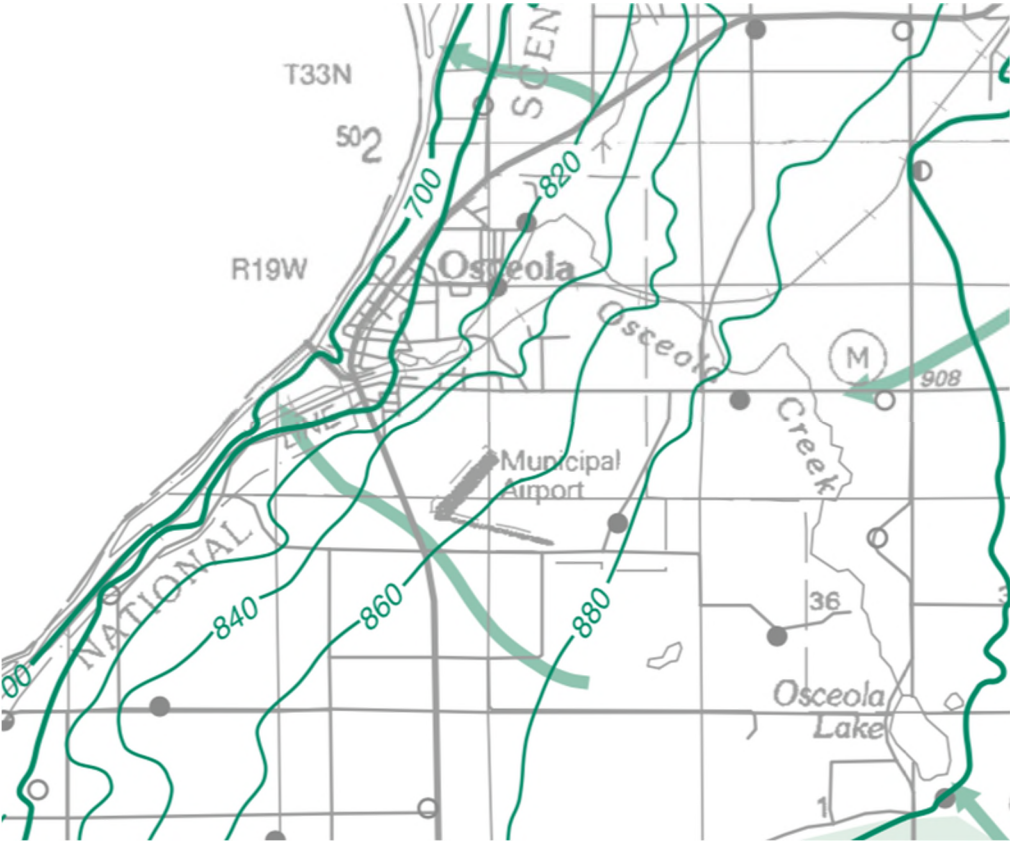


Figure 2. Generalized groundwater flow direction is from southeast to northwest





# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/8/2020  
**Re: Item 6b: 2014 & 2015 Airport Entitlement Transfer**

## **ITEM DESCRIPTION:**

Included as an attachment is a request to transfer 2014 and 2015 entitlements from the Village of Osceola's airport (KOEO) to Lawrence J. Timmerman Airport (MWC). The funds as listed are no longer available for our airport to utilize. To help ensure that the funds are not sent back to the federal government, the Village in partnership with the Wisconsin Bureau of Aeronautics can donate them to an area airport. The Village receives annual entitlement dollars that can be tapped into for qualified airport capital projects. The funds are only available for airport use and if not spent can be donated, traded or returned. In this case, trading the funds for a different year was not an option. There is no negative impact to the airport operating budget nor is there any general impact to the Village. The only long-term impact is that the funds could not be used locally. The Village continues to plan for the installation of a new fuel system at the airport. This project is qualified to receive future entitlement funding, as is every project on the recently adopted airport petition.

## **ATTACHMENTS:**

1. Entitlement Transfer Documentation

## **RECOMMENDATION(S):**

1. Airport Commission recommends approval of Item 6b
2. Admin & Finance Committee recommend approval of item 6b



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

## **FAA Form 5100-110, Request for FAA Approval of Agreement for Transfer of Entitlements**

### **Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Federal Aviation Administration at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ASP-110.

---

## Request for FAA Approval of Agreement for Transfer of Entitlements

---

In accordance with 49 USC § 47117(c)(2),

Name of Transferring Sponsor:

hereby waives receipt of the following amount of funds apportioned to it under 49 USC § 47117(c) for the:

Name of Transferring Airport (and LOCID): ( )

for each fiscal year listed below:

Entitlement Type (Passenger, Cargo or Nonprimary)	Fiscal Year	Amount
<b>Total</b>		

The Federal Aviation Administration has determined that the waived amount will be made available to:

Name of Airport (and LOCID) Receiving Transferred Entitlements: ( )

Name of Receiving Airport's Sponsor:

a public use airport in the same state or geographical areas as the transferring airport for eligible projects under 49 USC § 47104(a).

The waiver expires on the earlier of (date) or when the availability of apportioned funds lapses under 49 USC § 47117(b).

**For the United States of America, Federal Aviation Administration:**

Signature: \_\_\_\_\_

Name:

Title:

Date:



**Certification of Transferring Sponsor**

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_,

Name of Sponsor:

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official:

**Signature** of Sponsor's Authorized Official: \_\_\_\_\_

**Certificate of Transferring Sponsor's Attorney**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of \_\_\_\_\_. Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Dated at \_\_\_\_\_ (City, State),  
this \_\_\_\_\_ day of \_\_\_\_\_,

**Signature** of Sponsor's Attorney: \_\_\_\_\_



# CARES ACT GRANT OPERATIONS AND MAINTENANCE COSTS AGENCY AGREEMENT

DEPARTMENT OF TRANSPORTATION  
BUREAU OF AERONAUTICS  
Madison, Wisconsin

## AN AGREEMENT DESIGNATING THE SECRETARY OF TRANSPORTATION AS ITS AGENT

WHEREAS, the VILLAGE OF OSCEOLA, POLK COUNTY, Wisconsin, hereinafter referred to as the sponsor, requests reimbursement with federal funds for the L O SIMENSTAD (OEO) Airport for:

Airport operations and maintenance costs, under the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant.

WHEREAS, the Secretary is authorized to act as agent for the sponsor for the following activities: application for the CARES grant, acceptance of the grant offer, evaluation and approval/disapproval of reimbursement requests, processing and remitting of reimbursements, and the closing of the grant.

WHEREAS, the Secretary is authorized to act as agent for the sponsor until financial closing of the CARES Act grant;

NOW THEREFORE, the sponsor and the Secretary do mutually agree that the Secretary shall act as the sponsor's agent in the matter of the airport operations and maintenance costs reimbursement;

IN WITNESS WHEREOF, the authorized representatives of the parties have affixed their signatures and the seal of the parties.

WITNESS:

The Village of Osceola  
Polk County County, Wisconsin  
Sponsor

By: \_\_\_\_\_  
Benjamin Krumenauer, Administrator

By: \_\_\_\_\_  
Jeromy Buberl, Village President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frances Duncason, Village Clerk

By: SECRETARY OF TRANSPORTATION

\_\_\_\_\_  
David M. Greene, Director  
Bureau of Aeronautics



# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/8/2020  
**Re: Item 6c: Special Agency Agreement between Bureau of Aeronautics and Village of Osceola (OEO)**

## **ITEM DESCRIPTION:**

Through the 2020 Federal CARES Act, L O Simenstad Airport (OEO) is eligible for up to \$30,000 in reimbursement funding. The funding is designed to cover everything from operations and maintenance as well as planned capital projects. With a projected revenue shortfall in 2020, staff is requesting approval of the attached Special Agency Agreement between WisDOT Bureau of Aeronautics and the Village of Osceola. This ongoing agreement if approved will allow the Village to seek reimbursement of operation and maintenance expenses incurred. Of primary focus per the funding will be on the continued upkeep and regular expenses of day to day operations. There is no cost to the Village to seek reimbursement. A letter of intent has already been supplied to WisDOT BOA. The attached agreement will need to be approved in order to be eligible.

## **ATTACHMENTS:**

1. Item 6 c supplement\_GA Airport Special Agency Agreement

## **RECOMMENDATION(S):**

1. Administrator and Airport Manager recommend approval of Item 6c.



# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/8/2020  
Re: **Item 6d: Revision to Direct Deposit for Employee Payroll (Section XXIX Pay Periods)**

## **ITEM DESCRIPTION:**

Section XXIX Pay Periods of the Village's Employee Handbook generally describes the process for Administration to process regular payroll. It also gives guidance on when staff should expect to receive pay. Presently, the Village receives completed timesheets Monday morning, inputs the records and lastly processes a paper check for pay later in the day. All told, staff accept, process and print paper checks within 6 hours. Included below is an excerpt of the employee handbook.

### ***XXIX. PAY PERIODS***

*Employees are normally paid every two weeks for time worked during the prior two-week period. Paychecks are generally available by 4:00 p.m. on Mondays.*

*Payroll deductions will only be made to the extent authorized by law. Your payroll records are available at the Village office. Please see the Village Administrator if you have any questions in this regard.*

While this has worked well enough, staff has found ways to increase efficiency and more conveniently pay staff. To better serve our employees, Administration is planning to implement direct deposit for staff pay. This will require only one change to the Village handbook. The handbook does not deny the ability to do direct deposit, instead it states that checks are generally available by 4:00 p.m. on Mondays. Electronically transferring pay is very simple and can be done the same day as normal payroll processing. While that is possible, it is not in the best interest of the Village. As such, staff is making the recommendation to continue to process payroll on Monday's but delay the actual deposit of funds until the following Wednesday. This 48-hour time will provide staff with a buffer in the very unlikely event that a delay occurs. Additionally, it will allow for the direct deposit of funds. It will also be much easier for staff that may take vacations during a pay period or staff that have shifts that do not align with standard banking hours.

Below is the proposed alteration to the Village's Employee Handbook. The first paragraph of Section XXIX will be replaced with:

*Employees are normally paid every two weeks for the time worked during the prior two-week period. Payroll timesheets will be due the following Monday with direct deposit paychecks being deposited the following Wednesday.*

To complete this transition, staff will implement the changes for the second pay cycle in June (presently June 22, 2020). Once approved, all staff will provide the needed information to us no

later than June 2. A test run will be completed during the first pay cycle and once confirmed as accurate, the second paycheck will be done electronically. There is no fee for staff or for the Village. All told, the Village anticipates saving approximately 2.0 hours of staff time a pay period totaling 52 hours a year minimum and the cost of materials.

**RECOMMENDATION(S):**

1. Admin & Finance Committee recommends approval of Item 6d
2. Administrator recommends approval of Item 6d



# Memo

**To:** President Buberl and Village Board Members  
**From:** Todd Waters, Public Works Coordinator  
**CC:** Fran Duncanson  
**Date:** May 13<sup>th</sup>, 2020  
**Re:** 2020 Mowing RFQ, Village of Osceola

---

Public Works posted a legal notice with a request for quotes for mowing 8 spaces within the Village of Osceola in the Osceola Sun. There were a number of inquiries and bidding materials were provided to those individuals. The legal notice stated the closing for these requests was May 6<sup>th</sup>, 2020 at 12:00pm. We have received one bid within the timeline. The attached bid for the amount of \$11,847.50 by Jagusch Lawn Care was received May 6<sup>th</sup>, 2020 at 9:32am. The bid is within the budgeted amount for 2020 and alleviates Public Works mowing workload. Public Works still maintains 27 additional spaces with mowing, landscaping, weed whipping and spraying invasive species while performing all other maintenance programs related to Public Works and Building Maintenance during the mowing season. Jagusch Lawn Care has fulfilled this contract in the past for the Village of Osceola and has completed all aspects of the contract in an efficient and timely manner.

At this time I recommend Jagusch Lawn Care to complete the work specified, outlined, and detailed with instructions in the RFQ packet.

**VILLAGE OF OSCEOLA - BID FORM**

Mark Envelope: 2020 PARK MOWING

To the Public Works Coordinator:

The Subscriber hereby proposes to furnish the following hereinafter named, in accordance with the provisions of the bidding document of which this forms a part:

Location		Total price per location May 13 - September 30	Price per additional mowing(s) after September 30
A	Gateway Park	\$ 495. <sup>00</sup>	\$ 60. <sup>00</sup>
B	CTH M detention basin	\$ 600. <sup>00</sup>	\$ 120. <sup>00</sup>
C	Industrial Park lot	\$ 550. <sup>00</sup>	\$ 110. <sup>00</sup>
D	Smith Park	\$ 1,250. <sup>00</sup>	\$ 80. <sup>00</sup>
E	Smith Ave. lot	\$ 467. <sup>50</sup>	\$ 27. <sup>50</sup>
F	Oakey Park	\$ 4,800. <sup>00</sup>	\$ 300. <sup>00</sup>
G	Education Ave r-o-w and area of Schillberg park north of canteen building including both sides of paved trail to Prospect Ave	\$ 2890. <sup>00</sup>	\$ 180. <sup>00</sup>
H	Schillberg Park - north	\$ 765. <sup>00</sup>	\$ 50. <sup>00</sup>

TOTAL BID PRICE

\$ 11,847.<sup>50</sup>

Bid Price in words: eleven thousand eight hundred forty seven and  $\frac{50}{100}$

Number of Calendar Days to Complete Project from Notice to Proceed: 5

Executed at: 8:30 this 6<sup>th</sup> day of May, 2020.

By Jagusch Lawn Care Title President  
(Company) (Owner, Partner, or Corporate Officer)

Dustin Jagusch 214 192<sup>nd</sup> Ave  
(Name) (Street Address)

651-983-8520 Centuria, WI 54824  
(Phone) (Village, State, Zip)

46-3740483

(Federal I.D. No.)

**INFORMATION SHEET**

The Points of Difference where the Proposal does not comply with the specifications are listed as follows:

*None*

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---



**INFORMATION SHOWING QUALIFICATIONS  
OF PROPOSER**

The undersigned states that the names and addresses of persons interested as principles in this proposal are as follows: (Write first name in full). If a partnership or corporation, give the names and address of all partners or officers:

Dustin Jagusch 2141 192 <sup>nd</sup> Ave Centralia WA 54824	
Bill Jagusch June	

The Proposers also states on the line below, if a corporation, the name of state in which incorporated and the date of said incorporation.

Jagusch Enterprises LLC PO Box 564 North Branch 9/13 MN	
---	--

The undersigned states that they are citizen(s) of the United States and that all the partners, officers, or principals interested herein are citizens of the United States, except (give full name and addresses):


The undersigned offers the following information relative to the facilities, ability and financial resources available for the fulfillment of the Contract is such be awarded to him.

**FACILITIES:** That he or they own and have available for immediate use on the proposed work the following plant and equipment:

Trucks 2014 + 2015 Dodge 2500 4x4, 09, 05 Chev 2500 4x4 pickup  
Trailers, 2013 22ft, 09 22ft, 03 12ft,  
Mowers Scag Turf Tigers 61" cut Swifts 11, 07, 06, 03, 02  
Hastler 46" w/b mower 08  
Scag variable 48" 2007 61" 2015

**ABILITY:** That he or they have performed the following work (give location, kind, size or cost, and reference to name and address of client and engineer):

2009 + 2012 Osceola Park Mowing

**FINANCIAL RESOURCES:** That information relative to his or their financial resources can and may be obtained from the following (give name, business and address):

Associated Bank Jessica Theodor  
651-674-5000

**LISTING OF SUB-CONTRACTORS**

The undersigned offers the following information relative to the sub-contractors he intends to use on this contract if such be awarded to him.

1. Description of Work to be Sublet: N/A

Name and Address of Subcontractor:

2. Description of Work to be sublet:

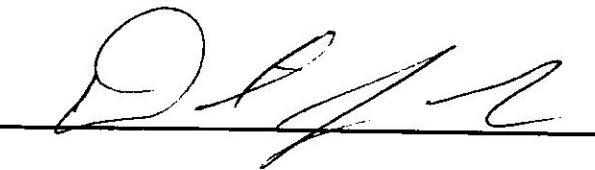
Name and Address of Subcontractor:

3. Description of Work to be sublet:

Name and Address of Subcontractor:

4. Description of Work to be sublet:

Name and Address of Subcontractor:

Signature of Proposer: 

By: Dustin Jagusch

Title: Owner



# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/8/2020

**Re: Item 6f: Resolution #20-10 Resolution Amending Resolution Authorizing the Issuance of Not to Exceed \$2,400,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,400,000 Note Anticipation Notes in Anticipation Thereof**

## **ITEM DESCRIPTION:**

There was an error in the Resolution #20-08 authorizing Village Staff to pursue a scheduled refinancing of the \$2.4 million promissory note. Resolution #20-10 provides clarification on the Village's responsibility and obligations.

## **ATTACHMENTS:**

1. Proposed Resolution #20-10

## **REVIEW:**

Section 7. Covenants of the Village (C) states:

*(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$2,400,000 authorized for the issuance of the Securities to provide for the payment of the Notes shall at no time exceed its constitutional debt limit.*

Upon second review, it was determined by our Bond Council that the language is not accurate to what the Village is intending to complete. In other words, the Village is responsible for all existing debt, but this resolution needs to better state the intent. As listed above, the Village will be legally tied to the \$2,400,000 as bound to the 5% rule. The Village has capacity to tie it, but puts us in a tight position in the very unlikely event an emergency were to occur. The recommended language below is more in line with actual state allowances.

*Section 1. Covenants of the Village. The Village hereby covenants with the owners of the Notes as follows:*

*(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Notes;*

*(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid. After the payment of principal of and interest on the Notes in full, said trust fund may be used for such other purposes as the Village Board may direct in accordance with law; and,*

*(C) The Village will not incur additional general obligation debt unless it has sufficient debt issuance capacity to permit the issuance of (a) the Securities in an amount sufficient to pay the NAN and (b) the debt proposed to be incurred.*

**RECOMMENDATION:**

1. Admin & Finance Committee recommends approval of Item 6f
2. Administrator recommends approval of item 6f

RESOLUTION NO. 20-10

RESOLUTION AMENDING RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,400,000 GENERAL OBLIGATION PROMISSORY NOTES AND AUTHORIZING THE ISSUANCE AND ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED \$2,400,000 NOTE ANTICIPATION NOTES IN ANTICIPATION THEREOF

WHEREAS, on April 14, 2020, the Village Board of the Village of Osceola, Polk County, Wisconsin (the "Village") adopted a resolution entitled: "Resolution Authorizing the Issuance of Not to Exceed \$2,400,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,400,000 Note Anticipation Notes in Anticipation Thereof" (the "Parameters Resolution") authorizing the issuance and sale of Note Anticipation Notes (the "NANs") for the purpose of refinancing certain outstanding obligations of the Village, specifically its Note Anticipation Note, dated October 30, 2017 (the "Refunded Obligations");

WHEREAS, pursuant to the Parameters Resolution, the Village Board authorized the issuance of and covenanted to issue general obligation promissory notes (the "Securities") to provide permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, the Village does not currently have sufficient debt issuance capacity to permit the issuance of the Securities to pay the NANs but will have sufficient capacity at the maturity date of the NANs based on the scheduled payments of principal on the Village's outstanding debt; and

WHEREAS, it is necessary that the Village covenant not to issue additional general obligation debt until it has sufficient debt issuance capacity to permit the Securities, as well as such additional debt, to be issued.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village that Section 7(C) of the Parameters Resolution be amended and restated to read as follows:

"(C) It will not incur additional general obligation debt unless it has sufficient debt issuance capacity to permit the issuance of (i) the Securities in an amount sufficient to pay the Notes and (ii) the debt proposed to be incurred."

Adopted, approved and recorded May 13, 2020.

---

Jeromy Buberl, President

(SEAL)

ATTEST:

---

Frances Duncanson, Village Clerk



# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/8/2020  
**Re: Item 6g: Ordinance #20-02 Chapter 161 – Fireworks**

## **ITEM DESCRIPTION:**

The Village of Osceola in partnership with fireworks stores realized that the current rules and regulations implemented within Village Code are not sufficient to stay in good standing with the State of Wisconsin. As such, additional guidance is necessary to properly review, implement and enforce proper fireworks regulations. Proposed Ordinance #20-02 provides Village staff, buyers, and sellers appropriate regulations to enjoy seasonal use of fireworks. Included within the regulations include allowable sales, proper permits, and rules necessary to sell fireworks and proper regulations and to transport fireworks by buyers. These regulations are not designed to make any positive fiscal impact for the Village, instead they are designed to provide guidance and allow for the Village to recoup and costs to safely administer the program.

## **ATTACHMENTS:**

1. Proposed Ordinance #20-02 – Chapter 161-Fireworks
2. Proposed Seller Permit
3. Proposed Buyer Permit

## **RECOMMENDATION:**

1. Police & Fire Committee recommends approval of Item 6g
2. Administrator recommends approval of item 6g

## Part II General Legislation

### Chapter 161 - Fireworks

#### § 161 – 1. Regulation of Fireworks

Except as otherwise allowed by this chapter, no person may possess, sell or use fireworks in the Village of Osceola. This chapter shall constitute a local regulation adopted pursuant to § 167.10, Wis. Stats.

#### § 161 – 2. Definitions.

In this chapter, “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- A. Fuel or a lubricant.
- B. A firearm cartridge or shotgun shell.
- C. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- D. A match, cigarette lighter, stove, furnace, candle, lantern, or space heater.
- E. A cap containing not more than ¼ grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- F. A toy snake which contains no mercury.
- G. A model rocket engine.
- H. Tobacco and a tobacco product.
- I. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects.
- J. A device designed to spray out paper confetti or streamers and which contains less than ¼ grain of explosive mixture.
- K. A fuseless device that is designed to produce an audible or visible effect or audible or and visual effects and that contains less than ¼ grain of explosive material.
- L. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces an audible or visible effect or audible and visible effects.
- M. A cylindrical fountain that consists of one or more tubes and that is classified by the federal Department of Transportation as a Division 1.4 (formerly known as Class C) explosive, as defined in 49 CFR 173.50.
- N. A cone fountain that is classified by the federal Department of Transportation as a Division 1.4 (formerly known as Class C) explosive as defined in 49 CFR 173.50.
- O. A novelty device that spins or movers on the ground.

#### § 161 – 3. Use.

- A. Permit required. No person may use fireworks without a user’s permit from the Village Administrator or other authorized official or employee of the Village as designated by the Village Administrator. No person may use fireworks or a device listed under Subsections E to G and I to N of the definition of “fireworks” in §161 – 2 while attending a fireworks display for which a permit has been issued to a person listed under Subsection C (1) to (5) or under Subsection C (6) if the display is open to the general



public. A fee of shall be paid at the time of application in accordance with the most recent Village Fee Schedule.

- B. Permit exceptions. Subsection A above does not apply to:
  - (1) The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
  - (2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Safety and Professional Services (or its successor).
  - (3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
  - (4) The possession or use of explosive or combustible materials in any manufacturing process.
  - (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
  - (6) A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- C. Who may obtain permit. A Permit under this subsection may be issued only to the following:
  - 1. A public authority.
  - 2. A fair association.
  - 3. An amusement park.
  - 4. A park board.
  - 5. A civic organization.
  - 6. Any individual or group of individuals.
  - 7. An agricultural producer for the protection of crops from predatory birds or animals.
- D. Crop protection signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- E. Bond. The Village Administrator or other authorized party issuing a permit under this section may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Village, and any person injured thereby may bring an action of the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy for the permit shall be filed in the office of the Village Clerk.
- F. Required information for permit. A permit under this section shall specify all of the following:
  - 1. The name and address of the permit holder.
  - 2. The date on and after which fireworks may be purchased.
  - 3. The kind and quantity of fireworks which may be purchased.
  - 4. The date and location of permitted use.
- G. Copy of permit. A copy of a permit under this section shall be given to Village fire and law enforcement officials at least two days before the date of authorized use.
- H. Minors prohibited. A permit under this section may not be issued to a minor.
- I. Out of state. This section does not prohibit a vendor (a seller licensed under this chapter) from selling fireworks to a nonresident person or to a person or group granted a permit under this chapter. A vendor that ships fireworks sold under this subsection shall package and ship the fireworks in accordance with all applicable state and federal laws.

#### § 161 – 4. Possession and transport of fireworks.

- A. A new fireworks possession/transport permit shall be issued with each daily fireworks purchase. Fireworks possession/transport permits shall not be valid over multiple days.
- B. Limitations on possession and transport. No person shall have within their possession, to own, transport, hold on consignment or to otherwise be physically and/or legally in control of fireworks without a permit under this chapter.
- C. Possession/Transport permit. An authorized seller of fireworks shall issue a possession/transport permit to a person to possess/transport fireworks within the Village for purposes of possession the fireworks while transporting them through the Village. A possessor/transport permit does not authorize the holder of such permit to use fireworks with the Village of Osceola. The holder of a possession/transport permit may not use fireworks within the Village without a valid user permit issued under §161 – 3 of this chapter.
- D. Issuance of possession/transport permits. The Village hereby designates licensed sellers of fireworks as agents for the Village for the sale of possession/transport permits. The Village Clerk shall provide an appropriate permit form as approved the Village Board, or alternately the Village Clerk may approve an alternate permit format proposed by an authorized seller.
- E. Reporting requirements. The holder of a seller's permit who issues possessor/transport permits shall maintain a record of each permit issued. A copy of each permit issued along with the remittance of fees shall be given to the Village Clerk on June 15<sup>th</sup>, July 15<sup>th</sup>, and November 15<sup>th</sup> of each year and at any other time upon the request of the Village Clerk. Failure to provide a copy of each permit or an approved alternate report in a timely manner shall result in a suspension of the seller's permit issued under §161 – 5 below until such copies or reports are provided.
- F. Possessor/Transport permit fee shall be set in accordance with the most recent Village Fee Schedule.

#### § 161 – 5. Sale of Fireworks .

- A. Limitations on sale. No person may sell or possess with intent to sell fireworks except:
  - (1) To a person holding a permit under § 161 – 4
  - (2) To a municipality; or
  - (3) For a purpose specified under § 161 – 3B (2) to (6) .
- B. Seller's permit. No person may sell or possess with intent to sell fireworks without a seller's permit from the Village Clerk. Persons who are not residents of the State of Wisconsin are not eligible to apply for a Fireworks Seller's Permit. The fee for an annual seller's permit shall be set in accordance with the most recent Village Fee Schedule.
  - (1) The entire permit fee shall be charged for every seller's permit per calendar year, whether for the whole or fraction of a year, and shall be paid when application is made for such permit.
  - (2) The Village Clerk shall provide an appropriate permit form as approved by the Village Board and shall maintain adequate records of the permits issued.
  - (3) The applicant shall particularly describe the address and structure where the permit will be used and shall always publicly and continuously display such permit at such location. Such permit may be transferred to a new location upon payment of a transfer fee of \$25.00.
  - (4) All holders of sellers; permits shall comply with all local ordinances and federal and state regulations and statutes regarding the sale , transport, or storage of flammable or explosive materials.

- (5) Failure to pay the applicable fess shall result in a suspension of a sellers permit until such fees are paid.

§ 161 – 6. Storage and handling.

- A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
- B. Smoking prohibited. No person may smoke where fireworks are stored or handled.
- C. Fire Chief to be notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- D. Storage distance. No wholesale, dealer or jobber may store fireworks within 50 feet of a dwelling.
- E. Restrictions on storage. No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is sold in in quantities exceeding one gallon.

§ 161 – 7. Suspension, revocation or nonrenewal of permit; appeals.

- A. Suspension for failure to pay amounts due Village. Any permit issued hereunder may be suspended for the permit holder’s failure to timely pay any outstanding moneys owed to the Village, for example but not by limitation, delinquent utility charges, invoices, assessments, taxes, fees or penalties owed to the Village.
- B. Immediate suspension to protect health and safety. After conferring with the Village Police Chief or Fire Chief, in order to protect the health and safety of persons and proper, the Village Administrator or Designee may temporarily suspend any permit issued hereunder. As time permits, the Village Administrator or Designee shall cause notice of such suspension to be personally served on the permit holder or, if the permit holder is a business, any employee of said permit holder who is on the premises of the business. The Village Administrator or Designee shall lift any such suspension as soon as the condition(s) causing the health and safety endangerment is alleviated. Any such suspension shall be reported by the Village Administrator to the Village Clerk who shall place the item on the agenda of the next regularly scheduled Village Board meeting for the Board to be apprised of the situation.
- C. Suspension for ordinance violation. The Village Administrator, upon reasonable evidence furnished to him or her, may issue a written order revoking any permit issued hereunder for the repeated or continued violation of any Village ordinance. The order shall give the permit holder a minimum of 14 days to remedy the violation(s) or to request a public hearing before the Village Board. If the permit holder timely requests such a public hearing, the suspension shall be stayed until after the public hearing and a subsequent decision on the suspension is made by the Village Board. If the permit holder does not timely remedy the violations or request such a public hearing the temporary suspension shall become permanent.
- D. Revocation or non-renewal. The Village Board, upon reasonable evidence furnished to them, may revoke or non-renew any permit issued hereunder for the repeated or continued violation of any Village ordinance. Prior to any revocation or nonrenewal, the Village Clerk shall cause written notice of such pending revocation or non-renewal to be personally served on the permit holder or any employee of said permitholder who is on the premises of the business. The permitholder shall have 14 days to remedy the violation(s) or to request a public hearing before the Village Board. If the permit holder timely requests such a public hearing, the suspension shall be stayed until after the public hearing and a subsequent decision on the suspension is made by the Village Board. If the permit holder does not

timely remedy the violations or request such a public hearing, the temporary suspension shall become permanent.

- E. Any violation of this ordinance may result in a verbal warning, written warning, or municipal citation. None of these measures are required to be used before a permit is revoked nor are the listed actions required to be used any specific order.

**§ 161 – 8. EFFECTIVE DATE.**

This ordinance shall repeal and replace Section 168-4 of the Village of Osceola Code and be in force after its introduction and publication as provided by statute.

Adopted the 13<sup>th</sup> day of May 2020.

---

Jeromy Buberl, Village President

ATTEST: I hereby certify that the foregoing Ordinance was duly adopted by the Village of Osceola at a legal meeting held on this 10<sup>th</sup> day of March 2020.

---

Frances Duncanson, Village Clerk

**PERMIT TO SELL FIREWORKS**

NO.20-01

\$150

WHEREAS, The local governing body of the Village of Osceola, County of Polk, Wisconsin has upon application duly made, granted and authorized the issuance of an "Fireworks Sellers" Permit to:

**KRUM'S FIREWORKS**  
**Located at**  
**310 CHIEFTAIN STREET**

AND WHEREAS, the said applicant has paid to the treasurer the sum of \$150 as required by local ordinance 161-5 and has complied with all requirements necessary for obtaining a permit:

NOW THEREFORE, A "Fireworks Sellers" permit, pursuant to Part II Chapter 161-5 of the Village of Osceola code of ordinances, is hereby issued to said applicant. Valid for a period beginning \_\_\_\_\_ 2020 and ending \_\_\_\_\_, 2020.

Given under my hand and the corporate seal of the  
Village of Osceola, County of Polk, State of Wisconsin,  
Date: May 8, 2020

Corporate Seal

\_\_\_\_\_  
Frances Duncanson, MMC-WCPC  
Village Clerk

This License must be POSTED in a conspicuous place in the premise where fireworks are sold.

**Vendor Copy**

Permit No: \_\_\_\_\_

Fee: \$5.00



**Buyer Possession Permit  
Class 1.4G/Class C Fireworks**

Licensed Vendor: \_\_\_\_\_

\*Permit Issues To: \_\_\_\_\_

\*Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ mm/dd/yyyy

\*Address: \_\_\_\_\_  
\_\_\_\_\_

The Village of Osceola hereby authorizes the above named licensed vendor to sell Class C fireworks within the Village of Osceola. All buyers of Class C fireworks shall, pursuant to (Osceola Ordinance Here), be issued a permit to possess and transport Class C fireworks within the Village of Osceola, by the above named licensed vendor.

This permit is only valid to possess Class C fireworks while transporting them through the Village of Osceola. **This permit does not authorize the use of fireworks in the Village of Osceola; nor does it authorize the use of fireworks in any other jurisdiction.**

This permit must be shown by the individual named in the permit in order to make a purchase of Class C fireworks from a licensed seller of such fireworks in the Village of Osceola. **This permit only permits the possession of any purchased fireworks while transporting them through the Village of Osceola.**

By accepting this permit, the recipient agrees to defend, indemnify and hold harmless the Village of Osceola, its supervisors, employees, agents, and assigns for any liability, claim action, injury, damage, costs (including reasonable attorney fees) stemming from the purchase, possession, transport, storage, use or misuse of the Class C fireworks possessed pursuant to this permit, whether the claimant is the user of the fireworks or a third party. This permit is a one-time transportation permit. Each subsequent fireworks purchase will require a possession permit.

\*Buyer Signature: \_\_\_\_\_

\*Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ \*Time: \_\_\_\_: \_\_\_\_ am/pm

Authorized by: \_\_\_\_\_

Fee Paid (\$5): \_\_\_\_ Y \_\_\_\_ N \_\_\_\_ Initial



**Buyer Copy**

Permit No: \_\_\_\_\_

Fee: \$5.00



**Buyer Possession Permit  
Class 1.4G/Class C Fireworks**

Licensed Vendor: \_\_\_\_\_

The Village of Osceola hereby authorizes the above named licensed vendor to sell Class C fireworks within the Village of Osceola. All buyers of Class C fireworks shall, pursuant to (Osceola Ordinance Here), be issued a permit to possess and transport Class C fireworks within the Village of Osceola, by the above named licensed vendor.

This permit is only valid to possess Class C fireworks while transporting them through the Village of Osceola. **This permit does not authorize the use of fireworks in the Village of Osceola; nor does it authorize the use of fireworks in any other jurisdiction.**

This permit must be shown by the individual named in the permit in order to make a purchase of Class C fireworks from a licensed seller of such fireworks in the Village of Osceola. **This permit only permits the possession of any purchased fireworks while transporting them through the Village of Osceola.**

By accepting this permit, the recipient agrees to defend, indemnify and hold harmless the Village of Osceola, its supervisors, employees, agents, and assigns for any liability, claim action, injury, damage, costs (including reasonable attorney fees) stemming from the purchase, possession, transport, storage, use or misuse of the Class C fireworks possessed pursuant to this permit, whether the claimant is the user of the fireworks or a third party. This permit is a one-time transportation permit. Each subsequent fireworks purchase will require a possession permit.

\*Buyer Signature: \_\_\_\_\_

\*Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ \*Time: \_\_\_\_: \_\_\_\_ am/pm

Authorized by: \_\_\_\_\_

Fee Paid (\$5): \_\_\_\_ Y \_\_\_\_ N \_\_\_\_ Initial



# Memo

To: Village Board  
 From: Benjamin Krumenauer, Administrator  
 CC: Board Packet  
 Date: 5/8/2020  
 Re: **Item 6h: Ordinance #20-03 Update to Chapter A222 – Fees and Salaries**

**ITEM DESCRIPTION:**

Item 6h: Ordinance #20-03 has three separate components:

**Component One:** relates to the fee schedule tied to proposed ordinance #20-02. The proposed fees are in direct alignment with regulations and are designed to cover the Administrative and Police review costs to supporting the sale of fireworks.

Fireworks Permit Fees - Chapter 161		
Ordinance Number	Permit	Fee
161-3	Users Permit	\$50.00
161-4	Possess/Transport Permit	\$5.00
161-5	Annual Sales Permit	\$150.00

**Component Two:** is an update of the open records fee schedule. The proposed fees are in alignment with actual and reasonable cost to print/produce a requested open record.

Open Records Fees - Chapter 47					
Ordinance Number	Item	Current	Proposed	Current Description	Suggested Changes
47-4F(1)	Photocopies, printed color photos	\$0.25/pg	\$0.25/pg or \$1.00/pg color	Photocopies	Photocopies, <b>printed color photos</b>
47-4F(3)	Photos on CD, DVD		\$1.00/ea	The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts, and audiotapes or videotapes, shall be charged.	The actual full cost of providing a copy of other records not in printed form on paper, <b>such as CDs and DVDs</b> , shall be charged.

**Component Three:** provides an updated fee schedule for parking related violations within the Village of Osceola. The reviewed fee schedule also provides a mechanism to charge for towing as warranted.

**Ordinance Fines - Revised****Vehicles and Traffic Ordinances - Chapter 207**

Ordinance Number	Violation	Current	Proposed	Current Description	Suggested Changes
207-7	Parallel Parking Required Within Village	\$10.00	\$30.00	Parking on all streets shall be parallel, unless otherwise regulated by the Village Board, except as follows:	Parking on all streets shall be parallel, facing the same direction as the flow of traffic, unless otherwise regulated by the Village Board, except as follows:
207-8	Parking Time Limits Regulated	\$10.00	\$30.00		
207-8d	Hazardous Parking Restricted	\$10.00	\$30.00		
207-8g	Parking in a No-Parking Zone	\$10.00	\$30.00		
207-9	All Night Parking Prohibited	\$20.00	\$30.00	Parking ticket of \$20, storage chg of \$5	Parking citation of \$30, possible tow charge
207-11a	Parking in Handicapped Zone	\$50.00	\$75.00		
207-13c	Snow Emergency Parking Prohibited	\$20.00	\$50.00	Parking ticket of \$20	Parking citation of \$30, possible tow charge

All fees produced above were reviewed by the appropriate committees and align with comparable fees in other local communities.

**ATTACHMENTS:**

1. Proposed Ordinance #20-03

**RECOMMENDATION:**

1. Police & Fire Committee recommends approval of Item 6h
2. Administrator recommends approval of item 6h



**ORDINANCE # 20 - 03**

**To Amend the Code of the Village of Osceola  
Chapter A222 Fees and Salaries**

The Village Board of the Village of Osceola do ordain as follows:

**Section A**

Osceola Municipal Code Section A222, Fees and Salaries, is hereby amended by the change of the following:

**§ A222-1. Fees enumerated.**

Chapter 47 – Records, Public

- Section 4(F)(1)  
Photocopies, printed color photos: \$0.25/pg or \$1.00/pg color (~~\$0.25/pg~~)
- Section 4(F)(3)  
Photos on CD, DVD: \$1.00/each

Chapter 161 - Fireworks

- Section 161-3  
User Permit Fee: \$50
- Section 161-4  
Buyer's Permit Fee: \$5
- Section 161-5 Sale of Fireworks  
Seller's Permit Fee: \$150  
Seller's Transfer Fee: \$25

Chapter 207, Vehicles and Traffic

- Section 207-7  
Parking on all streets shall be parallel, **facing the same direction as the flow of traffic**, unless otherwise regulated by the Village Board, except as follows... \$30 (~~\$10~~)
- Section 207-8  
Parking Time Limits Regulated: \$30 (~~\$10~~)
- Section 207-8(d)  
Hazardous Parking Restricted: \$30 (~~\$10~~)
- Section 207-8(g)  
Parking in a No-Parking Zone: \$30 (~~\$10~~)
- Section 207-9  
All Night Parking Prohibited: Parking citation of \$30 (~~\$20~~), **possible tow charge**
- Section 207-11(a)  
Parking in Handicapped Zone: \$75 (~~\$50~~)
- Section 207-13(c)  
Snow Emergency Parking Prohibited: Parking citation of \$50 (~~\$20~~), **possible tow charge**

**Section B**

This Ordinance shall take effect 30 days after its adoption and publication.

Adopted: May 13, 2020

Village of Osceola

Signed : \_\_\_\_\_  
Jeromy Buberl, President

Attested : \_\_\_\_\_  
Frances Duncanson, Village Clerk



# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/11/2020  
**Re: Item 6j: Sale of Public Property to Federated Cooperative (\$70,000)**

## **ITEM DESCRIPTION:**

The Village has been approached regarding a piece of surplus property located within the Public Works/Fire Hall. Located within your packet is a location map of the proposed sale area.

## **Action(s) Requested**

**Action 1:** Administrator is requesting approval of a sales agreement between Village of Osceola and Federated Cooperative where the cooperative will purchase surplus property from the Village of Osceola for future expansion of the business.

## **Attachments**

1. Location Map package
2. Sale Agreement

## **ANALYSIS:**

### **Requesting Party**

Federated Cooperative has been more successful than originally anticipated and as such it needs to purchase additional property for current and future growth. It is the stated intent of Federated to develop the property into a larger comprehensive business complex. Short term the focus will be on increased traffic flow and deliveries. Long term, the company plans to improve the site with possible storage buildings, improved parking and delivery accommodations. Access directly to STH-35 via the existing drive will be limited to Federated use only. No private parties will be allowed to exit via the shared driveway.

### **Price**

Village Board met in closed session and gave parameters for a negotiated sale prices. The attached Sale Agreement has a sell price of \$70,000 (approximately \$17,500/acre). The Village is anticipating a net proceeds of \$67,000.

**Additional sale provisions**

Additional sale provisions were put in place to protect the Village and provide a clear understanding on the future use of the associated property. Provisions include (see agreement for complete list):

1. Split closing costs
2. Protection of utility easements related to Fire Hall/DPW building
3. Shared maintenance of related stormwater ditches and facilities
4. 20-foot paved trail easement adjacent to STH-35 for future trail extensions
5. Shared driveway provisions for regular maintenance and future maintenance
6. Shared access driveway expiration provisions in the event the property is sold in the future

**RECOMMENDATION(S):**

1. Village Planning Commission has reviewed the item and made a recommendation to approve the sale with the above sale provisions in place
2. Fire and Public Works Departments have reviewed the request and do not find any issue with the proposal
3. Administrator recommends approval of item 6j.

**Property Location and Type**

The subject property is located directly north of the Public Works/Fire Hall site. It is bounded by institutional uses to the south and east, vacant farm lands to the west, commercial/agricultural support to the north and vacant/agricultural to the east. The request totals approximately 4.07 acres and is currently zoned C-2 Community Business District. The future land use is slated as commercial. And area growth patterns is stable, and generally consistent with long range growth patterns.

**Subject Site**

<i>Existing Land Use</i>	<i>Zoning</i>
Institutional/vacant paved lot	C-2 Community Business District

**Adjacent Land Use and Zoning**

<i>Existing Land Uses</i>	<i>Zoning</i>
N Business (Federated)	C-2 Community Business District
E Agricultural/Vacant	I-1 Light Industrial District
S Village Fire Department	C-2 Community Business District
V Agricultural/Vacant	PI Public Institutional

**Comprehensive Plan**

<i>Land Use Recommendation</i>	<i>Use Category</i>
<b>Current Land Use</b>	Agricultural/Vacant
<b>Future Land Use</b>	Agricultural

**PURPOSE**

Village Planning Commission will need to provide a recommendation to Village Board on whether the request is consistent with applicable planning documents.

**RECOMMENDATION(S)**

Administrator recommends approval of Item 4 as proposed.

**Property Sale between Federated Cooperative and Village of Osceola**  
**Legend**

- Addresses
- Lakes and Rivers
- Rivers and Streams
- Sections
- Parcels
- Railroad
- Cities (Scale below 25000)
- Villages (Scale below 25000)
- Towns
- TwpRgGrdweb
- Surrounding Counties
- US Highway Shield
- US Highways
- WI State Highway Shield
- State Highways
- County Road Shield
- County Roads
- Town Roads
- City and Village Roads
- Highway On Off Ramp
- Public Access Roads
- Private Roads
- Private Driveways
- Aerial Photo (Color) (2015)



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Author: Krumenauer_V of Osceola	
Date Printed: 04/27/20 4:10 PM	
Source:	





**Property Sale Federated Cooperative and Osceola**

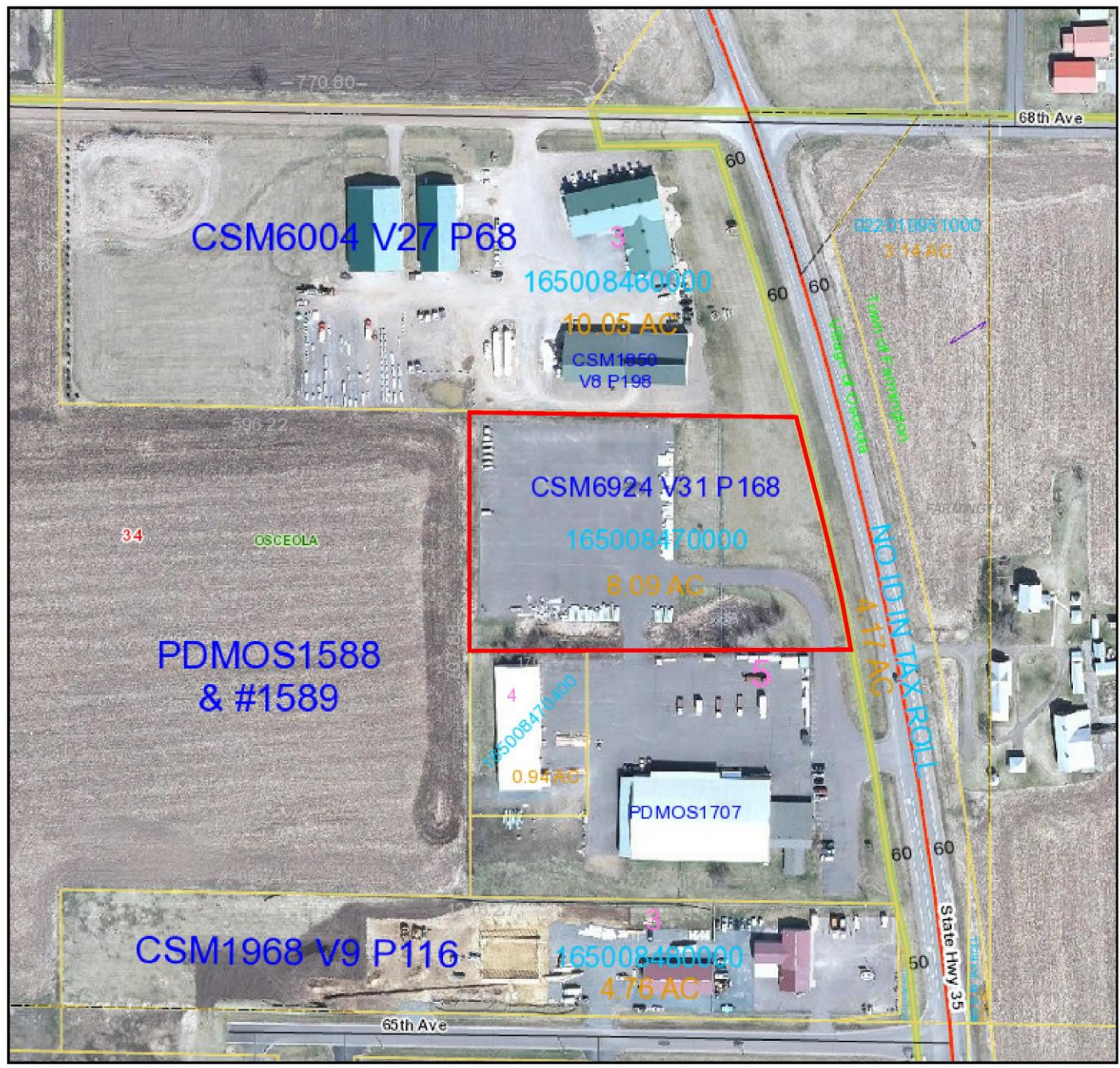
**Legend**

- PLSS Corner
- Witness Monument
- Tie Sheet
- Meander Corner
- Lakes and Rivers
- Rivers and Streams
- Sections
- Parcels
- Railroad
- Cities (Scale below 25000)
- Villages (Scale below 25000)
- Towns
- TwpRgGrdweb
- Surrounding Counties
- US Highway Shield
- US Highways
- WI State Highway Shield
- State Highways
- County Road Shield
- County Roads
- Town Roads
- City and Village Roads
- Highway On Off Ramp
- Public Access Roads
- Private Roads
- Private Driveways
- Dimension Guide Lines
- Survey Line
- Landties
- Aerial Photo (Color) (2015)



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Author:	
Date Printed: 05/15/20 2:39 PM	
Source:	









## Subject Site

Existing Land Use	Zoning
Institutional/vacant paved lot	C-2 Community Business District

## Adjacent Land Use and Zoning

Existing Land Uses	Zoning
<b>North</b> Business (Federated Cooperative)	C-2 Community Business District
<b>East</b> Agricultural/Vacant	I-1 Light Industrial District
<b>South</b> Village Fire Department and Public Works	C-2 Community Business District
<b>West</b> Agricultural/Vacant	PI Public Institutional

## Comprehensive Plan

Land Use Recommendation	Use Category
Current Land Use	Agricultural/Vacant
Future Land Use	Agricultural

# MAP 8-7 PROPOSED ZONING DISTRICTS Village of Osceola Polk County Wisconsin



- STATE HIGHWAY SHIELD
- COUNTY HIGHWAY SHIELD
- STATE HIGHWAY
- COUNTY ROAD
- TOWNSHIP ROAD
- VILLAGE ROAD
- PRIVATE ROAD
- RAILROAD
- HYDRO STREAM
- HYDRO BODY
- PARCELS
- VILLAGE BOUNDARY

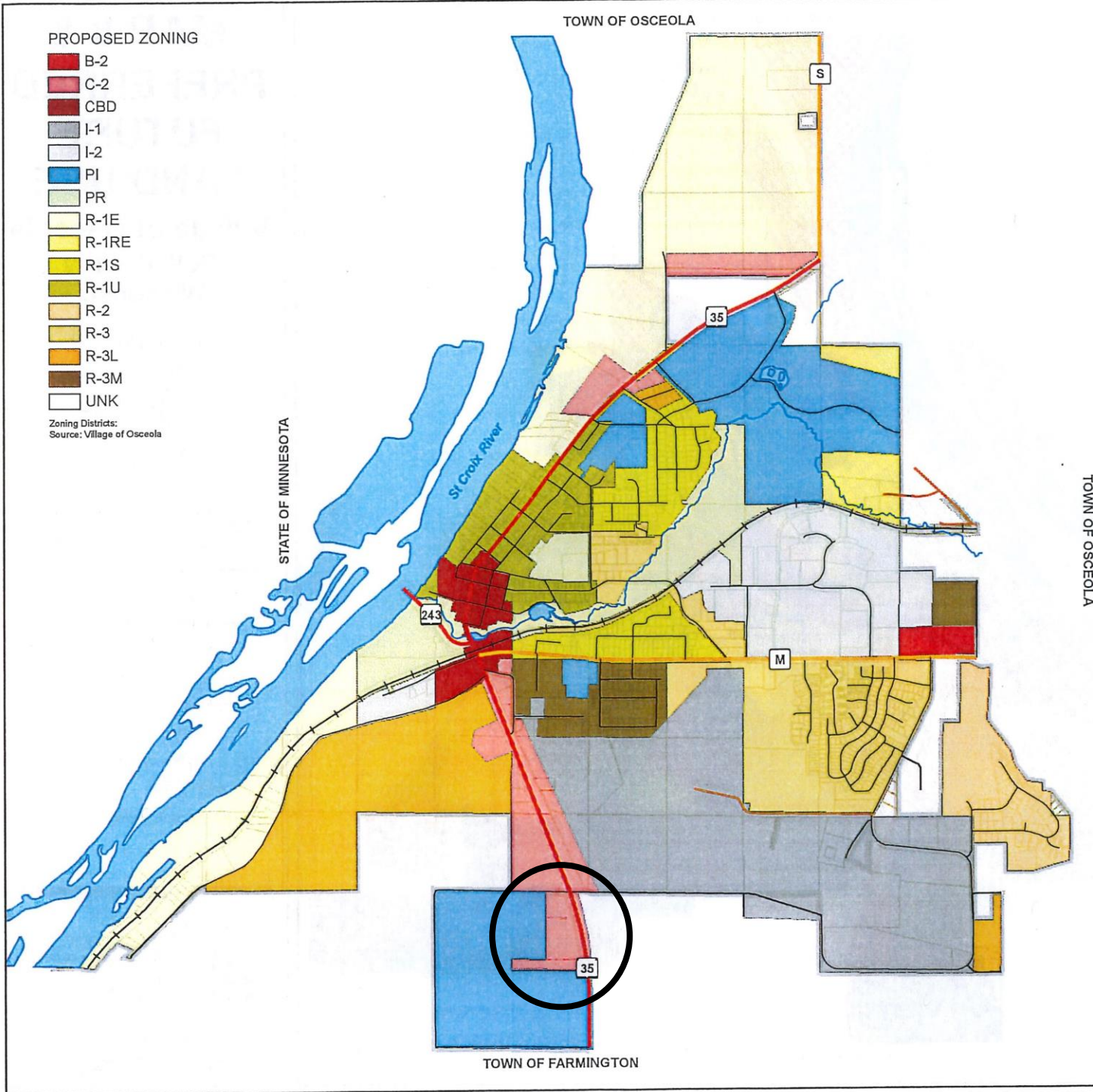
0 1,000 2,000 4,000 Feet



Created by:  
Polk County Land Information Department  
Geographic Information Systems Division  
100 Polk County Plaza, Suite 130  
Balsam Lake, WI 54810  
Ph: 715.485.9279  
Fax: 715.485.9246  
www.co.polkwis.us

10/30/07

This drawing is the result of a compilation and reproduction of land records as they appear in various Polk County Offices. The drawing should be used for reference purposes only. Polk County is not responsible for any inaccuracies herein contained.



## PROPOSED ZONING

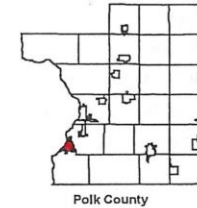
- B-2
- C-2
- CBD
- I-1
- I-2
- PI
- PR
- R-1E
- R-1RE
- R-1S
- R-1U
- R-2
- R-3
- R-3L
- R-3M
- UNK

Zoning Districts:  
Source: Village of Osceola



# MAP 8-8 PREFERRED FUTURE LAND USE

## Village of Osceola Polk County Wisconsin



- STATE HIGHWAY SHIELD
- COUNTY HIGHWAY SHIELD
- STATE HIGHWAY
- COUNTY ROAD
- TOWNSHIP ROAD
- VILLAGE ROAD
- PRIVATE ROAD
- RAILROAD
- HYDRO STREAM
- HYDRO BODY
- PARCELS
- VILLAGE BOUNDARY

0 1,000 2,000 4,000 Feet



Created by:  
Polk County Land Information Department  
Geographic Information Systems Division  
100 Polk County Plaza, Suite 130  
Balsam Lake, WI 54810  
Ph: 715.485.9279  
Fax: 715.485.9246  
www.co.polk.wi.us 7/29/09



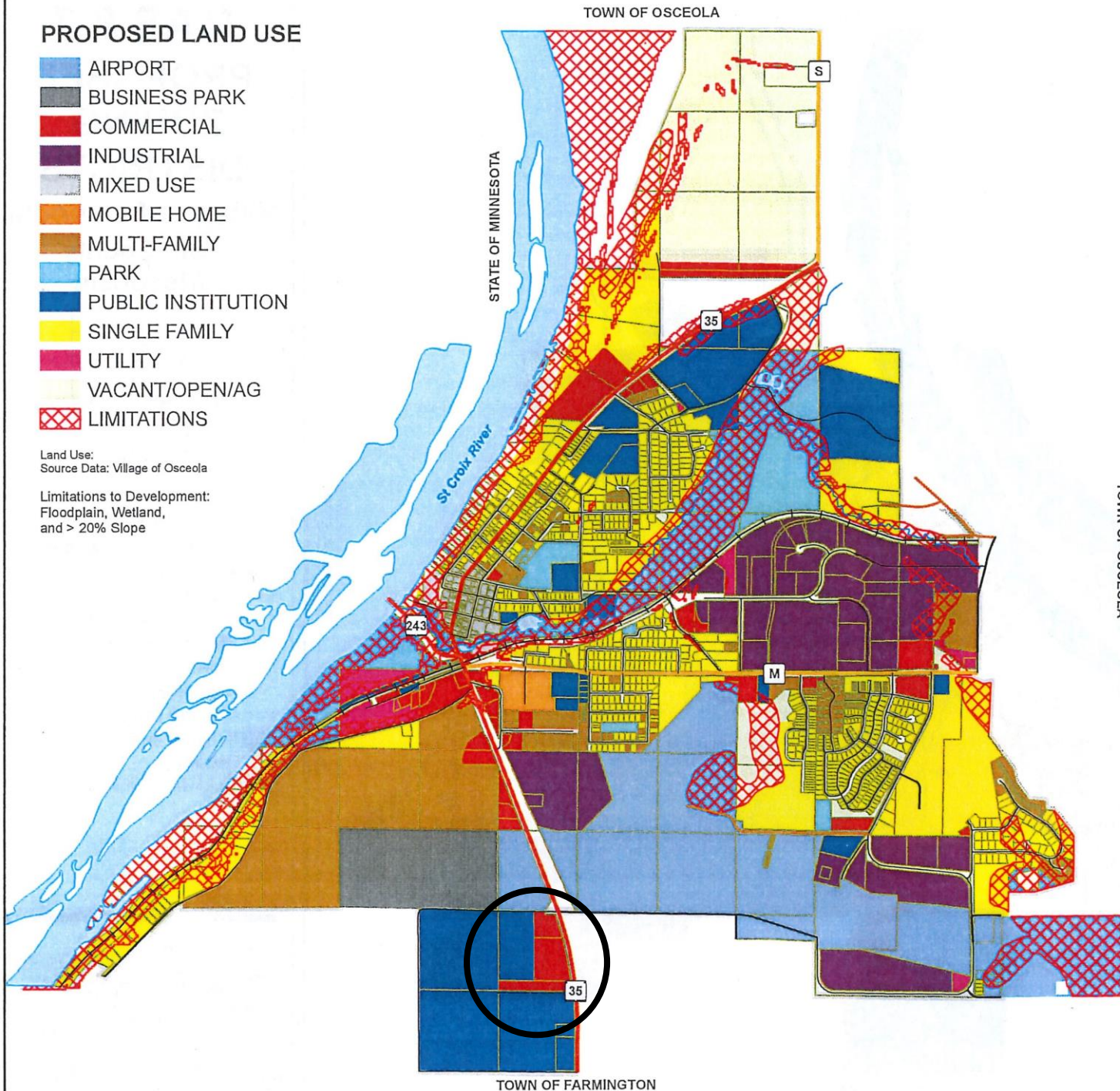
This drawing is the result of a compilation and reproduction of land records as they appear in various Polk County Offices. The drawing should be used for reference purposes only. Polk County is not responsible for any inaccuracies herein contained.

### PROPOSED LAND USE

- AIRPORT
- BUSINESS PARK
- COMMERCIAL
- INDUSTRIAL
- MIXED USE
- MOBILE HOME
- MULTI-FAMILY
- PARK
- PUBLIC INSTITUTION
- SINGLE FAMILY
- UTILITY
- VACANT/OPEN/AG
- LIMITATIONS

Land Use:  
Source Data: Village of Osceola

Limitations to Development:  
Floodplain, Wetland,  
and > 20% Slope



TOWN OF OSCEOLA

TOWN OF FARMINGTON



# Memo

To: Village Board  
From: Benjamin Krumenauer, Administrator  
CC: Board Packet  
Date: 5/11/2020  
**Re: Item 6k: Resolution #20-11 Extending Term of General Obligation Promissory Note**

## **ITEM DESCRIPTION:**

The Village has previously scheduled the anticipated refinancing of a \$950,000 promissory note issue in 2018. The authorization to refinance was given during the April, 2020 Board meeting in the form of Resolution #20-07. This scheduled refinance is part of a larger financial plan the Village implemented in 2019. The current due date for the GO Promissory Note is May 21, 2020. In order to align with the Village's financing plan, the note will need to be extended 2 months.

## **Action(s) Requested**

**Action 1:** Administrator is requesting approval of Resolution #20-11 in order to align current obligations with the scheduled 2020 borrow measures

## **Attachments**

1. Proposed Resolution #20-11 Extending Term of General Obligation Promissory Note

## **RECOMMENDATION(S):**

1. Administrator recommends approval of item 6k.

**Property Location and Type**

The subject property is located directly north of the Public Works/Fire Hall site. It is bounded by institutional uses to the south and east, vacant farm lands to the west, commercial/agricultural support to the north and vacant/agricultural to the east. The request totals approximately 4.07 acres and is currently zoned C-2 Community Business District. The future land use is slated as commercial. And area growth patterns is stable, and generally consistent with long range growth patterns.

**Subject Site**

<i>Existing Land Use</i>	<i>Zoning</i>
Institutional/vacant paved lot	C-2 Community Business District

**Adjacent Land Use and Zoning**

<i>Existing Land Uses</i>	<i>Zoning</i>
N Business (Federated)	C-2 Community Business District
E Agricultural/Vacant	I-1 Light Industrial District
S Village Fire Department	C-2 Community Business District
V Agricultural/Vacant	PI Public Institutional

**Comprehensive Plan**

<i>Land Use Recommendation</i>	<i>Use Category</i>
<b>Current Land Use</b>	Agricultural/Vacant
<b>Future Land Use</b>	Agricultural

**PURPOSE**

Village Planning Commission will need to provide a recommendation to Village Board on whether the request is consistent with applicable planning documents.

**RECOMMENDATION(S)**

Administrator recommends approval of Item 4 as proposed.

RESOLUTION # 20-11

**RESOLUTION EXTENDING THE TERM OF GENERAL OBLIGATION PROMISSORY NOTE**

**WHEREAS**, the Village adopted Resolution #18-14 authorizing the issuance of a General Obligation Promissory Note in the amount not to exceed \$950,000; and

**WHEREAS**, the focus of Resolution #18-14 was to fund various capital projects of the Village of Osceola including the increased cost of the Village Hall/Discovery Center project and the lack of anticipated and related project revenues; and

**WHEREAS**, the purpose of the term was to allow the Village time to structure this Note with other long-term financing for Village projects; and

**WHEREAS**, additional time is needed to structure the Village's long-term financing; and

**WHEREAS**, the Village is continuing to work with its financial advisors on the best structure for its long-term financing; and

**WHEREAS**, the Village desires to extend the \$950,000 Note balance; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Osceola approves the extension of the term of the \$950,000 General Obligation Promissory Note to July 21, 2020.

Adopted the 13<sup>th</sup> day of May, 2020

---

Jeromy Buberl, Village President

ATTEST: I hereby certify that the foregoing Ordinance was duly adopted by the Village of Osceola at a legal meeting held on this 13<sup>th</sup> day of May, 2020.

(Seal)

---

Frances Duncanson, Clerk



# Memo

To: Village Board  
From: Frances Duncanson, Village Clerk  
CC: Benjamin Krumenauer, Village Administrator  
Date: 5/8/2020  
Re: Item 7a: Beverage Server Operator License

---

The Village has accepted the below applications for Beverage Server Operator Licenses

- i. Murphy, Stephanie – Pizza Cellar
- ii. Tiberg, Sasha – Dick’s Fresh Market

## **RECOMMENDATION**

Background checks have been completed by the Osceola Police department and Village staff recommends approval of the above license request(s) with no additional conditions



# APPLICATION FOR OPERATOR'S LICENSE

The Village of Osceola  
Polk County, Wisconsin

I, the undersigned, do hereby respectfully make application to the Village Board of the Village of Osceola, Polk County, for an Operator's License as provided by Village Code Section 137.3 and Wisconsin Statutes Section 125.17 for a two year period ending June 30<sup>th</sup>.

I certify that I am 38 years of age. I am familiar with the laws, ordinances and regulations and I hereby agree if granted said license, to obey all provisions of said laws. I am applying for (check one) a new license  or a renewal of my current license .

Home telephone #: <u>651 808 1036</u>	
Street Address: <u>431 Reed St #3</u>	
City, State, Zip: <u>Somers et, WI 54025</u>	
Date of Birth: <u>[REDACTED]</u>	County/State of Birth: <u>MPLS</u>
Employer: <u>Pizza Pellar</u>	Employer Phone # <u>715-417-3194</u>

Operators licenses held in last 2 years (list communities):	<u>OSceda, Agent</u>
Training course completed in last 2 years (list location and provide documentation):	<u>Yes, on file</u>

Have you previously been denied an operator's permit?	YES or <input checked="" type="radio"/> NO
Have you ever had an operator's permit revoked?	YES or <input checked="" type="radio"/> NO
Have you been issued a provisional permit in the previous 12 months?	YES or <input checked="" type="radio"/> NO
Have you been convicted of a crime?	YES or <input checked="" type="radio"/> NO
Have you had an alcohol offense?	YES or <input checked="" type="radio"/> NO

Stephanie Murphy  
Print Name

\_\_\_\_\_  
Maiden/Previous Name

[Signature]  
Signature

Application Recv'd by: FAD  
Date Application Recv'd: 4-22-2020  
Police Recommendation: OK-RWP/jg  
Provisional Lic Recpt # CAS # - jg 2888  
Provisional License # 19-26  
Date School Attended: 1-13-2020  
Date Village Board Approval: \_\_\_\_\_  
Operator Lic Recpt # \_\_\_\_\_  
Operator License # \_\_\_\_\_

(Copy of DL here)



# WISCONSIN SELLER / SERVER CERTIFICATION

Trainee Name: stephanie murphy

School Name: 360training.com, Inc.

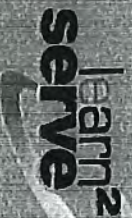
Date of Completion: 01/13/2020

Certification #: WI-108018

I, Stephanie Murphy

Certify that the above named person  
successfully completed an approved  
Learn2Serve Seller/Server course.

COMPLIES WITH WISCONSIN STATUTES 125.04, 125.17, 134.66



Corporate Headquarters  
6801 N Capital of Texas Hwy, Bldg. J,  
Suite 250, Austin, TX 78731  
P: 877.881.2235

DRIVER LICENSE REGULAR WISCONSIN USA



1 MURPHY  
2 STEPHANIE MARIE CONSTAN  
3  
4  
5  
6 306 WILLOW ST  
SOMERSET, WI 54025  
7  
8  
9 CLASS D  
10  
11  
12  
13  
14  
15 SEX F 16 HGT 5'05"  
17 WGT 155 lb 18 EYES BRO  
19 HAIR BRO  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

JAN 82

Donor Section Here

5 DD ITGM2015101612430988



# OSCEOLA POLICE DEPARTMENT

## 310 CHIEFTAIN STREET

PO BOX 217  
OSCEOLA WI 54020

Incident # **20-010245**

Crime / Incident (Primary, Secondary, Tertiary) <b>Operators License Operators License</b>	Beat <b>NA</b>	Rpt Dist	Type <b>Background Check</b>	Seq <b>1</b>
	Attempt <input type="checkbox"/>	Occurred	Date	Time
	<input type="checkbox"/>	On or From	<b>04/22/2020</b>	<b>13:45</b>
	<input type="checkbox"/>	To	<b>04/22/2020</b>	<b>Wed</b>
		Reported	<b>04/22/2020</b>	<b>13:45</b>

Location of Incident **310 CHIEFTAIN ST, OSCEOLA, WI**

Cross Street \_\_\_\_\_ County \_\_\_\_\_

Dispo "V" = Victim "RP" = Reporting Party "W" = Witness "S" = Suspect "O" = Other

<b>O</b>	Last, First, Middle (Firm if Business) <b>MURPHY, STEPHANIE M</b>	Race <b>W</b>	Sex <b>F</b>	Age <b>38</b>	HT <b>5-05</b>	WT <b>150</b>	Hair <b>BRO</b>	Eyes <b>BRO</b>	Home Phone <b>(651) 808-1036</b>
Address <b>431 REED ST #3</b>		DOB <b>[REDACTED]</b>	DL Number <b>[REDACTED]</b>		State <b>WI</b>	Work Phone <b>(715)</b>		Cell Phone <b>0 -</b>	
City, State, Zip Code <b>SOMERSET WI 54025</b>		SSN	Local ID #	State #	FBI #	Cell Phone <b>0 -</b>			

<b>O</b>	Last, First, Middle (Firm if Business) <b>PIZZA, CELLAR</b>	Race	Sex	Age <b>0</b>	HT	WT	Hair	Eyes	Home Phone <b>(715) 417-3194</b>
Address <b>102 2ND AV</b>		DOB <b>/ /</b>	DL Number		State <b>WI</b>	Work Phone <b>0</b>		Cell Phone <b>0</b>	
City, State, Zip Code <b>OSCEOLA WI 54020</b>		SSN	Local ID #	State #	FBI #	Cell Phone <b>0</b>			

	Last, First, Middle (Firm if Business)	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address		DOB	DL Number		State	Work Phone		Cell Phone	
City, State, Zip Code		SSN	Local ID #	State #	FBI #	Cell Phone			

	Last, First, Middle (Firm if Business)	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address		DOB	DL Number		State	Work Phone		Cell Phone	
City, State, Zip Code		SSN	Local ID #	State #	FBI #	Cell Phone			

Synopsis **Stephanie Murphy applied for an Operator's License for the Pizza Cellar. No WI or MN criminal histories found. License recommended by Chief Pedrys.**

S O L V A B I L I T Y	Continuation Attached <input type="checkbox"/>	Property List Attached <input type="checkbox"/>	Property Damage \$
	UCR <b>9999</b>	Press Release <input type="checkbox"/>	Domestic Violence Case <input type="checkbox"/>
	Gang Related <b>N</b>	Hate Crime <input type="checkbox"/>	Victim Senior Citizen <input type="checkbox"/>
	Pursuit <input type="checkbox"/>	Force Used <input type="checkbox"/>	Child Abuse <input type="checkbox"/>
	County Code		Disposition <b>CLSD</b>
	Report Complete/Ready for Review <input checked="" type="checkbox"/>		Connecting Case #
			CAD/CFS Event #

Assigned To \_\_\_\_\_ Date \_\_\_\_\_

Officer ID **Assistant J. Giller** **J** Reviewed By \_\_\_\_\_ Approved \_\_\_\_\_ Date \_\_\_\_\_

# APPLICATION FOR OPERATOR'S LICENSE

The Village of Osceola  
Polk County, Wisconsin

I, the undersigned, do hereby respectfully make application to the Village Board of the Village of Osceola, Polk County, for an Operator's License as provided by Village Code Section 137.3 and Wisconsin Statutes Section 125.17 for a two year period ending June 30<sup>th</sup>.

I certify that I am 28 years of age. I am familiar with the laws, ordinances and regulations and I hereby agree if granted said license, to obey all provisions of said laws. I am applying for (check one) a new license  or a renewal of my current license .

Home telephone #: <u>715-977-1332</u>	
Street Address: <u>167B 146<sup>th</sup> AVE</u>	
City, State, Zip: <u>Turtle Lake, WI 54889</u>	
Date of Birth: <u>[REDACTED]</u>	County/State of Birth: <u>St Croix / WI</u>
Employer: <u>Dick's Fresh Market</u>	Employer Phone #

Operators licenses held in last 2 years (list communities):	<u>Amery</u>
Training course completed in last 2 years (list location and provide documentation):	

Have you previously been denied an operator's permit?	YES or <input checked="" type="radio"/> NO
Have you ever had an operator's permit revoked?	YES or <input checked="" type="radio"/> NO
Have you been issued a provisional permit in the previous 12 months?	YES or <input checked="" type="radio"/> NO
Have you been convicted of a crime?	YES or <input checked="" type="radio"/> NO
Have you had an alcohol offense?	YES or <input checked="" type="radio"/> NO

Sasha Tiberg  
Print Name

Sasha Smith  
Maiden/Previous Name

Sasha Tiberg  
Signature

Application Recv'd by: Jennifer L. Rayte  
Date Application Recvd: 4/20/2020  
Police Recommendation: OK RWP/88  
Provisional Lic Recpt # \_\_\_\_\_  
Provisional License # 19-25  
Date School Attended: 8-15-17  
Date Village Board Approval: \_\_\_\_\_  
Operator Lic Recpt # \_\_\_\_\_  
Operator License # \_\_\_\_\_

(Copy of DL here)

Previously licensed in City of Amery



DRIVER LICENSE  
REGULAR

USA  
WISCONSIN

NOT FOR  
FEDERAL  
PURPOSES



1 TIBERG  
2 SASHA NICOLE  
3  
4  
5  
6 550 SPRING ST 4 D8  
7 SOMERSET, WI 54025

8  
9  
10  
11  
12  
13  
14  
15 SEX F  
16 HT 5' 08"  
17 WT 145 lb  
18 EYES GRN  
19 HAIR RED  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46 EXP 03/23/2017 DUP  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

JAN 92

98 END NONE

5 DD OTULW207028315218378



# WISCONSIN

# SELLER / SERVER CERTIFICATION

**Trainee Name:** Sasha Tiberg

**Date of Completion:** 08/15/2017

**School Name:** 360training.com, Inc.

**Certification #** WI-65371



I, \_\_\_\_\_  
certify that the above named person  
successfully completed an approved  
Learn2Serve Seller/Server course.

COMPLIES WITH WISCONSIN STATUTES 125.04, 125.17, 134.66



Corporate Headquarters  
13801 Burnet Rd., Suite 100  
Austin, Texas 78727  
P: 800-442-1149



# OSCEOLA POLICE DEPARTMENT

## 310 CHIEFTAIN STREET

PO BOX 217  
OSCEOLA WI 54020

Incident # **20-010241**

Crime / Incident (Primary, Secondary, Tertiary) <b>Operators License Operators License</b>	Beat <b>NA</b>	Rpt Dist	Type <b>Background Check</b>	Seq <b>1</b>
	Attempt <input type="checkbox"/>	Occurred	Date	Time
	<input type="checkbox"/>	On or From	<b>04/20/2020</b>	<b>10:30</b>
	<input type="checkbox"/>	To	<b>04/20/2020</b>	<b>Mon</b>
		Reported	<b>04/20/2020</b>	<b>10:30</b>

Location of Incident **310 CHIEFTAIN ST, OSCEOLA, WI**

Cross Street \_\_\_\_\_ County \_\_\_\_\_

Dispo "V" = Victim "RP" = Reporting Party "W" = Witness "S" = Suspect "O" = Other

<input type="radio"/>	Last, First, Middle (Firm if Business) <b>TIBERG, SASHA NICOLE</b>	Race <b>W</b>	Sex <b>F</b>	Age <b>28</b>	HT <b>5-08</b>	WT <b>145</b>	Hair <b>RED</b>	Eyes <b>GRN</b>	Home Phone <b>(715) 977-1332</b>
Address <b>167B 146TH AV</b>		DOB <b>07/25/1992</b>	DL Number <b>██████████</b>			State <b>WI</b>	Work Phone <b>(715)</b>		Cell Phone <b>()</b>
City, State, Zip Code <b>TURTLE LAKE WI 54889</b>		SSN	Local ID #	State #	FBI #	Cell Phone <b>()</b>			

<input type="radio"/>	Last, First, Middle (Firm if Business) <b>DICKS, FRESH MARKET</b>	Race	Sex <b>O</b>	Age <b>0</b>	HT	WT	Hair	Eyes	Home Phone <b>(715) 294-2158</b>
Address <b>112 CHIEFTAIN ST</b>		DOB <b>//</b>	DL Number			State <b>WI</b>	Work Phone <b>()</b>		Cell Phone <b>()</b>
City, State, Zip Code <b>OSCEOLA WI 54020</b>		SSN	Local ID #	State #	FBI #	Cell Phone <b>()</b>			

	Last, First, Middle (Firm if Business)	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address		DOB	DL Number			State	Work Phone		Cell Phone
City, State, Zip Code		SSN	Local ID #	State #	FBI #	Cell Phone			

	Last, First, Middle (Firm if Business)	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address		DOB	DL Number			State	Work Phone		Cell Phone
City, State, Zip Code		SSN	Local ID #	State #	FBI #	Cell Phone			

Synopsis **Sasha Tiberg applied for an Operator's License for Dick's Fresh Market. No WI or MN criminal histories found. License recommended by Chief Pedrys.**

S O L V A B I L I T Y	Continuation Attached <input type="checkbox"/>	PropertyList Attached <input type="checkbox"/>	Property Damage \$
	UCR <b>9999</b>	Press Release <input type="checkbox"/>	Domestic Violence Case <input type="checkbox"/>
	Gang Related <b>N</b>	Hate Crime <input type="checkbox"/>	Victim Senior Citizen <input type="checkbox"/>
	Pursuit <input type="checkbox"/>	Force Used <input type="checkbox"/>	Child Abuse <input type="checkbox"/>
	County Code		Disposition <b>CLSD</b>
	Connecting Case #		
	Report Complete/Ready for Review <input checked="" type="checkbox"/>	CAD/CFS Event #	

Assigned To \_\_\_\_\_ Date \_\_\_\_\_

Officer ID <b>Assistant J. Giller</b>	Reviewed By <b>J</b>	Approved	Date
---------------------------------------	----------------------	----------	------



## VILLAGE OF OSCEOLA

### POLICE & FIRE COMMITTEE

January 29, 2020 – 8:00 AM

The Village of Osceola Police & Fire Committee met in session on January 29, 2020 at the Village Hall.

Present: Schmidt, Burch, Anderson  
Absent: None  
Also Present: Krumenauer, Pedrys, Giller, Buberl, Joel West,  
Mark Luebker and Lynette Edwards-Osceola School District

Motion by Burch and seconded by Anderson to approve the agenda.

Vote: Yes – 3, No – 0. Motion carried.

Motion by Burch and seconded by Anderson to approve the December 16, 2019 minutes. Vote: Yes – 3, No – 0. Motion carried.

#### Discussion and possible action re: COPS Hiring Program (CHP) Grant

Pedrys explained that this program is a competitive solicitation, open to all state, local and tribal law enforcement agencies. It has not been available for 6-7 years, so there will be many agencies vying for funding. The funding is to be used to hire new Officers, providing 75% of an entry-level Officer's salary and fringe benefits per year for three years. We would be required to keep the Officer on for at least one year after that period, but we would want to make it a permanent position. Hiring additional Officers would keep us from relying so heavily on part-time Officers for coverage. Also, drug sale arrests have gone up significantly in the past year, and more Officers would help us be more proactive on this front. Ultimately, the police department is down two full-time Officers and needs to get back to full staff.

The school district was in favor of a School Resource Officer being requested in the CHP Grant as well. Luebker stated they were willing to bring a recommendation to their board once the funding levels were worked out.

After some discussion on financing different staffing levels, a motion was made by Burch to recommend applying for one full-time Officer through the CHP Grant, and also one School Resource Officer pending the school district's commitment and approval of that position.



## VILLAGE OF OSCEOLA – POLICE & FIRE COMMITTEE 01-29-2020 PG.2

Seconded by Anderson, with an amendment that the Village lay out a financial plan for keeping the positions in three years.

Vote: Yes – 3, No – 0. Motion carried.

### Discussion and possible action re: Request for speed reduction on STH-35:

The school district wrote a letter to the Village requesting they consider reducing the speed limit on STH-35 at its intersections with Middle School Drive and Oak Ridge Drive for safety reasons. The speed limit on CTH M heading east out of the Village was also discussed, as well as the speed on STH-35 where new development is happening.

Motion by Anderson to request WI DOT and Polk County to reduce the speed limits on roads exiting the Village. Seconded by Burch.

Vote: Yes – 3, No – 0. Motion carried.

### 2020 Ordinance recommendation updates:

Krumenauer stated that the Village's attorney suggested our Vaping ordinance be a separate chapter and not connected to the Tobacco ordinance. Pedrys mentioned that the Village does not have wording in its Tobacco ordinance relating to possessing vaping products by adults on school grounds. Krumenauer and Pedrys will rework both ordinances for review.

The updated ATV ordinance is in its 30-day grace period and will become active after that.

No other items were discussed.

Meeting adjourned at 8:51 AM

Respectfully submitted,

Jennifer Giller

**VILLAGE OF OSCEOLA  
PLANNING COMMISSION**

**March 3, 2020**

Pursuant to due call and notice the Village of Osceola Plan Commission met on Tuesday, March 3, 2020 in the Discovery Center – Large Conference Room

Present: Buberl, Anderson, O’Connell, Bullard, Chantelois and Tomfohrde  
Absent: Bents  
Also in attendance: Krumenauer, public

Buberl called the meeting to order at 7:00 pm.

Approval of the Agenda - Motion by Anderson and seconded by Bullard to approve the agenda.  
Vote: Yes – 6, No – 0. Motion Carried.

Approval of the Minutes - Motion by Bullard and seconded by O’Connell to approve the February 4, 2020 meeting minutes with the correction of the term “twindo”.  
Vote: Yes – 6, No – 0. Motion Carried.

Discussion and Possible Action re: Community fair building project update (Scott Tinney) - Scott Tinney representing the Community Fair Board provided an official update on the ongoing efforts to redevelop the fair site. He focused on the benefits of the project and how to better coordinate municipal, private and special interest efforts to improve the site. He provided an updated rendering of the proposal including current and future bathroom amenities, separated rooms and where future expansions will occur.

Limited discussion was held about impacts to Oakey Park and Osceola Braves. Additionally, the Community Fair Board is hoping for a 2021-2022 construction window.

Vote: None

Discussion and possible action re: Conditional Use Permit and rezone for Horst Rechelbacher Foundation property (856 Pioneer Drive) – Krumenauer presented the requested zoning change, and conditional use permit. Of focus was the need to rebuild the former greenhouse that burned down in 2018. The current proposal exceeds the size allowance for detached accessory structures and does not meet the current setback requirements. To rectify this situation, the applicant has requested a lot line adjustment so the future site can remain within the Village and accommodate the proposed structure.

Don Jensen, DJ2DMJ Planning, represented the applicant and further explained the request. He stated that the intent is to reconstruct the greenhouse adjacent to the old site and support a more efficient design.

Anderson asked if the lot line adjustment caused the rezone request. Krumenauer responded affirmatively and that split lot zoning is not in the Village’s best interest

Motion by Bullard and seconded by Chantelois to recommend approval of the request as described.

Vote: Yes – 6, No – 0. Motion carried

Discussion and possible action re: replat concept review for Kreekside PUD/Pheasant Run Subdivision – Krumenauer gave a brief explanation of the requested discussion. The request under discussion is whether or not the Village is interested in allowing a change to the generally accepted Pheasant Run subdivision design. Of major focus is how to address future expansion of developable properties that do not have road access.

Scott Zak, representing the development team, is asking for guidance on a potential change to the end of Kreekview Drive. Presently, the cul-de-sac terminates at the end of lots 19 and 20. This presents a problem with the six remaining and developable lots (21-26). An example was provided describing how the development could be adjusted to accommodate the current lots while still sticking to the overall spirit of the development design.

O'Connell stated that the previous subdivision designs are only concepts and could be changed. He also went on to state that the possibility of extending to CTH-M will be very difficult due to the potential wetlands to the north.

Buberl asked what sort of information is available regarding the need to expand. Zak responded that we took over an already existing development and are now trying to finish up the development before we begin another phase.

Discussion was had regarding the natural gas easement as well as other water and sewer easements already in place. Krumenauer stated that he would look into the gas easement and if restrictions are in place for crossing the 80' area. He also stated that the Village's Utility Coordinator felt that the area has sufficient capacity for the exiting alternative, but depth will be an issue. It is likely that a lift station or force main could be needed.

Anderson asked about potential traffic flow to the north. Zak stated that the revised concept would deviate from other concepts, but not at the level of not being a nice overall design. Additionally, he went on to state that everything to the north and west is concept and will need to come in for final approval prior to construction.

The Planning Commission did not make a decision today but did feel that the options should be explored and reviewed for a future review.

Vote: None

Any other appropriate items to discuss - None

Buberl adjourned the meeting at 8:12 pm

Respectfully submitted: Benjamin Krumenauer  
Village Administrator



**Library Board of Trustees**  
**Minutes of Regular Meeting March 2020**

**Trustees Present:** Kaitlyn Carlson, Betsy Kremser, Deb Rose,, Marcia Dressel

**Trustees Absent:** One open seat, Michele Merritt, Stephen Bjork

**Also present:** Director Shelby Friendshuh, Ben Village Administrator

1. VPresident Kremser **called the meeting to order** at 5:36
2. Motion to approve the agenda with amendment to postpone sign discussion by Dressel, second by Carlson. Motion failed 2-2. Motion to approve agenda with the modification to make the donor signage a discussion item instead of action item by Rose, carried 4-0 was made by Kremser, second by Rose . Motion carried 6-0.
3. A motion to approve the **Minutes of the February 2020 meeting as amended** by Rose second by Dressel. Carried 4-0
4. **Citizens' Comments** - Village administrator here to ask questions about the signage item on the agenda
5. **Director's report**- Friendshuh reports continued consistent circulation. The featured collection is seeing more use as a result of finding. There will be a proposal for donated funds later this spring.
6. **Monthly financials**- Rose made a motion to approve the monthly financials, second by Dressel. Carried 4-0
7. **Audit and Approved Bills** motion by Dressel and second by Rose to pay the bills. Carried 4-0.
8. Old Business:
  - a. Strategic planning draft: Friendshuh shared a draft of the strategic plan including 5 goals and connecting activities to each goal. The board recommended including an action plan for the prioritization and timeline for the activities included.
9. New Business:
  - a. Emergencies Policy: Friendshuh presented an updated Emergencies policy including Public Health Emergency section. Motion by Dressel, second by Rose to approve the annual report. Carried 4-0
    - i. COVID-19 Plan- Friendshuh shared a plan for precautions the library is prepared to implement to prevent virus spreading. Rose moved to approve the plan as amended second by Dressel. Carried 4-0.



**Library Board of Trustees**

**Minutes of Regular Meeting March 2020**

- b. Donor Signage Update- Dressel shared the signage plan prepared by the Mill Pond Learning Foundation. These will be reviewed again at the next meeting for action and approval. Village administrator requested information regarding the timeline of the physical sign design and production and requested having the village board included in approval of signage for any shared spaces or village spaces.
10. Next regularly scheduled meeting will be April 9th.
11. Meeting adjourned at 7:07pm.



**Library Board of Trustees**  
**Minutes of Special Meeting March 17, 2020**

**Trustees Present:** Kaitlyn Carlson, Betsy Kremser, Deb Rose, Marcia Dressel, Michele Merritt, Stephen Bjork

**Trustees Absent:** One open seat

**Also present:** Director Shelby Friendshuh, other library staff

1. President Bjork **called the meeting to order** at 6:00
2. Motion to approve the agenda by Rose, second by Kremser. Motion carried 6-0.
3. Closure of the Library: Friendshuh presented her recommendation for closing the library including statistics for why and how. Rose made a motion to close the library immediately and reopen on April 6th with the plan to evaluate on April 5 to determine whether to remain closed or prepare to reopen, second by Merritt. Motion Carried 6-0.

Kremser made a motion to approve paying library staff while working from home during the library closure according to Friendshuh's proposed plan, second By Rose. Carried 6-0.

Meeting adjourned at 6:30pm

**ADMINISTRATION & FINANCE COMMITTEE**

The Village of Osceola Administration and Finance Committee met on Friday April 10, 2020 at 10:00 a.m. at the Village Office/Discover Center – 310 Chieftain Street, Lower Level, Room 106

**Present:** Bob Schmidt, Deb Rose and Bruce Gilliland  
**Absent:** None  
**Also Present:** Benjamin Krumenauer, Administrator, Baird Financial

The meeting was called to order at 10:02 a.m. by Chair Rose

1. Approval of the agenda

**Motion** by Schmidt and seconded by Gilliland to approve the Agenda.

**Vote:** Yes – 3. No - 0

2. Discussion and possible action re: Minutes of the January 30, 2020 meeting

**Motion** by Gilliland and seconded by Schmidt to approve the minutes from the January 30, 2020 meeting.

**Vote:** Yes – 3. No – 0

3. Discussion and possible action re: Scheduled 2020 Refinancing/Capital Borrowing

Justin Schill representing Baird Financial updated the committee on the current financial position of the Village. Of note was the need to continue restructuring existing and future obligations. Two separate measures were reviewed and discussed. The first measure related to the 2020-21 refinance and capital borrow being proposed. This measure is designed to refinance existing obligations including the \$950,000 note from 2018 as well as the purchase of a 2019 Kenworth fire truck. The second component for review includes the first step to finalizing the \$2.4 million note into long term GO Bonds. This step includes pulling them from local promissory notes and into Note Anticipation Notes. This will do two things: first it will standardize the process in place and secondly it will seek a lower interest rate on the bonds. Discussion included clarification questions on the overall process to complete these measures as well as where MPLF sits in the money owed to the community.

**Motion** by Gilliland and seconded by Schmidt to recommend approval of the two measures with the removal of the MPLF language in the notes.

**Vote:** Yes – 3. No - 0

4. Discussion and possible action re: Tax Increment District Updates

Krumenauer explained the current status of the two TIDs in place and why a conversation is needed. Brian Ruechel representing Baird Financial provided a detailed description of the two TIDs as well as their current financial position. TID 1 (commonly known as the North Industrial Park TID) is in a position where it can be closed with no negative impact to the Village. The TID has covered all of its obligations and can now be dissolved. This will allow for the Village to be under the 12% state cap in place and potentially open up the TID toolbox for a new opportunity.

While TID 1 is in a good position for closure, TID 2 should stay open for a little longer as

additional payments back to the Sewer/Water utility and general funds may still be available. TID 2 is better known as the Downtown/Airport TID. Presently, the TID should have enough funds to cover its obligations on file. But a closure of the TID will limit the ability of the Village to recoup money borrowed to it in the past as well as potentially capture housing related project funds.

**Motion** by Schmidt and seconded by Gilliland to recommend closure of Taxation Increment District One.

**Vote:** Yes – 3. No - 0

#### 5. General Financial Updates

Krumenauer gave a quick update on the current 2020 budget position. Overall revenues are about what is expected for early April. Of note is that utility collections are still coming in for first quarter 2020. The current health situation may impact revenues in the future. Staff is taking the necessary precautions. He continued stating that expenditures by department are normal with the exception of additional COVID-19 related costs on the DPW and Administration fields.

#### 6. Adjourn.

Chair Rose adjourned the meeting at 11:26 am

Recording Secretary: Benjamin Krumenauer, Administrator



## GENERAL FUND CHECKING

## ALL Checks

Posted From: 4/10/2020 From Account:  
 Thru: 5/08/2020 Thru Account:

Check Nbr	Check Date	Payee	Amount
60186	4/13/2020	ANDERSON, TIMOTHY	692.62
60187	4/13/2020	BACH, ANDREW	1,896.49
60188	4/13/2020	BUBERL, JEROMY	1,845.70
60189	4/13/2020	BURCH, VAN A.	692.62
60190	4/13/2020	BURROWS, HANNAH	137.77
60191	4/13/2020	CADALBERT, MATTHEW	1,359.98
60192	4/13/2020	CARUSO, RICHARD T.	1,551.40
60193	4/13/2020	DUNCANSON, FRANCES	1,524.25
60194	4/13/2020	FELDTMOSE, MARIE K.	474.08
60195	4/13/2020	FRIENDSHUH, SHELBY	1,107.67
60196	4/13/2020	GADA, TIMOTHY	1,455.27
60197	4/13/2020	GILLER, JENNIFER	958.38
60198	4/13/2020	GILLILAND, BRUCE	692.62
60199	4/13/2020	HOVERMAN, RICHARD D.	148.36
60200	4/13/2020	JACOBS, MICHELLE	315.56
60201	4/13/2020	KENNY, RYAN	1,130.01
60202	4/13/2020	KRUMENAUER, BENJAMIN	2,461.99
60203	4/13/2020	LEHMAN, ERIC M.	1,440.70
60204	4/13/2020	LEHMAN, GENEVIEVE	30.92
60205	4/13/2020	LEHMAN, JENNIFER T.	244.06
60206	4/13/2020	MALLIN, MICHAEL	834.35
60207	4/13/2020	MILLER, ANNE	650.82
60208	4/13/2020	MURPHY, TRAVIS	692.62
60209	4/13/2020	PALMER, REBEKAH S.	699.55
60210	4/13/2020	PEDRYS, RONALD W.	2,341.96
60211	4/13/2020	RAPP, JOELLE	71.39
60212	4/13/2020	REBHAN, TANNER	534.19
60213	4/13/2020	ROSE, DEBRA	692.62
60214	4/13/2020	ROYTEK, JENNIFER L.	1,247.45
60215	4/13/2020	SCHILL, JUSTIN	1,107.57
60216	4/13/2020	SCHMIDT, ROBERT S.	692.62
60217	4/13/2020	THOMPSON, CODY	647.67
60218	4/13/2020	TRACY, DAWN	479.63

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 4/10/2020 From Account:  
 Thru: 5/08/2020 Thru Account:

Check Nbr	Check Date	Payee	Amount
60219	4/13/2020	TRACY, RALPH E.	1,539.20
60220	4/13/2020	WATERS, TODD	1,494.87
60221	4/15/2020	ERIC LEHMAN	200.00
60222	4/15/2020	FRANCES DUNCANSON	50.00
60223	4/15/2020	JENNIFER GILLER	150.00
60224	4/15/2020	JENNIFER ROYTEK	30.00
60225	4/15/2020	REBEKAH PALMER	150.00
60226	4/15/2020	RONALD PEDRYS	100.00
60227	4/15/2020	SHELBY FRIENDSHUH	25.00
60228	4/15/2020	TIMOTHY GADA	38.46
60229	4/15/2020	WI SCTF	499.99
60230	4/17/2020	ABM	2,838.71
60231	4/17/2020	ABT MAILCOM	715.38
60232	4/17/2020	AMAZON CAPITAL SERVICES	336.90
60233	4/17/2020	Amazon.com	478.29
60234	4/17/2020	ANDREW BACH	257.76
60235	4/17/2020	ANDRIE ELECTRIC, LTD	3,360.00
60236	4/17/2020	ARDEN SPECIALTY, LLC	306.72
60237	4/17/2020	BAKER & TAYLOR	413.11
60238	4/17/2020	BILL'S ACE HARDWARE	311.10
60239	4/17/2020	BP	1,648.93
60240	4/17/2020	CADOTT COMMUNITY LIBRARY	7.25
60241	4/17/2020	COLONIAL LIFE	138.42
60242	4/17/2020	COMMAND CENTRAL	380.00
60243	4/17/2020	COMMERCIAL TESTING LAB.	928.50
60244	4/17/2020	COMPENSATION CONSULTANTS, LTD	25.00
60245	4/17/2020	CONTROL SCAN	49.95
60246	4/17/2020	CORE & MAIN LP	26.60
60247	4/17/2020	D & K LAWN CARE	285.00
60248	4/17/2020	DICK'S FRESH MARKET	23.41
60249	4/17/2020	DIGGERS HOTLINE	43.50
60250	4/17/2020	EASYITGUYS	4,654.48
60251	4/17/2020	EO JOHNSON	240.00

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 4/10/2020 From Account:  
 Thru: 5/08/2020 Thru Account:

Check Nbr	Check Date	Payee	Amount
60252	4/17/2020	EO JOHNSON LEASING	208.61
60253	4/17/2020	FEDERATED CO-OPS, INC.	429.00
60254	4/17/2020	HAWKINS INC	3,099.66
60255	4/17/2020	INDUSTRIAL HEALTH SERVICES NETWORK, INC.	45.90
60256	4/17/2020	KIRVIDA FIRE, INC.	6,339.01
60257	4/17/2020	LUDVIGSON LAW OFFICE 2014	1,725.00
60258	4/17/2020	MENARDS	598.29
60259	4/17/2020	MONARCH PAVING	203.52
60260	4/17/2020	OFFICE DEPOT	602.21
60261	4/17/2020	OSCEOLA POLICE DEPARTMENT	40.00
60262	4/17/2020	PITNEY BOWES INC.	803.50
60263	4/17/2020	POLK BURNETT	103.62
60264	4/17/2020	POLK COUNTY HIGHWAY DEPARTMENT	3,283.86
60265	4/17/2020	RICHARD CARUSO	400.00
60266	4/17/2020	SENSUS TECHNOLOGIES, INC.	1,949.94
60267	4/17/2020	STATE OF WI - ENVIRONMENTAL IMPROVEMENT FUND	364,731.28
60268	4/17/2020	STEVENS	262.50
60269	4/17/2020	THE COPY SHOP	235.00
60270	4/17/2020	THE OSCEOLA SUN	206.44
60271	4/17/2020	TODD WATERS	400.00
60272	4/17/2020	TRANSUNION RISK & ALTERNATIVE DATA SOLUTIONS	50.00
60273	4/17/2020	UMB BANK	9,125.00
60274	4/17/2020	UNUM LIFE INSURANCE COMPANY OF AMERICA	326.89
60275	4/17/2020	VERIZON	343.37
60276	4/17/2020	VISA	343.04
60277	4/17/2020	WISCONSIN STATE LABORATORY OF HYGIENE	52.00
60278	4/17/2020	XCEL ENERGY	11,163.80
60279	4/20/2020	AMAZON CAPITAL SERVICES	33.74
60293	4/27/2020	BACH, ANDREW	1,639.14
60294	4/27/2020	BURROWS, HANNAH	137.77
60295	4/27/2020	CADALBERT, MATTHEW	1,262.28
60296	4/27/2020	CARUSO, RICHARD T.	1,620.40
60297	4/27/2020	DORN CUTLER, PRISCILLA R	230.50

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 4/10/2020 From Account:  
Thru: 5/08/2020 Thru Account:

Check Nbr	Check Date	Payee	Amount
60298	4/27/2020	DUNCANSON, FRANCES	1,524.25
60299	4/27/2020	FELDTMOSE, MARIE K.	474.08
60300	4/27/2020	FRIENDSHUH, SHELBY	1,107.67
60301	4/27/2020	GADA, TIMOTHY	1,537.04
60302	4/27/2020	GILLER, JENNIFER	960.78
60303	4/27/2020	HOVERMAN, RICHARD D.	67.83
60304	4/27/2020	JACOBS, MICHELLE	315.56
60305	4/27/2020	KENNY, RYAN	1,220.48
60306	4/27/2020	KRUMENAUER, BENJAMIN	2,461.99
60307	4/27/2020	LEHMAN, ERIC M.	1,514.36
60308	4/27/2020	LEHMAN, GENEVIEVE	0.00
60309	4/27/2020	LEHMAN, JENNIFER T.	169.77
60310	4/27/2020	MALLIN, MICHAEL	893.36
60311	4/27/2020	MILLER, ANNE	650.82
60312	4/27/2020	PALMER, REBEKAH S.	699.55
60313	4/27/2020	PEDRYS, RONALD W.	2,341.96
60314	4/27/2020	RAPP, JOELLE	0.00
60315	4/27/2020	ROYTEK, JENNIFER L.	1,187.17
60316	4/27/2020	SCHILL, JUSTIN	1,157.56
60317	4/27/2020	THOMPSON, CODY	234.98
60318	4/27/2020	TRACY, DAWN	479.63
60319	4/27/2020	TRACY, RALPH E.	1,600.20
60320	4/27/2020	WATERS, TODD	1,561.87
60321	4/29/2020	ERIC LEHMAN	200.00
60322	4/29/2020	FRANCES DUNCANSON	50.00
60323	4/29/2020	JENNIFER GILLER	150.00
60324	4/29/2020	JENNIFER L. ROYTEK	30.00
60325	4/29/2020	NATIONWIDE TRUST COMPANY, FSB	150.00
60326	4/29/2020	REBEKAH PALMER	150.00
60327	4/29/2020	RONALD PEDRYS	100.00
60328	4/29/2020	SHELBY FRIENDSHUH	25.00
60329	4/29/2020	TIMOTHY GADA	38.46
60330	4/29/2020	WI SCTF	499.99

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 4/10/2020 From Account:  
 Thru: 5/08/2020 Thru Account:

Check Nbr	Check Date	Payee	Amount
60331	4/30/2020	VILLAGE OF DRESSER	1,482.22
60332	5/01/2020	AFLAC	432.04
60333	5/01/2020	AMAZON CAPITAL SERVICES	262.64
60334	5/01/2020	BAKKE NORMAN. S.C.	668.25
60335	5/01/2020	BENJAMIN KRUMENAUER	202.56
60336	5/01/2020	BOYDS OUTDOOR POWER	353.95
60337	5/01/2020	CAPITAL ONE COMMERCIAL	230.26
60338	5/01/2020	CHIPPEWA VALLEY TECHNICAL COLLEGE	250.00
60339	5/01/2020	COLONIAL LIFE	138.42
60340	5/01/2020	CORE & MAIN LP	2,752.78
60341	5/01/2020	DELTA DENTAL PLAN OF WISCONSIN	1,140.10
60342	5/01/2020	FEDERATED CO-OPS, INC.	464.04
60343	5/01/2020	FRANCES DUNCANSON	88.95
60344	5/01/2020	LIBERTY MUTUAL	7,780.72
60345	5/01/2020	NOBLE'S TIRE SERVICE	595.96
60346	5/01/2020	OSCEOLA MEDICAL CENTER	40.00
60347	5/01/2020	POLK BURNETT	50.98
60348	5/01/2020	POLK COUNTY HIGHWAY DEPARTMENT	3,289.56
60349	5/01/2020	SCOTT'S TIRE SERVICE	1,042.00
60350	5/01/2020	THE HOME DEPOT PRO	107.40
60351	5/01/2020	WEST WISCONSIN INSPECTION AGENCY, LLC	2,838.54
60352	5/01/2020	WI DEPARTMENT OF TRANSPORTATION	1,357.30
60353	5/05/2020	ADVANCE AUTO PARTS	182.68
60354	5/05/2020	AMAZON CAPITAL SERVICES	61.74
60355	5/05/2020	APPRAISAL SERVICES	2,320.00
60356	5/05/2020	CASCADE BP	23.26
60357	5/05/2020	EASYITGUYS	4,654.48
60358	5/05/2020	ECHOSAT INC.	149.85
60359	5/05/2020	HAWKINS INC	8,591.36
60360	5/05/2020	ICMA MEMBERSHIP RENEWALS	720.00
60361	5/05/2020	NORTHERN LAKE SERVICE, INC.	180.00
60362	5/05/2020	ROGER HOIBY	90.29
60363	5/05/2020	SPECTRUM	121.30

5/08/2020

1:24 PM

Reprint Check Register - Quick Report - ALL

Page: 6  
ACCT

GENERAL FUND CHECKING

ALL Checks

Posted From: 4/10/2020 From Account:  
Thru: 5/08/2020 Thru Account:

Check Nbr	Check Date	Payee	Amount
60364	5/05/2020	WEST CENTRAL BIOSOLIDS COMMISSION	9,576.38
60365	5/05/2020	WI PROFESSIONAL POLICE ASSOCIATION	252.00
1st Qrt Bill	4/13/2020	OSCEOLA UTILITIES	8,835.45
		Grand Total	549,476.51

GENERAL FUND CHECKING

ALL Checks

Posted From: 4/10/2020 From Account:  
Thru: 5/08/2020 Thru Account:

	Amount
Total Expenditure from Fund # 100 - GENERAL	98,149.28
Total Expenditure from Fund # 221 - LIBRARY	16,250.64
Total Expenditure from Fund # 250 - AIRPORT	975.75
Total Expenditure from Fund # 272 - DRESSER FORFEITURES	1,482.22
Total Expenditure from Fund # 275 - OSCEOLA MUNICIPAL COURT	2,209.54
Total Expenditure from Fund # 300 - DEBT SERVICE FUND	9,125.00
Total Expenditure from Fund # 410 - GENERAL CAPITAL FUND	1,357.30
Total Expenditure from Fund # 510 - WATER UTILITY	384,503.32
Total Expenditure from Fund # 520 - SEWER UTILITY	35,423.46
Total Expenditure from all Funds	549,476.51

# 2020/2021 Board Appointments

	BUBERL, JEROMY	ANDERSON, TIM	BURCH, VAN	GILLILAND, BRUCE	ROSE, DEB	SCHMIDT, BOB	WEST, JOEL
	6	5	5	5	6	5	4
Admin and Finance (3)							
Airport Commission*							X
Ambulance Board							
Board of Appeals							
Board of Review							
Chamber/Main Street (1)							
Court Commission (3)							
Downtown Façade Loan Committee							
Ethics Board (1)							
Historic Preservation					listed as historian		
Industrial Development Corp*							X
Library Board (1)							
Micro Loan Fund Committee							
Osceola Housing Authority							
Planning Commission							
Police and Fire (3)							
Police Board of Review							
Public Works (3)							
Recognition (3)							
Redevelopment Authority							
Water and Sewer (3)							

\* Committee does not have a Board appointed representative.  
 ( ) equals number of Board representatives by committee design  
 X denotes where Murphy was appointed to or where West is on as a resident