

# TOWN OF CENTER

## Planning Committee Minutes

### May 1, 2024

---

Chairperson Schmeichel called the meeting to order at 5:30 p.m.

Planning Committee Members Present: Steve Schmeichel, Gary Timm, Greg Nettekoven, Gary Blank, Ryan Kramer, Patrick O'Brien, Jeanne Baum, Josh Boucher, Al Kramer

Town Board Members Present: Gary Timm, Gary Blank, Ron Klemp, Pete Hofacker

Others Present: Gail Ruuti, William Vachon, Steve Wieckert, Ryan Wettengel, Keith Doyle, John Carew, John Garvey, Dawn Garvey, Liz Bayer, Hugh Bayer, Chase Simonis, Danielle Simonis, Michelle Sasman, Kurt Dillenberg, Tim Jenkel, Eric Ashline, Shelly Ashline, Chris Ashline

Jeanne Baum moved, seconded by Ryan Kramer to nominate Steve Schmeichel for Chairperson. No other nominations were made. Motion carried – 8 aye, 1 Abstain (Schmeichel), 0 nay. Steve Schmeichel continued the meeting as Chairperson.

Greg Nettekoven moved, seconded by Josh Boucher to nominate Al Kramer for Vice Chairperson. No other nominations were made. Motion carried – 7 aye, 2 Abstain (Al Kramer and Ryan Kramer), 0 nay.

Steve Schmeichel moved, seconded by Ryan Kramer to nominate Amy Olson for Secretary. No other nominations were made. Motion carried - 9 aye, 0 nay.

Ryan Kramer moved, seconded by Gary Blank to approve the minutes of the April 3, 2024, Planning Committee Meeting. Motion carried - 9 aye, 0 nay.

Marshall Properties of Appleton, LLC, a solely owned entity of Vinton Construction Company (VCC), petitioner, requested approval for a Special Exception Permit to expand on the current non-metallic mining operations in the area – Parcels: 040-045700, 040-051800, 040-046200, 040-051900, 040-046001, 040-052000, 040-046000, 040-052100, 040-045800 and 040-052300. Bill Vachon is the representative for the project and provided a summary of their proposed request. He provided maps of their proposed Property Ownership, their Operations Plan and Reclamation Plan. The property is under the appropriate zoning for a quarry and has been identified by the County and Town as a future area for quarry expansion.

Gail Ruuti lives on Pleasant Road and questioned if they would be doing any mining in the NE corner of Parcel 040-045700 at the corner of County Road A and Pleasant Road. VCC will not. She also questioned the timeframe for the Reclamation Plan to go into effect. Bill Vachon estimated possibly 5-10 years but would need to do calculations for a more accurate timeline. He explained how adjoining mining properties can request zero setbacks from the lot lines so they can maximize their mining.

Bill Vachon showed the Reclamation Plans of the adjoining quarries at the request of Patrick O'Brien. The Reclamation Plans show the bodies of water joining between different mining operations. The lighter colors of the water show the safety ledge they will establish so there isn't a steep drop off.

Tim Jenkel has property on Hample Road and questioned the regulatory process if a quarry is not complying. The quarry's plans are submitted to Scott Konkle of the East Central Wisconsin Regional Planning Commission (ECWRPC) and he will determine if a quarry is in compliance. Outagamie County Zoning would

be the ones to enforce the regulations. If a quarry is not in compliance, the county would have the right to pull their permit. Ron Klemp encouraged residents to contact the ECWRPC if they have any problems with existing quarries so they have a record of complaints.

Steve Schmeichel mentioned there were two letters received from residents on Dax Daniel Lane with questions and concerns. All Planning Committee members were provided a copy before the meeting.

Ryan Wettengel lives on Dax Daniel Lane and had questions about pumping water and who is the enforcing agency. Bill Vachon explained the ECWRPC regulates Reclamation Planning, County Zoning has ordinances for non-metallic mining they need to follow and the DNR regulates water discharge and air quality issues. The WI Department of Safety and Professional Services Mine Division measures the vibrations from blasting by using seismographs.

Gail Ruuti raised concerns about John Dexter's well which is close to the property line. Bill Vachon explained they will be following the minimum standard setback of 250' but the county can require a greater setback if they choose. VCC will send letters to all properties within a determined range of the mining area asking permission to inspect foundations and wells before mining.

Chase and Danielle Simonis live on Dax Daniel Lane with property that borders the southern section of the expansion area. Danielle Simonis raised concerns about the active eagle's nest close to the expansion area and wants to ensure they will be protected. She requested that it be in writing on their operations plan that they will not be cutting the trees on the south side of the lot. Bill Vachon indicated they are not interested in cutting the trees because they are a good natural buffer.

There was discussion about the pumping process and how quarries need to get a permit from the DNR before any pumping can take place. The DNR has annual reports available online.

Bill Vachon addressed some of the questions from the last meeting regarding the eagles nest, silica exposure and asphalt. They do not want to harm the eagles and will comply with eagle regulations and avoid blasting during their mating and nesting period. He showed the chemical composition of limestone and it does not contain silica, however, they are still required to do regular air quality testing for their employees. They are not anticipating working with asphalt but if they do, they would keep it at the farthest point from the Shakin' Rock Winery.

Chris Ashline asked if they are buying Michels on the south side. Bill Vachon said they are not. There was discussion about the location of the batch plant and the differences between batch plants and ready mix plants. It would be most economical for them to keep the batch plant where there is existing infrastructure for one.

There was a discussion about the structural integrity of Rock Road and if it can handle the dump truck activity. Wayne DeBruin stated that Rock Road is strong between County Road A to Murphy's driveway but has a weak spot to the west.

Shelly Ashline lives on County Road A and is owner of the new Shakin' Rock Winery. She has concerns about the dump trucks using their jake brakes and not stopping at the stop sign since they have a turn lane on County Road A. Steve Schmeichel indicated that would be a law enforcement issue for the Outagamie County Sheriff's Department.

Jeanne Baum suggested placing the following conditions on the permit:

1. They hire a structural engineer to survey homes and inspect wells.
2. They keep the trees on the southern border.
3. They comply with eagle regulations.

Ryan Kramer asked if they are mining for retail sales or for their own purposes. VCC is only planning on using the materials for their own purposes at this time but that could change in the future.

Gail Ruuti asked if residents would be notified when this issue goes to Outagamie County for review. The county will notify all residents within 300' of the property.

Al Kramer is concerned about the amount of gravel and dust that accumulates on the road outside the quarries. He suggested the Town Board address this issue and require all of the quarries to work together to keep it clear.

Al Kramer moved, seconded by Jeanne Baum to recommend approval of the Special Exception Permit for Marshall Properties of Appleton, LLC/Vinton Construction Company (VCC) to expand on the current non-metallic mining operations with the conditions suggested by Jeanne Baum. Motion carried - 9 aye, 0 nay.

Steve Schmeichel advised that this issue will now proceed to the Town Board at their next meeting on Monday, May 13<sup>th</sup> at 7:00 p.m.

There was discussion about rescheduling the July Planning Committee meeting since it falls on a holiday week. Ryan Kramer moved, seconded by Josh Boucher to move the July meeting to Monday, July 8<sup>th</sup> at 6:00 p.m. Motion carried - 9 aye, 0 nay.

Gary Blank moved, seconded by Al Kramer to adjourn at 6:35 p.m.

Respectfully submitted,  
Amy Olson - Clerk